

TITLE 42
TURTLE MOUNTAIN SEX OFFENDER REGISTRATION CODE

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CHAPTER 42.01

General Provisions

42.0101 Title.

This Code shall be known as the Turtle Mountain Sex Offender Registration (TMSOR) Title, thereafter know as Title 42. Title 42 shall apply to:

1. Any person who has pled guilty, been found guilty of, or who has been found not guilty by reason of insanity, to any attempt, solicitation or conspiracy to commit a crime that requires or would require that person to register as a Sex Offender or Offender Against Children under tribal law, federal law, state law, other Indian tribes, commonwealth, foreign country, and any other jurisdiction, including child pornography or other electronic offenses; or
2. Sex offender(s) who are under the age of eighteen (18) years of age who are not legally emancipated, or have not been tried and found guilty as an adult shall be required to register as a sex offender within the Turtle Mountain Band of Chippewa Indian Reservation in accordance with Title 42 Turtle Mountain Sex Offender Registration Code,
3. All Sex Offender(s) who has commit a crime that requires or would require that person to register as a sex offender under Title 42 Turtle Mountain Sex Offender Registration Code, federal laws, state laws, other Indian tribes, commonwealth, foreign country, and any other jurisdiction, including child pornography or other electronic offenses.
4. All Offenders who were convicted as an offender against children in any jurisdiction.

Legislative history paragraphs 1-3 were moved from section .0102, and paragraph 4 is added December 2016. (Model Code provision 1.01)

42.0102 Purpose.

The intent of this Title is to implement the federal Sex Offender Registration and Notification Act (SORNA) (Title I of Public Law 109-248) (42 U.S.C. §§ 16901 *et seq.*) and the Turtle Mountain Sex Offender Registration and Notification Code (Title 42); shall be interpreted liberally to comply with the terms and conditions of ~~that Act~~ SORNA (Title I of Public Law 109-248) (42 U.S.C, 16901 *et seq.*) and Title 42 as presently written or hereafter amended.

Legislative history revised to address federal amendments to (Title I of Public Law 109-248) (42 USC § 16901 *et seq.*) and paragraphs 1-3 were moved to section .0101 (2016).

Legislative history Jurisdiction section 42.0103 moved to a new section .0202. (Model Code provision 1.02)

42.0103 Creation of Registries.

1. Sex Offender Registry - There is hereby established a sex offender registry program, the Turtle Mountain Sex Offender Registration Program, which the Turtle Mountain Sex Offender Registration Department shall maintain and operate pursuant to the provisions of this code.

2. Public Sex Offender Registry Website - There is hereby established a public sex offender registry website, the Turtle Mountain Sex Offender Registry Public Website (TMSORPW), located at <http://tmbci.nsopw.gov/>, which the Turtle Mountain Sex Offender Registration Department shall maintain and operate pursuant to the provisions of this code, as amended.

Legislative history moved to Enforcement section moved to .0203 December 2016.(Model code provision 1.04)

42.0104 Need.

Violent crime in Indian Country is more than twice the national average. On some reservations it is twenty times the national average. An astounding thirty percent of Indian and Alaska Native women will be raped in their lifetimes. Eighty six percent of the offenders of these crimes are non-Indian. Tribal nations are disproportionately affected by violent crime and sex offenses in particular from both Indian and non-Indian offenders, 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.

Legislative history renumber from section .0105 to .0104 December 2016.)(Model code Provision 1.03)

CHAPTER 42.02

Terminology and registerable offenses

42.0201 Definitions.

The Definitions below apply to Title 42 only.

1. **Convicted:** a sex offender/offender against children is convicted for the purposes of this code if the sex offender/offender against children has been subjected to penal consequence based on the conviction, however the conviction may be styled.
2. **A Juvenile offender:** is convicted for the purpose of this code if the juvenile offender is either:
 - a. Prosecuted and found guilty as an adult for the offense: or
 - b. Is adjudicated delinquent as a juvenile for a sex offense, but only if the offender is 14 years of age or older at the time of the offense and the offense adjudicated was comparable to or more severe than aggravated sexual abuse (as described in either (a) or (b) of section 2241 of title 18, United States Code), or was an attempt or conspiracy to commit such an offense.
3. **Foreign Conviction:** means a conviction from outside of the United States.
4. 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.

5. Immediate or Immediately: means within 3 business days.

6. 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 provision of this code during their period of "house arrest".

7. Indian: status shall be determined in accordance with prevailing federal law as it applies within the jurisdiction of the United States Court of Appeals for the 8th Circuit. In addition, Indian status shall include members of the First Nation of Canada, i.e., Canadian Indian.

8. Jurisdiction: The term "jurisdiction" as used in this code refers to the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, and any Indian Tribe that elected to function as a SORNA registration and notification jurisdiction pursuant to PL 109-248 Section 127 (42 USC § 16927).

9. Juvenile Requirement to Register: A juvenile offender may be required to register if the offender has been convicted of, or plead guilty or 'nolo contendere' to, a sex offense under Title 26, a foreign conviction as defined within this code, and Title 42. A juvenile offender's information is listed on the offender registry public website only if the Turtle Mountain Sex Offender Registration Department determines that the offender is high risk or delinquent[DJ1].

10. Minor: means an individual who has not attained the age of 18 years of age; who is not legally emancipated; a minor has achieved independence from his or her parents such as getting married before reaching the age of 18 or by becoming fully self-supporting.

11. Offenders Against Children: Offenders Against Children are offenders who have not committed a sexual offense, but have committed felony crimes such as homicides, aggravated assaults, terrorizing, stalking, prostitution or kidnapping crimes, and have been convicted by another jurisdiction, who are required to register with the Turtle Mountain Band Chippewa Indians due to residing within, working within, or attending school within the exterior boundaries of the Turtle Mountain Band of Chippewa Indians reservation. Offenders Against Children will be displayed on the TMSOR Website.

12. Resides: means, with respect to an individual, the location of the individual's home or other place where the individual habitually lives or sleeps. This includes sex offenders who visit the reservation for a period of 24 hours or more.

13. Sex Offender: means any person convicted of a sex offense, and includes but not limited to any person who has pled guilty, been found guilty of, or who has been found not guilty by reason of insanity of any sex offense under any tribal, federal, state, or foreign laws.

14. Sex Offense: Except as limited by subparagraph 6 or 7, the term "sex offense" means:

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". The term "specified offense against a minor" means 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;
 - j. Any conduct that by its nature is a sex offense against a minor;
3. A Federal offense (including an offense prosecuted under section 1152 [DJ2] or 1153 [DJ3] of Title 18 of the United States Code) under section 1591 [DJ4], or chapter 109A, 110 (other than section 2257, 2257A, or 2258), or 117 [DJ5], 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).
6. 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.
7. Foreign Offenses. A foreign conviction is not a sex offense for the purposes of this code/ordinance 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.

15. Sexual Act: means:

- a. Contact between the penis and the vulva, the penis and the anus,
- b. the mouth and the penis, the mouth and the vulva, or any other portion of the human body used for sexual gratification; or the use of an object which comes in contact with the victim's anus, vulva, or penis.
- c. 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
- d. The intentional touching, not through the clothing, of the genitalia of another person that has not attained the age of 18 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

16. Sexual Contact: means any intentional touching of the sexual or other intimate parts of the person for the purpose of arousing or satisfying sexual or aggressive desires whether or not through the clothing or other covering, of the sexual or other intimate parts of the person, or the penile ejaculation or ejaculate or emission of urine or feces upon any part of the person, for the purpose of arousing or satisfying sexual or aggressive desires.

17. Student: means a person, also to include interns, externs and apprentices who are enrolled or attends a Private, Federal, Tribal or Public education institution, including a secondary school, trade or professional school, or an institution of higher education.

18. 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) etc. seq., as amended.

19. Turtle Mountain Sex Offender Registry: means the registry of sex offenders, and a notification program, maintained by the Turtle Mountain Sex Offender Registration Department.

20. National Sex Offender Registry [NSOR]: The national database maintained by the Attorney General of the United States pursuant to 142 U.S.C. § 16919].

21. 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.

22. 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.

23. Tier I Sex Offender: means one that has been convicted of a "Tier I" sex offense as required in section 4.01.

24. Tier II Sex Offender: means one that has been either convicted of a "Tier II" sex offense as required in section 4.02.

25. Tier III Sex Offender: means one that has been either convicted of a "Tier III" sex offense as enumerated in this Title.

Legislative history entirely revised to remove definitions superfluous to this Title and replaced with Model Code definitions December 2016. (Model Code provision 2.01)

42.0202 TMSOR Jurisdiction.

The jurisdiction for enforcement of this Turtle Mountain Sex Offender Registration Title shall include all trust and fee simple land within the boundaries of the Turtle Mountain Indian Reservation and extend to all trust land located in the State of North Dakota, such other lands as may be acquired by or on behalf of said Tribe and be added thereto under the laws of the United States. All information of registered sex offenders under this code shall be shared with the following jurisdictions: all 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, the United States Virgin Islands, and all federally recognized Indian tribes.

Legislative history. Moved from prior section 103 (2016).

42.0203 Enforcement.

For the purpose of enforcement of this TMBCI Sex Offender Registration Code, the Turtle Mountain Jurisdiction shall be deemed to include all territory within the boundaries of the Turtle Mountain Indian Reservation, including fee patented lands, roads, water, bridges and lands used for Bureau of Indian Affairs (hereinafter BIA), purposes, and shall also include all Indian trust and restricted lands, specifically located within the State of North Dakota; all information of registered sex offenders under this code shall be shared with the following jurisdictions: all 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, the United States Virgin Islands, and all federally recognized Indian tribes.

Legislative history. Moved from prior section 104 (2016).

Legislative history the prior section .0206 "State, tribal and territory offense" is repealed December 2016.

Chapter 42.03

Covered Offenses

42.0301 Covered offenses.

Individuals who reside within the exterior boundaries of the Turtle Mountain Band of Chippewa Indian reservation or otherwise reside on property owned by the tribe in fee or trust regardless of location, are employed within the exterior boundaries of the reservation or on property owned by the tribe in fee or trust regardless of location, or who attend school within the exterior boundaries of the reservation or on property owned by the tribe in fee or trust 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, are subject to the requirements of this code Title 42.

42.0302 Tribal offenses.

Any person, who commits, attempts to commit or conspires to commit any sex or sexual offense shall be charged under the appropriate Titles or Sections of Title 26 Offenses and Penalties and 42 Turtle Mountain Sex Offender Registration Code and any other Title or revisions hereafter. The relevant references in Title 26 are:

1. 26.1301 (Abduction),
2. 26.1215.05 (Absconded),
3. 26.1205.01 (Abusive Sexual Contact),
4. 26.1213.01 (Aggravated Sexual Abuse of a Minor),
5. 26.1213.03 (Attempts to Commit Sexual Abuse),
6. 26.1213 (Bigamy),
7. 26.1214 (Child Pornography),
8. 26.1210 (Facilitation of Sexual Favors),
9. 26.1215.03 (Failure to Appear),
10. 26.1215.01 (Failure to file factual statement about an alien individual),
11. 26.1215.02 (Failure to Provide Information),
12. 26.1215 (Failure to Register),
13. 26.1204 (Giving Sexually Transmitted Disease [STD] to Another),
14. 26.1205 (Gross Sexual Imposition),
15. 26.1213.07 (Harboring),
16. 26.1206 (HIV and/or AIDS),
17. 26.1207 (Incest),
18. 26.1208 (Indecent Exposure),
19. 26.1303 (Kidnapping),
20. 26.1208.02 (Lewd Act in Public),
21. 26.1208.01 (Lewd Conduct),
22. 26.1214.04 (Misleading Domain names on the Internet),
23. 26.1214.05 (Misleading Words or Digital Images on the Internet),
24. 26.1215.06 (Misuse of Registration Information),
25. 26.1214.01 (Online Child Pornography),
26. 26.1214.02 (Online Child Solicitation),
27. 26.1209 (Prostitution),
28. 26.1212 (Prostitution of a Child),
29. 26.1215.04 (Recapture),
30. 26.1313 (Reckless Endangerment),
31. 26.1213.06 (Selling or buying of Children),
32. 26.1213.06 (Sexting),
33. 26.1211 (Sexual Act with an Incapacitated Person),
34. 26.1213.07 (Sexual Abuse),
35. 26.1213 (Sexual Abuse of a Minor),
36. 26.1213.02 (Sexual Abuse of a Ward),
37. 26.1214.07 (Sexual Battery),
38. 26.1305 (Sexual Exploitation of Children),
39. 26.1208.03 (Sexual Harassment),
40. 26.1213.03 (Sex Trafficking of a Minor),
41. 26.1214.03 (Travel with the intent to engage in illicit conduct),
42. 26.1213.04 (Use of interstate facilities to transmit information about a minor),
43. 26.1214.06 (Video voyeurism).

Relevant References to Title 39: Exclusion & Removal Code:

44. 39.0106 (Exclusion, Removal and Other Civil Penalties),
45. 39.0105 (Grounds for Exclusion and Removal),
46. 39.0104 (Persons Subject to Exclusion and Removal),

42.0303 Federal Offenses

A conviction, for or a conviction for 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).

- 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).

Legislative History revised 2016 to comport with 42 USC § 16911 and include 18 USC secs. 1152 & 1153 (2016).

42.0304 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).

Legislative History renumber from section 204 to 304 (2016). (Model Code provision 2.02)

42.0305 Foreign offenses.

Adopted-Resolution No. TMBC75-01-17

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.

42.0306 Jurisdictional offenses.

Any sex offense committed in any jurisdiction, including this Tribe's all federally recognized Indian tribe's that involves:

1. Any Conduct similar to that prohibited by any aforementioned "Federal Offenses" enumerated herein and in 18 U.S.C.;
2. Any type of degree of genital, oral, or anal penetration;
3. Any sexual touching of or contact with a person's body, either directly or through the clothing;
4. Kidnapping of a minor;
5. An offense (unless committed by a parent or guardian) involving false imprisonment of a minor;
6. 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;
7. Use of a minor in a sexual performance,
8. Solicitation of a minor to practices prostitution;
9. Use of a minor in a sexual performance;
10. Possession, production, or distribution of child pornography;
11. Criminal sexual conduct involving a minor or the use of the internet to facilitate or attempt such conduct including offenses whose elements involve the use of other persons in prostitution, such as pandering, procuring, or pimping in cases where the victim was under the age of 18 at the time of the offense;
12. Any conduct that by its nature is a sex offense against a minor, and
13. 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),
 - g. 18 U.S.C. §2423(a) (transporting a minor to engage in illicit conduct).

Legislative history the prior 206 State, tribal and territory offense is deleted. Section 207 is renumbered to 306 with grammatical revisions (2016).

42.0207 Juvenile offenses or adjudication.

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 are the age of 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. Adjudication[DJ6] of delinquency by minors 14 years of age or older of 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 (18 U.S.C. 2241) and Title 42 shall be subject to registration requirements and included in the NSOR.

CHAPTER 42.04

Tiered Offenses

42.0401 Tier I Offenses.

1. Sex Offenses. A "Tier I" offense includes any sex offense, for which a person has been convicted, or an attempt or conspiracy to commit such an offense that is not a "Tier II" or "Tier III" offense.
2. Offenses Involving Minors. A "Tier I" offense also includes any offense for which a person has been convicted by any jurisdiction, local government, or qualifying foreign country pursuant to this Title 42 that involves the false imprisonment of a minor, video voyeurism of a minor, or possession or receipt of child pornography.
3. Any sex offense covered by this Title where punishment was limited to one year in jail shall be considered a "Tier I" sex offense.
4. Certain Federal Offenses. Conviction for any of the following federal offenses or an attempt or conspiracy to commit such an offense shall be considered a conviction for a "Tier I" offense:
 - a. 18 U.S.C. §1801 (video voyeurism of a minor),
 - b. 18 U.S.C. §2252 (receipt or possession of child pornography),
 - c. 18 U.S.C. §2252A (receipt or possession of child pornography),
 - d. 18 U.S.C. §2252B (misleading domain names on the internet),
 - e. 18 U.S.C. §2252C (misleading words or digital images on the internet),
 - f. 18 U.S.C. §2422(a) (coercion to engage in prostitution),
 - g. 18 U.S.C. §2423(b) (travel with the intent to engage in illicit conduct),
 - h. 18 U.S.C. §2423(c) (engaging in illicit conduct in foreign places),
 - i. 18 U.S.C. §2423(d) (arranging, inducing procuring or facilitating the travel in interstate commerce of an adult for the purpose of engaging in illicit conduct for financial gain),
 - j. 18 U.S.C. §2424 (failure to file factual statement about an alien individual), or
 - k. 18 U.S.C. §2425 (transmitting information about a minor to further criminal sexual conduct).
5. Certain Military Offenses. Any military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (codified at 10 U.S.C. §951 note) that is similar to those offenses outlined within this Title shall be considered a "Tier I" offense.
6. Offenders Against Children. Any person designated an Offender Against Children as defined in the definition section of this Title and any revisions.
(Model Code provision 3.01)

42.0402 Tier II offenses.

1. Tribal Conviction Recidivism. Unless otherwise covered by The "Tier III offenses" any sex offense conviction secured in a tribal court that is not the first sex offense for which a person has been convicted or an attempt or conspiracy to commit such an offense is considered a "Tier II" offense.

Legislative history language revised December 2016.

2. Recidivism and Felonies. Unless otherwise covered by Section 3.03, any sex offense that is not the first sex offense for which a person has been

convicted or an attempt or conspiracy to commit such an offense and that is punishable by more than one year in jail is considered a "Tier II" offense.

Legislative history subparagraphs a & b were deleted (2016).

3. 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:

- a. The use of minors in prostitution, including solicitations,
- b. Enticing a minor to engage in criminal sexual activity,
- c. A non-forcible Sexual Act with a minor 16 or 17 years old,
- d. Sexual contact with a minor 13 years of age or older, whether directly or indirectly through the clothing, that involves the intimate parts of the body,
- e. The use of a minor in a sexual performance, or
- f. The production or distribution of child pornography.

4. Certain Federal Offenses. Conviction for any of the following federal offenses or an attempt or conspiracy to commit such an offense shall be considered a conviction for a "Tier II" offense:

- a. 18 U.S.C. §1591 (sex trafficking by force, fraud, or coercion),
- b. 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),
- c. 18 U.S.C. §2244 (Abusive sexual contact, where the victim is 13 years of age or older),
- d. 18 U.S.C. §2251 (sexual exploitation of children),
- e. 18 U.S.C. §2251A (selling or buying of children),
- f. 18 U.S.C. §2252 (material involving the sexual exploitation of a minor),
- g. 18 U.S.C. §2252A (production or distribution of material containing child pornography),
- h. 18 U.S.C. §2260 (production of sexually explicit depictions of a minor for import into the United States),
- i. 18 U.S.C. §2421 (transportation of a minor for illegal sexual activity),
- j. 18 U.S.C. §2422(b) (coercing a minor to engage in prostitution),
- k. 18 U.S.C. §2423(a) (transporting a minor to engage in illicit conduct).

5. Certain Military Offenses. Any military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (codified at 10 U.S.C. §951 note) that is similar to those offenses outlined in within this section paragraphs (1-4) shall be considered a "Tier II" offense.

(Model Code provision 3.02)

42.0303

Tier III offenses.

1. **Tribal Conviction Recidivism.** Any sex offense conviction secured in a tribal court 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.
2. **Recidivism and Felonies.** Any sex offense that is punishable by one 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.
3. **General Offenses.** A "Tier III" offense includes any sex offense, for which a person has been convicted, or an attempt or conspiracy to commit such an offense that involves:
 - a. Non-parental kidnapping of a minor,
 - b. A sexual act with another by force or threat,
 - c. A sexual act with another who has been rendered unconscious or involuntarily drugged, or who is otherwise incapable of appraising the nature of the conduct or declining to participate, or

- d. Sexual contact with a minor 12 years of age or younger, including offenses that cover sexual touching of or contact with the intimate parts of the body, either directly or through the clothing.
4. Certain Federal Offenses. Conviction for any of the following federal offenses shall be considered conviction for a "Tier III" offense:
 - a. 18 U.S.C. §2241 (aggravated sexual abuse),
 - b. 18 U.S.C. §2242 (sexual abuse),
 - c. 18 U.S.C. §2243 (sexual abuse of a minor or ward),
 - d. Where the victim is 12 years of age or younger, 18 U.S.C. §2244 (abusive sexual contact).
5. Certain Military Offenses. Any military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (codified at 10 U.S.C. §951 note) that is similar to those offenses outlined in this Section subparagraphs (1-3) shall be considered a "Tier III" offense.

Legislative history subparagraph 1 substantially amended (2016). (Model Code provision 3.03)

CHAPTER 42.05

Registration Requirement

42.0501 When Registration is required.

1. **Jurisdiction of Conviction.** A sex offender/Offenders Against Children must register with the Turtle Mountain Sex Offender Registration Department if they were convicted of a covered sex offense by the Turtle Mountain Tribal Court regardless of the sex offender's/Offenders Against Children actual or intended residency.
2. **Jurisdiction of Incarceration.** A sex offender / Offenders Against Children must register with the Turtle Mountain Sex Offender Registration Department if the sex offender / Offenders Against Children is incarcerated by the tribe while completing any sentence for a covered sex offense, regardless of whether it is the same jurisdiction as the jurisdiction of conviction or residence.
3. **Jurisdiction of Residence.** A sex offender/Offenders Against Children must register with the Turtle Mountain Sex Offender Registration Department if the sex offender Offenders Against Children resides within lands subject to the jurisdiction of the tribe.
4. **Jurisdiction of Employment.** A sex offender/Offenders Against Children must register with the Turtle Mountain Sex Offender Registration Department if the sex offender / Offenders Against Children is employed by the tribe in any capacity or otherwise is employed within lands subject to the jurisdiction of the tribe.
5. **Jurisdiction of School Attendance.** A sex offender/Offenders Against Children must register with the Turtle Mountain Sex Offender Registration Department if the sex offender / Offenders Against Children is a student in any capacity within lands subject to the jurisdiction of the tribe.
6. Juvenile Sex offender(s) who are the age of fourteen (14) years or older, but who are under the age of eighteen (18) years of age who are not legally emancipated [DJ7], emancipated juveniles will be treated as adult sex offenders, or have not been tried and found guilty as an adult of a sex offense as defined by this Code shall be required to register within the Turtle Mountain Sex Offender Registration Department in accordance with Title 42- Turtle Mountain Sex Offender Registry Tier III offenses.

Legislative history section 4 is renumbered to 5, subparagraph 6 is moved from section 42.1201, and section .0401 is renumbered to .0501 December 2016. (Model Code provision 5.01)

42.0502 Timing of Registration.

1. **TIMING:** A sex offender/Offenders Against Children required to register with the Turtle Mountain Band of Chippewa Indians under this code, shall do so within the following timeframe:

- a. If convicted by the Turtle Mountain Band of Chippewa Indians for a covered sex offense and incarcerated, the sex offender must register before being released from incarceration,
- b. If convicted by the Turtle Mountain Band of Chippewa Indians but not incarcerated, within 1 business day of sentencing for the registration offense, and
- c. Within 1 business day of establishing a residence, commencing employment, or becoming a student on lands subject to the jurisdiction of the tribe, a sex offender must appear in person to register with Turtle Mountain Sex Offender Registration Department.
- d. The Turtle Mountain Sex Offender Registration Department shall notify all jurisdictions within 3 business days of any sex offender who is going to establish residence, employment, or school attendance within their jurisdiction.

(Model Code provision 5.02)

2. **DUTIES:**

a. **SEX OFFENDERS OR OFFENDERS AGAINST CHILDREN** who are required to register with the Turtle Mountain Sex Offender Registration Department, pursuant to Chapter 42.05 shall provide all of the information detailed in this chapter. Registered Offenders shall keep their registration current and update any and all changes or they can be charged Tribally and/or Federally or both for failing to comply with their registration.

b. **THE TURTLE MOUNTAIN SEX OFFENDER REGISTRATION DEPARTMENT** shall ensure the following:

1. That any offender incarcerated or sentenced by for a sex offense or an offense that is considered to be an offense that requires the offender to register as an Sex Offender or an Against Children completes their registration with the tribe, and
2. That the sex offender/Offenders Against Children reads, or has read to them, and signs a form stating the duties to register has been explained to them and that the offender understands the registration requirement,
3. That the sex offender/Offenders Against Children is registered, and added to the public website if applicable and
4. That upon entry of the sex offender's/Offenders Against Children information into the registry , that information is immediately forwarded to all other jurisdictions in which the sex

- offender/Offenders Against Children is required to register due to the offender 's residency , employment, or student status, and
5. That all information is entered and updated in NCIC/NSOR.
 6. DIGITIZATION: All information shall be in digitized format that will enable it to be immediately accessed by or transmitted to various entities.
 7. ELECTRONIC DATABASE: Sex offender/Offenders Against Children registry shall be maintained in an electronic database by the Turtle Mountain Sex Offender Registration Department and shall be in a form capable of electronic transmission, or otherwise electronically accessible by other jurisdictions.

CHAPTER 42.06

Required Information

42.0601 Criminal history.

The Turtle Mountain Sex Offender Registration and Notification Department shall obtain, 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.

Legislative history renumbered from former 42.0402 December (2016.) (Model Code provision 4.02)

42.0602 Date of birth.

The Turtle Mountain Sex Offender Registration and Notification Department shall obtain, 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.

Legislative history renumbered from former 42.0403 December (2016). (Model Code provision 4.03)

42.0603 [DJ8] DNA sample.

1. DNA. If the sex offender's DNA is not already contained in the Combined DNA Index System (CODIS), the sex offender shall provide the tribal police and/or Turtle Mountain Sex Offender Registration and Notification Department or designee a sample of his or her DNA.

Legislative history "or designee" added December (2016.)

2. CODIS. Any DNA sample obtained from a sex offender/Offenders Against Children shall be submitted to the state DNA laboratory "the Crime Laboratory Division of North Dakota" for submission in CODIA. Also stated in: Memorandum of Agreement between the North Dakota Attorney General and the Turtle Mountain Band of Chippewa Indian MOA for analysis and entry of the resulting DNA profile into CODIS.

Legislative history " the state DNA laboratory "the Crime Laboratory Division of North Dakota" for submission in CODIA. Also stated in: Memorandum of Agreement between the North Dakota Attorney General and the Turtle Mountain Band of Chippewa Indian MOA" added December 2016. The section was renumbered from .0404 to .0603 [DJ9]December 2016. (Model Code provision 4.04)

42.0604 Driver's license, identification cards, passports, and immigration documents.

1. Driver's License. The Turtle Mountain Sex Offender Registration Department shall obtain, and a covered sex offender/Offenders Against Children shall provide, a photocopy of all of the his or her valid driver's licenses issued by any jurisdiction.
2. Identification Cards. The Turtle Mountain Sex Offender Registration shall obtain a sex offender/ Offenders Against Children shall provide, photocopies of any identification card, school student ID, University photo ID card including the offender's tribal enrollment card issued by any jurisdiction.
3. Passports. The Turtle Mountain Sex Offender Registration department shall obtain, and the sex offender/Offenders Against Children shall provide, a photocopy of any passports used or issued to the sex offender/Offenders Against Children.
4. Immigration Documents. The Turtle Mountain Sex Offender Registration department shall obtain, and the sex offender/Offenders Against Children shall provide a photocopy of any and all immigration documents.

Legislative History each subparagraph of this provision contain revisions which add "Offenders Against Children" and removed "and Notification" and the section is renumbered from .0405 to .0604 December 2016. (Model Code provision 4.05)

42.0605 Employment information.

The Turtle Mountain Sex Offender Registration department shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's/Offenders Against Children employment, to include any and all places where the sex offender/Offenders Against Children are employed in any means including volunteer and unpaid positions:

1. The 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.

Legislative history added "Offenders Against Children", modified a verb tense to make it grammatically correct, and renumbered from .0406 to .0605 December 2016.(Model Code provision 4.06)

42.0606 Finger and palm prints.

Finger and Palm Prints; The Turtle Mountain Sex Offender Registration Department shall obtain, and a covered sex offender/ Offenders Against Children shall provide, both finger prints, which must be submitted to IAFIS, and palm prints, which must be submitted to the FBI Next Generation Identification Program.

Legislative history changed the wording and moved the phrase "must be submitted to IAFIS" and added "Finger and Palm Prints; The Turtle Mountain Sex Offender Registration shall obtain, and a covered sex offender/ Offenders Against Children shall provide, both finger prints, which must be submitted to IAFIS, and palm prints, which must be submitted to the FBI Next Generation Identification Program" and renumbered from .0407 to .0606 December 2016. (Model Code provision 4.07)

42.0607 Internet identifiers.

The Turtle Mountain Sex Offender Registration Department shall obtain, and a covered sex offender/Offenders Against Children 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, Facebook, video posting sites- YouTube and etc.

Legislative history added language "including but not limited to social network identifications, twitter accounts, Facebook, video posting sites- YouTube and etc..." and renumbers .0408 to .0607 December 2016. (Model Code provision 4.08)

42.0608 Name.

TMSOR Department shall obtain, and a covered sex offender/Offenders Against Children 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/Offender Against Children is commonly known. This does not include any religious or sacred names not otherwise commonly known as.
- 4.

Legislative history the language "Offender Against Children" language has been added along with the word "as" at the end of the subparagraph 3, the section was renumbered from section .0409 to .0608 December 2016. (Model Code provision 4.09)

42.0609 Phone numbers.

The Turtle Mountain Sex Offender Registration Department shall obtain, and a covered sex offender/Offenders Against Children shall provide, any and all telephone numbers and other designations used by sex offender/Offenders Against Children for the purposes of routing or self-identification in telephonic communications including by not limited to::

1. Any and all land line telephone and Fax numbers,
2. Any and all cellular telephone numbers,
3. Any and all TTY/TDD devices, and
4. Any and all Voice over IP (VOIP) telephone numbers.

Legislative history "Offenders Against Children," "any and all telephone numbers and other designations used by sex offender/Offenders Against Children for the purposes of routing or self identification in telephonic communications including by not limited to",

language deleted, added subparagraph 4 and renumbered .0410 to .0609 December 2016.
(Model Code provision 4.10)

42.0610 Photographs:

1. Photograph. The Turtle Mountain Sex Offender Registration Department, of its designee, shall obtain, and a covered sex offender/Offenders Against Children shall permit his or her photograph to be taken and shall be updated:

- a. Every three (3) months (90 days) for Tier 3 sex offenders,
- b. Every six (6) months (180 days) for Tier 2 sex offenders, and
- c. Every year (365 days) for Tier 1 sex offenders.
- d. Every year (365 days) for Offenders Against Children:
 - i. unless the offender was considered a Tier 2; which would require the Offender Against Children to come in and update his photo every six month (180 days).
 - ii. unless the offender was considered a Tier 3; which would require the Offender Against Children to come in and update his photo every three month (90 days).

2. Update Requirements. Unless the appearance of a sex offender/Offenders Against Children has not changed significantly, a digitized photograph shall be collected at each appearance indicated in Section personal appearance required pursuant to this Title Chapter 7.

Legislative History the paragraph has been reworded to be more succinct subparagraph "d" has been added the section has been renumbered from section .0411 to .0610. (Model Code provision 4.11)

42.0611 Physical descriptions

The Turtle Mountain Sex Offender Registration department shall obtain, and a covered sex offender/Offenders Against Children shall provide, an accurate description of the sex offender as follows:

- 1. A physical description: Race, Sex, Height, weight, hair color and dyed color, eye color, contact (color) and etc.
- 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, piercings or tattoos; these items will also be photographed and kept on file and in digital from for investigation purposes.

Legislative history a new phrase was added to subparagraph 3 "these items will also be photographed and kept on file and in digital from for investigation purposes" and the section was renumbered from .0412 to .0611. (Model Code provision 4.12)

42.0612 Professional licensing information.

Professional Licenses. The Turtle Mountain Sex Offender Registration department or its designee shall obtain all licensing of the sex offender/Offender Against Children that authorizes the sex offender/Offender

Against Children shall provide, all licensing of the offender that authorizes the offender to engage in an occupation or carry out a trade or business.

Legislative History added "Offender Against Children shall provide, all licensing of the offender that authorizes the offender" and renumbered the section from .0413 to .0612. (Model Code provision 4.13)

42.0613 **Residence:** Address(s), Location, Temporary Lodging.

The Turtle Mountain Sex Offender Registration department or its designee shall obtain and the sex offender/Offenders Against Children shall provide, the following information related to the offender's residence:

1. The address of each residence at which the sex offender resides, works, or goes to school, 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, and
3. Temporary Lodging. Offenders shall provide the following information when the Offender will be absent from his or her residence over night.

Legislative History the phrases "or its designee," "works or goes to school," and subparagraph 3 has been added, the section has been renumbered from section ..0414 to .0613. (Model Code provision 4.14)

42.0614 School.

TMSOR Department or its designee shall obtain, and a covered sex offender/Offenders Against Children 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.

Legislative history the phrases "or its designee" and a covered sex offender/Offenders Against Children shall" and the section has been renumbered from .0415 to .0614. (Model Code provision 4.15)

42.0615 Social security number.

The Turtle Mountain Sex Offender Registration department 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.

Legislative history the phrase "and Notification" has been removed and the section has been renumbered from .0416 to .0615. (Model Code provision 4.16)

42.0616 Temporary lodging.

Lodging Information. The Turtle Mountain Sex Offender Registration department shall obtain the following information when the sex offender/Offender Against Children will be absent from his/her residence for one (1) day or more:

1. Identifying information of the temporary lodging locations including addresses, telephone, fax numbers and names, and
2. The dates the sex offender will be staying at each temporary lodging location.

3. The offender shall provide the information in the preceding paragraphs numbered (1) and (2) no later than seven days before his scheduled travel. The information shall be provided in person. The Turtle Mountain Sex Offender Registration Department shall immediately provide this information to the jurisdiction where the offender intends to reside longer than seven days.

Legislative History the phrase "Offenders Against Children" and subparagraph "3" were added the section was renumbered from section .0417 to .0616. (Model Code provision 4.17)

42.0617 International travel.

Travel Abroad. Sex Offenders must inform their residence jurisdictions 21 days in advance if they intend to travel outside the United States. Jurisdiction must notify the U. S. Marshals Service and immediately notify any other jurisdiction. Update also must be made to NCIC/NSOR.

Legislative History the section was renumbered from section .0418 to .0617. (Model Code provision 4.18)

42.0618 Offense information.

The Turtle Mountain Sex Offender Registration and Notification department shall obtain the text of each provision of law defining the criminal offense(s) for which the sex offender is registered.

Legislative history the subparagraph 2 was removed and the numbering for subparagraph "1: was removed and the section has been renumbered from .0419 to .0618. (Model Code provision 4.19)

42.0619 Vehicle information.

Detailed Information: The Turtle Mountain Sex Offender Registration and Notification department shall obtain the following information related to all vehicles owned or operated by, even if the vehicle is only being borrowed for a day, 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
4. Any permanent or frequent location where any covered vehicle is kept.
5. Vehicles/Motorized transportation: Land vehicles - Work or Personal use, aircraft and/or watercraft
6. Description of all Vehicles/Motorized transportation.

Legislative History the section has been renumber from .0420 to .0619. (Model Code provision 4.20)

42.0620 Dental records.

The Turtle Mountain Sex Offender Registration department shall obtain, and a covered sex offender/Offenders Against Children shall provide all the dental records all current and past dental records, including the names of all providers.

Legislative history removal of phrase "and Notification" addition of phrases "and covered sex offender/Offenders Against Children shall provide all the dental records, "and past,"

and "including the names of all providers. The section is renumbered from .0422 to .0620 December 2016.

CHAPTER 42.07

REGISTRATION REQUIREMENTS

42.0701 Requirements for in person appearances.

1. Photographs. At each in person verification, the sex offender/Offenders Against Children shall permit the Turtle Mountain Sex Offender Registration Department to take a photograph of the offender.
2. Review of Information. At each in person verification the sex offender shall review existing information for accuracy.
3. Notification. If any new information or change in information is obtained at an in person verification, the Turtle Mountain Sex Offender Registration Department shall immediately notify all other jurisdictions in which the sex offender/Offenders Against Children is required to register of the information or change in information.
4. If any new information or change in information is obtained at an in person verification, the Turtle Mountain Sex Offender Registration Department shall immediately update the public website, if applicable, and update information in NCIC/NSOR.

Legislative History phrase "Offenders Against Children" added to subparagraphs 1 and 3 and the section has been renumbered from .0424 to .0701. (Model Code provision 4.22)

42.0702 Sex offender acknowledgement form.

1. 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 Turtle Mountain Sex Offender Registration Department and that the sex offender understands the registration requirement.
2. The form shall be signed and dated by the Turtle Mountain Sex Offender Registration Department personnel registering the sex offender.
3. The Turtle Mountain Sex Offender Registration Department shall immediately upload the acknowledgement form into the Turtle Mountain Sex Offender Registration Department sex offender registry.

Legislative History the section has been renumbered from section .0425 to .0702. (Model Code provision 4.23)

42.0703 Retroactive registration.

1. **RETROACTIVE REGISTRATION.** The Turtle Mountain Sex Offender Registry Department shall have in place policies and procedures to ensure the following three categories of sex offenders are subject to the registration and updating requirements of this code:
 - a. Sex offenders incarcerated or under the supervision of the tribe, whether for a covered sex offense or other crime,
 - b. Sex offenders already registered or subject to a pre-existing sex offender registration requirement, and
 - c. Recapture; Sex offenders reentering the justice system due to conviction for any crime.
2. **TIMING OF RECAPTURE.** The Turtle Mountain Sex Offender Registry Department shall ensure recapture of the sex offenders mentioned in this section of this Title within the following timeframe to be calculated from the date of passage of this code:
 - a. For Tier I sex offenders, 1 year,

- b. For Tier II sex offenders, 180 days, and
- c. For Tier III sex offenders, 90 days.

Legislative history formerly subsections .0503 and .0504 December 2016. (Model Code provision 5.03)

42.0704 Offenders Re-entering the System.

The Turtle Mountain Sex Offender Registration Department shall review the Turtle Mountain Tribal Court's list of individuals set for arraignment, and if a sex offense is reflected in the criminal history; the Turtle Mountain Sex Offender Registration Department shall obtain the necessary information concerning that offense and insure that the individual is required to register under SORNA and Title 42. Title 42 the Section Recaptured Sex Offenders- A sex offenders who have been recaptured pursuant to Section Recaptured Sex Offenders and whose sex offense occurred after 2003. These offenders shall be "ineligible" to reside within any housing site on the TMBCI reservation.

Legislative History new section December 2016.

42.0705 Offenders currently on Probation

In addition to reviewing the jail roster, the Turtle Mountain Sex Offender Registration Department shall regularly review the list of individuals on probation in the tribal justice system, to determine if they have prior convictions for offenses requiring them to register in any jurisdiction for which they are not presently registered. All tribal, state and federal criminal records shall be reviewed to make this determination. If an offense is reflected in the criminal history and the individual is not already registered in any jurisdiction the Turtle Mountain Sex Offender Registration Department shall obtain the necessary information concerning that offense and proceed to determine if the individual is entered into the registry and all necessary information is obtained.

Legislative History new section December 2016.

42.0706 Currently registered sex Offenders/Offenders against Children

The Turtle Mountain Sex Offender Registration Department shall review the records of all individuals currently registered as sex offenders/offenders against children with the Turtle Mountain Band of Chippewa Indians under the existing law and determine if additional information must be obtain or adjustment made to their registration status pursuant to the requirements of Title 42 and SORNA.

Legislative History new section December 2016.

42.0707 Offenders Criminal History Requiring him to her to Register.

The Turtle Mountain Sex Offender Registration Department shall review the Turtle Mountain Tribal Court's list of individuals set for arraignment, and if a offenders record reflects a criminal history that would require the offender to register; the Turtle Mountain Sex Offender Registration Department shall obtain the necessary information concerning that offense and insure that the individual is required to register under SORNA and Title 42.

Legislative History new section December 2016.

42.0708 Updating/Keeping Registration Current.

1. Residency. All Sex Offenders and Offenders Against Children 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 Turtle Mountain Sex Offender Registration Department—to update any changes to their name, residence (including termination of residency), employment, or school attendance. All sex offenders required to register in this jurisdiction shall immediately inform the Turtle Mountain Sex Offender Registry in person of any changes to their temporary lodging information, and of any changes to their vehicle information, internet identifiers, or telephone numbers. In the event of a change in temporary lodging, [DJ10]as stated in the "Temporary Lodging provision of section 42.0616 herein the sex offender shall immediately notify the registry official of the residence jurisdiction and the Turtle Mountain Sex Offender Registration Department shall notify the jurisdiction in which the sex offender will be temporarily staying.

2. School Attendance. Any sex offender or Offenders Against Children 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 Turtle Mountain Sex Offender Registration Department to update that information. The Turtle Mountain Sex Offender Registration Department—shall ensure that each jurisdiction in which the sex offender is required to register, or was required to register prior to the updated information being given, are immediately notified of the change.

3. 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 Turtle Mountain Sex Offender Registration Department—to update that information. The Turtle Mountain Sex Offender Registration 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.

Legislative History new section December 2016. (Model Code provision 5.04)

42.0709 Failure to Appear for Registration and absconding.

1. Failure to Appear. In the event a sex offender/Offenders Against Children fails to register with the tribe as required by this code, the Turtle Mountain Sex Offender Registration Department shall immediately inform the jurisdiction that provided notification that the offender was to commence residency, employment, or school attendance with the tribe that the offender failed to appear for registration, a warrant will be issued for his or her arrest.

2. Absconded Sex Offenders/Offenders Against Children. If the Turtle Mountain Sex Offender Registration Department or designee receives information that a offender has absconded the Turtle Mountain Sex Offender Registration Department shall make an effort to determine if the offender has actually absconded.

a. In the event no determination can be made, the Turtle Mountain Sex Offender Registration Department shall ensure the BIA, Tribal Law Enforcement and any other appropriate law enforcement agency is notified.

b. If the information indicating the possible absconding came through notice from another jurisdiction or federal authorities, they shall be informed that the offender has failed to appear and register.

c. If an absconded offender cannot be located then the BIA, Tribal Law Enforcement and the Turtle Mountain Sex Offender Registration Department shall take the following steps:

- i. Update the registry/public website to reflect the offender has absconded or is otherwise not capable of being located ,
- ii. Notify the U.S. Marshals Service,
- iii. Seek a warrant for the offender's arrest. Notify the U.S. Marshals Service or FBI in an attempt to obtain a federal warrant for the offender's arrest,
- iv. Update the NCIC/NSOR to reflect the offender's status as an absconder, or is otherwise not capable of being located, and
- v. Enter the offender into the National Crime Information Center Wanted Person File.

Legislative History formerly section .0506 renumbered December 2016. (Model Code provision 5.05)

42.0711 Employment/Educational/income requirements.

1. For the purpose of this code Title 42, all sex offenders/Offenders Against Children are obligated to seek employment or obtain an education unless they have reached the age of retirement, disabled or are receiving Social Security.
2. **Monthly requirements:** Offenders shall be required to find employment a Job Search form, must be filled out monthly and return it to the Turtle Mountain Sex Offender Registration office. Unless the offender is retired, disabled or receives Social Security. Requirements are as follows:
 - a. If enrolled in school/college the offender needs to bring in a copy of their transcript and/or their class schedule,
 - b. If the offender is retired or draws Social Security or Disabled the offender needs to bring in a copy of their income.
 - c. If the offender is working they need to bring in the information of where they are employed, their employers -name, phone number and address of employer.
3. The Turtle Mountain Sex Offender Registration Department shall determine if the offender is actually employed or attending school and fulfilling their obligations within the requirements of this code Title 42.

Legislative history new section

CHAPTER 42.08

Frequency of Registration Requirements

42.0801 FREQUENCY, DURATION AND REDUCTION.

1. Frequency. A sex offender who is required to register shall, at a minimum, appear in person at the Turtle Mountain Sex Offender Registry department for purposes of verification and keeping their registration current in accordance with the following time frames:
 - a. For "Tier I" offenders, once every year for 15 years from the time of release from custody for a sex offender who is incarcerated for the registration offense or from the date of sentencing for a sex offender who is not incarcerated for the registration offense.

- b. For "Tier II" offenders, once every 180 days for 25 years from the time of release from custody for a sex offender who is incarcerated for the registration offense or from the date of sentencing for a sex offender who is not incarcerated for the registration offense.
 - c. For "Tier III" offenders, once every 90 days for the rest of their lives.
2. Reduction of Registration Periods. A sex offender may have their period of registration reduced as follows:
- a. A Tier I offender may have his or her period of registration reduced to 10 years if he or she has maintained a clean record for 10 consecutive years;
 - b. Tier II "NO REDUCTION OF REGISTRATION,"
 - c. A Tier III offender may have his or her period of registration reduced to 25 years if he or she was adjudicated delinquent of an offense as a juvenile that required Tier 3 registration and he or she has maintained a clean record for 25 consecutive years.

3. **INCREASED REGISTRATION REQUIREMENTS:**

a. Statement of Necessity - the sentencing authority of the Turtle Mountain Tribal Court is presently limited to one year by the Indian Civil Rights Act, 25 USC §1302 (7), but such authority may be expanded upon completion of specific acts. The denomination of offenses as Tier 1 offenses under this Code and the Sex Offender Registration and Notification Act (SORNA) does not adequately reflect the danger to individuals and to the community which this Code and said Act are intended to protect. ||

[DJ11]

b. **ENHANCEMENT OF REGISTRATION REQUIREMENTS**

At the time of sentencing for any offense subject to the registration requirements of this Code, the judge shall consult this Code to determine whether the sex offender shall register subject to the requirements of Tier I, Tier II, or Tier III and shall so order registration as part and parcel of sentencing. The judge may, within the discharge of their official duties, compel the sex offender to register for a duration of time longer than stated in this Code. In so determining, the judge shall consider such factors as reflected [DJ12]the offender's risk to the public, including, but not limited to the seriousness of the offense or offenses, the risk of recidivism, and the danger to any individual or the community. The order and judgment of sentence shall state with particularity the factors considered by the judge and the adjudicated facts upon which the determination is based, with sufficient particularity to allow for [DJ13] review on appeal.

4. **CLEAN RECORD:** a person has a clean record if:

- a. He or she has not been convicted of any offense, for which imprisonment for more than 1 year may be imposed; tribal offenses do not count toward a clean record.
- b. He or she has not been convicted of any sex offense,
- c. He or she has successfully completed, without revocation, any period of supervised release, probation, or parole, and
- d. He or she has successfully completed appropriate sex offender/Offenders Against Children treatment program certified by the tribe, another jurisdiction, or by the Attorney General of the United States.

Legislative History new paragraph "3" and paragraph 4 was revised to be grammatically correct and the section was renumbered from .0601 to .0801. (Model Code provision 4.21)

CHAPTER 42.09

Turtle Mountain Public Sex Offender Registry Website

42.0901 Website.

1. Website. The Turtle Mountain Sex Offender Registration and Notification department shall maintain a public sex offender registry website (Turtle Mountain Sex Offender Registry).
2. Links. The TM Sex Offender registry website is located at <http://tmbci.nsopw.gov/> and shall include links to the sex offender safety and education resources.
3. Instructions. The Turtle Mountain Sex Offender Registry website includes instructions on how a person can seek correction of information that the individual contends is erroneous.
4. Warnings. The Turtle Mountain Sex Offender Registry website includes 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 on the registry or residing or working at any reported addresses and that any such action could result in civil or criminal penalties.
5. Search Capabilities. The Turtle Mountain Sex Offender Registry website shall have the capability of conducting searches by (1) name, (2) county, (3) city or zip code, and/or geographic radius where it's available.
6. **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.

Legislative history formerly .0701 renumber .0901 December 2016. (Model Code provision 6.01)

42.0902 Required and prohibited information.

1. Required Information. The following information shall be made available to the public on the Turtle Mountain Sex Offender Registry website:
 - a. Notice that an offender is in violation of their registration requirements or cannot be located if the sex offender/Offenders Against Children has absconded,
 - b. Offenses [DJ14] for which the sex offender/Offenders Against Children has been convicted, which are within the Scope of SORNA
 - c. The sex offense(s) for which the offender//Offenders Against Children is currently registered,
 - d. The address of the sex offender's/Offenders' Against Children employer(s),
 - e. The name of the sex offender/Offenders Against Children including all aliases,
 - f. A current photograph of the sex offender/Offenders Against Children,
 - g. A physical description of the sex offender/Offenders Against Children,
 - h. The residential address and, if relevant, a description of a habitual residence of the sex offender/Offenders Against Children,
 - i. All addresses of schools attended by the sex offender/Offenders Against Children, and
 - j. The sex offender's/Offenders' Against Children vehicle license plate number along with a description of the vehicle.

- k. The sex offender/Offenders Against Children shall report any and all transportation used such as bus, taxi, bike, motorcycle, train, subway, vehicle and etc...
2. Prohibited Information. The following information shall not be available to the public on the sex offender registry website:
 - a. Any arrest that did not result in conviction,
 - b. The sex offender's/Offenders Against Children's social security number,
 - c. Any travel and immigration documents, and
 - d. The identity of the victim, and
 - e. Internet identifiers as defined in 42 U.S.C. § 16911, and
 - f. All juveniles adjudicated as Tier I or Tier II offenders.
3. Witness Protection. For sex offenders/Offenders Against Children who are under a witness protection program, the Turtle Mountain Sex Offender Registration Department may honor the request of the United States Marshals Service or other agency responsible for witness protection by not including the original identity of the offender on TMSOR website.

Legislative History added "/Offenders Against Children" to the appropriate subsections, phrase "as defined in 42 U.S.C. § 16911," subparagraph "f", and renumbered the section from .0701 to .0902 December 2016. (Model Code provision 6.02)

42.0903 Community notifications.

1. Whenever a sex offender/Offenders Against Children registers or updates their information with the Turtle Mountain Sex Offender Registration department shall:
 - a. Monitor and utilize the SORNA Exchange Portal for inter-jurisdictional change of residence, employment or student status,
 - b. Immediately update NCIC/NSOR.
 - c. 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.
 - d. Immediately notify any and all other registration jurisdictions where the sex offender's/Offenders Against Children's residency, school attendance, or employment, and
 - e. Immediately notify the victims of the underlying crime, the Community, and 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).
 - f. Enter or update information posted on the public website.
2. Community Notification. The TMSOR Department shall ensure there is an automated community notification process in place that ensures the following:
 - a. Upon a sex offender's/Offenders Against Children's registration or update of information, the Turtle Mountain Sex Offender Registry department shall update the public registry website immediately,
 - b. Make Email notices available "if requested" to the general public, notifying 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 Offenders Against Children's identity.
 - c. 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,

d. Use other notifications such as: the Turtle Mountain Star, the Turtle Mountain Times, Community Notifications, School Notifications and flyers to notify the general public, and the surrounding communities of sex offenders who move onto or off of the Turtle Mountain Band of Chippewa Indian Reservation.

e. All jurisdictions shall be notified when a sex offender is moving into their jurisdiction from the Turtle Mountain Band of Chippewa Indian Reservation within 3 business days. The National Sex Offender Public Web Site and the Turtle Mountain Sex Offender Web site will be updated with the relevant information as well.

Legislative History formerly .0703 renumber .0903 December 2016. (Model Code provision 6.03)

CHAPTER 42.10

Restrictions

42.1001 Restrictions.

Sex offenders pose a high risk of reoffending more than anyone else if put in a situation of watching, babysitting or working with child/children and registered sex offenders/Offenders Against Children, who have been convicted of any sex related crime against child/children, shall not be permitted to watch, babysit or work with any child/children under the age of 18; providing it is not their own biological child/children. Exception: Unless the crime was committed against their biological child/children than the offender, shall not be permitted to watch, babysit or work with any biological child/children under the age of 18.

LEGISLATIVE HISTORY SECTION .1201 IS MOVED TO .0501 (6) AND 1202-1205 ARE REPEALED

CHAPTER 42.11

Schools

42.1101 School.

All Sex Offenders/Offenders Against Children shall not reside or enter, within 500 feet of any Day Care(s), Public or Private school(s), or any and all property/zone(s) owned or used by any schools, including but not limited to any or all kindergarten schools and all grade schools from Head Start to 12th grade, this includes, playgrounds and laying fields of any sort.

42.1102 Child safety zone(s)/property.

All Schools, Head Starts, Daycares, parks, playgrounds, recreation centers, gymnasiums, sports fields, or sports facilities, this includes any and all property/zone(s) owned or used by any School(s) or Daycare facilities which is under the jurisdiction of any department, agency, or authority of the Turtle Mountain Band of Chippewa Indians, including, but not limited to, all trust and fee simple land within the boundaries of the Turtle Mountain Indian Reservation and extending to all trust land located in the State of North

Dakota, such other lands as may be acquired by or on behalf of the Turtle Mountain Band of Chippewa Indians and be added thereto under the laws of the United States. This Code also includes any and all buildings, land, parking areas or other improvements located on the same parcel on which each of the aforementioned facilities is located, but does not include any public street, and also does not include any public sidewalk which is located on the outside boundary of a child safety zone(s). This child safety zone shall include any airway or underground accesses.

42.1103 Prohibition.

1. It shall be unlawful for a sex offender to be present in any Child Safety Zone(s)/property.
2. All sex offenders are prohibited from being within 500 feet of any
 - a. School(s) and all property owned or used by any schools: this includes parks, playgrounds, recreation centers, gymnasiums, sports fields, or sports facilities, school activities,
 - b. Head Start(s) and all property owned or used by any Head Start(s): this includes parks, playgrounds, recreation centers, gymnasiums, sports fields, or sports facilities, school activities,
 - c. Daycare(s) and all property owned or used by any/all daycare(s): this includes parks, playgrounds, recreation centers, gymnasiums, sports fields, or facilities that the daycare(s) utilizes,
 - d. Private Home(s) or Facilities being used for the purpose of caring for a group of children.
3. Any person in violation of this code shall serve 10 day(s) to a 180 day(s) and be fined in the amount of twenty five hundred dollars (\$2,500.00) for each violation.

42.1104 Registrants living near schools.

1. All sex offenders are prohibited from living within 500 feet of any school, and all zone(s)/property owned or used by any schools on and after 11/10/10.
2. The below criteria must be met along with a confirmation from Corrections classifying the person as a Risk to children.
 - a. Anyone who has a prior crime conviction for a sex crime against children cannot live within the above listed limits. "Law Enforcement" will force him/her to move out of the restricted area.
 - b. Anyone on Probation who has been convicted of a sex related offense against children.
 - c. Anyone who has been convicted of any kind of sex related offense(s).
 - d. Upon registration, the registrant must disclose if he/she is involved in any activity where they are in constant contact with children, (i.e. park, school, etc.). Upon that disclosure, the Turtle Mountain Sex Offender Registration and Notification Department will notify the public if necessary.
3. All sex offenders are prohibited from: living within 500 feet of any school, school activity, Public Park(s), and all zone(s)/property owned or used by any schools and this list may not be all inclusive.

42.1105 Exclusions.

This Code/Ordinance shall not apply:

1. To any person whose name has been removed from the Turtle Mountain Sex Offender Registry or from the registry of any other state, federal, tribal or military system by act of a court or by expiration of the term such person is required to remain on such registry.

2. To any sex offender who enters into a child safety zone. The sex offender will need permission to enter into a facility in a School safety Zone(s)/property. The sex offender will need to 'call ahead and make arrangements with the proper school officials to enter into a facility in a School safety Zone(s)/property for the sole purpose of voting, election or referendum provided that the person leaves the facility immediately after voting. The sex offender will be accompanied by a school official at all times while the sex offender is in the school safety zone/property.
3. To any sex offender who enters into a child safety zone. The sex offender will need permission to enter into a facility in a School safety Zone(s)/property. The sex offender will need to call ahead and make arrangements with the proper school officials to enter into a facility in a School safety Zone(s)/property for the purpose of dropping off or picking up his or her own child. The sex offender will be accompanied by a school official at all times while the sex offender is in the school safety zone/property.
4. To any sex offender who enters into a child safety zone. The sex offender will need permission to enter into a facility in a School safety Zone(s)/property. The sex offender will need to call ahead and make arrangements with the proper school officials to enter into a facility in a School safety Zone(s)/property for the purpose of meeting with a teacher, administrator or nurse, to discuss his or her own child's medical or educational issues, provided that the sex offender leaves the child safety zone immediately completing the meeting or discussion. The sex offender will be accompanied by a school official at all times while the sex offender is in the school safety zone/property.
5. To the extent that the conduct prohibited by this code is in conflict with any sentence or order of probation or parole imposed upon a sex offender.

42.1106 Notice.

All sex offenders who violate this Code shall be punished according to the laws of the Turtle Mountain Band of Chippewa Indians under Title 42 Sex Offender Registration Code and Chapter 26 Offenses and Penalties or Title 39 Exclusion and Removal Code.

42.1107 Enforcement.

If a police officer reasonably believes that a sex offender is in a Child Safety Zone/property, the officer shall remove the offender(s) from the Child Safety Zone(s)/property. The offender is in violation of this Code, and shall be charged with the violation listed below.

1. Any person in violation of this code shall serve 10 day(s) to a 180 day(s) and be fined in the amount of twenty five hundred dollars (\$2,500.00) for each violation. 11/10/10.

42.12

General Provisions

42.1201 Severability.

Any provision of this Code held to be unconstitutional or superseded by the Turtle Mountain Band of Chippewa Indians or regulation shall not serve to invalidate the remaining unaffected provisions hereof. No provision of this Code shall serve to validate any activity otherwise prohibited by the Turtle Mountain Band of Chippewa Indians or lawfully enacted by this code.

42.1202 No waiver of immunity.

No Waiver. Nothing in the Turtle Mountain Sex Offender Code shall be construed as a waiver of sovereign immunity for the Turtle Mountain Band of Chippewa Indians, its departments, agencies, employees, or agents.

42.1203 Good faith.

Good Faith Immunity: Any person acting in good faith under the terms of this Turtle Mountain Sex Offender Registration Code shall be immune from any civil liability arising out of such actions.

42.1204 Exemptions.

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

This title shall not apply to:

1. Offenses involving Consensual Sexual Conduct. Offenses involving consensual sexual conduct are 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
2. The victim was at least fourteen (14) years old and the offender was not more than four (4) years older than the victim; or
3. A juvenile offender who has received a suspended imposition of sentence.

42.1205 Rules and Regulations.

The TMSOR office will enact rules for enforcement of this code. The rules and regulation shall be published for notice and comment at least 30 days prior to scheduled enactment. The TMSOR office shall evaluate comments and incorporate such comments prior to enacting, when lawful. The rules and regulations shall go into effect after the 30 day comment period. The rules and regulations shall be published in accordance with the Tribal Secretary's procedures for code provisions.

42.1206 Budgeting of funds and use of fees.

1. The Tribe shall budget funds to effectuate this Title.
2. The Tribe shall accept the fees collected for the sex offender registration

program and budget them into the TMSOR Department.

42.1207 Housing policies.

The Turtle Mountain Housing Authority has specific provisions which address housing sex offenders within its housing stock. Consult TMHA for specifics.

CHAPTER 42.13

Visitors

42.1301 Visitor(s); Sex offender requirements.

All sex offenders who **visit** within the jurisdiction of the Turtle Mountain Band of Chippewa Indian Reservation shall comply with the terms and conditions of Title 42 Turtle Mountain Sex Offender Registration Code; all sex offenders

1. Shall notify the Belcourt Law Enforcement Department at (701) 477-6134 and register with the Turtle Mountain Sex Offender Registration and Notification Department [(701) 477-8375 ext.10 or 11] within **one (1) day** or within 24 hours of entering the Turtle Mountain Band of Chippewa Indian Reservation, and
2. Are required to report the following information:
 - a. If the offender leaves his/her place of temporary lodging location, the offender shall report the change of lodging information within one (1) day or within 24 hours, and
 - b. The offender shall provide all of the following information to the Turtle Mountain Sex Offender Registration and Notification Department when entering the Turtle Mountain Band of Chippewa Indian Reservation.
 - (1) All temporary lodging locations, including
 - (a) Residential Address: residence at which the offender resides or will reside.
 - (b) If different, location or description that identifies where the offender "habitually lives".
 - (c) Dates the sex offender will be staying at each temporary lodging location.
 - (d) Sex Offenders Name(s):
 - i. Primary, given
 - ii. Nicknames, aliases, pseudonyms generally, regardless of context
 - iii. Ethnic or Tribal name by which offender is commonly known
 - (e) Physical Description:
 - i. Race, sex, height, weight, hair color and dyed color, eye color, contacts (color)
 - ii. All identifying marks, such as scars, tattoos, etc..
 - (f) Driver's License, ID card and etc..
 - i. Photocopy of all driver's licenses and identification cards issued by all jurisdictions.
 - (g) Professional Licensing Information
 - i. Concerning all licensing of the offender that authorizes the offender to engage in an occupation or carry out a trade or business.
 - (h) Passports and Immigration Documents:
 - i. Digitized copy of passport
 - ii. Digitized copy of immigration documents
 - (i) Date of Birth:
 - i. Actual, date of birth
 - ii. Purported date of birth

- (j) Phone Numbers:
 - i. Telephone numbers, and other designations used for routing or self-identification in telephone communications
 - ii. Land line phone number
 - iii. Cell phone numbers
 - iv. Fax numbers and names
- (k) Photograph:
 - i. Current photograph
- (l) Social Security Number:
 - i. Valid Social Security number
 - ii. All purported Social Security numbers
- (m) Vehicle Information:
 - i. License plate number
 - ii. Registration number
 - iii. Color, make, model, and year of the vehicle
 - iv. For all vehicles owned or operated by offender whether for work or personal use, including land vehicles, aircraft, and watercraft
 - v. Where the vehicle is frequently kept
- (n) Criminal History:
 - i. Date of all arrests
 - ii. Date of all convictions
 - iii. Status of parole, probation, or supervised release
 - iv. Registration status
 - v. Outstanding arrest warrants
- (o) DNA Sample
 - i. Taken from offender
- (p) Employment Information:
 - i. Name of Employer
 - ii. Address of Employer
 - iii. Any place employed or will be employed, including volunteer or unpaid work
 - iv. Transient or day labor information is collected
- (q) Finger and Palm Prints:
 - i. Current Finger and Palm Prints
- (r) All Internet Identifiers:
 - i. Email addresses
 - ii. Instant Message addresses or identifiers
 - iii. Any other message addresses or identifiers
 - iv. All designation used for routing or self-identification on the internet
- (s) Dental Records
 - i. Current dental records

**APPENDIX
LEGISLATIVE HISTORY**

On July 27, 2006, the President of the United States signed into law the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901-16969), also known as the Sex Offender Registration and Notification Act (SORNA), which established a comprehensive national system for the registration of sex offenders. Section 127 of the Act requires each federally recognized Indian tribe that possesses criminal jurisdiction to either implement the provisions of the Act under its own authority or to allow the state government to implement it on the reservation.

In Resolution No. TMBC0311-07-07 (July 6, 2007), the Turtle Mountain Band of Chippewa Indians elected to carry out the duties of a jurisdiction under the Adam Walsh Act, rather than to allow the state of North Dakota to implement the Act within the Turtle Mountain Band of Chippewa Indian Reservation.

The Turtle Mountain Band of Chippewa Indians enacted the Turtle Mountain Sex Offender Registration Code in Resolution No. TMBC958-10-10 (November 10, 2010) to comply with Title I of the Adam Walsh Act. Resolution No. TMBC958-10-10 (November 10, 2010) specified that this Code and the associated manual be implemented by all relevant departments "forthwith", and for the purposes of complying with the tribe and SORNA.