

**AMENDED
WYANDOTTE NATION SEX OFFENDER REGISTRATION AND
NOTIFICATION ACT
TITLE 11
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**WYANDOTTE NATION SEX OFFENDER REGISTRATION AND
NOTIFICATION ACT
TITLE 11**

**CHAPTER ONE
GENERAL MATTERS**

Section 101. TITLE.

This Act shall be known as the Wyandotte Nation Sex Offender Registration and Notification Act of 2012 (“Act”).

Section 102. PURPOSE.

(a) Having elected to function as a registration jurisdiction on July 18, 2007 by Tribal Legislative resolution ONCR 07-12, the Wyandotte Nation bears the responsibility to implement Sex Offender registration and notification provisions and to assure compliance with the federal Sex Offender Registration and Notification Act of 2007 (Title I of Public Law 109-248, 42 USC 16901 et seq.), the Wyandotte Nation Constitution and this Act.

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

(c) The Wyandotte Nation finds it to be in the best interest of all Nation citizens and those eligible for citizenship to clarify the procedures used by the Wyandotte Nation for Sex Offender registration and notification.

Section 103. NEED.

(a) Tribal nations are affected by violent crime and sex offenses from both Indian and non-Indian Perpetrators. Consequently, the conduct and presence of Convicted Sex Offenders in Indian Country threatens the political integrity, economic security, health and welfare of tribal nations.

(b) The Wyandotte Nation recognizes that sex offenders pose an ongoing risk for recidivism and may commit additional sex offenses even after being released from incarceration or commitment, and the protection of the public from sex offenders is of paramount tribal governmental interest. The territorial jurisdiction of the Wyandotte Nation will not be a place where convicted sex offenders can avoid accountability for their behavior. The Wyandotte Nation desires a mechanism to track sex offenders who may attempt to avoid detection and registration because of complex jurisdictional issues.

(c) The Wyandotte Nation recognizes that children are its most precious resource and that the children are the future of the Wyandotte Nation. It is the intent of the Wyandotte Nation to protect all Wyandotte Nation citizens by promoting community safety. By enacting the

Wyandotte Nation Sex Offender Registration and Notification Act, the Wyandotte Nation is taking steps to prevent the sexual abuse of children and other Wyandotte Nation citizens.

(d) Sex offender registration and the release of relevant information about sexual offenders to law enforcement, public/private entities and the general public will further the Wyandotte Nation interest of public safety and enhance strategies for crime detection and prevention.

Section 104. CREATION OF SEX OFFENDER REGISTRATION OFFICE AND REGISTRIES.

(a) Sex Offender Registration Office. This Act hereby establishes the Wyandotte Nation Sex Offender Registration Office within the Wyandotte Nation Tribal Police Department, which the Wyandotte Nation shall maintain and operate pursuant to the provisions of this Act, as amended. The Wyandotte Nation Sex Offender Registry Office is authorized to work cooperatively with necessary state, federal or tribal agencies in furtherance of this Title, and such activity does not and shall not waive any sovereign rights of the Wyandotte Tribe of Oklahoma, including sovereign immunity.

(b) Sex Offender Registry. This Act hereby establishes the Wyandotte Nation Tribe and Territory Sex Offender Registry System (TTORS), a public Sex Offender registration and notification system, which the Wyandotte Nation Sex Offender Registration Office shall maintain and operate pursuant to the provisions of this Act, as amended.

(c) Public Sex Offender Registry Website. This Act hereby establishes the Wyandotte Nation Sex Offender Registry website, which shall be maintained and operated pursuant to the provisions of this Act, as amended.

CHAPTER TWO

TERMINOLOGY AND REGISTERABLE OFFENSES

Section 201. DEFINITIONS.

The Definitions below apply to this Act only.

(a) Absconder. An Absconder is a Convicted Sex Offender who fails to register with the Wyandotte Nation Sex Offender Registry Office or who secretly runs away, leaves, flees or departs quickly from the Nation's Jurisdiction with intent to avoid arrest or prosecution or who hides oneself with intent to avoid arrest or prosecution.

(b) Consent. Consent means to knowingly and voluntarily give permission, approval, or agreement.

(c) Convicted. An adult sex offender is "convicted" for the purposes of this code if the sex offender has been subjected to penal consequences based on the conviction, however the conviction may be styled.

A juvenile offender is "convicted" for purposes of this code if the juvenile offender is either:

- (1) Prosecuted and found guilty as an adult for a sex offense; or
- (2) 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.

(d) Court. Court means the Wyandotte Nation District Court or other Court within the Wyandotte Nation's Tribal Court system.

(e) Digitized Format. Digitized Format means a manner of keeping and storing information digitally on an electronic database or by other electronic means and does not mean hard copies or physical objects.

(f) Foreign Convictions. A foreign conviction is one obtained outside of the United States, when the conviction is obtained under the laws of Canada, the United Kingdom, Australia, and New Zealand, or in any foreign country where the U.S. State Department, in its Country Reports on Human Rights Practices, has concluded that an independent judiciary generally enforced the right to a fair trial in that country during the year in which the conviction occurred.

(g) Employee. The term "employee" as used in this Act includes, but is not limited to, an individual who is self-employed, a contractor, a vendor, a part-time worker or who 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.

(h) Employer. The term “employer” as used in this Act includes, but is not limited to any entity, agency, organization or business, including those of the Nation, that conducts business or otherwise operates in the Indian country within the Nation’s jurisdictional boundaries. Volunteer organizations and non-profits are included in the definition of employer for the purposes of this Act.

(i) Essential Business. “Essential business” consists of conducting business at any government building, obtaining medical care at a healthcare facility, dropping off and retrieving one’s child from school or daycare or other activities that impact one’s immediate health and safety. It does not include personal business or social activities such as taking one’s child to the park, playground or attending the school or social activities of one’s child, visiting friends or family, patronizing restaurants, theaters, or other entertainment facilities, etc.

(j) Immediate. “Immediate” and “immediately” mean within 3 business days.

(k) Imprisonment. The term “imprisonment” refers to incarceration pursuant to a conviction, regardless of the nature of the institution in which the offender serves the sentence. The term is to be interpreted broadly to include, for example, confinement in a state “prison” as well as in a federal, military, foreign, BIA, private or contract facility, or a local or tribal “jail”. Persons under “house arrest” following conviction of a covered sex offense are required to register pursuant to the provisions of this Act during their period of “house arrest”.

(l) Indian. Indian means a person of any age who is a member of a federally recognized Indian tribe, as defined by 25 U.S.C. 405(b) et. seq., and who resides or is found within the Territorial Jurisdiction of the Wyandotte Nation.

(m) Indian Country. Indian country means the territory as defined by 18 USC 1151 and pursuant to that statute includes: (1) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation; (2) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state; or (3) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

(n) Jurisdiction. The term “jurisdiction” as used in this Act 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, including the Wyandotte Nation, that elected to function as a SORNA registration and notification jurisdiction pursuant to PL 109-248 Section 127 (42 USC § 16927).

(o) Loiter. The term “loiter” means to be present at or remain in a location for a period of time longer than what is necessary to conduct essential business.

(p) Minor. The term “minor” means an individual who has not attained the age of 18 years or an individual who has not attained the age of 21 years who is in custody the Wyandotte Nation.

(q) Perpetrator. Perpetrator means a person accused of criminal sexual conduct.

(r) Resides. The term “reside” or “resides” means, with respect to an individual, the location of the individual's home or other place where the individual habitually lives or sleeps. Individuals who reside in Wyandotte Nation Tribal Housing are subject to the terms of this Act.

(s) Sex Offense. Sex Offense means a criminal offense that has an element involving a sexual act or sexual contact with another or a criminal offense that is a “specified offense against a minor.” The term “specified offense against a minor means an offense that involves any of the following:

- (1) An offense (unless committed by a parent or guardian) involving kidnapping.
- (2) An offense (unless committed by a parent or guardian) involving false imprisonment.
- (3) Solicitation to engage in sexual conduct.
- (4) Use in a sexual performance.
- (5) Solicitation to practice prostitution.
- (6) Video voyeurism as described in 18 U.S.C. §1801.
- (7) Possession, production, or distribution of child pornography.
- (8) Criminal sexual conduct involving a minor, or the use of the Internet to facilitate or attempt such conduct.
- (9) Any conduct that by its nature is a sex offense against a minor.

(t) The term “sex offense” as used in this Act includes those offenses contained in 42 U.S.C. §16911(5) (as amended) and those offenses enumerated in Section 202 of this Act, or any other registerable offense under tribal law.

(u) An offense involving consensual sexual conduct is not a sex offense for the purposes of this Act 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 fourteen (14) years old and the offender was not more than four (4) years older than the victim.

(v) Sex Offender. A person convicted of a sex offense is a “sex offender”.

(w) Sexual Act. The term “sexual act” means:

- (1) contact between the penis and the vulva or the penis and the anus, and for purposes of this definition contact involving the penis occurs upon penetration, however slight;

- (2) contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;
- (3) the penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or
- (4) the intentional touching, 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.

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

(y) **Student.** A “student” is a person who enrolls in or attends either a private or public education institution, including a secondary school, trade or professional school, or an institution of higher education. The term also includes interns, externs, and apprentices.

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

(aa) **Sex Offender Registry.** The term “sex offender registry” means the Wyandotte Nation Tribe and Territory Sex Offender Registry System (TTORS), the Nation’s registry of sex offenders, and a notification program, maintained by the Wyandotte Nation Sex Offender Office.

(bb) **National Sex Offender Registry (NSOR).** National Sex Offender Registry (NSOR) means the national database maintained by the Federal Bureau of Investigation pursuant to 42 U.S.C. §16919.

(cc) **SMART Office.** SMART Office means the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking, which was established within the United States Department of Justice under the general authority of the Attorney General of the United States pursuant to 42 U.S.C. §16945.

(dd) **Dru Sjodin National Sex Offender Public Website (NSOPW).** Dru Sjodin National Sex Offender Public Website (NSOPW) means the public website maintained by the Attorney General of the United States pursuant to 42 U.S.C. §16920.

(ee) **Territorial Jurisdiction.** Territorial jurisdiction means all territory described as Indian Country within the meaning of Section 1151 of Title 18 of the United States Code over which the Nation has authority, including tribal or individual, trust, non-trust and restricted land, and including all land owned by agencies of the Nation in their own name, all waters, and any other such land, or interest in land, which may be subsequently acquired by virtue of Executive Order, a declaration or regulation of the United States Department of Interior, a declaration or

order of a court of competent jurisdiction, by purchase, gift, relinquishment, or by any other lawful means.

(ff) Tier I Sex Offender. A “tier I sex offender”, or a “sex offender” designated as “tier I”, is one that has been convicted of a “tier I” sex offense as defined in section 301 of this Act.

(gg) Tier II Sex Offender. A “tier II sex offender”, or a “sex offender” designated as “tier II”, is one that has been either convicted of a “tier II” sex offense as defined in section 302 of this Act, or who is subject to the recidivist provisions of 302(B).

(hh) Tier III Sex Offender. A “tier III sex offender”, or a “sex offender” designated as “tier III”, is one that has been either convicted of a “tier III” sex offense as defined in section 303, or who is subject to the recidivist provisions of 303(B).

(ii) Wyandotte Nation, Nation or Tribe. Wyandotte Nation, Nation or Tribe means the Wyandotte Nation.

Section 202. REGISTERABLE OFFENSES.

(a) Individuals who reside within the exterior boundaries of the Nation’s territorial jurisdiction or otherwise reside on property owned by the Tribe in fee or trust regardless of location or reside in Wyandotte Nation Tribal Housing, are employed within the exterior boundaries of the Nation’s territorial jurisdiction or on property owned by the Tribe in fee or trust regardless of location, or who attend school within the exterior boundaries of the Nation’s territorial jurisdiction or on property owned by the Tribe in fee or trust regardless of location, who 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 Act.

(b) Tribal offenses. A conviction for or a conviction for an attempt or conspiracy to commit any offense listed within the Wyandotte Nation Code of Laws and the Wyandotte Nation Criminal Code which are specifically set out as Sex Offenses or which have an element involving a Sexual Act or Sexual Contact constitutes a registerable offense under this Act. Such offenses include but are not limited to:

(1) Title 5 Section 107, Sexual Assault.

(2) Title 5 Section 109, Indecent Exposure.

(c) 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), as amended, including any offenses prosecuted under the Assimilative Crimes Act (18 USC §1152 or § 1153), constitute a registerable offense under this Act:

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

(d) Foreign Offenses. Any conviction for a sex offense involving any conduct listed in this Section that was obtained under the laws of Canada, the United Kingdom, Australia, New Zealand, or under the laws of any foreign country when the United States State Department in its Country Reports on Human Rights Practices has concluded that an independent judiciary generally or vigorously enforced the right to a fair trial in that country during the year in which the conviction occurred is a registerable offense under this Act.

(e) 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) is a registerable offense under this Act.

(f) Juvenile Offenses or Adjudications. Any sex offense, or attempt or conspiracy to commit a sex offense, that is comparable to or more severe than the federal crime of aggravated sexual abuse (as codified in 18 U.S.C. §2241(a) and (b)) and committed by a minor who is 14 years of age or older at the time of the offense is a registerable offense under this Act. 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. Juvenile offenders may be treated under the terms of Chapter 5 of the Wyandotte Nation Juvenile Code. The Wyandotte Nation may in its discretion exempt from public disclosure information regarding sex offenders required to register on the basis of juvenile delinquency adjudications.

(g) Jurisdiction Offenses. Any sex offense committed in any jurisdiction, including the jurisdiction of this Tribe that involves any of the following is a registerable offense. In determining if an individual is required to register with the Tribe under this Section, the Registration Officer shall look to the underlying facts of the offenses for which the individual was sentenced:

- (1) Any conduct that by its nature is a sex offense against a minor;
- (2) Any type or degree of genital, oral, or anal penetration;
- (3) Any sexual touching of or sexual contact with a person's body, either directly or through the clothing;
- (4) Criminal sexual conduct that involves physical contact with a minor or the use of the internet to facilitate or attempt such conduct. This includes offenses whose elements involve the use of other persons in prostitution, such as pandering, procuring, or pimping in cases where the victim was a minor at the time of the offense;
- (5) False imprisonment of a minor;
- (6) Kidnapping of a minor;
- (7) Possession, production, or distribution of child pornography;
- (8) Solicitation of a minor to practice prostitution;
- (9) Solicitation to engage a minor in sexual conduct understood broadly to include any direction, request, enticement, persuasion, or encouragement of a minor to engage in sexual conduct;
- (10) Use of a minor in a sexual performance; or
- (11) Any offense similar to those outlined in:
 - (A) 18 U.S.C. §1591 (sex trafficking by force, fraud, or coercion);
 - (B) 18 U.S.C. §1801 (video voyeurism of a minor);
 - (C) 18 U.S.C. §2241 (aggravated sexual abuse);

- (D) 18 U.S.C. §2242 (sexual abuse);
- (E) 18 U.S.C. §2244 (abusive sexual contact);
- (F) 18 U.S.C. §2422(b)(coercing a minor to engage in prostitution); or
- (G) 8 U.S.C. §2423(a) (transporting a minor to engage in illicit conduct).

CHAPTER THREE

TIERING OF OFFENSES

Section 301. TIER I OFFENSES.

(a) Sex Offenses. A “Tier I” offense includes any sex offense, or an attempt or conspiracy to commit such an offense, for which a person has been convicted by any jurisdiction, local government, or qualifying foreign country pursuant to Section 202(C) that is not a “Tier II” or “Tier III” offense.

(b) Offenses Involving Minors. A “Tier I” offense also includes any offense for which a person has been convicted by any jurisdiction, local government, or qualifying foreign country pursuant to Section 202(C) that involves the false imprisonment of a minor, video voyeurism of a minor, or possession or receipt of child pornography.

(c) Tribal Offenses. Any sex offense covered by this Act where punishment was limited to one year in jail shall be considered a “Tier I” sex offense.

(d) Certain Federal Offenses. Conviction for any of the following federal offenses or an attempt or conspiracy to commit such an offense shall be considered a conviction for a “Tier I” offense:

- (1) 18 U.S.C. §1801 (video voyeurism of a minor),
- (2) 18 U.S.C. §2252 (receipt or possession of child pornography),
- (3) 18 U.S.C. §2252A (receipt or possession of child pornography),
- (4) 18 U.S.C. §2252B (misleading domain names on the internet),
- (5) 18 U.S.C. §2252C (misleading words or digital images on the internet),
- (6) 18 U.S.C. §2422(a) (coercion to engage in prostitution),
- (7) 18 U.S.C. §2423(b) (travel with the intent to engage in illicit conduct),
- (8) 18 U.S.C. §2423(c) (engaging in illicit conduct in foreign places),
- (9) 18 U.S.C. §2423(d) (arranging, inducing procuring or facilitating the travel in interstate commerce of an adult for the purpose of engaging in illicit conduct for financial gain),
- (10) 18 U.S.C. §2424 (failure to file factual statement about an alien individual),
or
- (11) 18 U.S.C. §2425 (transmitting information about a minor to further criminal sexual conduct).

(e) Certain Military Offenses. Any military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (codified at 10 U.S.C. sec. 951) that is similar to those offenses outlined in Section 301(A)(B) or (C) of this Act shall be considered a “Tier I” offense.

Section 302. TIER II OFFENSES.

(a) Tribal Offenses. A Tier II offense includes any offense under the Wyandotte Nation Code of Laws which is specifically identified as a Tier II offense, regardless of the term of punishment associated with the offense.

(b) Recidivism and Felonies. Unless otherwise covered by Section 303, any sex offense that is not the first sex offense for which a person has been convicted or an attempt or conspiracy to commit such an offense and that is punishable by more than one year in jail is considered a “Tier II” offense.

(c) Offenses Involving Minors. A “Tier II” offense includes any sex offense against a minor for which a person has been convicted, or an attempt or conspiracy to commit such an offense that involves:

- (1) The use of minors in prostitution, including solicitations,
- (2) Enticing a minor to engage in criminal sexual activity,
- (3) A non-forcible Sexual Act with a minor 16 or 17 years old,
- (4) 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,
- (5) The use of a minor in a sexual performance, or
- (6) The production or distribution of child pornography.

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

- (1) 18 U.S.C. §1591 (sex trafficking by force, fraud, or coercion),
- (2) 18 U.S.C. §2423(d) (arranging, inducing procuring or facilitating the travel in interstate commerce of a minor for the purpose of engaging in illicit conduct for financial gain),
- (3) 18 U.S.C. §2244 (abusive sexual contact, where the victim is 13 years of age or older),
- (4) 18 U.S.C. §2251 (sexual exploitation of children),
- (5) 18 U.S.C. §2251A (selling or buying of children),

- (6) 18 U.S.C. §2252 (material involving the sexual exploitation of a minor),
- (7) 18 U.S.C. §2252A (production or distribution of material containing child pornography),
- (8) 18 U.S.C. §2260 (production of sexually explicit depictions of a minor for import into the United States),
- (9) 18 U.S.C. §2421 (transportation of a minor for illegal sexual activity),
- (10) 18 U.S.C. §2422(b) (coercing a minor to engage in prostitution),
- (11) 18 U.S.C. §2423(a) (transporting a minor to engage in illicit conduct).

(e) **Certain Military Offenses.** Any military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (codified at 10 U.S.C. §951 note) that is similar to those offenses outlined in Section 302(A),(B), or (C) shall be considered a “Tier II” offense.

Section 303. TIER III OFFENSES.

(a) **Tribal Offenses.** A Tier III offense includes any offense under the Wyandotte Nation Code of Laws which is specifically identified as a Tier III offense, regardless of the term of punishment associated with the offense.

(b) **Recidivism and Felonies.** Any sex offense that is punishable by more than one year in jail where the offender has at least one prior conviction for a Tier II offense or a conviction for attempt or conspiracy to commit a Tier II sex offense, or if the sex offender has previously become a Tier II sex offender, is a “Tier III” offense.

(c) **General Offenses.** A “Tier III” offense includes any sex offense, for which a person has been convicted, or for which a person has been convicted of 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 13 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.

(d) **Certain Federal Offenses.** Conviction for any of the following federal offenses shall be considered conviction for a “Tier III” offense:

- (1) 18 U.S.C. §2241 (aggravated sexual abuse);
- (2) 18 U.S.C. §2242 (sexual abuse);
- (3) 18 U.S.C. §2243 (sexual abuse of a minor or ward); or
- (4) Where the victim is 13 years of age or younger, 18 U.S.C. §2244 (abusive sexual contact).

(e) Certain Military Offenses. Any military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (codified at 10 U.S.C. §951 note) that is similar to those offenses outlined in Section 303(A),(B), or (C) shall be considered a “Tier III” offense.

CHAPTER FOUR REQUIRED INFORMATION

Section 401. GENERAL REQUIREMENTS.

(a) Duties. A sex offender covered by this Act who is required to register with the Tribe pursuant to Chapter 5 shall provide all of the information detailed in this Chapter to the Wyandotte Nation Sex Offender Registry Office, and the Wyandotte Nation Sex Offender Registry Office shall obtain all of the information detailed in this Chapter from covered sex offenders who are required to register with the Tribe in accordance with this Act and shall implement any relevant policies and procedures.

(b) Digitization. All information obtained under this Act shall be, at a minimum, maintained by the Wyandotte Nation Sex Offender Registry Office in a digitized format.

(c) Electronic Database. A sex offender registry shall be maintained in an electronic database by the Wyandotte Nation Sex Offender Registry Office and shall be in a form capable of electronic transmission.

Section 402. CRIMINAL HISTORY.

(a) Criminal History. The Wyandotte Nation Sex Offender Registry Office or its designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's criminal history:

- (1) The date of all arrests;
- (2) The date of all convictions;
- (3) The sex offender's status of parole, probation, or supervised release;
- (4) The sex offender's registration status; and
- (5) Any outstanding arrest warrants.

Section 403. DATE OF BIRTH.

(a) Date of Birth. The Wyandotte Nation Sex Offender Registry Office or its designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's date of birth:

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

Section 404. DNA SAMPLE.

(a) DNA. If the sex offender's DNA is not already contained in the Combined DNA Index System (CODIS), the sex offender shall provide the Wyandotte Nation Sex Offender Registry Office or its designee a sample of his DNA.

(b) CODIS. Any DNA sample obtained from the sex offender shall be submitted to an appropriate DNA laboratory for analysis and for submission in CODIS.

Section 405. DRIVER'S LICENSES, IDENTIFICATION CARDS, PASSPORTS, AND IMMIGRATION DOCUMENTS.

(a) Driver's License. A covered sex offender shall provide all of the sex offender's valid driver's licenses issued by any jurisdiction, and the Wyandotte Nation Sex Offender Registry Office or its designee shall make a photocopy of any such licenses.

(b) Identification Cards. A covered sex offender shall provide all of the sex offender's identification cards including the sex offender's tribal enrollment card issued by any jurisdiction, and the Wyandotte Nation Sex Offender Registry Office or its designee shall make a photocopy of any such identification cards.

(c) Passports. A covered sex offender shall provide any passports used by the sex offender, and the Wyandotte Nation Sex Offender Registry Office or its designee shall make a photocopy of any such passports.

(d) Immigration Documents. A covered sex offender shall provide any and all immigration documents used by the sex offender, and the Wyandotte Nation Sex Offender Registry Office or its designee shall make a photocopy of any such documents.

Section 406. EMPLOYMENT INFORMATION.

(a) Employment. The Wyandotte Nation Sex Offender Registry Office or its designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's employment, to include any and all places where the sex offender is employed in any means including volunteer and unpaid positions:

- (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.

Section 407. FINGER AND PALM PRINTS.

(a) Finger and Palm Prints. The Wyandotte Nation Sex Offender Registry Office or its designee shall obtain, and a covered sex offender shall provide, both finger prints and palm prints.

Section 408. INTERNET IDENTIFIERS.

(a) Internet Names. The Wyandotte Nation Sex Offender Registry Office or its designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's internet related activity:

- (1) Any and all email addresses used by the sex offender;
- (2) Any and all Instant Message addresses and identifiers;
- (3) Any and all other designations or monikers used for self-identification in internet communications or postings; and
- (4) Any and all designations used by the sex offender for the purpose of routing or self-identification in internet communications or postings.

Section 409. NAME.

(a) Name. The Wyandotte Nation Sex Offender Registry Office or its designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's name:

- (1) The sex offender's full primary given name;
- (2) Any and all nicknames, aliases, and pseudonyms regardless of the context in which it is used; and
- (3) Any and all ethnic or tribal names by which the sex offender is commonly known. This does not include any religious or sacred names not otherwise commonly known.

Section 410. PHONE NUMBERS.

(a) Phone Numbers. The Wyandotte Nation Sex Offender Registry Office or its designee shall obtain, and a covered sex offender shall provide, any and all telephone numbers and any other designations used by sex offenders for purposes of routing or self-identification in telephonic communications including but not limited to:

- (1) Any and all cellular telephone numbers;
- (2) Any and all land line telephone numbers; and
- (3) Any and all Voice over IP (VOIP) telephone numbers.

Section 411. PICTURE.

(a) Photograph. A covered sex offender shall permit his photograph to be taken by the Wyandotte Nation Sex Offender Registry Office or its designee:

- (1) Every 90 days for Tier III sex offenders,

- (2) Every 180 days for Tier II sex offenders, and
- (3) Every year for Tier I sex offenders.

(b) Update Requirements. Unless the appearance of a sex offender has not changed significantly a digitized photograph shall be collected at each appearance indicated in Section 411(A).

Section 412. PHYSICAL DESCRIPTION.

(a) Physical Description. The Wyandotte Nation Sex Offender Registry Office or its designee shall obtain, and a covered sex offender shall provide, 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, including but not limited to, scars, moles, birthmarks, or tattoos.

The Wyandotte Nation Sex Offender Registry Office or its designee may in its discretion take a photograph of such identifying mark, and a covered sex offender shall permit a photograph of the identifying mark to be taken by the Wyandotte Sex Offender Registry Office.

Section 413. PROFESSIONAL LICENSING INFORMATION.

Professional Licenses. The Wyandotte Nation Sex Offender Registry Office or its designee shall obtain, and a covered sex offender shall provide, copies of all licensing of the sex offender that authorizes the sex offender to engage in an occupation or carry out a trade or business.

Section 414. RESIDENCE ADDRESS.

(a) Address. The Wyandotte Nation Sex Offender Registry Office or its designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's residence:

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

Section 415. SCHOOL.

(a) School Location. The Wyandotte Nation Sex Offender Registry Office or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's school:

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

Section 416. SOCIAL SECURITY NUMBER.

(a) Social Security. The Wyandotte Nation Sex Offender Registry Office or its designee shall obtain, and a covered sex offender shall provide, the following information:

- (1) A valid social security number for the sex offender; and
- (2) Any social security number the sex offender has used in the past, valid or otherwise.

Section 417. TEMPORARY LODGING.

(a) Lodging Information. The Wyandotte Nation Sex Offender Registry Office or its designee shall obtain, and a covered sex offender shall provide, the following information when the sex offender will be absent from his residence for 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.

The registered sex offender shall provide the information in Section 417(a)(1) and (2) no later than five (5) business days before his scheduled travel. The information shall be provided in person.

Section 418. INTERNATIONAL TRAVEL.

Travel Abroad. Sex offenders who reside in the Wyandotte Nation Territorial Jurisdiction must inform Wyandotte Nation Sex Offender Registry Office 21 days in advance if they intend to travel outside of the United States. The Wyandotte Nation Sex Offender Registry Office or its designee must notify the U.S. Marshals Service and immediately notify any other jurisdiction where the sex offender is either registered, or is required to register, of that updated information. The Wyandotte Nation Sex Offender Registry Office also must provide such updated information to NCIC/NSOR.

Section 419. OFFENSE INFORMATION.

The Wyandotte Nation Sex Offender Registry Office or its designee shall obtain the text of each provision of law defining the criminal offense(s) for which the sex offender is registered.

Section 420. VEHICLE INFORMATION.

(a) Vehicle Information. The Wyandotte Nation Sex Offender Registry Office or its designee shall obtain, and a covered sex offender shall provide, the following information related to all vehicles owned or operated by the sex offender for work or personal use including land vehicles, aircraft, and watercraft:

- (1) License plate numbers;
- (2) Registration numbers or identifiers;
- (3) General description of the vehicle to include color, make, model, and year; and
- (4) Any permanent or frequent location where any covered vehicle is kept.

Section 421. FREQUENCY, DURATION AND REDUCTION.

(a) Frequency. A sex offender who is required to register shall, at a minimum, appear in person at the Wyandotte Nation Sex Offender Registry Office for purposes of verification and keeping their registration current in accordance with the following time frames:

- (1) For “Tier I” offenders convicted as an adult, 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. Tier I sex offenders who were convicted or adjudicated of the sex offense as a juvenile shall appear once every year for 10 years from the date of adjudication of the offense.
- (2) For “Tier II” offenders convicted as an adult, 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. Tier II sex offenders who were convicted or adjudicated of the sex offense as a juvenile shall appear once every 180 days for 20 years from the date of adjudication of the offense.
- (3) For “Tier III” offenders convicted as an adult, once every 90 days for the rest of their lives. Tier III sex offenders who were convicted or adjudicated of the sex offense as a juvenile shall appear once every 90 days for the rest of their lives.

(b) Reduction of Registration Periods. At the discretion of the Wyandotte Nation, a sex offender may have his/her period of registration reduced as follows:

- (1) A Tier I offender may have his/her period of registration reduced to 10 years if he or she has maintained a clean record for 10 consecutive years.
- (2) A Tier III offender may have his/her period of registration reduced to 25 years if he or she was adjudicated delinquent of an offense as a juvenile that

required Tier III registration and he or she has maintained a clean record for 25 consecutive years.

- (c) Clean Record. For purposes of Chapter 420(B) a person has a clean record if:
- (1) He or she has not been convicted of any offense, for which imprisonment for more than 1 year may be imposed
 - (2) He or she has not been convicted of any sex offense;
 - (3) He or she has successfully completed, without revocation, any period of supervised release, probation, or parole; and
 - (4) He or she has successfully completed an appropriate sex offender treatment program certified by the Tribe, another jurisdiction, or by the Attorney General of the United States.

Section 422. REQUIREMENTS FOR IN PERSON APPEARANCES.

(a) Photographs. At each in person verification, the sex offender shall permit the Wyandotte Nation Sex Offender Registry Office to take a photograph of the offender.

(b) Review of Information. At each in person verification the sex offender shall review existing information for accuracy.

(c) Notification. If any new information or change in information is obtained at an in person verification, the Wyandotte Nation Sex Offender Registry Office shall immediately notify all other jurisdictions in which the sex offender is required to register of the information or change in information.

(d) If any new information or change in information is obtained at an in person verification, the Wyandotte Nation Sex Offender Registry Office shall immediately update the public website, if applicable, and update information in NCIC/NSOR.

Section 423. SEX OFFENDER ACKNOWLEDGEMENT FORM.

(a) The sex offender shall read, or have read to them, and sign a form stating that the duty to register has been explained to them by Wyandotte Nation Sex Offender Registry Office and that the sex offender understands the registration requirement.

(b) The form shall be signed and dated by the Wyandotte Nation Sex Offender Registry Office personnel registering the sex offender.

(c) The Wyandotte Nation Sex Offender Registry Office shall immediately upload the acknowledgement form into TTSOR, the Wyandotte Nation Sex Offender Registry Office sex offender registry system.

Section 424. PROVIDING FALSE INFORMATION.

(a) It shall be unlawful for a sex offender to provide false information to the Wyandotte Nation Sex Offender Registration Office.

(b) If a Sex Offender provides false information to the Wyandotte Nation Sex Offender Registration Office, the Wyandotte Nation shall:

- (1) Petition the Court for a warrant to arrest and detain the Offender until a hearing can be set to determine the penalty, if any, for the offender's violation;
- (2) Revise the information in the Wyandotte Nation Sex Offender Registry to reflect that the sex offender has provided false information and that the offender is considered an Absconder; and notify the United States Marshal Service; and
- (3) Enter the Sex Offender into the National Crime Information Center Wanted Person File (NCIC).

(c) Punishment and sanctions for providing false information shall be in accordance with Section 801.

CHAPTER FIVE REGISTRATION

Section 501. WHERE REGISTRATION IS REQUIRED.

(a) Jurisdiction of Conviction. A sex offender must initially register with the Wyandotte Nation Sex Offender Registry Office if the sex offender was convicted by the Wyandotte Nation 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 Wyandotte Nation Sex Offender Registry Office if the sex offender is incarcerated by the Tribe while completing any sentence for a covered sex offense, regardless of whether it is the same jurisdiction as the jurisdiction of conviction or residence.

(c) Jurisdiction of Residence. A sex offender must register with the Wyandotte Nation Sex Offender Registry Office if the sex offender resides within the Territorial Jurisdiction of the Wyandotte Nation.

(d) Jurisdiction of Employment. A sex offender must register with the Wyandotte Nation Sex Offender Registry Office if he or she is employed by the Tribe in any capacity or otherwise is employed within the Territorial Jurisdiction of the Wyandotte Nation.

(e) Jurisdiction of School Attendance. A sex offender must register with the Wyandotte Nation Sex Offender Registry Office if the sex offender is a student in any capacity within the Territorial Jurisdiction of the Wyandotte Nation.

Section 502. TIMING OF REGISTRATION.

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

- (1) If convicted by the Wyandotte Nation for a covered sex offense and incarcerated, the sex offender must register before being released from incarceration;
- (2) If convicted by the Wyandotte Nation but not incarcerated, within 3 business days of sentencing for the registration offense, and
- (3) Within 3 business days of establishing a residence, commencing employment, or becoming a student within the Territorial Jurisdiction of the Wyandotte Nation, a sex offender must appear in person to register with the Wyandotte Nation Sex Offender Registry Office.

(b) Duties of Wyandotte Nation Sex Offender Registry Office. The Wyandotte Nation Sex Offender Registry Office shall have policies and procedures in place to ensure the following:

- (1) That any sex offender incarcerated or sentenced by the Tribe for a covered sex offense completes their initial registration with the Tribe;
- (2) That the sex offender reads, or has read to them, and signs a form stating that the duty to register has been explained to them and that the sex offender understands the registration requirement;
- (3) That the sex offender is registered, and added to the public website if applicable;
- (4) That upon entry of the sex offender's information in to the registry, that information is immediately forwarded to all other jurisdictions in which the sex offender is required to register due to the sex offender's residency, employment, or student status; and
- (5) That all information is entered and updated in NCIC/NSOR.

Section 503. RETROACTIVE REGISTRATION.

(a) This Act applies to all convicted sex offenders, including those sex offenders who were convicted prior to the date of enactment of this Act. The Wyandotte Nation shall notify such sex offenders of the requirement to register. Upon notification of the duty to register, such sex offenders are thereafter subject to the registration requirements of this Act.

(b) Retroactive Registration. The Wyandotte Nation Sex Offender Registry Office 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:

- (1) Sex offenders incarcerated or under the supervision of the Tribe, whether for a covered sex offense or other crime;
- (2) Sex offenders already registered or subject to a pre-existing sex offender registration requirement; and
- (3) Sex offenders reentering the justice system due to conviction for any crime.

(c) Timing of Recapture. The Wyandotte Nation Sex Offender Registry Office shall ensure recapture of the sex offenders mentioned in Section 503(A) within the following timeframe to be calculated from the date of passage of this code:

- (1) For Tier I sex offenders, 1 year;
- (2) For Tier II sex offenders, 180 days; and
- (3) For Tier III sex offenders, 90 days.

Section 504. KEEPING REGISTRATION CURRENT.

(a) Jurisdiction of Residency. All sex offenders who reside within the Territorial Jurisdiction of the Wyandotte Tribe of Oklahoma who are required to register in this jurisdiction shall immediately appear in person Wyandotte Nation Sex Offender Registry Office 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 Wyandotte Nation Sex Offender Registry Office in person of any changes to their temporary lodging information, and via telephone, facsimile, or email of any changes to their vehicle information, internet identifiers, or telephone numbers. In the event of a change in temporary lodging of more than seven days, the sex offender shall immediately notify the registry official of the residence jurisdiction and the Wyandotte Nation Sex Offender Registry Office shall notify the jurisdiction in which the sex offender will be temporarily staying.

(b) Jurisdiction of School Attendance. Any sex offender who is a student in any capacity within the Territorial Jurisdiction of the Wyandotte Tribe of Oklahoma, regardless of location, who changes his/her school, or otherwise terminates his/her schooling, shall immediately appear in person at the Wyandotte Nation Sex Offender Registry Office to update that information. The Wyandotte Nation Sex Offender Registry Office shall ensure that each jurisdiction in which the sex offender is required to register, or was required to register prior to the updated information being given, are immediately notified of the change.

(c) Jurisdiction of Employment. Any sex offender who is employed by the tribe in any capacity or otherwise is employed within the Territorial Jurisdiction of the Wyandotte Tribe of Oklahoma, regardless of location, who changes his/her employment, or otherwise terminates his/her employment, shall immediately appear in person at the Wyandotte Nation Sex Offender Registry Office to update that information. The Wyandotte Nation Sex Offender Registry Office 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.

Section 505. FAILURE TO APPEAR FOR REGISTRATION AND ABSCONDING.

(a) Failure to Appear. In the event a sex offender fails to register with the tribe as required by this code, the Wyandotte Nation Sex Offender Registry Office or its designee shall immediately inform the jurisdiction that provided notification that the sex offender was to commence residency, employment, or school attendance with the tribe that the sex offender failed to appear for registration.

(b) Absconded Sex Offenders. If the Wyandotte Nation Sex Offender Registry Office or its designee receives information that a sex offender has absconded the Wyandotte Nation Sex Offender Registry Office shall make an effort to determine if the sex offender has actually absconded.

- (1) In the event no determination can be made, the Wyandotte Nation Sex Offender Registry Office or its designee shall ensure the Wyandotte Nation Tribal Police Department and any other appropriate law enforcement agency is notified.

- (2) If the information indicating the possible absconding came through notice from another jurisdiction or federal authorities, they shall be informed that the sex offender has failed to appear and register.
 - (3) If an absconded sex offender cannot be located then the Wyandotte Nation Tribal Police Department shall take the following steps:
 - (A) Update the registry/public website to reflect the sex offender has absconded or is otherwise not capable of being located;
 - (B) Notify the U.S. Marshals Service;
 - (C) Seek a warrant for the sex offender's arrest. The U.S. Marshals Service or FBI may be contacted in an attempt to obtain a federal warrant for the sex offender's arrest;
 - (D) Update the NCIC/NSOR to reflect the sex offender's status as an absconder, or is otherwise not capable of being located; and
 - (E) Enter the sex offender into the National Crime Information Center Wanted Person File.
- (c) Failure to Register.
- (1) In the event a sex offender who is required to register due to their residence, employment or school attendance status fails to do so or otherwise violates a registration requirement of this Act, the Wyandotte Nation Sex Offender Registry Office shall take all appropriate follow-up measures including those outlined in Section 505(B). The Wyandotte Nation Sex Offender Registry Office shall first make an effort to determine if the sex offender actually resides, is employed or is attending school within the Territorial Jurisdiction of the Wyandotte Nation.
 - (2) Failure to Register is a Punishable Offense. It shall be unlawful for a sex offender to fail to register in any jurisdiction or update current information. Punishment and sanctions for failure to register shall be in accordance with Section 801.
 - (3) If a Sex Offender fails to register in the Wyandotte Nation jurisdiction as required by this Act, the Wyandotte Nation shall:
 - (A) Petition the Wyandotte Nation Court for a warrant to arrest and detain the Offender until a hearing can be set to determine the penalty, if any, for the Offender's non-compliance;
 - (B) Document the Information in the Wyandotte Nation Sex Offender Registry to reflect that the Sex Offender has failed to register and the Offender's new status indicates that the offender is an "Absconder"; and notify the United States Marshal Service; and

- (C) Enter the Sex Offender into the National Crime Information Center Wanted Persons File.

Section 506. HINDRANCE OF SEX OFFENDER REGISTRATION.

(a) Hindrance of sex offender registration. A person is guilty of an offense of hindrance of sex offender registration if he or she:

- (1) Knowingly harbors or knowingly attempts to harbor, or knowingly assists another person in harboring or attempting to harbor a sex offender who is in violation of this Title;
- (2) Knowingly assists a sex offender in eluding a law enforcement agency that is seeking to find the sex offender to question the sex offender about, or to arrest the sex offender for, noncompliance with the requirements of this Title; or
- (3) Provides information to law enforcement agency regarding a sex offender which the person knows to be false.

(b) Punishment and sanctions for hindrance of sex offender registration shall be in accordance with Section 801.

Section 507. EMPLOYER VERIFICATION

(a) Certification Required. All employers shall, prior to commencement of any work within the Nation's territorial jurisdiction, submit to the Wyandotte Nation Sex Offender Registry Office a certification that no employee, sub-contractor, or independent contractor working for or on behalf of the employer within the Nation's territorial jurisdiction or on/at any property owned in fee by the Nation or an entity of the Nation is required to register a sex offender pursuant to this Act.

(b) Certification by Employers Presently Conducting Business. All employers that are conducting business within the Nation's territorial jurisdiction on the date of enactment of this Section, shall be required to submit the certification required by paragraph (a) within thirty (30) days of enactment.

(c) Continuing Requirement. The certification required by this Section is a continuing requirement. In the event an employer adds an employee(s) who will be acting on behalf of the employer within the Nation's territorial jurisdiction or on/at any property owned in fee by the Nation or an entity of the Nation following the initial certification under paragraph (a) of this Section, the employer shall submit an updated certification which includes the new employee prior to the employee beginning work within the Nation's territorial jurisdiction or on/at any property owned in fee by the Nation or an entity of the Nation.

(d) Penalty. All business transactions will cease until Employers Conducting Business within the Nation's Jurisdiction comply with paragraph (a) of this section.

CHAPTER SIX

PUBLIC SEX OFFENDER REGISTRY WEBSITE

Section 601. WEBSITE.

(a) Website. The Wyandotte Nation Sex Offender Registry Office shall use and maintain a public sex offender registry website.

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

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

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

(e) Search Capabilities. The Wyandotte Nation sex offender registry website shall have the capability of conducting searches by (1) name; (2) county, city, and/or town; and, (3) zip code and/or geographic radius.

(f) Dru Sjodin National Sex Offender Public Website. The Tribe shall include in the design of its sex offender registry website all field search capabilities needed for full participation in the Dru Sjodin National Sex Offender Public Website and shall participate in that website as provided by the Attorney General of the United States.

Section 602. REQUIRED AND PROHIBITED INFORMATION.

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

- (1) Notice that an offender is in violation of their registration requirements or cannot be located if the sex offender has absconded;
- (2) All sex offenses for which the sex offender has been convicted;
- (3) The sex offense(s) for which the offender is currently registered;
- (4) The address of the sex offender's employer(s);
- (5) The name of the sex offender including all aliases;
- (6) A current photograph of the sex offender;
- (7) A physical description of the sex offender;

- (8) The residential address and, if relevant, a description of a habitual residence of the sex offender;
- (9) All addresses of schools attended by the sex offender; and
- (10) The sex offender's vehicle license plate number along with a description of the vehicle.

(b) **Prohibited Information.** The following information shall not be available to the public on the sex offender registry website:

- (1) Any arrest that did not result in conviction;
- (2) The sex offender's social security number;
- (3) Any travel and immigration documents;
- (4) The identity of the victim of the sex offense; and
- (5) Internet identifiers (as defined in 42 U.S.C. §16911).

(c) **Witness Protection.** For sex offenders who are under a witness protection program, the Wyandotte Nation Police 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 the publicly accessible sex offender registry website.

Section 603. COMMUNITY NOTIFICATIONS.

(a) **Law Enforcement Notification.** Whenever a sex offender registers or updates his or her information with the Tribe, the Wyandotte Nation Sex Offender Registry Office shall:

- (1) Monitor and utilize the SORNA Exchange Portal for inter-jurisdictional change of residence, employment or student status;
- (2) Immediately update NCIC/NSOR;
- (3) Immediately notify any agency, department, or program within the tribe that is responsible for criminal investigation, prosecution, child welfare or sex offender supervision functions, including but not limited to, police, whether BIA, tribal, or FBI, tribal prosecutors, and tribal probation;
- (4) Immediately notify any and all other registration jurisdictions where the sex offender is registered due to the sex offender's residency, school attendance, or employment;
- (5) Immediately notify National Child Protection Act agencies, which includes any agency responsible for conducting employment-related background checks under section 3 of the National Child Protection Act of 1993 (42 U.S.C. 5119a) when a sex offender registers or updates registration; and

(6) Enter or update information posted on the public website.

(b) Community Notification. The Wyandotte Nation Sex Offender Registry Office shall ensure there is an automated community notification process in place that ensures the following:

- (1) Upon a sex offender's registration or update of information with the Tribe, the Tribe's public sex offender registry website is immediately updated.
- (2) The Tribe's public sex offender registry has a function that enables the general public to request an e-mail notice that will notify them when a sex offender commences residence, employment, or school attendance with the Tribe, within a specified zip code, or within a certain geographic radius. This email notice shall include the sex offender's identity so that the public can access the public registry for the new information.

CHAPTER SEVEN IMMUNITY

Section 701. NO WAIVER OF SOVEREIGN IMMUNITY.

(a) No waiver of immunity. Nothing under this Act shall be construed as a waiver of sovereign immunity for the Wyandotte Nation, its departments, agencies, employees, or agents.

(b) Good faith. Any person acting under good faith under this Act shall be immune from any civil liability arising out of such actions.

CHAPTER EIGHT

CRIMES AND CIVIL SANCTIONS

Section 801. CRIMES AND CIVIL SANCTIONS.

(a) Criminal Penalty. Each violation of a provision of this Act by a an Indian shall be considered a crime and subject to a maximum period of incarceration of one year and a fine of five thousand Dollars (\$5,000), or banishment for a period not less than five (5) years nor more than life, or any combination of the above.

(b) Civil Penalty. Each violation of a provision of this Act by a non-Indian shall be considered a civil violation subject to enforcement by any means not prohibited by federal law, including, but not limited to the issuance of fines, forfeitures, civil contempt, and banishment.

(c) Additional Penalties. Each violation of this Act by any sex offender may subject 0the sex offender to additional penalties imposed by a State or Federal government.

CHAPTER NINE

RESIDENTIAL AND VISITATION LIMITATIONS

Section 901. PROHIBITION OF PROXIMITY TO PLACES FREQUENTED BY MINORS.

(a) It shall be unlawful for any person to reside or loiter within 2,000 feet of a school, public park or playground, or daycare facility who:

- (1) has been convicted of sex offense involving a minor by the Wyandotte Nation Court; or
- (2) is required by any federal, state, or tribal law to register as a sex offender related to an offense involving a minor.

(b) Notice of the prohibition set forth in paragraph (a) of this Section shall be posted at all areas to which the prohibition applies; however, failure to post such a notice shall not relieve a person subject to the prohibition of the obligation to comply therewith.

Section 902. RESTRICTIONS ON VISITS TO RESIDENTIAL AREAS.

(a) Any person who is required by any federal, state, or tribal law to register as a sex offender may not enter and remain in any residential property within the territorial jurisdiction or otherwise owned or operated by the Nation's Housing Authority during daylight hours for a period of longer than four (4) hours or for any length of time after 9:00 p.m. without first notifying the Nation's Police Department of their intent to make such a visit and providing the date and times at which the person will be found at the property covered by this Section.

(b) Notice of the restrictions set forth in paragraph (a) of this Section shall be posted at all areas to which the restrictions apply; however, failure to post such a notice shall not relieve a person subject to the restrictions of the obligation to comply therewith.

APPENDIX A
FORMS FOR UPDATING OFFENDER INFORMATION

Wyandotte Nation Sex Offender Registration Form (Change of Information Form)

Sex Offender Acknowledgement Form

Wyandotte Nation Tribal Police Department Form Letter

Wyandotte Nation Sex Offender Registration Form (Change of Information Form)

All public information shall be entered into the National Tribal Sex Offender Registry within 3 business days. All other information shall be retained in electronic format.

Figure 4

All public information shall be entered into the National Tribal Sex Offender Registry within 3 business days. All other information shall be retained in electronic format.

Type or Print (Black or Blue Ink Only)		Sentencing Court:						Registered as:				
Last Name			First Name		Middle Name		AKA/Alias: Last Name		First Name		Middle	
Date of Birth:	Race		Sex		Height	Weight		Hair Color		Eye Color		Social Security
Tribal ID No.	FBI No.				Drivers License or ID Card No.			Passport/Immigration Info.		State/Tribe of		
Other Identifying Marks					Vehicle Info. (lic., reg., color, make, model, year)					Professional Licenses (

Information For All Sex Offenses Ever Convicted Of (attach Separate sheet if necessary)

Date of Arrest	Arresting Agency		Offense Convicted Of and Date of Conviction					
Date of Arrest	Arresting Agency		Offense Convicted Of and Date of Conviction					
Date of Arrest	Arresting Agency		Offense Convicted Of and Date of Conviction					
Probation/Jail Status		Where Incarcerated/Probation		Finger/Palm Print	Date of Last Picture		DNA in CODIS	
				Yes / No			Yes / No	

Education Institution If currently (or will be) attending/employed/volunteering check here:

Name of Institute		Location	
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Residential Location (known/anticipated/habitual) **Mailing Address**

Street #/Name or general description (No P.O. Box)				(if different from Residential Location)			
City	State	Zip	Phone #(land/cell)	City	State	Zip	Phone #(land/cell)

Place of Employment (Including information related to transient or day labor employment)

Name of Employer		Address		City	State	Zip	Phone #(land/cell)
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Description of Crime Requiring Registration

Victim Information (Do not include name)		Age	Race	Sex	Offender Relationship to

Internet Identifiers

Email Addresses		IM Addresses	Names Used	Other Designations/Identifiers
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Sex Offenders Signature:

Date Signed:

Name of official completing form:	Department:	Date Completed:	Date entered into national registry:
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SEX OFFENDER ACKNOWLEDGMENT FORM

1. I have been advised of the Wyandotte Nation Sex Offender Registration and Notification Act/Code and the Wyandotte Nation Sex Offender Registration Procedures.
2. Individuals who have been convicted of a qualifying sex offense as outlined in the Wyandotte Nation Sex Offender Registration and Notification Act or the Federal Sex Offender Registration and Notification Act must register as a sex offender with the Wyandotte Nation if:
 - a. They were convicted by the Wyandotte Nation of the qualifying offense,
 - b. They were incarcerated by or with the Wyandotte Nation for the qualifying offense,
 - c. They reside within the Territorial Jurisdiction of the Wyandotte Nation, Wyandotte Nation Tribal Housing, or otherwise reside on property owned by the Wyandotte Nation in fee or trust regardless of location,
 - d. They are employed (including volunteer work regardless of compensation) by the Wyandotte Nation in any capacity or otherwise are employed within the Territorial Jurisdiction of the Wyandotte Nation or on property owned by the Wyandotte Nation in fee or trust regardless of location, or
 - e. They are a student, in any capacity, within the Territorial Jurisdiction of the Wyandotte Nation or on property owned by the Wyandotte Nation in fee or trust regardless of location.
3. Sex offenders required to register with the Wyandotte Nation shall complete a sex offender registration form and shall otherwise provide the Wyandotte Nation Sex Offender Registry Office with the following information: criminal history, date of birth, DNA samples, driver's licenses, identification cards, passport, and immigration documents, employment information, finger and palm prints, internet identifiers, name, phone numbers, pictures, physical description, professional licensing information, address (residential and mailing), school information, social security number, temporary lodging information, conviction offense information, and vehicle information.
4. Pursuant to Wyandotte Nation Tribal Law and Federal law, anyone who is required to register with the Wyandotte Nation shall do so in the following timeframe:
 - a. If incarcerated, before release from imprisonment for the registration offense,
 - b. If not incarcerated, within 3 business days of sentencing for the registration offense, and
 - c. For foreign, federal, and military convictions, a sex offender must appear in person at the Wyandotte Nation Sex Offender Registry Office within 3 business days of establishing a residence on the Wyandotte Nation Reservation or Wyandotte Nation property after either release from incarceration, or if not incarcerated, sentencing for purposes of complying with the Wyandotte Nation Sex Offender Registration and Notification Act or the Federal Sex Offender Registration and Notification Act.
5. All sex offenders required to register with the Wyandotte Nation must immediately appear at the Wyandotte Nation Sex Offender Registry Office in person to update any change in their name, residence (including termination of residence), employment, school attendance, vehicle information, temporary lodging, email addresses, telephone numbers, cell phone numbers, Instant Messaging addresses, and any other designation used in internet communications, posting, or telephone conversations. In the event of a change in temporary lodging, the sex offender shall immediately notify the jurisdiction in which the sex offender will be temporarily staying.
6. All sex offenders who are employed by the Wyandotte Nation in any capacity or otherwise are employed within the Territorial Jurisdiction of the Wyandotte Nation or on property owned by the Wyandotte Nation in fee or trust regardless of location who change or terminate their employment shall immediately appear in person at the Wyandotte Nation Sex Offender Registry Office to update that information.
7. Any sex offender who is a student in any capacity within the Territorial Jurisdiction of the Wyandotte Nation or on property owned by the Wyandotte Nation in fee or trust regardless of location who changes his/her school, or otherwise terminates his/her schooling, shall immediately appear in person at the Wyandotte Nation Sex Offender Registry Office to update that information.
8. A sex offender who is or should be registered with the Wyandotte Nation shall at a minimum appear in person at the Wyandotte Nation Sex Offender Registry Office for purpose of keeping registration current in accordance with the following time frames:
 - a. for Tier 1 offenders, once every year for 15 years from date of sentencing or release from incarceration.

b. for Tier 2 offenders, once every 180 days for 25 years from the date of sentencing or release from incarceration.

c. for Tier 3 offenders, once every 90 days for the rest of their lives.

9. If the Offender intends to commence residence, school, or employment outside of the United States, the offender must notify the Wyandotte Nation registering officer 21 days prior to his or her departure.

10. At each in person verification, a sex offender shall permit the Wyandotte Nation Sex Offender Registry Officer to take a current photograph of the offender, and shall review existing information for accuracy.

11. The following information, related to the sex offender, will be maintained on a national sex offender registry website: any registration requirement violations, if absconded, all sex offenses for which convicted, all sex offenses for which registered, address of employer, current photograph, physical description, residential address including habitual residences, all addresses of schools attended, and vehicle license plate number along with a description of the vehicle.

12. Any failure to appear for registration, absconding, or other violation of either the Federal Sex Offender Registration and Notification Act or the Wyandotte Nation Sex Offender Registration and notification Act may result in criminal, civil, state or federal sanctions.

I have read, or have had read to me, and understand the above laws and regulations regarding my registration as a sex offender.

Sex Offender Name (Print)

Date: _____

Sex Offender Name (signature)

Witness: _____

Name of Official and Department



Wyandotte Nation Tribal Police Department

64700 East Hwy 60
Wyandotte, Oklahoma 74370
Telephone: 918-678-2297

Kendal A. Murphy
Chief of Police

Date

Name

Address

City/State

Re: Wyandotte Nation Sex Offender Registration and Notification Act

Dear Name,

You are hereby notified that, pursuant to the federal Adam Walsh Act and the Wyandotte Nation Sex Offender Registration and Notification Act, you are required by both Federal and Tribal Law to register as a sex offender with the Wyandotte Nation Sex Offender Registry Office.

Because you were convicted of _____ in Indian Country, you are required by law to register with the Wyandotte Nation in addition to your registration with the State of Oklahoma. You will be registered as a Tier _____ Offender with the Wyandotte Nation.

Please contact Officer _____ at (918) 287-5259 immediately to schedule an appointment to register. Failure to register within 3 days is both a federal and tribal crime punishable by up to 10 years incarceration.

Please bring copies of all documents that pertain to your case in which you were convicted of a sex offense in addition to all forms of identification when you present yourself to the Wyandotte Nation Sex Offender Registry Office for registration.

If you have any questions, please feel free to contact me.

Thank you,

Officer _____
Wyandotte Nation Police Department
Sex Offender Registration Division