

TITLE XXII – SEX OFFENDER REGISTRY CODE

CHAPTER 1. GENERAL MATTERS

Sec. 101. Title.

This Code shall be known as the *Sex Offender Registry Code*.

Sec. 102. Introduction.

The intent of this Code is to implement the federal Sex Offender and Notification Act (SORNA) (TITLE 1 of P.L. 109-248 which is the Adam Walsh Child Protection and Safety Act of 2006). SORNA provides a comprehensive set of standards for sex offender registration and notification that affords federally-recognized Indian tribes the ability to develop and implement measures for the protection of its community from sexual abuse or exploitation. Through SORNA, federally-recognized Indian tribes are authorized to establish its own registration requirements and guidelines; however, the minimum guidelines as set forth in SORNA must be adhered to when establishing its registration requirements. The Chitimacha Tribe of Louisiana shall amend this document as needed or required by law.

Sec. 103. Previous Code Superseded.

This Code shall supersede any previously enacted Code/Ordinance that addressed sex offender registration.

CHAPTER 2. TERMINOLOGY

Sec. 201. Applicability.

The terminology listed in this Chapter shall apply to this Code only.

Sec. 202. Definitions.

(a) Convicted. As a result of penal consequences, an adult sex offender who has been found guilty of a crime listed in Chapter 3 of this Code.

(b) Foreign Convictions. A conviction obtained outside of the United States.

(c) Employee. Any individual employed by the Chitimacha Tribe of Louisiana, including volunteers, in any capacity and by any of its enterprises or otherwise employed within the exterior boundaries of the Chitimacha Reservation or on property owned by the Chitimacha Tribe of Louisiana in fee or trust regardless of location.

(d) Immediate. To include “immediately,” shall mean within three (3) business days.

(e) Imprisonment. Incarceration pursuant to a conviction, regardless of the nature of the institution, in which the offender serves a sentence. Shall include state, federal, military, foreign, BIA, private or contract facility, or a local or tribal jail as well as offenders under house arrest.

(f) Jurisdiction. Any of the fifty (50) states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Island, and any Indian tribe that elects to function as a registration jurisdiction under 42 U.S.C. §16927.

(g) Juvenile Adjudication. Prosecuted and found guilty as an adult for a sex offense or 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 Section 2241 of Title 18, United States Code), or was an attempt or conspiracy to commit such an offense.

(h) Minor. Any individual who has not attained eighteen (18) years of age.

(i) Resides. The location of the offender’s home or other place where the offender habitually lives or sleeps.

(j) Sex Offense. Those offenses contained in 42 U.S.C §16911(5) and those offenses enumerated in Chapter 3 of this Code or any other covered offense under Tribal law.

(k) Sex Offender. A person convicted of a sex offense.

(l) Sexual Act.

(1) Any contact between the penis and the vulva or the penis and the anus, and contact involving the penis occurs upon penetration, however slight;

(2) any contact between the mouth and penis, the mouth and the vulva, or the mouth and anus;

(3) any 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, not through clothing, of the genitalia of another person that has not attained eighteen (18) years of age with the intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire in any person.

(m) 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.

(n) Student. Any person who enrolls or attends a private or public educational institution, including a secondary school, trade, or professional school, or an institution of higher education on Tribal lands.

(o) SORNA. The Sex Offender Registration and Notification Act (Title 1 of the Adam Walsh Child Protection and Safety Act of 2006 P.L. 109-248), 42 U.S.C. §16911 *et seq.*, as amended.

(p) Sex Offender Registry. The registry of sex offenders, and notification program, maintained by the Chitimacha Tribal Police Department.

(q) National Sex Offender Registry (NSOR). The national database maintained by the FBI pursuant to 42 U.S.C. §16919.

(r) 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.

(s) 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.

(t) Tier 1 Sex Offender. A sex offender that has been convicted of a Tier 1 offense as defined in Section 401.

(u) Tier 2 Sex Offender. A sex offender that has been convicted of a Tier 2 offense as defined in Section 402 or who is subject to the recidivist provisions of Section 505.

(v) Tier 3 Sex Offender. A sex offender that has been convicted of a Tier 3 offense as defined in Section 403 or who is subject to the recidivist provisions of Section 505.

(w) Tribal lands. The exterior boundaries of the Chitimacha Tribe of Louisiana or property otherwise owned by the Chitimacha Tribe of Louisiana in fee or trust regardless of location.

(x) Absconder. An offender, regardless of jurisdiction, who is in violation of registration requirements, regardless of jurisdiction, and/or cannot be located.

(y) Temporary Lodging. The location in which the offender will be residing, that is not his/her residence, for a period of seven (7) days or more.

CHAPTER 3. COVERED OFFENSES

Sec. 301. Description of Registrants.

Offenders, adult or juvenile, who are convicted of a sex offense as referenced in this Chapter and who reside within the exterior boundaries of the Chitimacha Tribe of Louisiana or otherwise reside on property owned by the Chitimacha Tribe of Louisiana in fee or trust regardless of location, are employed within the exterior boundaries of the Chitimacha Tribe of Louisiana or on property owned by the Chitimacha Tribe of Louisiana either in fee or in trust regardless of location, or who attends school within the exterior boundaries of the Chitimacha Tribe of Louisiana or on property owned by the Chitimacha Tribe of Louisiana either in fee or in trust regardless of location that have been convicted of a sex offense as referenced in this Chapter, or convicted of an attempt or conspiracy to commit any offense(s) listed in this Chapter.

Sec. 302. Tribal Offenses.

(a) Any conviction of Sections ~~206(e)~~307(a)(5) (Rape), 308(a)(2) (Sexual Assault), ~~207~~309 (Statutory Rape), ~~208~~310 (Indecent Exposure), ~~212(b) (Sexual Assault)~~, ~~313 (Indecent Behavior with a Juvenile)~~, 314 (Solicitation of Minor to Engage in Sexual Activity), 316 (Pornography Involving Juveniles), 317 (Computer-Aided Solicitation of a Minor), and/or ~~424~~531 (Child Abuse) of Title III of the Chitimacha Comprehensive Codes of Justice.

(b) Any conviction of a law of the United States, or of another tribe, or of a state, reasonably equivalent to a violation of a law of the Tribe as defined in Section 210-A(a)(2)(i) of the Chitimacha Comprehensive Codes of Justice.

(c) A conviction in any tribal court for conduct listed or conduct similar in nature to offenses contained in 42 U.S.C §16911(5) and those offenses enumerated in Chapter 3 of this Code.

Comment [D1]: What does this citation refer to?

Sec. 303

Federal Offenses.

(a) A conviction for any of the following, and any other offense hereafter included in the definition of “sex offense” at 42 U.S.C. §16911(5):

- (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 United States);
- (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, to include prostitution);
- (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); and

(19) 18 U.S.C. §2425 (transmitting information about a minor to further criminal sexual conduct).

Sec. 304 **Foreign Offenses.**

Any conviction for a sex offense involving any conduct listed in this Chapter that was obtained under the laws of Canada, the United Kingdom, Australia, New Zealand, or under the laws of 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.

Sec. 305 **Military Offenses.**

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

Sec. 306 **Juvenile Offenses or Adjudications.**

Any sex offense, 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) 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 kidnapping, engaging in a sexual act with another by rendering unconscious or involuntarily drugging the victim, crossing a state line with the intent to engage in a sexual act with a person who has not attained the age of twelve (12) years, or crossing a state line with the intent to engage in a sexual act with a person who has not attained the age of twelve (12) years, or knowingly engages in a sexual act with another person who has not attained the age of twelve (12) years, or knowingly engages in a sexual act under the circumstances described in subsections (a) and (b) of 18 U.S.C. §2241 with another person who has attained the age of twelve (12) years but has not attained the age of sixteen (16) years (and is at least four (4) years younger than the person so engaging), or attempts to do so.

Sec. 307 **Jurisdiction Offenses.**

(a) Any sex offense committed in any jurisdiction as listed in 202(b), 202(f), and/or 304, including the Chitimacha Tribe of Louisiana that involves:

- (1) Any type or degree of genital, oral, or anal penetration;
- (2) Any sexual touching of or contact with a person's body, either directly or through the clothing;
- (3) Kidnapping of a minor;
- (4) False imprisonment of a minor;
- (5) Solicitation to engage a minor in sexual conduct understood broadly to include any direction, request, enticement, persuasion, or encouragement of a minor to engage in sexual conduct;
- (6) Use of a minor in a sexual performance;
- (7) Solicitation of a minor to practice prostitution;
- (8) Possession, production, or distribution of child pornography;
- (9) Criminal sexual conduct that involves physical contact with a minor or the use of the internet to facilitate or attempt such conduct. This includes offenses whose elements involve the use of other persons in prostitution, such as pandering, procuring, or pimping in cases where the victim was a minor at the time of the offense;
- (10) Any conduct that by its nature is a sex offense against a minor; and
- (11) Any offense similar to those outlined in Section 303(a) of this Code.

Sec. 308 **Sex Offenses.**

(a) The term "sex offense" as referenced in this Code shall mean:

- (1) A criminal offense that has an element involving a sexual act or sexual contact with another.
- (2) A criminal offense that is a "specified offense against a minor." That is, an offense against a minor that involves any of the following:
 - (a) An offense (unless committed by a parent or guardian) involving kidnapping.

- (b) An offense (unless committed by a parent or guardian) involving false imprisonment.
 - (c) Solicitation to engage in sexual conduct.
 - (d) Use in a sexual performance.
 - (e) Solicitation to practice prostitution.
 - (f) Video voyeurism as described in 18 U.S.C. §1801.
 - (g) Possession, production, or distribution of child pornography.
 - (h) Criminal sexual conduct involving a minor, or the use of the Internet to facilitate or attempt such conduct.
 - (i) Any conduct that by its nature is a sex offense against a minor.
- (3) A Federal offense (including an offense prosecuted under Section 1152 or 1153 of Title 18 of the United States Code) under Section 1591, or Chapter 109A, 110 (other than Section 2257, 2257A, or 2258) or 117, of Title 18 of the United States Code.
- (4) A military offense specified by the Secretary of Defense under Section 115(a)(8)(C)(i) of Public Law 105-119 (10 U.S.C. 951 note); or
- (5) An attempt or conspiracy to commit an offense described in clauses (1) through (4) of this Section.

CHAPTER 4. TIERED OFFENSES.

Sec. 401 Tier 1 Offenses.

(a) Sex Offenses. A Tier 1 offense shall include 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 2 or Tier 3 offense.

(b) Offenses Involving Minors. A Tier 1 offense shall include any offense, or an attempt or conspiracy to commit such an offense, for which a person has been convicted by any jurisdiction, local government, tribal court, or qualifying foreign country pursuant to Chapter 3 that involves the false imprisonment of a minor, video voyeurism of a minor, or possession or receipt of child pornography.

(c) Tribal Offenses. All tribal convictions shall be treated similarly to other sex offense convictions; therefore, the probation officer shall determine the conduct for which an individual was convicted and tier the offense accordingly.

(d) Certain Federal Offenses. Conviction for any of the following federal offenses shall be considered “Tier 1” offenses.

- (1) 18 U.S.C. §1801 (video voyeurism of a minor);
- (2) 18 U.S.C. §2252 (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),
- (6) 18 U.S.C. §2424 (failure to file factual statement about an alien individual);
- (7) 18 U.S.C. §2425 (transmitting information about a minor to further criminal sexual conduct);
- (8) 18 U.S.C. §2422(a) (coercion and enticement of a minor for illegal sexual activity, to include prostitution);
- (9) 18 U.S.C. §2423(b) (travel with the intent to engage in illicit sexual conduct); and
- (10) 18 U.S.C. §2423(c) (engaging in illicit in sexual contact in foreign places).

(e) Certain Military Offenses. Any military offense specified by the Secretary of Defense under Section 115(a)(8)(C)(i) of PL 105-119 (codified at 10 U.S.C. §951) that is similar to those offenses outlined in Section 401(a), (b), (c), or (d) shall be considered “Tier 1” offenses.

Sec. 402 **Tier 2 Offenses.**

(a) Recidivism and Felonies. Unless otherwise covered by Section 403, any sex offense that is not the first sex offense for which a person has been convicted and that is punishable by more than one (1) year in jail is considered a Tier 2 offense.

(b) Offenses Involving Minors. A Tier 2 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) 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;
- (4) The use of a minor in a sexual performance;
- (5) The production or distribution of child pornography; or
- (6) A non-forcible sexual act with a minor who is sixteen (16) or seventeen (17) years old.

(c) Certain Federal Offenses. Conviction for any of the following federal offenses shall be considered Tier 2 offenses:

- (1) 18 U.S.C. §1591 (sex trafficking by force, fraud, or coercion);
- (2) 18 U.S.C. §2243 (sexual abuse of a minor or ward);
- (3) 18 U.S.C. §2244 (abusive sexual contact victim 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 (sale or distribution of child pornography);
- (7) 18 U.S.C. §2252A (sale or distribution of child pornography);
- (8) 18 U.S.C. §2260 (producing child pornography for import);
- (9) 18 U.S.C. §2421 (transportation for prostitution);
- (10) 18 U.S.C. §2422b (coercing a minor to engage in prostitution); or
- (11) 18 U.S.C. §2423 (transporting a minor to engage in illicit conduct).

(d) Certain Military Offenses. Any military offenses specified by the Secretary of Defense under Section 115(a)(8)(C)(i) of PL 105-119 (codified at 10 U.S.C. §951 note) that is similar to those offenses outlined in Section 402(a), (b), (c), or (d) shall be considered a Tier 2 offenses.

Sec. 403 **Tier 3 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 (1) prior conviction for a Tier 2 sex offense, or has previously become a Tier 2 sex offender, is a Tier 3 offense.

(b) General Offenses. A Tier 3 offense shall include any sex offense for which a person has been convicted, 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) year 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 3 offense.

- (1) 18 U.S.C. §2241;
- (2) 18 U.S.C. §2242 (sexual abuse); or
- (3) Where the victim is twelve (12) years of age or younger, 18 U.S.C. §2244 (abusive sexual contact).

(d) Certain Military Offenses. Any military offenses 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 403(a), (b), or (c) shall be considered a Tier 3 offense.

CHAPTER 5. REGISTRATION

Sec. 501 Duties.

(a) The probation officer shall ensure the following procedures will transpire when he/she is initially registering or updating a sex offender's registration.

- (1) Any sex offender incarcerated or sentenced by the Chitimacha Tribal Court for a covered offense completes the offender's initial registration in a timely manner as stated in Section 504 of this Code.
- (2) Discusses the registration requirements with the sex offender.
- (3) Assists the sex offender with the completion of the registration form.
- (4) Ensures all of the required information is electronically filed and entered into the Chitimacha Tribe of Louisiana's Sex Offender Registry.
- (5) The 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 via NSOR. There are actually two (2) updates on to NSOR and then updated information via your registry through notification process.

(6) Ensures the registry is current.

(7) Ensures retroactive registration is completed according to the time of recapture as detailed in Sec. 505(b) of this Code.

Sec. 502 **Jurisdictions.**

(a) Jurisdiction of Conviction. A sex offender must initially register with the probation officer of the Chitimacha Tribal Court if the sex offender was convicted by the Chitimacha 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 probation officer of the Chitimacha Tribal Court if the sex offender is incarcerated by the Chitimacha Tribal Court while completing any sentence for 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 Probation Officer of the Tribal Court if he/she resides within the exterior boundaries of the Chitimacha Tribe of Louisiana or otherwise resides on property owned by the Chitimacha Tribe of Louisiana in fee or trust regardless of location.

(d) Jurisdiction of Employment. A sex offender must register with the Probation Officer of the Tribal Court if he/she is employed within the exterior boundaries of the Chitimacha Tribe of Louisiana or on property owned by the Chitimacha Tribe of Louisiana either in fee or in trust regardless of location.

(e) Jurisdiction of School Attendance. A sex offender must register with the probation officer of the Chitimacha Tribal Court if he/she attends school within the exterior boundaries of the Chitimacha Tribe of Louisiana or on property owned by the Chitimacha Tribe of Louisiana either in fee or in trust regardless of location.

Sec. 503 **Registration Frequencies.**

(a) Tier 1 Offenders. A Tier 1 offender shall register in person once every year for fifteen (15) years from the date of sentencing for a sex offender who is not incarcerated for the registration

offense or from the time of release from custody for a sex offender who is incarcerated for the registration offense.

(b) Tier 2 Offenders. A Tier 2 offender shall register in person once every one hundred eighty (180) days for twenty-five (25) years from the date of sentencing for a sex offender who is not incarcerated for the registration offense or from the time of release from custody for a sex offender who is incarcerated for the registration offense.

(c) Tier 3 Offenders. A Tier 3 offender shall register in person once every ninety (90) days for the rest of his/her life from the date of sentencing for a sex offender who is not incarcerated for the registration offense or time of release from custody for a sex offender who is incarcerated for the registration offense.

(d) At the sex offender's regularly scheduled in person appearance, a current photograph must be taken and the offender must review the existing registration information with the probation officer for accuracy.

Sec. 504 **Timing of Registration.**

(a) Timing. A sex offender shall register with the probation officer in the manner listed below.

(1) If convicted by Chitimacha Tribal Court and incarcerated, the sex offender must register before being released from incarceration.

(2) If convicted by Chitimacha Tribal Court but not incarcerated, the sex offender must register immediately with the probation officer.

(b) Establishment of Residency, Employment, or Education. Immediately upon establishment of residency, employment, or enrollment in an educational institution on tribal lands, a sex offender shall register in person with the probation officer.

Sec. 505 **Retroactive Registration.**

(a) The following three (3) categories of sex offenders shall be subject to initial registration and update requirements.

(1) Sex offenders who are currently incarcerated or under supervision of the Chitimacha Tribal Court for a covered sex offense or other crime;

(2) Sex offenders already registered in another jurisdiction or subject to a pre-existing sex offender registration requirement; and

(3) Sex offenders reentering the justice system due to conviction for any crime.

(b) Timing of Recapture. The probation officer shall ensure recapture of the sex offenders referenced in Section 505(a) within the following timeframe to be calculated from the date of passage of this Code.

(1) Tier 1 sex offenders – one (1) year;

(2) Tier 2 sex offenders – one hundred eighty (180) days; or

(3) Tier 3 sex offenders – ninety (90) days.

(c) Known Offenders. If known individuals with prior sex offense convictions that have not been recaptured, the probation officer shall review that individual's tribal, state, and federal criminal history to determine if they are obligated to register with the Tribe under SORNA.

Sec. 506 **Failure to Appear for Registration and Absconding**

(a) Failure to Appear. In the event a sex offender fails to register as required by this code, the probation officer 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) Failure to Register. In the event a sex offender who is required to register due to their employment, residency, or school attendance status fails to do so or otherwise violates a registration requirement of this code, the probation officer or designee shall take all appropriate follow-up measures including those outlined in Section 505(b). The probation officer or designee shall first make an effort to determine if the sex offender is actually employed or attending school within the exterior boundaries of the Chitimacha Reservation or on property owned by the Tribe in fee or trust regardless of location.

Sec. 507 **Keeping Registration Current**

(a) Jurisdiction of Residence. A sex offender required to register shall immediately appear in-person to update his/her registration information, such as, name, residence employment, school attendance, and termination of residence as well as update his/her email address, instant message

address, any other designations used in internet communications, posting, or telephone communications, vehicle information, and temporary lodging information. In the event of a change in temporary lodging, the jurisdictional agency shall immediately notify the jurisdiction in which the sex offender will be temporarily lodged.

(b) Jurisdiction of Employment. A sex offender who is employed by the Chitimacha Tribe of Louisiana in any capacity or otherwise employed within lands subject to the jurisdiction of the Tribe regardless of the location that change their employment, or otherwise terminate their employment, shall immediately appear in person at the Chitimacha Tribal Court to update their information. The probation officer shall ensure that each jurisdiction in which the sex offender is required to register, or was required prior to the updates information being given, are immediately notified of the change.

(c) Jurisdiction of School Attendance. A sex offender who is a student in any capacity within lands subject to the jurisdiction of the Chitimacha Tribe of Louisiana regardless of location that change their school, or otherwise terminate their schooling, shall immediately appear in person at the Tribal Court to update that information. The probation officer 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) Residence Jurisdiction when an Offender Intends to Relocate to another Country. A sex offender must inform his/her residence jurisdiction if he/she intends to commence residence, employment, or attend school outside of the United States no later than twenty-one (21) days prior to the date of departure. The registration jurisdiction shall immediately inform the U.S. Marshals Service, other jurisdictions in which the sex offender is registered or required to register, and update the sex offender's registration information in the Chitimacha Tribe of Louisiana's sex offender registry and national database.

(e) Residence Jurisdiction when an Offender Intends to Travel to Another Country. A sex offender must inform his/her residence jurisdiction if he/she intends to commence temporary lodging, employment, or attend school outside of the United States no later than twenty-one (21) days prior to the date of departure. The registration jurisdiction shall immediately inform the U.S. Marshals Service, other jurisdictions in which the sex offender is registered or required to register,

and update the sex offender's registration information in the Chitimacha Tribe of Louisiana's sex offender registry and national database.

CHAPTER 6. REQUIRED INFORMATION

Sec. 601. General Requirements.

(a) Duties. It shall be the duty of the probation officer to obtain any and all information from a sex offender who is required to register pursuant to this Code.

(b) Digitization. All information obtained shall be required to be maintained in a digitized format.

(c) Electronic Database. A sex offender registry shall be maintained in an electronic database by the probation officer and shall be in a form capable of electronic transmission.

Sec. 602 Name.

(a) The probation officer shall obtain 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.

Sec. 603 Social Security Number.

(a) The probation officer shall obtain 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.

Sec. 604 **Date of Birth.**

(a) The probation officer shall obtain the following information related to the sex offender's date of birth:

- (1) Sex offender's actual date of birth; and
- (2) Any other dates of birth used by the sex offender.

Sec. 605 **Physical Description.**

(a) The probation officer shall obtain an accurate description of the sex offender as follows:

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

Sec. 606 **Vehicle Information.**

(a) The probation officer shall obtain 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, year and vehicle identification number (VIN); and
- (4) Any permanent or frequent location where any covered vehicle is kept.

Sec. 607. **Residence Address.**

(a) The probation officer shall obtain the following information related to the sex offender's residence:

- (1) The address of each residence at which the sex offender resides or will reside;
- and

(2) Any location or description that identifies where the sex offender habitually resides regardless of whether it pertains to a permanent residence or location otherwise identifiable by a street or address.

Sec. 608 **Temporary Lodging.**

(a) The probation officer shall obtain the following information when the sex offender will be absent from his residence for seven (7) days or more:

- (1) Identifying information of the temporary lodging locations including addresses and names; and
- (2) The dates the sex offender will be staying at each temporary lodging location.

(b) Travel Abroad. In the event the sex offender will be traveling outside of the United States, the probation officer shall immediately provide this information to the appropriate agencies according to Section 507(e) of this Code.

Sec. 609 **Phone Numbers.**

(a) The probation officer shall obtain the following information related to the sex offender's telephone numbers:

- (1) Any and all land line telephone numbers;
- (2) Any and all cellular telephone numbers; and
- (3) Any other designations used by the sex offender for purposes of routing self-identification in telephone communication.

Sec. 610 **Internet Identifiers.**

(a) The probation officer shall obtain the following information related to the sex offender's internet related activities:

- (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 purposes of routing or self-identification in internet communications or postings.

Sec. 611 **Employment Information.**

(a) The probation officer shall obtain 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:

- (1) The name of the sex offender's employer;
- (2) The address and phone number of the sex offender's employer; and
- (3) Similar information related to any transient or day labor employment.

Sec. 612 **School.**

(a) The probation officer shall obtain the following information related to the sex offender's school:

- (1) The name of each school where the sex offender is or will be a student; and
- (2) The address and phone number of the each school the offender is or will be a student.

Sec. 613 **Professional Licensing Information.**

The probation officer shall obtain all licensing of the sex offender that authorizes the sex offender to engage in an occupation or carry out a trade or business.

Sec. 614 **Text of Offense Information.**

The probation officer shall obtain the text of each provision of law defining the criminal offense(s) for which the sex offender is being or has been registered.

Sec. 615 **Victim Information.**

- (a) The probation officer shall obtain the following information related to the victim.
- (1) Age of the victim;
 - (2) Race of the victim;
 - (3) Gender of the victim; and
 - (4) Offender's relationship of the victim.

(b) Prohibited Information. Other than the information referenced in Section 614, there shall be no other information either obtained by the probation officer nor provided by the offender in regard to the victim.

Sec. 616. Sex Offense.

(a) The probation officer shall obtain the following information related to the sex offender's sex offense criminal history:

- (1) Date(s) of arrest(s);
- (2) Arresting agency;
- (3) Offense conviction of;
- (4) Date(s) of conviction(s);
- (5) Sex offender's parole, probation, or supervised release status;
- (6) Sex offender's registration status; and
- (7) Any outstanding arrest warrants.

Sec. 617. Criminal History.

(a) The probation officer shall obtain the following information related to the sex offender's criminal history:

- (1) Date(s) of any and all arrest(s);
- (2) Arresting agency(s);
- (3) Offense conviction of;
- (4) Date(s) of any and all conviction(s);
- (5) Sex offender's parole, probation, or supervised release status;
- (6) Sex offender registration status; and
- (7) Any and all outstanding arrest warrants.

Sec. 618 DNA Sample.

(a) If the sex offender's DNA is not already contained in the Combined DNA Index System (CODIS), the office with obtain a sample of his/her DNA.

(b) Any DNA sample obtained from a sex offender shall be submitted to an appropriate lab for analysis and entry of the resulting DNA profile into CODIS.

Sec. 619 **Driver's Licenses, Identification Cards, Passports, and Immigration Documents.**

(a) Driver's Licenses. The probation officer shall obtain a copy of all of the sex offender's valid driver's licenses issued by any jurisdiction.

(b) Identification Cards. The probation officer shall obtain a copy of any identification card including the sex offender's tribal enrollment card or any other identification issued by any jurisdiction.

(c) Passports. The probation officer shall obtain a copy of any passports used by the sex offender.

(d) Immigration Documents. The probation officer shall obtain a copy of any and all immigration documents.

Sec. 620 **Finger and Palm Prints.**

The probation officer shall obtain both finger prints and palm prints of the sex offender in digitized format and shall be submitted to AFIS.

Sec. 621 **Picture.**

(a) Photograph. The probation officer shall obtain a current photograph of the sex offender.

(b) Update Requirements. A digitized photograph shall be obtained at each registration update as referenced in Section 503(a), (b) and (c) of this Code.

Sec. 622 **Registration Form.**

The probation officer shall provide the offender with registration form that encompasses each requirement of Chapter 6 of this Code. The offender shall complete the form and acknowledge the validity of the form by signing the form. The offender will receive a copy of the completed and signed form.

CHAPTER 7. WHEN A JURISDICTION HAS INFORMATION THAT A SEX OFFENDER MAY HAVE ABSCONDED

Sec. 701 **Jurisdiction.**

When a jurisdiction has information that a sex offender may be absconded, certain actions shall be taken.

(a) An effort must be made to determine whether the sex offender has actually absconded.

(b) If no determination can be made, then a law enforcement agency with jurisdiction to investigate the matter must be notified.

(c) If the information indicating the possible absconding came through notice from another jurisdiction or federal authorities, the authorities that provided the notification must be informed that the sex offender has failed to appear and register.

(d) If an absconded sex offender cannot be located, then the jurisdiction must take the following steps:

(1) The information in the registry/public website must be revised to reflect that the sex offender is an absconder or non-locatable.

(2) A warrant must be sought for the sex offender's arrest, if the legal requirements for doing so are satisfied.

(3) The United States Marshals Service, which is the lead federal agency for investigating sex offender registration violations, must be notified.

(4) The jurisdiction must update NCIC/NSOR to reflect the sex offender's status as an absconder or non-locatable.

(5) The jurisdiction must enter the sex offender into the National Crime Information Center Wanted Person File (assuming issuance of a warrant meeting the requirement for entry into that file.)

CHAPTER 8. PUBLIC SEX OFFENDER REGISTRY WEBSITE

Sec. 801 **Website.**

(a) Website. The Tribe shall use and maintain a public sex offender registry website which shall be known as the Chitimacha Tribe of Louisiana's Sex Offender Registry.

(b) Links. The registry website shall include links to sex offender safety and education resources.

(c) Instructions. The registry website shall include instructions on how a person can seek correction of information that the individual contends is erroneous.

(d) Warnings. The 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, working, or attending school at any reported addresses and that any such action could result in civil or criminal penalties.

(e) Search Capabilities. The registry website shall have the capability of conducting searches by name, county, city and/or town, and zip code and/or geographic radius.

(f) Dru Sjodin National Sex Offender Public Website. The Chitimacha Tribe of Louisiana shall include in the design of its 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.

Sec. 802 **Required and Prohibited Information.**

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

- (1) Notice that an offender is in violation of their registration requirements or cannot be located if the sex offender has absconded;
- (2) All sex offense(s) for which the sex offender has been convicted;
- (3) The sex offenses(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. §16944).

Sec. 803 **Community Notification.**

(a) Law Enforcement Notification. Whenever a sex offender initially registers or updates his or her information with the Chitimacha Tribe of Louisiana, the probation officer shall:

- (1) Monitor the SORNA exchange portal for inter-jurisdictional change of residence, employment, or student status.
- (2) Immediately notify the FBI or other federal agency as designated by the Attorney General in order that the information may be updated on NSOR or other relevant databases.
- (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, tribal prosecutors, and tribal probation.
- (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 the 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 register or updates registration.
- (6) Immediately notify appropriate police departments, sheriff's offices, prosecutor's office, probation agencies, and any other agency deemed appropriate.

(b) Community Notification. The probation officer shall ensure there is an automated community notification process in place that ensures the following:

- (1) Upon a sex offender's initial 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 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.

Comment [at2]: Are you doing more than this for community notification?

CHAPTER 9. CRIMES AND CIVIL SANCTIONS

Sec. 901 Penalties.

(a) Criminal penalty. Each violation of a provision of this ordinance by a sex offender who is an Indian shall be considered a crime and subject to a period of incarceration of maximum possible term of incarceration and a fine of max fine possible.

(b) Civil penalty. Each violation of a provision of this ordinance 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, or civil contempt.

(c) Customs and traditions and banishment/exclusion.

(d) Hindrance of sex offender registration.

(1) A person is guilty of an offense if they:

(i) Knowingly harbor or knowingly attempt to harbor, or knowingly assist another person in harboring or attempting to harbor a sex offender who is in violation of this Code;

(ii) Knowingly assists a sex offender is 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 requirement of this Code; or

(iii) Provides information to law enforcement agency regarding a sex offender which the person knows to be false.

Comment [at3]: NO reductions correct? Are you allowing for flexibility with witness protected offenders?

(Added by Ordinance # 02-11; Adopted: May 11, 2011; Effective: May 11, 2011)