

I. TITLE

This Ordinance shall be known as the St. Regis Mohawk Sex Offender Registration and Notification Act.

II. SCOPE

This Ordinance applies to all residents, employees, students, temporary residents or domiciliaries of the St. Regis Mohawk Indian Reservation.

III. PURPOSE

The purpose of this Ordinance is to ensure the health, safety and well-being of all residents of the St. Regis Mohawk Indian Reservation, by requiring that certain sex offenders present within the Territory of Akwesasne comply with registration requirements imposed by this ordinance and to comply with the Sex Offender Registration and Notification Act (:SORNA"). The St. Regis Mohawk Tribe has elected to become a registration jurisdiction under SORNA and is thus prepared to implement the registration and notification requirements for sex offenders contained herein.

IV. DEFINITIONS

Convicted. An adult sex offender is "convicted" for SORNA purposes if the sex offender has been subject to penal consequences based on the conviction, however it may be styled; this includes convictions of juveniles who are prosecuted as adults or juveniles adjudicated delinquent as juvenile for a sex offense and the offense adjudicated was comparable to or more severe than aggravated sexual abuse (18 U.S.C. §2241 (a) or §2241 (b)), or was an attempt or conspiracy to commit such an offense.

Employee. Includes an individual who is self-employed or works for any other entity, whether compensated or not. This also includes interns or volunteers of a tribal agency or organization.

Immediate. Immediate and immediately is defined as within three (3) business days.

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 rather than in a narrow technical sense, to include for example confinement in a state "prison" as well as in a local "jail". Persons under "house arrest" following conviction of a covered sex offense are required to register pursuant to the provisions of this code during their period of "house arrest."

Jurisdiction. Refers to the 50 States, the District of Columbia, the five principal U.S. territories - i.e., the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, and the United States Virgin Islands, and any Indian Tribe.

Minor. The term minor means an individual who has not attained the age of 18 years.

Resides. The term reside or resides means, with respect to an individual, the location of the individuals' home or other place where the individual habitually lives or sleeps. This includes vacation homes, hunting or fishing locations, and sex offenders who visit the reservation for a period of **[insert hours]** hours or more.

Sex Offense. The term "sex offense" is not used to refer to any and all crimes of a sexual nature, but rather to those covered by the definition of "sex offense" appearing in SORNA § 111(5). An offense involving consensual sexual conduct is not a sex offense for the purposes of this ordinance 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 13 years old and the offender was not more than 4 years older than the victim.

Sex Offender. An individual convicted of a sex offense is a "sex offender."

Sexual Act. The term means

1. contact between the penis and vulva, or the penis and anus and for the 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;

Sexual Contact. The term means any form of sexual touching of or contact with the intimate parts of the body, either directly or through the clothing for ones own sexual gratification or with an intent to abuse, humiliate, harass, degrade or arouse the sexual desire of any person.

Student: An individual who enrolls in or attends an educational institution, including (whether public or private) a secondary school, trade or professional school, and institution of higher education.

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.

Sex Offender Registry. The term means the registry of sex offenders and a notification program maintained by the St. Regis Mohawk Tribe.

National Sex Offender Registry (NSOR). The National registry maintained by the Attorney General of the United States pursuant to 42 U.S.C. §16919.

Tier 1 Sex Offender. A Tier 1 sex offender is one that has been convicted of a tier 1 sex offense as defined in this Ordinance.

Tier 2 Sex Offender. A Tier 2 sex offender is one that has been convicted of a tier 2 sex offense as defined in this Ordinance.

Tier 3 Sex Offender. A Tier 3 sex offender is one that has been convicted of a tier 3 sex offense as defined in this Ordinance.

V. REGISTRATION OF SEX OFFENDERS

A. Every person described in section 5(B), for the rest of his or her life while residing, employed or attending school, on property owned by the St. Regis Mohawk Tribe in fee, restricted fee or trust, are subject to the registration and notification requirements imposed by this ordinance with the purpose of temporarily residing, working, attending school or establishing a domicile within the exterior boundaries of the St. Regis Mohawk Indian Reservation. The person shall be required annually thereafter, within five working days of his or her birthday, to update his or her registration with the St. Regis Mohawk Tribal Police Department, including, verifying his or her name and address on a form as may be required by the St. Regis Mohawk Tribe.

VI. COVERED OFFENSES

A. **Attempts and Conspiracies.** Individuals convicted of one or more registerable offenses on or after January 21, 1996 must register as a sex offender with the Division of Criminal Justice Services and/or the St. Regis Mohawk Tribal Police Department. Additionally, any person convicted of a registerable offense who was incarcerated or under parole or probation supervision for the offense on January 21, 1996 is required to be registered.

B. **Federal Offenses.** Convictions under the following Federal Offenses:

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. §2251 A Selling or Buying Children
10. 18 U.S.C. §2252 Material Involving the Sexual Exploitation of Minors
11. 18 U.S.C. §2252A Material Containing Child Pornography
12. 18 U.S.C. §225B 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 Imports in to the United States
15. 18 U.S.C. §2421 Transportation of a Minor for Illegal Sexual Activity
16. 18 U.S.C. §2422 Coercion and Enticement of a Minor for Illegal Sexual Activity
17. 18 U.S.C. §2423 Transportation of Minors for Illegal Sexual Activity, Travel With the Internet to Engage in Illicit Sexual Conduct with a Minor, Engaging in Illicit Sexual Conduct in Foreign Places.

- 18. 18 U.S.C. §2424 Failure to File Factual Statement about an Alien Individual.
- 19. 18 U.S.C. §2425 Transmitting Information About a Minor to further Criminal Sexual Conduct.

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

D. Military Offenses 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).

E. Juvenile Adjudications: The term “convicted” or a variant thereof, used with respect to a sex offense, includes adjudicated delinquent as a juvenile for that 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 section 2241 of title 18, United States Code [18USCS § 2241]), or was an attempt or conspiracy to commit such and offense.

F. Jurisdiction Offenses. Any sex offense committed in any jurisdiction, including the St. Regis Mohawk Tribe, that involves:

1. Any type of degree of genital, oral, or anal penetration.
2. Any sexual touching of or contact with a person’s body, either directly or through the clothing.
3. Kidnapping of a minor
4. False imprisonment of a minor
5. Solicitation to engage a minor in sexual conduct (should be understood broadly to include any direction, request, enticement, persuasion, or encouragement of a minor to engage in sexual conduct).
6. Use of a minor in a sexual performance
7. Solicitation of a minor to practice prostitution
8. Video voyeurism of a minor as described in 18 U.S.C. § 1801
9. Possession, production, or distribution of child pornography
10. Criminal sexual conduct (sexual offenses whose elements involve physical contact with the victim) involving 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.
11. Any conduct that by its nature is a sex offense against a minor
12. Any offenses similar to the following Federal Offenses:
 - 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

VII. TIERING OF OFFENSES

A.

B. Tier I Offenses

Convictions that have an element involving a sexual act or sexual contact with another that is not included in either Tier II or Tier III, by: State, Local, Foreign, and /or Tribal Jurisdiction

Convictions by: State, Local, Foreign, and /or Tribal jurisdiction that involve:

The following list of for which registration as a sex offender is required. Individuals are required to register as sex offender upon a **conviction of a registerable offense** or a **conviction for an attempt to commit a registerable offense** as a hate crime or a crime of terrorism.

120.70	E Felony ¹	luring a child
130.20	A Misdemeanor	sexual misconduct
130.25	E Felony	rape in the third degree
130.30	D Felony	rape in the second degree
130.35	B Felony	rape in the first degree
130.40	E Felony	criminal sexual act in the third degree
130.40	E Felony	sodomy in the third degree
130.45	D Felony	criminal sexual act in the second degree
130.45	D Felony	sodomy in the second degree
130.50	B Felony	criminal sexual act in the first degree
130.50	B Felony	sodomy in the first degree
130.52 ²	A Misdemeanor	forcible touching
130.53	E Felony	persistent sexual abuse
130.55 ²	B Misdemeanor	sexual abuse in the third degree
130.60	A Misdemeanor	sexual abuse in the second degree
130.65	D Felony	sexual abuse in the first degree
130.65-a	E Felony	aggravated sexual abuse in the fourth degree
130.66	D Felony	aggravated sexual abuse in the third degree
130.67	C Felony	aggravated sexual abuse in the second degree
130.70	B Felony	aggravated sexual abuse in the first degree
130.75	B Felony	course of sexual conduct against a child in the first degree
130.80	D Felony	course of sexual conduct against a child in the second degree
130.90	D Felony	facilitating a sex offense with a controlled substance
130.91	Various Felonies	sexually motivated felony(see category II below)
130.95	A-II Felony	predatory sexual assault
130.96	A-II Felony	predatory sexual assault against a child
135.05 ³	A Misdemeanor	unlawful imprisonment in the second degree
135.10 ³	E Felony	unlawful imprisonment in the first degree
135.20 ³	B Felony	kidnapping in the second degree
135.25 ³	A-I Felony	kidnapping in the first degree

230.04 ⁴	A Misdemeanor	patronizing a prostitute in the third degree
230.05	E Felony	patronizing a prostitute in the second degree
230.06	D Felony	patronizing a prostitute in the first degree
230.30(2)	C Felony	promoting prostitution in the second degree
230.32	B Felony	promoting prostitution in the first degree
230.33	B Felony	compelling prostitution
230.34	B Felony	sex trafficking
235.22	D Felony	disseminating indecent material to minors in the first degree
250.45(2), (3) and (4) ⁵	E Felony	unlawful surveillance in the second degree
250.50	D Felony	unlawful surveillance in the first degree
255.25	E Felony	Incest (committed prior to 11/1/06)
255.25	E Felony	Incest in the third degree
255.26	D Felony	Incest in the second degree
255.27	B Felony	Incest in the first degree
263.05	C Felony	use of a child in a sexual performance
263.10	D Felony	promoting an obscene sexual performance by a child
263.11	E Felony	possessing an obscene sexual performance by a child
263.15	D Felony	promoting a sexual performance by a child
263.16	E Felony	possessing a sexual performance by a child
263.30	B Felony	facilitating a sexual performance by a child with a controlled substance or alcohol

If the underlying offense is a class A or a class B felony, then the offense of luring a child shall be considered respectively, a class C felony or class D felony.

² A registerable offense only if the victim is less than eighteen years of age or where the defendant has a prior conviction for a sex offense, a sexually violent offense, forcible touching or sexual abuse in the third degree or an attempt thereof even if registration was not required for the prior conviction; regardless of when the prior conviction occurred.

³ A registerable offense only if the victim is less than seventeen years old and the offender is not the parent of the victim.

⁴ A registerable offense only if the person patronized is in fact less than seventeen years old.

⁵ A registerable offense unless the trial court finds that registration would be unduly harsh and inappropriate. Please note that an attempt to commit this offense does not require registration.

The following Federal Offenses:

18 U.S.C. §1591	(Sex Trafficking by Force, Fraud, or Coercion)
18 U.S.C. §1801	(Video Voyeurism of a Minor)
18 U.S.C. §2252	(Receipt or Possession of Child Pornography)
18 U.S.C. §2252A	(Receipt or Possession of Child Pornography)

18 U.S.C. §2252B	(Misleading Domain Name)
18 U.S.C. §2252C	(Misleading Words or Digital Images)
18 U.S.C. §2422(a)	(Coercion to engage in Prostitution)
18 U.S.C. §2423(b)	(Travel with the intent to engage in illicit conduct)
18 U.S.C. §2423(c)	(Engaging in illicit conduct in foreign places)
18 U.S.C. §2424	(Filing Factual Statement about Alien Individual)
18 U.S.C. §2425	(Transmitting Information about a Minor to further Criminal Sexual Conduct)

And any comparable military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (U.S.C. 951 note).

Tier II

Recidivist, prior tier I sex offender and current sex offender punishable by more than one year imprisonment. Convictions by: State, Local, Foreign, and/or Tribal Jurisdictions.

A person commits a sexually motivated felony when he or she commits a “specified offense” for the purpose, in whole or substantial part, of his or her own direct sexual gratification. A “specified offense” is any of the following offenses:

120.70	E Felony ¹	luring a child
130.20	A Misdemeanor	sexual misconduct
130.25	E Felony	rape in the third degree
130.30	D Felony	rape in the second degree
130.35	B Felony	rape in the first degree
130.40	E Felony	criminal sexual act in the third degree
130.40	E Felony	sodomy in the third degree
130.45	D Felony	criminal sexual act in the second degree
130.45	D Felony	sodomy in the second degree
130.50	B Felony	criminal sexual act in the first degree
130.50	B Felony	sodomy in the first degree
130.52 ²	A Misdemeanor	forcible touching
130.53	E Felony	persistent sexual abuse
130.55 ²	B Misdemeanor	sexual abuse in the third degree
130.60	A Misdemeanor	sexual abuse in the second degree
130.65	D Felony	sexual abuse in the first degree
130.65-a	E Felony	aggravated sexual abuse in the fourth degree
130.66	D Felony	aggravated sexual abuse in the third degree
130.67	C Felony	aggravated sexual abuse in the second degree
130.70	B Felony	aggravated sexual abuse in the first degree
130.75	B Felony	course of sexual conduct against a child in the first degree
130.80	D Felony	course of sexual conduct against a child in the second degree
130.90	D Felony	facilitating a sex offense with a controlled substance
130.91	Various Felonies	sexually motivated felony(see category II below)

130.95	A-II Felony	predatory sexual assault
130.96	A-II Felony	predatory sexual assault against a child
135.05 ³	A Misdemeanor	unlawful imprisonment in the second degree

The following Federal Offenses:

18 U.S.C. §2243	(Sexual Abuse of a Minor)
18 U.S.C. §2244	(Abusive Sexual Contact, Victim 13 or Older)
18 U.S.C. §2251	(Sexual Exploitation of Children)
18 U.S.C. §2251A	(Selling or Buying of Children)
18 U.S.C. §2252	(Production or Distribution of Child Pornography)
18 U.S.C. §2252A	(Production or Distribution of Child Pornography)
18 U.S.C. §2260	(Producing Child Pornography for Import)
18 U.S.C. §2421	(Transportation for Prostitution)
18 U.S.C. §2422(b)	(Coercing a Minor to Engage in Prostitution)
18 U.S.C. §2423(a)	(Transporting a minor to engage in illicit conduct)

Any comparable 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).

Tier III

Recidivist, prior tier II sex offender and current offense punishable by more than one year imprisonment. Convictions by: State, Local, foreign, and/or Tribal Jurisdiction that involve:

1. non-parenting 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
4. 'sexual contact' with a minor under 13

The following Federal Offenses:

18 U.S.C. §2241	(Aggravated Sexual Abuse)
18 U.S.C. §2242	(Sexual Abuse)
18 U.S.C. §2244	(Abusive Sexual Conduct, victim under 13)
18 U.S.C.A. 2251	(sexual exploitation of children)
18 U.S.C.A. 2251A	(selling or buying of children)
18 U.S.C.A. 2252	(certain activities relating to material involving the sexual exploitation of minors)
18 U.S.C.A. 2252A	(certain activities relating to material constituting or containing child pornography)
18 U.S.C.A. 2260	(production of sexually explicit depictions of a minor for importation into the United States)
18 U.S.C.A. 2422(b)	(coercion and enticement)
18 U.S.C.A. 2423	(transportation of minors)

Any comparable 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)

VIII. CONTENT OF REGISTRATION

A. The registration shall consist of the following:

1. Criminal History

- a. Date of all arrests
- b. date of all convictions
- c. Status of parole, probation or supervised release
- d. Registration status
- e. Outstanding arrest warrants
- f. All information digitized

2. Date of Birth

- a. Actual date of birth
- b. Purported date of birth
- c. All information digitized

3. DNA Sample of the sex offender

- a. A DNA sample must be taken, or must have been taken from the sex offender, for purposes of analysis and entry of the resulting DNA profile into the Combined DNA Index System (CODIS)
- b. Samples are being submitted to CODIS
- c. All information digitized

4. Driver's License or Identification Card

- a. A photocopy of a valid driver's license or identification card issued to the sex offender by a jurisdiction
- b. All information digitized

5. Employment Information

- a. Name
- b. Address
- c. of any place where the sex offender is an employee or will be an employee, including as a volunteer or unpaid intern.
- d. All information digitized

6. Fingerprints

- a. All information digitized

7. Internet Identifiers

- a. Email addresses
- b. Instant Message addresses/identifiers
- c. any other designations or monikers used for self-identification in Internet communications or postings
- d. All information digitized

8. Name of the sex offender

- a. Primary, given name
- b. Nicknames, aliases, pseudonyms generally, regardless of context in which used
- c. Ethnic or Tribal names by which they are commonly known
- d. All information digitized

9. Palm Prints of the sex offender

- a. All information digitized

10. Passport and Immigration Documents

- a. Digitized copies of passports
- b. Digitized copies of immigration documents
- c. All information digitized

11. Phone Numbers

- a. Telephone numbers and any other designations used by sex offenders for purposes of routing or self-identification in telephonic communications.
- b. Land line telephone numbers
- c. Cell phone telephone numbers
- d. All information digitized

12. Photograph

- a. Updated digitized photograph collected unless appearance has not changed significantly:
 - 1) Tier III: quarterly
 - 2) Tier II: Bi-annually
 - 3) Tier I: Annually
- b. All information digitized

13. Physical Description

- a. Physical description of the sex offender
- b. General description of physical appearance or characteristics
- c. Any identifying marks, such as scars or tattoos, etc.
- d. All information digitized

14. Professional Licensing Information

- a. Concerning all licensing of the registrant that authorizes the registrant to engage in an occupation or carry out a trade or business
- b. All information digitized

15. Resident Address

- a. Address of each residence at which the sex offender resides or will reside
- b. If no permanent residence, location or description that identifies where the sex offender “habitually lives”
- c. All information digitized

16. School Information

- a. Name
- b. Address
- c. Of any place where the sex offender is a student or will be a student
- d. All information digitized

17. Social Security Number

- a. Valid social security number
- b. Purported social security number
- c. All information digitized

18. Temporary Lodging Information

- a. Identifying information (location) of temporary location(s)
- b. Dates of temporary lodging(s)
- c. All information digitized

19. Text of Registration Offense – The text of the provision of law defining the criminal offense for which the sex offender is registered * will be provided via the SORNA Database once fully populated*

- a. Link to SORNA Database

20. Vehicle Information- for all vehicles owned or operated by the offender, whether for work or personal use, including land vehicles, aircraft or watercraft:

- a. License plate number
- b. Registration number or identifier
- c. Description of all vehicles identified above
- d. Permanent or frequent location where all vehicles are kept
- e. All information digitized

B. If any person who is required to register pursuant to this section makes any changes to the information included in this section, the person shall inform the St. Regis Mohawk Tribal Police Department in writing within three (3) working days.

VII. WHERE REGISTRATION IS REQUIRED

A. Jurisdiction of Conviction- Initial registration is required in the jurisdiction where the sex offender was convicted even if the sex offender will not be residing there.

B. Initial registration is required in incarceration jurisdiction. (The jurisdiction where a sex offender is incarcerated when completing their sentence, regardless if this is the jurisdiction of conviction or the jurisdiction of residence).

C. Jurisdiction of Residence- all sex offenders who “reside” in the jurisdiction are required to register.

D. Jurisdiction of Employment- all sex offenders who are “employees” in the jurisdiction are required to register.

E. Jurisdiction of School Attendance- All sex offenders who are “students” in the jurisdiction are required to register.

VIII. TIMING OF INITIAL REGISTRATION

When incarcerated- Before release from “imprisonment” for the registration offense.

When not incarcerated- Within three business days of sentencing for the registration offense.

Foreign, Federal and Military Convicted Offenders- a personal appearance required within 3 business days of establishing residence after release from incarceration or sentencing (if not incarcerated). Foreign, Federal or Military.

Duties of Initial Registration Jurisdiction

Inform the sex offender of his or her duties under SORNA.

Explain SORNA duties to sex offender.

Request the sex offender to read and sign a form stating that the duty to register has been explained and that the sex offender understands the registration requirements.

Read, sign and acknowledgement of understanding of requirements. Ensure that the sex offender is registered.

Immediately forward information. Upon entry of the sex offender’s information on to the registry, immediately forward the registration information to all other jurisdictions in which the sex offender is required to register.

Residency Jurisdiction
Employment Jurisdiction
Student Jurisdiction

I. INITIAL REGISTRATION; RETROACTIVE CLASSES OF OFFENDERS

Procedure in place to recapture the following three categories of sex offenders: those who are:

0. Incarcerated or under supervision, either for the predicate sex offence or for some other crime.
0. Already registered or subject to a pre-existing sex offender registration requirement under the jurisdictions law.

0. Reentering the jurisdiction's justice system because of conviction for some other crime (whether or not a sex offense).

Timing of Recapture (from date of implementations of SORNA in the jurisdiction.

Tier I: One Year

Tier II: 6 Months

Tier III: 3 Months

Sex offender is subject to Regular Initial Registration Procedure upon notification of duty to register.

IX. KEEPING THE REGISTRATION CURRENT

The duties of jurisdictions will vary depending on whether they are the "Residence Jurisdiction, the "Employment Jurisdiction" or the "School Jurisdiction". This section addresses the duties of sex offender to each type of jurisdiction with regards to keeping their registry information up to date.

Residence Jurisdiction

Immediate in person appearance is required to update the following information:

1. Name
2. Residence
3. Employment
4. School Attendance
5. Termination of residence

Immediate updates required for any changes to the following information:

0. Vehicle information
0. Temporary Lodging information

Immediate notification to the jurisdiction in which the offender will be temporarily staying.

Immediate updates required for changes or additions to:

1. Email addresses
2. Instant Message addresses
3. Any other designations used in internet communications, postings, or telephone communications

Duties of the Residence Jurisdiction when Updated Information is Received:

1. Immediate notification provided to all jurisdiction where the offender intends to reside, work, or attend school.
2. Immediate notification of any changes to any other jurisdiction where the sex offender is either registered, or is required to register.

Foreign relocation special procedure. If the jurisdiction is notified that the offender intends to commence residence, school, or employment outside the United States.

1. Immediate notification of any changes to any other jurisdiction where the sex offender is either registered, or is required to register.
2. Notify the U.S. Marshals Service
3. Update SORNA information

Employer Jurisdiction:

1. Immediate in person appearance required to update the following information
2. Employment
3. Termination of employment

School Jurisdiction:

1. Immediate in-person appearance required to update the following information
2. School
3. Termination of school

Duties of the Employer Jurisdiction when updated information is received: Immediate notification of any changes to all jurisdiction where the sex offender is either required to register, or was required to register prior to the updated information being given.

Duties of the School Jurisdiction when updated information is received: Immediate notification of any changes to all jurisdictions where the sex offender is either registered, or is required to register.

X. VERIFICATION /APPEARANCE REQUIREMENTS

Tier I Offenders

Once a year for 15 years

Tier II Offenders

Every 6 months for 25 years

Tier III Offenders

Every 3 months for life

Requirement for in person regular appearances

- a. A current photograph must be allowed to be taken
- b. The sex offender reviews the existing formation for accuracy.
- c. If any new information or changes are secure, it must be immediately communicated to all other registration jurisdictions

Reduction of registration period

Tier I offenders

- a. After 10 years with a “Clean Record”.
- b. Not being convicted of any offense for which imprisonment for more than 1 year may be imposed;
- c. Not being convicted of any sex offense;
- d. Successful (without revocation) completion of any periods of supervised release, probation, and parole; and

- e. Successful completion of an appropriate sex offender treatment program certified by a jurisdiction or by the Attorney General (42 USC §16915 (b) (1)).

Tier II Offenders

- a. Adjudicated delinquent of an offense as a juvenile which required Tier III registration.
- b. After 25 years with a “Clean Record”.
- c. Not being convicted of any offense for which imprisonment for more than 1 year may be imposed;
- d. Not being convicted of any sex offense;
- e. Successful (without revocation) completion of any periods of supervised release, probation, and parole; and
- f. Successful completion of an appropriate sex offender treatment program certified by a jurisdiction or by the Attorney General (42 USC §16915 (b) (1)).

XI. REGISTRY WEBSITE REQUIREMENTS

Every jurisdiction will need to maintain a public sex offender registry website, as specified below:

- 1. Public Sex Offender Registry Website
- 2. Links to sex offender safety and education resources
- 3. A warning that information on the site 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 address and that any such action could result in civil or criminal penalties.
- 4. Search field capability needs to include:
 - Name
 - County, City and or Town
 - Zip code and or Geographic Radius

Ten Core required items on public Registry Websites

- 1. Absconder: When the offender is on violation or cannot be located, the website
- 2. Criminal History: any other sex offense for which the sex offender has been convicted
- 3. Current Offense: the sex offense for which the offender is registered.
- 4. Employer address
- 5. Name of the sex offender, including all aliases.
- 6. Photograph: a current photograph of the offender.
- 7. Physical description of the sex offender.
- 8. Residential Address of the sex offender including any information about where the offender “habitually lives”.
- 9. School address
- 10. Vehicle(s) information:
 - License plate number
 - Vehicle description

Information that is NOT permitted to be displayed on Public Websites.

- 1. Criminal History: Arrests not resulting in conviction

2. Social Security Number
3. Travel and Immigration Document Numbers
4. Victim Identity

Special Issue: Witness protection

Jurisdictions are permitted and encouraged to make provision in their laws and procedures to accommodate consideration of the security of such individuals and to honor requests from the United States Marshal Service and other agencies responsible for witness protection in order to ensure that their original identities are not compromised.

XII. COMMUNITY NOTIFICATION

Community Notification is a distinct requirement, apart from the maintenance of a sex registry and a public sex offender registry website. In certain cases, jurisdictions will be required to disseminate information about sex offenders to agencies and individuals in the community as indicated below.

Law Enforcement Community Notification: Four Special Cases:

Whenever a sex offender: Registers their information in a jurisdiction, or
Updates their information in a jurisdiction the following actions are required:

Immediate notification to specified entities and individuals upon registration or update of registration: within three to:

FBI/NSOR

Law enforcement and supervision agencies:

Police Departments

Sheriffs' Offices

Prosecutor's Offices

Probation Agencies

Any other agencies with criminal investigation, prosecution, or sex offender supervision functions

Other Registration Jurisdictions:

Resident

School

Employment

National Child Protection Act agencies:

Any agency responsible for conduction employment-related background checks under section 3 of the national Child Protection Act 1993 (42 U.S.C. 5119a)

Community Notification: General

Whenever a sex offender

Register their information in a jurisdiction, or

Updates their information in a jurisdiction, the following actions are required in order to comply with the community notification portions of SORNA:

Adopt an automated notification system that incorporates substantially the following features.

Changes to Public Registry Website are posted within three business days.

E-mail notice available for when a sex offender commences residence, employment, and school attendance within a zip code or geographic radius.

E-mail notification includes the sex offender's identity

XIII. FAILURE TO REGISTER AS A SEX OFFENDER: STATE PENALTY

Each jurisdiction, other than a federally recognized Indian tribe, shall provide a criminal penalty that includes a maximum term of imprisonment that is greater than 1 year for the failure of a sex offender to comply with the requirements of this title (42 USC §16913(e)).

Any person who is required to register under this section based on a **misdemeanor conviction** and violates this section is subject to civil penalties consistent with the Indian Civil Rights Act, and exclusion from the St. Regis Mohawk Indian Reservation in accordance with all applicable St. Regis Mohawk Tribal ordinances.

Any person required to register under this section based on a **felony conviction** who violates this section or who has a prior conviction for the offense of failing to register under this section and who subsequently commits that offense is subject to civil penalties consistent with the Indian Civil Rights Act, and exclusion from the St. Regis Mohawk Indian Reservation in accordance with all applicable St. Regis Mohawk Tribal ordinances.

XIV. WHEN A SEX OFFENDER FAILS TO APPEAR FOR REGISTRATION

Inform the jurisdiction that provided the notification (that the offender was to commence residence, employment, or school in the new jurisdiction) that the sex offender failed to appear for registration.

XV. WHEN A JURISDICTION HAS INFORMATION THAT A SEX OFFENDER MAY HAVE OBSCONDED

- a.) An effort must be made to determine whether the sex offender has actually absconded.
- b.) If no determination can be made, then law enforcement agency with jurisdiction to investigate the matter must be notified.
- c.) Also, if the information indicating the possible absconding came through notice from another jurisdiction or federal authorities, the authorities that provided the notification must be informed that the sex offender has failed to appear and register.
- d.) if an absconded sex offender cannot be located, then the jurisdiction must take the following steps:
 1. The information in the registry must be revised to reflect that the sex offender is an absconder or un-locatable.

2. A warrant must be sought for the sex offender's arrest, if the legal requirements for doing so are satisfied.
3. The United States Marshals Service, which is the lead federal agency for investigation sex offender registration violations, must be notified.
4. The jurisdiction must update the National Sex offender Registry to reflect the sex offender's status as an absconder or un-locatable.
5. The jurisdiction must enter the sex offender into the National Crime Information Center Wanted Person File (assuming issuance of a warrant meeting the requirement for entry into that file).

A jurisdiction's policies must require appropriate follow-up measures when information is received indicating violation of the requirement to register in jurisdictions of employment, school attendance, whether or not a violation of the requirement to register in jurisdiction of residence is implicated.

In such cases, an effort must be made to determine whether the sex offender is actually employed or attending school in the jurisdiction but has failed to register. If (non-law enforcement) registration personnel cannot determine this then a law enforcement agency with jurisdiction to investigate the matter must be notified.

XVI. EXCLUSION OF NON-MEMBER SEX OFFENDERS

A. In accordance with all applicable Tribal ordinances, regulations and laws, known nonmember sex offenders residing within the exterior boundaries of the St. Regis Mohawk Indian Reservation shall be excluded from the St. Regis Mohawk Indian Reservation after receiving notice as provided in Title 5, St. Regis Mohawk Tribal Code, section II(1) and(2).

B. For purposes of this section, "nonmember" shall mean any person that is not an enrolled member of the St. Regis Mohawk Tribe.

XVII. RECORD OF DISSEMINATION OF INFORMATION

A. If the St. Regis Mohawk Tribal Police Department disseminates information pursuant to this Ordinance, the St. Regis Mohawk Tribal Police Department shall maintain records of the offender and the means and dates of dissemination for a minimum of five years.

XVIII. IMMUNITY OF LAW ENFORCEMENT AGENCY AND EMPLOYEES

Law enforcement agencies and employees of law enforcement agencies shall be immune from liability for good faith conduct under this section.

XIX. CIVIL PENALTIES FOR MISUSE OF INFORMATION

Any person who uses information disclosed pursuant to this section to commit a felony or misdemeanor shall be subject to civil penalties consistent with the Indian Civil Rights Act and

exclusion from the St. Regis Mohawk Indian Reservation consistent with applicable St. Regis Mohawk Tribal ordinances.

XX. APPLICATION OF REGISTRATION AND PUBLIC NOTIFICATION PROVISIONS

The registration and public notification provisions of this section are applicable to every person described in these sections, without regard to when his or her crimes were committed or his or her duty to register pursuant to this section arose, and to every offense described in these sections, regardless of when it was committed.

XXI. EFFECTIVE DATE, AMENDMENT

This Ordinance shall be effective from the date of its approval by the Tribal Council. This Ordinance may be amended in accordance with applicable tribal ordinances of the St. Regis Mohawk Tribe.

The Sex Offender Registrar shall develop a policies and procedures manual within a reasonable period of time after this Ordinance is enacted to assist the St. Regis Mohawk Tribe in the implementation of this Ordinance. Such manual shall not be inconsistent with the provisions of this Ordinance and shall be approved by the St. Regis Mohawk Tribal Council before use. Such manual shall include any necessary forms and instructions to assist the Sex Offender Registrar in carrying out his or her duties under this Ordinance.

XXII. SEVERABILITY

If any part of this Ordinance is held to be invalid, the remainder shall continue to be in full force and effect to the maximum extent possible.

XXIII. SOVEREIGN IMMUNITY

Nothing hereunder is intended to be or shall be interpreted to be a waiver of Sovereign Immunity of the St. Regis Mohawk Tribe from un-consented suit in Tribal, Federal or State court.

X. MENTALLY DISORDERED SEX OFFENDER [reserved]

As used in this ordinance, "mentally disordered sex offender" includes any person who has been determined to be a sexual psychopath or a mentally disordered sex offender under any provision which,

X. RELEASE OF INFORMATION

A. When a peace officer reasonably suspects, based on information that has come to his or her attention by any peace officer or member of the public, that a child or other person may be at risk from a sex offender convicted of a crime listed in paragraph (1) of subdivision (a) of the

New York State Penal Code, a law enforcement agency may, notwithstanding any other provision of law, provide any of the information specified in paragraph (2) of this subdivision about that registered sex offender that the agency deems relevant and necessary to protect the public, to the following persons, agencies, or organizations the offender is likely to encounter, including, but not limited to, the following:

1. Public and private educational institutions, day care establishments, and establishments and organizations that primarily serve individuals likely to be victimized by the offender.

2. Other community members at risk.

B. The information that may be disclosed pursuant to this section includes the following:

1. The offender's full name.

2. The offender's known aliases.

3. The offender's gender.

4. The offender's race.

5. The offender's physical description.

6. The offender's photograph.

7. The offender's date of birth.

8. Crimes resulting in registration under this section.

9. The offender's address, which must be verified prior to publication.

10. Description and license plate number of offender's vehicles or vehicles the offender is known to drive.

11. Type of victim targeted by the offender.

12. Relevant parole or probation conditions, such as one prohibiting contact with children.

13. Dates of crimes resulting in classification under this section.

14. Date of release from confinement.

C. Information disclosed pursuant to this subdivision shall not include information that would identify the victim.

D. If a law enforcement agency discloses information pursuant to this subdivision, it shall include, with the disclosure, a statement that the purpose of the release of the information is to allow members of the public to protect themselves and their children from sex offenders.

E. For purposes of this section, "likely to encounter" means (a) that the agencies, organizations, or other community members are in a location or in close proximity to a location where the offender lives or is employed, or that the offender visits or is likely to visit on a regular basis, and (b) the types of interaction that ordinarily occur at that location and other circumstances indicate that contact with the offender is reasonably probable.

F. For purposes of this section, "reasonably suspects" means that it is objectively reasonable for a peace officer to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his or her training and experience, to suspect that a child or other person is at risk.

G. For purposes of this section, "at risk" means a person is or may be exposed to a risk of becoming a victim of a sex offense committed by the offender.

H. The St. Regis Mohawk Tribal Police Department may continue to disclose information on an offender under this subdivision for as long as the offender is included in the appropriate section of the New York State Penal Code.

I. In addition to the procedures set forth elsewhere in this section, the St. Regis Mohawk Tribal Police Department may advise the public of the presence of high risk sex offenders in its community pursuant to this subdivision.