# LAC VIEUX DESERT BAND OF LAKE SUPERIOR CHIPPEWA INDIANS TRIBAL SEX OFFENDER REGISTRATION CODE

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## **CHAPTER 1 GENERAL MATTERS**

#### SECTION 1.01 TITLE

This Code shall be known as the Lac Vieux Desert Band of Lake Superior Chippewa Indians Tribal Sex Offender Registration Code. It may be abbreviated as the LVD Sex Offender Registration Code.

#### SECTION 1.02 PURPOSE

The intent of this Code is to implement the federal Sex Offender Registration and Notification Act (hereinafter "SORNA") (Title I of the Adam Walsh Act, Public Law 109-248) (42 USC 16901 et seq) and shall be interpreted liberally to comply with the terms and conditions of SORNA as presently written or hereafter amended.

## SECTION 1.03 NEED

Violent crime in Indian Country is more than twice the national average. On some reservations it is twenty (20) times the national average. An astounding thirty (30) percent of Indian and Alaska Native women will be raped in their lifetimes. Tribal nations are disproportionately affected by violent crime and sex offenses in particular from both Indian and non-Indian perpetrators; consequently, the conduct and presence of convicted sex offenders in Indian Country threatens the political integrity, economic security, health and welfare of tribal nations even to the point of imperiling the subsistence of tribal communities.

## SECTION 1.04 CREATION OF REGISTRIES

- A. Sex Offender Registry. There is hereby established a sex offender registry, which the Michigan State Police (hereinafter "MSP"), based on information forwarded by the Lac Vieux Desert Band of Lake Superior Chippewa Indians Police Department (hereinafter "LVD PD" or "LVD Police Department"), and pursuant to the Memorandum of Agreement by and between the MSP and Lac Vieux Desert Band of Lake Superior Chippewa Indians (hereinafter "Tribe" or "LVD") final signature dated July 27, 2011 (hereinafter "MOA dated July 27, 2011), 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 MSP and LVD PD shall maintain and operate pursuant to the MOA dated July 27, 2011, and pursuant to this Code, as amended.

#### CHAPTER 2 TERMINOLOGY

#### **SECTION 2.01 DEFINITIONS**

For the purpose of this Code, the bolded terms set forth below shall have the following meanings:

A. Abscond. Shall mean failure to register and/or to leave, flee or depart quickly and secretly and hide oneself with intent to avoid arrest or prosecution.

#### B. Convicted.

- 1. 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.
- 2. A juvenile offender is "convicted" for purposes of this Code if the juvenile offender is either:
  - a. Prosecuted and found guilty as an adult for a sex offense; or
  - b. Is adjudicated delinquent as a juvenile for a sex offense, but only if the offender is 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 described in either (a) or (b) of section 2241 of title 18, United States Code), or was an attempt or conspiracy to commit such an offense.
- C. 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.
- D. Employee. The term "employee" as used in this Code includes, but is not limited to, an individual who is self-employed or works for any other entity, regardless of compensation. Volunteers of a tribal agency or organization are included within the definition of employee for registration purposes.
- E. Federal Offense. Shall include an offense prosecuted under Section 1152 or 1153 of Title 18 of the United States Code, and Section 1591, or Chapter 109A, 110 (other than section 2257, 2257A, or 2258), or 117 of Title 18 of the United States Code.
- F. Foreign Convictions. A foreign conviction is one obtained outside of the United States.
- G. Homeless. Shall mean, when used within this Code, a person who does not have a permanent or temporary residence and who may have a temporary abode at the home of a family member or friend or at a shelter.
- H. Immediate, "Immediate" and "immediately" mean within three (3) business days.
- I. Imprisonment. The term "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 covered sex offense are required to register pursuant to the provisions of this Code during their period of "house arrest".
- J. Jurisdiction. The term "jurisdiction" as used in this Code refers to the fifty (50) states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the

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- 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 PL 109-248 Section 127 (42 USC § 16927).
- K. Loiter. Shall mean standing or sitting idly whether in or out of a vehicle, or remaining in or around property not their own, without permission and without legitimate reason to do so.
- L. Minor. The term "minor" means an individual who has not attained the age of eighteen (18) years.
- M. Memorandum of Agreement. Means the Memorandum of Agreement entered into by and between the Michigan Department of State Police and the Lac Vieux Desert Band of Lake Superior Chippewa Indians regarding the submission of DNA, final signature of execution dated July 27, 2011.
- N. Memorandum of Understanding. Means the Memorandum of Understanding entered into by and between the Michigan Department of State Police and the Lac Vieux Desert Band of Lake Superior Chippewa Indians, final signature of execution dated July 21, 2011.
- O. National Sex Offender Registry (NSOR). Means the national database maintained by the Federal Bureau of Investigation pursuant to 42 U.S.C. §16919.
- P. Primary Address. Shall mean the "mailing address" of the person's dwelling, this term includes both the PO Box number and the physical address of the residence, in addition to a description of the dwelling with as much specificity as possible.
- Q. Registering Officer. An officer or officers of the Lac Vieux Desert Police Department that is/are designated by the Lac Vieux Desert Police Captain with the primary responsibility of registering sex offenders who reside, work, or attend school within the jurisdiction of the Lac Vieux Desert Band of Lake Superior Chippewa Indians, or the Lac Vieux Desert Police Department designee.
- R. Residence. Shall mean a place where a person is living or temporarily staying for more than twenty-four (24), such as a shelter or structure that can be located by a street address, including, but not limited to, houses, apartment buildings, motels, hotels, homeless shelters, and recreational or other vehicles.
- S. Resides. The term "reside" or "resides" means, with respect to an individual, the location of the individual's home or other place where the individual habitually lives or sleeps.
- T. School. Includes, but is not limited to, a building, facility, or room in a building or facility designated as a place for instruction, education, teaching, learning, or academics and is a public or private daycare, childcare facility, preschool, elementary school, secondary school, trade school, professional school, or institute of higher learning where teaching, training, supervision, or anytime care given to preschool children or to school children after school or during vacation, as at a day care center.
- U. School Personnel. Includes, but is not limited to, teachers, caregivers, the principal, or superintendent of schools, a member of the school board or employees or any entity working for, or rendering or exchanging any service or performing any act for or on behalf of the Tribe in any capacity full or part time.
- V. Secondary Address. Is defined as "a mailing address of any place where the person regularly or occasionally stays overnight including the physical location of the place described with as much

specificity as possible." This term includes both the PO Box number and the physical address of the residence.

#### W. Sexual Act. The term "sexual act" means:

- 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 by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or
- 4. the intentional touching, either directly or through the clothing, of the genitalia of another person that has not attained the age of 18 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.
- X. 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.
- Y. Sexual Contact, Consensual. An offense involving consensual sexual conduct is not a sex offense for the purposes of this Code if the victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense, or if the victim was at least thirteen (13) years old and the offender was not more than four (4) years older than the victim.
- Z. Sex Offense. The term "sex offense" as used in this Code includes those offenses contained in 42 U.S.C. §16911(5) (as amended) and those offenses enumerated in Section 2.02 of this Code or any other registerable offense under tribal law.
- AA. Sex Offender. Means a person convicted of a sex offense.
- BB. Sex Offender Registry. Means the registry of sex offenders, and a notification program, maintained by the Lac Vieux Desert Band of Lake Superior Chippewa Indians Tribal Police Department.
- CC. SMART Office. Means 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.
- DD. SORNA. Means 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.
- EE. Student. Means 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.
- FF. "Tier I Sex Offender". A "Tier I sex offender", or a "sex offender" designated as "Tier I", means an individual that has been convicted of a "Tier I" sex offense as defined in section 4.01.

- GG. "Tier II Sex Offender". A "Tier II sex offender", or a "sex offender" designated as "Tier II", is an individual that has been either convicted of a "Tier II" sex offense as defined in section 4.02, or who is subject to the recidivist provisions of 4.02(A).
- HH. "Tier III Sex Offender". A "Tier III sex offender", or a "sex offender" designated as "Tier III", is an individual that has been either convicted of a "Tier III" sex offense as defined in section 4.03, or who is subject to the recidivist provisions of 4.03(B).

## **CHAPTER 3 REGISTERABLE OFFENSES**

## SECTION 3.01 THOSE REQUIRED TO REGISTER

Individuals who reside within the exterior boundaries of the reservation or otherwise reside on property owned by the Tribe in fee or held in trust for the Tribe regardless of location, are employed within the exterior boundaries of the reservation or on property owned by the Tribe in fee or held in trust for the Tribe regardless of location, or who attend school within the exterior boundaries of the reservation or on property owned by the Tribe in fee or held in trust for the Tribe regardless of location, that have been convicted of any of the following offenses, or convicted of an attempt or conspiracy to commit any of the following offenses, Section 3.02, are subject to the requirements of this Code.

#### SECTION 3.02 REGISTERABLE OFFENSES

- A. Offenses under the Lac Vicux Desert Band of Lake Superior Chippewa Indians Criminal Code: Any individual who is convicted of the following offenses, or an attempt or conspiracy to commit any of the following offenses, or any other Tribal Offenses consistent with this section is subject to the requirements of this Code.
  - 1. 2-11-12 Assault With Intent to Commit Sexual Misconduct
  - 2. 2-5-1 Taking a Woman and Compelling Her to Marry or be Defiled
  - 3. 2-52-2 Criminal Sexual Conduct in the First Degree
  - 4. 2-52-3 Criminal Sexual Conduct in the Second Degree
  - 5. 2-52-4 Criminal Sexual Conduct in the Third Degree
  - 6. 2-52-5 Criminal Sexual Conduct in the Fourth Degree
  - 7. 2-5-2 Enticing Away Female Under Seventeen Years for Immoral Purposes
  - 8. 2-15-7 Accosting, Enticing or Soliciting Child for Immoral Purposes
  - 9. 2-15-5 Furnishing Obscene Books to Persons Under 18
  - 10. 2-34-1 Incest
  - 11. 2-35-2 Indecent Exposure
  - 12. 2-52-7 Sexual Intercourse Under Pretext of Medical Treatment

- B. Federal Offenses. Any person who is convicted of the following, or an attempt or conspiracy to commit any of the following, and any other 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 USC §1152 or § 1153), is subject to the requirements of this Code.
  - 1. 18 U.S.C. §1591 (sex trafficking of children),
  - 2. 18 U.S.C. §1801 (video voyeurism of a minor),
  - 3. 18 U.S.C. §2241 (aggravated sexual abuse),
  - 4. 18 U.S.C. §2242 (sexual abuse),
  - 5. 18 U.S.C. §2243 (sexual abuse of a minor or ward),
  - 6. 18 U.S.C. §2244 (abusive sexual contact),
  - 7. 18 U.S.C. §2245 (offenses resulting in death),
  - 8. 18 U.S.C. §2251 (sexual exploitation of children),
  - 9. 18 U.S.C. §2251A (selling or buying of children),
  - 10. 18 U.S.C. §2252 (material involving the sexual exploitation of a minor),
  - 11. 18 U.S.C. §2252A (material containing child pornography),
  - 12. 18 U.S.C. §2252B (misleading domain names on the internet),
  - 13. 18 U.S.C. §2252C (misleading words or digital images on the internet),
  - 14. 18 U.S.C. §2260 (production of sexually explicit depictions of a minor for import into the U.S.),
  - 15. 18 U.S.C. §2421 (transportation of a minor for illegal sexual activity),
  - 16. 18 U.S.C. §2422 (coercion and enticement of a minor for illegal sexual activity),
  - 17. 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 in Foreign Places)
  - 18. 18 U.S.C. §2424 (failure to file factual statement about an alien individual),
  - 19. 18 U.S.C. §2425 (transmitting information about a minor to further criminal sexual conduct).
- C. Foreign Offenses. Any conviction for a sex offense involving any conduct listed in this Section that was obtained under the laws of Canada, the United Kingdom, Australia, New Zealand, or under the laws of any foreign country when the United States State Department in its Country Reports on Human Rights Practices has concluded that an independent judiciary generally or vigorously enforced the right to a fair trial in that country during the year in which the conviction occurred.
- D. 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).

- E. 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 fourteen (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.
- F. Jurisdiction Offenses. Any sex offense committed, or attempt or conspiracy to commit, in any jurisdiction, including any state, tribe, territory or District of Columbia or the jurisdiction of this Tribe, that involves:
  - 1. Any conduct that by its nature is a sex offense against a minor,
  - 2. Any type or degree of genital, oral, or anal penetration,
  - 3. Any sexual touching of or sexual contact with a person's body, either directly or through the clothing,
  - 4. Criminal sexual conduct that involves physical contact with a minor or the use of the internet to facilitate or attempt such conduct. This includes offenses whose elements involve the use of other persons in prostitution, such as pandering, procuring, or pimping in cases where the victim was a minor at the time of the offense,
  - 5. False imprisonment of a minor,
  - Kidnapping of a minor
  - 7. Possession, production, or distribution of child pornography,
  - 8. Solicitation of a minor to practice prostitution
  - 9. 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,
  - 10. Use of a minor in a sexual performance
  - 11. Any offense similar to those outlined in:
    - a. 18 U.S.C. §1591 (sex trafficking by force, fraud, or coercion).
    - b. 18 U.S.C. §1801 (video voyeurism of a minor).
    - c. 18 U.S.C. §2241 (aggravated sexual abuse).
    - d. 18 U.S.C. §2242 (sexual abuse),
    - e. 18 U.S.C. §2244 (abusive sexual contact),
    - f. 18 U.S.C. §2422(b)(coercing a minor to engage in prostitution), or
    - g. 18 U.S.C. §2423(a) (transporting a minor to engage in illicit conduct).

## G. The following acts are NOT registerable offenses under this Code.

- 1. Offenses involving Consensual Sexual Conduct. An offense involving consensual sexual conduct is not a sex offense for the purposes of this Code if the victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense, or if the victim was at least thirteen (13) years old and the offender was not more than four (4) years older than the victim.
- 2. Foreign Offenses. A foreign conviction is not a sex offense for the purposes of this Code unless it was either:
  - a. obtained under the laws of Canada, the United Kingdom, Australia, New Zealand, or
  - b. under the laws of any foreign country when the United States State Department in its Country Reports on Human Rights Practices has concluded that an independent judiciary generally or vigorously enforced the right to a fair trial in that country during the year in which the conviction occurred.

#### **CHAPTER 4 TIERING OF OFFENSES**

## SECTION 4.01 TIER I OFFENSES

- A. Sex Offenses. A "Tier I" offense includes an element involving a sexual act or sexual contact with another or any sex offense, for which a person has been convicted in a state, local government, qualifying foreign country pursuant to Section 3.02(C), and/or tribal jurisdiction, or an attempt or conspiracy to commit such an offense that is not a "Tier II" or "Tier III" offense.
- B. Offenses Involving Minors. A "Tier I" offense also includes any offense for which a person has been convicted by a state, local government, qualifying foreign country pursuant to Section 3.02(C), and/or tribal jurisdiction that involves the false imprisonment of a minor, video voyeurism of a minor, or possession or receipt of child pornography.
- C. Tribal Offenses. Any sex offense which includes an element involving a sexual act or sexual contact with another or any offense for which a person has been convicted in a tribal jurisdiction, or an attempt or conspiracy to commit such an offense under the Tribal Code that is not a "Tier II" or "Tier III" offense.
- D. 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 I" offense:
  - 1. 18 U.S.C. §1801 (video voyeurism of a minor),
  - 2. 18 U.S.C. §2252 (receipt or possession of child pornography),
  - 3. 18 U.S.C. §2252A (receipt or possession of child pornography),
  - 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),

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- 6. 18 U.S.C. §2422(a) (coercion to engage in prostitution),
- 7. 18 U.S.C. §2423(b) (travel with the intent to engage in illicit conduct),
- 8. 18 U.S.C. §2423(c) (engaging in illicit conduct in foreign places),
- 9. 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),
- 10. 18 U.S.C. §2424 (failure to file factual statement about an alien individual), or
- 11. 18 U.S.C. §2425 (transmitting information about a minor to further criminal sexual conduct).
- E. 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 4.01(A),(B), or (C) shall be considered a "Tier I" offense.

## SECTION 4.02 TIER II OFFENSES

- A. Recidivism and Felonies. Unless otherwise indicated as a "Tier III" offense, any sex offense that is not the first sex offense for which a person has been convicted in a state, local, foreign, and/or tribal jurisdiction, or an attempt or conspiracy to commit such an offense and that is punishable by more than one (1) year in jail is considered a "Tier II" offense. In the case of subsequent convictions from any tribal court, the offense shall be treated as if it is punishable by more than one (1) year incarceration.
- B. Offenses Involving Minors. A "Tier II" offense includes 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:
  - 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 sixteen (16) or seventeen (17) years old,
  - 4. Sexual contact with a minor thirteen (13) years of age or older, whether directly or indirectly through the clothing, that involves the 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. Conviction for any of the following federal offenses or an attempt or conspiracy to commit such an offense shall be considered a "Tier II" offense:
  - 1. 18 U.S.C. §1591 (sex trafficking by force, fraud, or coercion),
  - 2. 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),

- 3. 18 U.S.C. §2244 (Abusive sexual contact, where the victim is thirteen (13) years of age or older),
- 4. 18 U.S.C. §2251 (sexual exploitation of children),
- 5. 18 U.S.C. §2251A (selling or buying of children),
- 6. 18 U.S.C. §2252 (material involving the sexual exploitation of a minor),
- 7. 18 U.S.C. §2252A (sale or distribution of material containing child pornography),
- 8. 18 U.S.C. §2260 (production of sexually explicit depictions of a minor for import into the United States),
- 9. 18 U.S.C. §2421 (transportation of a minor for illegal sexual activity),
- 10. 18 U.S.C. §2422(b) (coercing a minor to engage in prostitution),
- 11. 18 U.S.C. §2423(a) (transporting a minor to engage in illicit conduct).
- D. 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 4.02(A),(B), or (C) shall be considered a "Tier II" offense.

#### **SECTION 4.03 TIER III OFFENSES**

- A. Recidivism and Felonies. Any sex offense that is punishable by more than one (1) year in jail where the offender has at least one prior conviction or 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" offense. In the case of subsequent convictions from any tribal court, the offense shall be treated as if it is punishable by more than one (1) year in jail
- B. General Offenses. A "Tier III" offense includes any sex offense, for which a person has been convicted in a state, local, foreign, and/or tribal jurisdiction, or an attempt or conspiracy to commit such an offense that involves:
  - 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 appraising the nature of the conduct or declining to participate, or
  - 4. Sexual contact with a minor twelve (12) years of age or younger, including offenses that cover sexual touching of or contact with the intimate parts of the body, either directly or through the clothing.
- C. Certain Federal Offenses. Conviction for any of the following federal offenses shall be considered conviction for a "Tier III" offense:
  - 1. 18 U.S.C. §2241 (aggravated sexual abuse),

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- 2. 18 U.S.C. §2242 (sexual abuse),
- 3. 18 U.S.C. §2243 (sexual abuse of a minor or ward),
- 4. 18 U.S.C. §2244 (abusive sexual contact where the victim is 12 years of age or younger).
- D. 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 4.03(A),(B), or (C) shall be considered a "Tier III" offense.

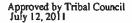
## **CHAPTER 5 REQUIRED REGISTRATION INFORMATION**

## SECTION 5.01 GENERAL REQUIREMENTS

- A. Duties. A sex offender covered by this Code who is required to register with the Tribe pursuant to this Code shall provide all of the information detailed in this Chapter, Sections 5.02 through 5.21, to the LVD Police Department, and the LVD Police Department shall obtain all of the information detailed in this Chapter from covered sex offenders who are required to register with the Tribe in accordance with this Code and shall implement any relevant policies and procedures, including the MOA entered into by and between the Tribe dated July 27, 2011 and the Memorandum of Understanding dated July 21, 2011.
- B. Digitization. All information obtained under this Code shall be, at a minimum, maintained by the LVD Police Department in a digitized format.
- C. Electronic Database. A sex offender registry shall be maintained in an electronic database by the LVD Police Department pursuant to the MOA entered into by and between the MSP and Tribe dated July 27, 2011.

#### SECTION 5.02 CRIMINAL HISTORY

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



#### SECTION 5.03 DATE OF BIRTH

- A. Date of Birth. The LVD Police Department or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's date of birth:
  - 1. The sex offender's actual date of birth, and
  - 2. Any other date of birth used by the sex offender.

#### SECTION 5.04 DNA SAMPLE

- A. DNA. If the sex offender's DNA is not already contained in the Combined DNA Index System (CODIS), the sex offender shall provide the LVD Police Department or designee a sample of his DNA.
- B. CODIS. Any DNA sample obtained from the sex offender shall be submitted the Michigan State Police DNA laboratory pursuant to the Memorandum of Understanding entered into by and between the MSP and the Tribe executed July 21, 2011. In accordance with the terms of the MOU the MSP shall receive the DNA sample and enter it into SDIS and also transmit the sample to NDIS.

## SECTION 5.05 DRIVER'S LICENSES, IDENTIFICATION CARDS, PASSPORTS, AND IMMIGRATION DOCUMENTS

- A. Driver's License. A covered sex offender shall provide all of the sex offender's valid driver's licenses issued by any jurisdiction and the LVD Police Department or designee shall make a photocopy of any such licenses.
- B. Identification Cards. A covered sex offender shall provide all of the sex offender's identification cards including the sex offender's tribal enrollment card issued by any jurisdiction and the LVD Police Department or designee shall make a photocopy of any such identification cards.
- C. Passports. A covered sex offender shall provide any passports used by the sex offender, and the LVD Police Department or designee shall make a digitized copy of any such passports.
- D. Immigration Documents. A covered sex offender shall provide any and all immigration documents used by the sex offender, and the LVD Police Department or designee shall make a digitized copy of any such documents.

#### SECTION 5.06 EMPLOYMENT INFORMATION

A. Employment. The LVD Police Department or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's employment, to include any and all places where the sex offender is employed in any means including volunteer and unpaid positions:

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- 1. The business name of the sex offender's employer,
- 2. The address of the sex offender's employer, and
- 3. Similar information related to any transient or day labor employment.

## SECTION 5.07 FINGER AND PALM PRINTS

A. Finger and Palm Prints. The LVD Police Department or its designee shall obtain, and a covered sex offender shall provide, both finger prints and palm prints, which shall be submitted pursuant to the MOA entered into by and between the MSP and Tribe on or about July 27, 2011.

## **SECTION 5.08 INTERNET IDENTIFIERS**

- A. Internet Names. The LVD Police Department or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's internet related activity:
  - 1. Any and all email addresses used by the sex offender,
  - 2. Any and all Instant Message addresses and identifiers,
  - 3. Any and all other designations or monikers used for self-identification in internet communications or postings, and
  - 4. Any and all designations used by the sex offender for the purpose of routing or self-identification in internet communications or postings, including but not limited to social network identifications, twitter accounts, video posting site identifications such as YouTube etc.

#### **SECTION 5.09 NAME**

- A. Name. The LVD Police Department or its designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's name:
  - 1. The sex offender's full primary given name,
  - 2. Any and all nicknames, aliases, and pseudonyms regardless of the context in which it is used, and
  - 3. Any and all ethnic or tribal names by which the sex offender is commonly known. This does not include any religious or sacred names not otherwise commonly known.

#### SECTION 5.10 PHONE NUMBERS

- A. Phone Numbers. The LVD Police Department or its designee shall obtain, and a covered sex offender shall provide, any and all telephone numbers and any other designations used by sex offenders for purposes of routing or self-identification in telephonic communications including but not limited to:
  - 1. Any and all cellular telephone numbers,
  - 2. Any and all land line telephone numbers,
  - 3. Any and all Voice over IP (VOIP) telephone numbers, and
  - 4. Any and all pager numbers.

#### **SECTION 5.11 PICTURE**

- A. Photograph. The LVD Police Department or its designee shall obtain, and a covered sex offender shall permit a current photograph to be taken by the LVD Police Department.
- B. Update Requirements: If the appearance of a sex offender has not changed significantly a digitized photograph shall be collected:
  - 1. Every ninety (90) days for Tier III sex offenders,
  - 2. Every one hundred and eighty (180) days for Tier II sex offenders, and
  - 3. Once a year for Tier I sex offenders.
- C. If the sex offenders appearance changes significantly, a digitized photograph shall be taken to document the change, even if such documentation occurs more frequently than prescribed Section 5.11(B).

#### SECTION 5.12 PHYSICAL DESCRIPTION

- A. Physical Description. The LVD Police Department or its designee shall obtain, and a covered sex offender shall provide, an accurate description of the sex offender including:
  - 1. A physical description,
  - 2. A general description of the sex offender's physical appearance or characteristics, and
  - 3. Any identifying marks, such as, but not limited to, scars, moles, birthmarks, or tattoos.

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## SECTION 5.13 PROFESSIONAL LICENSING INFORMATION

A. Professional Licenses. The LVD Police Department or its designee shall obtain, and a 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.

#### SECTION 5.14 RESIDENCE ADDRESS

- A. Residential Address. The LVD Police Department or its designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's residence:
  - 1. The address of each residence at which the sex offender resides or will reside, and,
  - Any location or description that identifies where the sex offender habitually resides regardless of whether it pertains to a permanent residence or location otherwise identifiable by a street or address.

## SECTION 5.15 SCHOOL

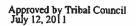
- A. School Location. The LVD Police Department or its designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's school:
  - 1. The address of each school where the sex offender is or will be a student, and,
  - 2. The name of each school the sex offender is or will be a student.

## SECTION 5.16 SOCIAL SECURITY NUMBER

- A. Social Security. The LVD Police Department or its designee shall obtain, and a covered sex offender shall provide, the following information:
  - 1. A valid social security number for the sex offender, and,
  - 2. Any social security number the sex offender has used in the past, valid or otherwise.

## **SECTION 5.17 TEMPORARY LODGING**

- A. Lodging Information. The LVD Police Department or its designee shall obtain, and a covered sex offender shall provide, the following information when the sex offender will be absent from his residence for three (3) days or more:
  - 1. Identifying information of the temporary lodging location, including address and name, and,
  - 2. The dates the sex offender will be staying at each temporary lodging location.



3. The registered sex offender shall provide the information in Section 5.17 (A)(1) and (A)(2) no later than two (2) days before his scheduled travel. The information shall be provided in person.

#### SECTION 5.18 INTERNATIONAL TRAVEL

- A. Travel Abroad. Sex offenders must inform their residence jurisdictions twenty-one (21) days in advance if they intend to travel outside of the United States.
- B. Jurisdictions 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. Update also must be made to NCIC/NSOR via notification to the MSP pursuant to the MOA dated July 27, 2011.

## SECTION 5.19 OFFENSE INFORMATION

- A. Offense Information. The LVD Police Department or its designee shall obtain:
  - 1. The text of each provision of law defining the criminal offense(s) for which the sex offender is registered,
  - 2. A brief description of the specific offense incident for which the registration is required,
  - 3. The text of each provision of law mentioned in Section 5.19(A)(1) shall be crosslinked to the SORNA databases containing the text of relevant sex-related laws for all jurisdictions,
  - 4. Criminal offense history, including a copy of all sex offense judgments, criminal offense dates, gender of victim, and probation, parole or other release status and terms of and contact information for supervisory group,
  - 5. Documentation of any treatment received or any mental abnormality or personality disorder of the person, and
  - 6. Any other information deemed necessary.

#### SECTION 5.20 VEHICLE INFORMATION

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

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

## SECTION 5.21 SEX OFFENDER ACKNOWLEDGEMENT FORM

- A. The 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 LVD Police Department and that the sex offender understands the registration requirement.
  - 1. The form shall be signed and dated by the LVD Police Department personnel who conducts the registration process.
- B. The Police Department shall immediately provide the Acknowledgement Form to the MSP pursuant to the MOA by and between the MSP and Tribe dated July 27, 2011.

## CHAPTER 6 REGISTRATION

## SECTION 6.01 WHERE REGISTRATION IS REQUIRED

- A. Jurisdiction of Conviction. A sex offender must initially register with the Police Department of the Lac Vieux Desert Band of Lake Superior Chippewa Indians 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.
- B. Jurisdiction of Incarceration. A sex offender must register with the Police Department of the Lac Vieux Desert Band of Lake Superior Chippewa Indians 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.
- C. Jurisdiction of Residence. A sex offender must register with the Police Department of the Lac Vieux Desert Band of Lake Superior Chippewa Indians if the sex offender resides, is homeless, or transient within lands subject to the jurisdiction of the Tribe.
- D. Jurisdiction of Employment. A sex offender must register with the Police Department of the Lac Vieux Desert Band of Lake Superior Chippewa Indians if he or she is employed by the Tribe in any capacity or otherwise is employed within lands subject to the jurisdiction of the Tribe.
- E. Jurisdiction of School Attendance. A sex offender must register with the Police Department of the Lac Vieux Desert Band of Lake Superior Chippewa Indians if the sex offender is a student in any capacity within lands subject to the jurisdiction of the tribe.
- F. Jurisdiction of Visitor. A sex offender shall, within twenty-four (24) hours, register with the LVD PD if the sex offender is visiting tribal lands while completing any sentence for a covered sex offense.

## SECTION 6.02 TIMING OF REGISTRATION

A. Timing. A sex offender required to register with the Tribe under this Code shall do so in the following timeframe:

- 1. If convicted by the LVD Tribal Court for a covered sex offense and incarcerated, the sex offender must register before being released from incarceration;
- 2. If convicted by the LVD Tribal Court but not incarcerated, within twenty-four (24) hours of sentencing for the registration offense, and
- 3. Within three (3) business days of establishing a residence, commencing employment, or becoming a student on lands subject to the jurisdiction of the Tribe.
- 4. If a visitor convicted by the LVD Tribal Court for a covered sex offense or for any conviction in any other court, no later than twenty-four (24) hours after entry onto Tribal lands.
- 5. For convictions in any other court, including, but not limited to convictions in state, federal, military or foreign courts, a sex offender must appear in person to register with the LVD PD, no later than twenty-four (24) hours of establishing a residence, commencing employment, or becoming a student on tribal lands.
- 6. If incarcerated in any tribal, state, federal, military or foreign jurisdiction, before release from imprisonment for the registration offense.

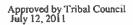
A sex offender must appear in person to register with the LVD Police Department.

## SECTION 6.03 REQUIREMENTS FOR IN PERSON APPEARANCES

- A. Photographs. At each in-person verification, the sex offender shall permit the LVD Police Department to take a photograph of the offender.
- B. Review of Information. At each in-person verification the sex offender shall review existing information for accuracy.
- C. Notification. If any new information or change in information is obtained at an in-person verification, the LVD Police Department shall immediately notify the MSP pursuant to the MOA dated July 27, 2011.

#### SECTION 6.04 REGISTRATION DUTIES OF LVD COURT

- A. The LVD Tribal Court is responsible for providing notice to individuals who have been found guilty within the Tribal Court of a registerable offense of his or her obligation to register where they live, work or attend school.
- B. The Court will communicate to a newly convicted sex offender information substantially similar to the language included in Attachment A.
- C. The Court will obtain the sex offenders signature on Attachment A, provide a copy to the sex offender and maintain a copy of Attachment A within the offenders Court file.





- A. The LVD Police Department shall have policies and procedures in place 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,
  - 2. Any sex offender initially registering with the Tribe is informed of his or her duties/obligations under SORNA and this Code, and that such duties/obligations under SORNA and this Code are explained to him or her.
  - 3. That the sex offender 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,
  - 4. That the sex offender is registered, and added to the public website if applicable,
  - 5. 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 student status, and,
  - 6. That all information is entered and updated in NCIC/NSOR.

## SECTION 6.06 RETROACTIVE REGISTRATION

- A. Retroactive Registration. The LVD Police Department shall have in place policies and procedures to ensure the following three (3) categories of sex offenders are subject to the registration and updating requirements of this Code:
  - 1. Sex offenders incarcerated or under the supervision of the Tribe, whether for a covered sex offense or other crime.
  - 2. Sex offenders already registered or subject to a pre-existing sex offender registration requirement, and,
  - 3. Sex offenders re-entering the justice system due to conviction for any crime.
- B. Timing of Recapture. The LVD Police Department shall ensure recapture of the sex offenders mentioned in Section 6.05 within the following timeframe to be calculated from the date of passage of this Code:
  - 1. For Tier I sex offenders, one (1) year,
  - 2. For Tier Π sex offenders, one hundred and eighty (180) days, and
  - 3. For Tier III sex offenders, ninety (90) days.

## SECTION 6.07 KEEPING REGISTRATION CURRENT

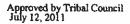
A. Jurisdiction of Residency.



- 1. All sex offenders who reside in lands subject to the jurisdiction of the Tribe who are required to register in this jurisdiction shall immediately appear in person at the LVD Police Department to update any changes to their name, residence (including termination of residency), employment, or school attendance.
- 2. All sex offenders required to register in this jurisdiction shall immediately inform the LVD Police Department in person of any changes to their temporary lodging information, and of any changes to their vehicle information, internet identifiers, or telephone numbers.
- 3. In the event of a change in temporary lodging, of over three (3) days the sex offender shall immediately notify the registry official of the residence jurisdiction and the LVD Police Department shall notify the jurisdiction in which the sex offender will be temporarily staying.
- B. Jurisdiction of School Attendance. Any sex offender who is a student in any capacity within lands subject to the jurisdiction of the Tribe, regardless of location, that change their school, or otherwise terminate their schooling, shall immediately appear in person at the LVD Police Department to update that information.
  - 1. The LVD 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.
- C. Jurisdiction of Employment. Any sex offender who is employed by the Tribe in any capacity or otherwise is employed within lands subject to the jurisdiction of the Tribe, regardless of location, that change their employment, or otherwise terminate their employment, shall immediately appear in person at the LVD Police Department to update that information.
  - 1. The LVD 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.
- D. Jurisdiction of Visitor. A sex offender must register with the LVD PD if the sex offender is visiting Tribal lands while completing any sentence for a covered sex offense within twenty-four (24) hours of entering lands subject to the jurisdiction of the Tribe, regardless of location.
- E. Duties of the LVD Police Department. With regard to changes in a sex offender's registration information, the LVD PD shall provide immediate notification to the MSP, who shall notify consistently with the MOA dated July 27, 2011.
  - 1. All jurisdictions where a sex offender intends to reside, work, or attend school.
  - 2. Any jurisdiction where the sex offender is either registered or required to register.
  - 3. Specifically, with respect to information relating to a sex offender's intent to commence residence, school, or employment outside of the United States, any jurisdiction where the sex offender is either registered or required to register, and the U.S. Marshals Service. The LVD PD shall also ensure this information is immediately updated with the MSP.

## SECTION 6.08 FREQUENCY, DURATION AND REDUCTION OF REGISTRATION

- A. Frequency. A sex offender who is required to register shall, at a minimum, appear in person at the LVD Police Department for purposes of verification and keeping his or her registration current in accordance with the following time frames:
  - 1. For Tier I offenders, once every year for fifteen (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 offenders, once every one hundred and eighty (180) days for twenty-five (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 offenders, once every ninety (90) days for the rest of his or her life.
- B. Reduction of Registration Periods. A sex offender may have his or her period of registration reduced as follows:
  - 1. A Tier I offender may have his or her period of registration reduced to ten (10) years if he or she has maintained a clean record for ten (10) consecutive years.
  - 2. A Tier III offender may have his or her period of registration reduced to twenty-five (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 twenty-five (25) consecutive years.
- C. Clean Record. For purposes of Section 6.08(B) above, a person has a clean record if:
  - 1. He or she has not been convicted of any offense, for which imprisonment for more than one (1) year may be imposed. In the case of post-registration conviction from any tribal court, the offense shall be treated as if it is punishable by more than one (1) year in jail if it is designated a felony or a substantially similar Michigan state or federal offense is punishable by more than one (1) year.
  - 2. He or she has not been convicted of any sex offense,
  - 3. He or she has successfully completed, without revocation, any period of supervised release, probation, or parole, and,
  - 4. 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 and provided proof of completion of said program.



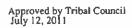
#### SECTION 6.09 FAILURE TO APPEAR FOR REGISTRATION AND ABSCONDING

- A. Failure to Appear. In the event a sex offender fails to register with the Tribe as required by this Code, the LVD Police Department or its designee shall immediately inform the jurisdiction that provided notification that the sex offender was to commence residency, employment, or school attendance with the Tribe that the sex offender failed to appear for registration.
- B. Absconded Sex Offenders. If the LVD Police Department or its designee receives information that a sex offender has absconded the LVD Police Department shall make an effort to determine if the sex offender has actually absconded and follow the procedure below:
  - 1. In the event no determination can be made as to the offenders status, the LVD Police Department or its designee shall ensure all appropriate law enforcement agencies are notified.
  - 2. 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.
  - 3. If an absconded sex offender cannot be located then the LVD PD shall take the following steps:
    - a. Update the registry/public website to reflect the sex offender has absconded or is otherwise not capable of being located,
    - b. Notify the U.S. Marshals Service,
    - c. Seek a warrant for the sex offender's arrest. The U.S. Marshals Service or FBI may be contacted in an attempt to obtain a federal warrant for the sex offender's arrest,
    - d. Update the NCIC/NSOR to reflect the sex offender's status as an absconder, or is otherwise not capable of being located, and,
    - e. Enter the sex offender into the National Crime Information Center Wanted Person File.

#### CHAPTER 7 PUBLIC SEX OFFENDER REGISTRY WEBSITE

#### SECTION 7.01 WEBSITE

- A. Website. The LVD Police Department shall use and maintain a public sex offender registry website pursuant to the MOA by and between the MSP and Tribe dated July 27, 2011.
- B. Links. The Lac Vieux Desert Sex Offender Registry Website shall include links to sex offender safety and education resources.
- C. Instructions. The Lac Vieux Desert Sex Offender Registry Website shall include instructions on how a person can seek correction of information that the individual contends is erroneous.
- D. Warnings. The Lac Vieux Desert 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.

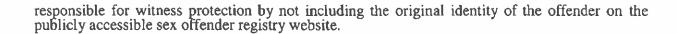


- E. Search Capabilities. The Lac Vieux Desert Sex Offender Registry Website shall have the capability of conducting searches by (1) name; (2) county, city, and/or town; and, (3) zip code and/or geographic radius.
- F. Dru Sjodin National Sex Offender Public Website. The Tribe shall include in the design 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.

## SECTION 7.02 REQUIRED AND PROHIBITED INFORMATION

- A. Required Information. The following information shall be made available to the public on the sex offender registry website:
  - 1. Notice that an offender is in violation of their registration requirements or cannot be located if the sex offender has absconded,
  - 2. All sex offenses for which the sex offender has been convicted,
  - 3. The sex offense(s) for which the offender is currently registered,
  - 4. The address of the sex offender's employer(s),
  - 5. The name of the sex offender including all aliases,
  - 6. A current photograph of the sex offender,
  - 7. A physical description of the sex offender,
  - 8. The residential address and, if relevant, a description of a habitual residence of the sex offender,
  - 9. All addresses of schools attended by the sex offender, and,
  - 10. The sex offender's vehicle license plate number along with a description of the vehicle.
- B. Prohibited Information. The following information shall not be available to the public on the sex offender registry website:
  - 1. Any arrest that did not result in conviction,
  - 2. The sex offender's social security number,
  - 3. Any travel and immigration documents,
  - 4. The identity of the victim, and
  - 5. Internet identifiers (as defined in 42 U.S.C. §16911
- C. Witness Protection. For sex offenders who are under a witness protection program, the LVD Police Department may honor the request of the United States Marshals Service or other agency





#### SECTION 7.03 COMMUNITY NOTIFICATIONS

- A. Law Enforcement Notification. Whenever a sex offender registers or updates his or her information with the Tribe, the LVD Police Department shall:
  - 1. Immediately notify the MSP pursuant to the MOA dated July 27, 2011, in order for the information to be updated on NSOR or other relevant databases.
  - 2. Monitor and utilize the SORNA Exchange Portal for inter-jurisdictional change of residence, employment or student status.
  - 3. Immediately update NCIC/NSOR,
  - 4. 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.
  - 5. 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.
  - 6. 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. 5119a) when a sex offender registers or updates registration.
  - 7. Enter or update information posted on the public website pursuant to the MOA entered into by and between the MSP and the Tribe dated July 27, 2011.
- B. Community Notification. The LVD 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 e-mail notice that will notify them when a sex offender commences residence, employment, or school attendance with the tribe, within a specified zip code, or within a certain geographic radius. This email notice shall include the sex offender's identity so that the public can access the public registry for the new information.

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

## SECTION 8.01 CRIMINAL PENALTIES AND SANCTIONS

A. 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 one (1) year and/or a fine of \$5,000.

#### B. Criminal Sanctions:

- 1. Failure to Register. Any person required to register under this Code within the time specified under this Code shall be guilty of an offense punishable by up to one (1) year and/or a fine of up to \$5000.
- 2. Providing false or misleading registration information. Any person required to register under this Code who knowingly provides false or misleading information required under Chapter 5 shall be guilty of an offense punishable by up to one (1) year and/or a fine of up to \$5,000.
- 3. Failure to update registration information. Any person required to register under this Code who fails to update his or her registration information in violation of Section 5.04 shall be guilty of an offense punishable by up to one (1) year and/or a fine of up to \$5,000.
- 4. Failure to appear for periodic registration. Any person required to appear for periodic in person verification under Section 6.07 and fails to comply, shall be guilty of an offense punishable by up to one (1) year and/or a fine of up to \$5,000.
- 5. Violation of school zone of restriction. Any sex offender who violates Section 8.08 of this Code is guilty of an offense punishable by one (1) year in jail and/or a \$5,000 fine.
- 6. Violation of residency restrictions. Any sex offender who violates Section 8.09 of this Code is guilty of an offense punishable by up to one (1) year and/or a fine of up to \$5,000.

#### SECTION 8.02 MISUSE OF REGISTRATION INFORMATIONM

- A. Any person, who willfully misuses or alters public record information relating to a sex offender or sexual predator, or a person residing or working at an address reported by a sex offender, including information displayed by law enforcement agencies on web sites, shall be guilty of an offense punishable by ninety-three (93) days in jail or a \$500 fine.
- B. The sale or exchange of sex offender information for profit is prohibited. Any violation of this subsection is an offense punishable by ninety-three (93) days in jail or a \$500 fine.

#### **SECTION 8.03 CIVIL PENALTIES**

A. 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 subject to enforcement by any means not prohibited by federal law, including, but not limited to the issuance of fines, forfeitures, civil contempt.



#### **SECTION 8.04 REPEAT OFFENDERS**

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

#### SECTION 8.05 CUSTOMS AND TRADITIONS

- A. Nonmember Exclusion: Any nonmember convicted of a Tier III sex offense shall no longer be entitled to reside on tribal lands pursuant to Tribal Council's authority pursuant to the Lac Vieux Desert Band of Lake Superior Chippewa Indians Constitution. Art. IV, § 1(k), and shall be excluded from tribal lands pursuant to this Code. The exclusion order shall contain the following exceptions:
  - 1. To answer a summons or subpoena by the LVD Tribal Court.
  - To be a defendant in any LVD Tribal Court.
  - 3. To attend the funeral service only of immediate family members, which is limited to one (1) hour prior to and one (1) hour post funeral service.
  - 4. To accompany, because of a legal duty, a person or minor who is eligible to receive medical services, including but not limited to Indian Health Services, performed at the Health Clinic or other designated building.
- B. Any nonmember sex offender who is excluded from the reservation and, who must return pursuant to an exception listed above, must notify the LVD PD no less than one (1) business day prior to their return to tribal lands and disclose their exception purpose.
- C. Any nonmember sex offender who is excluded from the reservation and, who must return pursuant to an exception listed above, has the duty to remain under the direct supervision of tribal authorities or an appointed or an accepted escort.
- D. Nonmember: 'Non member" means a person who is not a member of any federally recognized Indian tribe.

#### SECTION 8.06 OTHER TRIBAL MEMBER EXCLUSION

- A. Any Other Tribal Member convicted of a Tier III sex offense shall no longer be entitled to reside on tribal lands pursuant to Tribal Council's authority pursuant to the Lac Vieux Desert Band of Lake Superior Chippewa Indians Constitution. Art. IV, § 1(k), and shall be excluded from tribal lands pursuant to this Code. The exclusion order shall contain the following exceptions:
  - To answer a summons or subpoena by the LVD Tribal Court.
  - 2. To be a defendant in any LVD Tribal Court.
  - 3. To attend the funeral service only of immediate family members, which is limited to one (1) hour prior to and one (1) hour post funeral service.
  - 4. To receive medical services, including but not limited to Indian Health Services, performed at the Health Clinic or other designated building.

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- 5. To accompany, because of a legal duty, a person or minor who is eligible to receive medical services, including but not limited to Indian Health Services, performed at the Health Clinic or other designated building.
- B. Any Other Tribal Member sex offender who is excluded from the reservation and, who must return pursuant to an exception listed above, must notify the LVD PD no less than one (1) business day prior to their return to Tribal lands and disclose their exception purpose.
- C. Any Other Tribal Member sex offender who is excluded from the reservation and, who must return pursuant to an exception listed above, has the duty to remain under the direct supervision of Tribal authorities or an appointed or an accepted escort.
- D. Other Tribal Member: "Other Tribal Member" means a person who is duly enrolled or is a member of a federally recognized Indian tribe other than the LVD Indian Tribe.

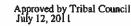
## SECTION 8.07 HINDERANCE OF SEX OFFENDER REGISTRATION

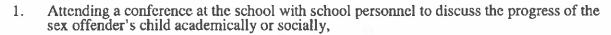
- A. A person is guilty of a felony if they:
  - 1. Knowingly harbors or knowingly attempts to harbor, or knowingly assists another person in harboring or attempting to harbor a sex offender who is in violation of this Code;
  - 2. Knowingly assists a sex offender in eluding a law enforcement agency 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 Code; or
  - 3. Provides information to law enforcement agency regarding a sex offender which the person knows to be false.

#### SECTION 8.08 ZONE OF RESTRICTION I

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

- A. Unless exempted under subsection (B), it is unlawful for a person required to register as a sex offender under this Code:
  - 1. To be present in any school building, on real property comprising any school, or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen (18) are present in the building, on the grounds or in the conveyance; or
  - 2. To loiter or work within fifteen hundred (1500) feet of a school building or real property comprising any school or a playground.
- B. A person required to register as a sex offender who is a parent or guardian of a student attending the school and who complies with subsection (D) may be present on school property if the parent or guardian is:





- 2. Participating in child review conferences in which evaluation and placement decisions may be made with respect to the sex offender's child regarding special education services,
- 3. Attending conferences to discuss other student issues concerning the sex offender's child such as retention and promotion,
- 4. Transporting the sex offender's child to and from school, or
- 5. Present at the school because the presence of the sex offender had been requested by the principal for any other reason relating to the welfare of the child.
- C. Subsection (A) of this section shall not apply to a sex offender who is legally enrolled in a particular school or is participating in a school-sponsored educational program located at a particular school when the sex offender is present at that school.
- D. In order to exercise the exemption under subsection (B), a parent or guardian who is required to register as a sex offender must notify the principal of the school of the sex offender's presence at the school unless the offender:
  - 1. has written permission to be present from the superintendent or the school board, or
  - 2. the principle has granted ongoing permission, in writing, for regular visits of a routine nature.
- E. If permission is granted by the superintendent or the school board, the superintendent or school board president must inform the principal of the school where the sex offender will be present in the school and the sex offender is responsible for notifying the principal's office upon arrival and upon departure. If the sex offender is to be present in the vicinity of children, the sex offender has the duty to remain under the direct supervision of a school official.
- F. Nothing in this section shall be construed to infringe upon the constitutional right of a sex offender to be present in a school building that is used as a polling place for the purpose of voting.

#### SECTION 8.09 ZONE OF RESTRICTION II

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

- A. Any person, who has been classified as a sex offender, shall not reside within two thousand five hundred feet (2500) of any school/day care, or playground which is in existence at the time the individual begins to reside at the location.
- B. If such sex offender has already established a residence and a school/day care or playground is subsequently built or placed within two thousand five hundred feet (2500) of such person's residence, then such person shall, prior to one (1) week of the opening of such school, notify the LVD PD where such school is located that he or she is now residing within two thousand five hundred feet (2500) of such school and shall provide verifiable proof to the LVD PD that he or she resided there prior to the opening of such school.

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C. Restrictions and prohibitions in the above subsections do not apply to an offender already residing within a school/day care or playground area restricted zone prior to the enactment and effective date of the this Code, or an offender who is incarcerated or is at a facility within the zone, or worked within the student safety zone prior to the effective date and offenders who intermittently or sporadically enter a zone for the purposes of work. All registered sex offenders convicted prior to enactment of this Code AND still living within a playground restricted zone may not initiate or maintain contact with minors in the restricted zone.

#### **CHAPTER 9 SAVINGS CLAUSE**

#### SECTION 9.01

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

## CHAPTER 10 IMMUNITY AND GOOD FAITH

#### **SECTION 10.01**

- A. No waiver of immunity. Nothing under this Code shall be construed as a waiver of sovereign immunity for the Lac Vieux Desert Band of Lake Superior Chippewa Indians, its departments, agencies, employees, or agents.
- B. Good faith. Any person acting with good faith under this Code shall be immune from any civil liability arising out of such actions.

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#### ATTACHMENT A

# Lac Vieux Desert Band of Lake Superior Chippewa Indians Tribal Sex Offender Registration Code

## Notice of Duty to Register and Acknowledgment Form

- 1. I understand that I have a legal duty to register as a sex offender with the Lac Vieux Desert Band of Lake Superior Chippewa Indians Police Department (hereinafter "LVD PD") and with the local law enforcement agency having jurisdiction over my place of residency, place where I attend school, or where I work. I am responsible for obtaining and submitting the information required of me for the registration paperwork.
- 2. Pursuant to the Lac Vieux Desert Band of Lake Superior Chippewa Indians Tribal Sex Offender Registration Code, individuals who have been convicted of a qualifying sex offense as outlined in the LVD Tribal Sex Offender Registration Code (hereinafter "Code") or the federal Sex Offender Registration and Notification Act must register as a sex offender with the Tribe if:
  - a. I was convicted by the Lac Vieux Desert Band of Lake Superior Chippewa Indians Tribal Court of a qualifying offense,
  - b. I was incarcerated by or with the Tribe for the qualifying offense,
  - c. I reside within the exterior boundaries of the reservation or otherwise reside on property owned by the Tribe in fee or held in trust for the Tribe,
  - d. I am employed (including volunteer work) by the Tribe in any capacity or otherwise am employed within the exterior boundaries of the reservation or on property owned by the Tribe in fee or held in trust for the Tribe,
  - e. I am a student, in any capacity, within the exterior boundaries of the reservation or on property owned by the Tribe in fee or held in trust for the Tribe, regardless of location, or,
  - f. I am visiting within the exterior boundaries of the reservation or on property owned by the Tribe in fee or held in trust for the Tribe.
- 3. Pursuant to the Code I must register with the LVD PD within the following timeframe:
  - a. I was incarcerated, before release from imprisonment for the registration offense,
  - b. I was not incarcerated, I must appear in person at the LVD PD within twenty-four (24) hours of sentencing for the registration offense, or,
  - c. If I was convicted of a foreign, federal, or military offense, I must appear in person at the Tribal Police Department within twenty-four (24) hours of establishing a residence on the reservation or tribal property after either release from incarceration or, if not incarcerated, sentencing for purposes.

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Approved by Tribal Council July 12, 2011

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- 4. I understand that I must complete a Sex Offender Registration Form and shall otherwise provide the LVD PD with the following non-exclusive information: criminal history, date of birth, DNA samples, driver's licenses, identification cards, passports, and immigration documents, employment information, finger and palm prints, internet identifiers, name, phone numbers, picture, physical description, professional licensing information, address (residential and mailing), school information, social security number, temporary lodging information, conviction offense information, and vehicle information.
- 5. I understand that I must appear at the LVD PD, in person, within twenty-four (24) hours of any change in my name, residence (including termination of residence), employment, school attendance, vehicle information, temporary lodging, email addresses, telephone numbers, Instant Messaging addresses, or any other designation used in internet communications, posting, or telephone conversations to update that information. In the event of a change in temporary lodging, I must immediately notify the jurisdiction in which I will be temporarily staying. I further understand that I am required to notify the LVD Tribal Police Department at least twenty-one (21) days in advance of international travel.
- 6. I understand that I must, at a minimum, appear in person at the Tribal Police Department for purposes of keeping registration current in accordance with the following timeframes:
  - a. For Tier I offenders, once every year for fifteen (15) years from the date of conviction,
  - b. For Tier II offenders, once every one hundred and eighty (180) days for twenty-five (25) years from the date of conviction,
  - c. For Tier III offenders, once every ninety (90) days for the rest of their lives.
- 3. At each in-person verification I understand that I must permit the LVD PD to take a current photograph of me, including any marks, scars and tattoos, and shall review existing information for accuracy.
- 4. I understand that certain information, related to me, will be maintained on a national sex offender registry website, including: any registration requirement violations, if absconded, all sex offenses for which convicted, all sex offenses for which registered, address of employer, current photograph, physical description, residential address including habitual residences, all addresses of schools attended, and vehicle license plate number along with a description of the vehicle.
- 5. I understand that any failure to appear for registration, absconding, or other violation of either the federal Sex Offender Registration and Notification Act or the LVD Tribal Sex Offender Registration Code will result in criminal or civil sanctions, possibly including banishment, whether pursuant to a tribal or federal enforcement action.
- 6. You may be required to register with other jurisdictions where you reside, are employed or attend school and may be subject to prosecution for failure to do so. It is not a defense to prosecution that you are registered solely with the Lac Vieux Desert Band of Lake Superior Chippewa Indians.

	Date:			
Sex Offender Name (Printed)				
ex Offender Name (Signature)				
or Official Use Only:				