

SEX OFFENDER REGISTRATION CODE

CONFEDERATED TRIBES
OF THE
UMATILLA INDIAN RESERVATION

SEX OFFENDER REGISTRATION CODE

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SEX OFFENDER REGISTRATION CODE

CHAPTER 1. GENERAL MATTERS

SECTION 1.01. TITLE.

This Code shall be known as the Sex Offender Registration Code.

SECTION 1.02. PURPOSE.

The intent of this code is to implement the federal Sex Offender Registration and Notification Act (SORNA) and shall be interpreted liberally to comply with the terms and conditions of that Act as presently written or hereafter amended.

SECTION 1.03. NEED.

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

CHAPTER 2. TERMINOLOGY AND COVERED OFFENSES

SECTION 2.01. DEFINITIONS

- A. Convicted. An adult sex offender is “convicted” for the purposes of this code if the sex offender has been subject to penal consequences based on the conviction, however the conviction may be styled. This includes convictions of juveniles who are prosecuted as adults and those adjudicated delinquent if the offender is 14 years of age or older at the time of the offense and the offense was comparable to or more severe than aggravated sexual abuse (18 USC 2241) or was an attempt or conspiracy to commit such an offense.
- B. Employee. The term “employee” as used in this code includes, but is not limited to, an individual who is self-employed or works for any other entity, regardless of compensation including by not limited to volunteers, interns, externs, and apprentices.
- C. Immediate. “Immediate” and “immediately” mean within 3 business days.
- D. 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 local or tribal “jail”.
- E. Jurisdiction. The term “jurisdiction” as used in this code refers to the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, the United States Virgin Islands, and any Indian tribe. This includes the Confederated Tribes of the Umatilla Indian Reservation.
- F. Minor. The term “minor” means an individual who has not attained the age of 18 years.
- G. 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. This includes sex offenders who visit the reservation for a period of 24 hours or more.
- H. Sex Offense. The term “sex offense” as used in this code is limited to those offenses contained in section 111(5) of SORNA.

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- I. Sex Offender. A person convicted of a sex offense is a “sex offender”.
- J. 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.
- K. SORNA. “SORNA” means Title I of the Adam Walsh Child Protection and Safety Act of 2006 (PL 109-248).

SECTION 2.02. COVERED OFFENSES

Offenders who reside within the exterior boundaries of the reservation or otherwise reside on property owned by the tribe in fee or trust regardless of location, are employed within the exterior boundaries of the reservation or on property owned by the tribe in fee or trust regardless of location, attend school within the exterior boundaries of the reservation or on property owned by the tribe in fee or trust regardless of location, or offenders who visit the reservation for a period of 24 hours or more, that have been convicted of the following offenses are subject to the requirements of this code:

- A. Attempts and Conspiracies. Any attempt or conspiracy to commit any sex offense.
- B. Federal Offenses. A conviction for any of the following, and any other offense here after included within SORNA:
 - 1. 18 U.S.C. §1591 (sex trafficking of children),
 - 2. 18 U.S.C. §2241 (aggravated sexual abuse),
 - 3. 18 U.S.C. §2242 (sexual abuse),
 - 4. 18 U.S.C. §2243 (sexual abuse of a minor or ward),
 - 5. 18 U.S.C. §2244 (abusive sexual contact),
 - 6. 18 U.S.C. §2245 (offenses resulting in death),
 - 7. 18 U.S.C. §2251 (sexual exploitation of children),
 - 8. 18 U.S.C. §2251A (selling or buying of children),
 - 9. 18 U.S.C. §2252 (material involving the sexual exploitation of a minor),
 - 10. 18 U.S.C. §2252A (material containing child pornography),
 - 11. 18 U.S.C. §2252B (misleading domain names on the internet),
 - 12. 18 U.S.C. §2252C (misleading words or digital images on the internet),
 - 13. 18 U.S.C. §2260 (production of sexually explicit depictions of a minor for import into the United States),
 - 14. 18 U.S.C. §2421 (transportation of a minor for illegal sexual activity),
 - 15. 18 U.S.C. §2422 (Coercion and Enticement of a Minor for Illegal Sexual Activity),
 - 16. 18 U.S.C. §2423 (Transportation of Minors for Illegal Sexual Activity, etc.)
 - 17. 18 U.S.C. §2424 (failure to file factual statement about an alien individual), and

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18. 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 Section 2.02(F) which was obtained under the laws of Canada, the United Kingdom, Australia, New Zealand, and any foreign country where the United States State Department, in its Country Reports on Human Rights Practices, has concluded that an independent judiciary generally (or vigorously) enforced the right to a fair trial in that country during the year in which the conviction occurred.
- D. Military Offenses. Any military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of PL 105-119 (codified at 10 U.S.C. 951).
- E. Juvenile Offenses or Adjudications. Any sex offense, or attempt or conspiracy to commit a sex offense, that is comparable to or more severe than the federal crime of aggravated sexual abuse (as codified in 18 U.S.C. §2241) and committed by a minor who is 14 years of age or older.
- F. Jurisdiction Offenses. Any sex offense committed in any jurisdiction, including this tribe, that involves:
1. Any type or degree of genital, oral, or anal penetration,
 2. Any sexual touching of or contact with a person's body, either directly or through the clothing,
 3. Kidnapping of a minor,
 4. False imprisonment of a minor,
 5. Solicitation to engage a minor in sexual conduct understood broadly to include any direction, request, enticement, persuasion, or encouragement of a minor to engage in sexual conduct,
 6. Use of a minor in a sexual performance,
 7. Solicitation of a minor to practice prostitution,
 8. 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 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,
 11. Any conduct that by its nature is a sex offense against a minor, and
 12. Any offense similar to those outlined in:
 - a. 18 U.S.C. §1591 (sex trafficking by force, fraud, or coercion),
 - b. 18 U.S.C. §1801 (video voyeurism of a minor),
 - c. 18 U.S.C. §2241 (aggravated sexual abuse),
 - d. 18 U.S.C. §2242 (sexual abuse),

- e. 18 U.S.C. §2244 (abusive sexual contact),
- f. 18 U.S.C. §2422(b)(coercing a minor to engage in prostitution),
- g. 18 U.S.C. §2423(a) (transporting a minor to engage in illicit conduct).

CHAPTER 3. TIERED OFFENSES

SECTION 3.01. TIER 1 OFFENSES

- A. Sex Offenses. A “Tier 1” offense includes any sex offense for which a person has been convicted by any jurisdiction, local government, or qualifying foreign country pursuant to Section 2.02(C) that involves any sexual act or sexual contact with another person that is not included in Section 3.02 or Section 3.03.
- B. Offenses Involving Minors. A “Tier 1” offense also includes any offense for which a person has been convicted by a jurisdiction, local government, or qualifying foreign country pursuant to Section 2.02(C) that involves the false imprisonment of a minor, video voyeurism of a minor, or possession or receipt of child pornography.
- C. Certain Federal Offenses. Conviction for any of the following federal offenses shall be considered “Tier 1” offenses:
 - 1. 18 U.S.C. §1801 (video voyeurism of a minor),
 - 2. 18 U.S.C. §2252 (receipt or possession of child pornography),
 - 3. 18 U.S.C. §2252A (receipt or possession of child pornography),
 - 4. 18 U.S.C. §2252B (misleading domain names on the internet),
 - 5. 18 U.S.C. §2252C (misleading words or digital images on the internet),
 - 6. 18 U.S.C. §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. §2424 (failure to file factual statement about an alien individual), and
 - 10. 18 U.S.C. §2425 (transmitting information about a minor to further criminal sexual conduct).
- D. Certain Military Offenses. Any military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of PL 105-119 (codified at 10 U.S.C. §951) that is similar to those offenses outlined in Section 3.01(A),(B), or (C) shall be considered “Tier 1” offenses.

SECTION 3.02. TIER 2 OFFENSES

- A. Recidivism and Felonies. Unless otherwise covered by Section 3.03, any sex offense, which is not the first sex offense for which a person has been convicted, that is punishable by more than one year in jail is considered a “Tier 2” offense. In the case of subsequent convictions from any tribal court, the offense shall be treated as if it is punishable by more than one year in jail if a substantially similar Oregon state or federal offense is punishable by more than one year.

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- B. Offenses Involving Minors. A “Tier 2” offense includes any sex offense for which a person has been convicted by a jurisdiction, local government, or qualifying foreign country pursuant to Section 2.02(C) that involves:
1. The use of minors in prostitution, including solicitations,
 2. Enticing a minor to engage in criminal sexual activity,
 3. Sexual contact with a minor 13 years of age or older, whether direct or through the clothing, that involves the intimate parts of the body,
 4. The use of a minor in a sexual performance, or
 5. The production for distribution of child pornography.
- C. Certain Federal Offenses. Conviction for any of the following federal offenses shall be considered “Tier 2” offenses:
1. 18 U.S.C. §1591 (sex trafficking by force, fraud, or coercion),
 2. 18 U.S.C. §2243 (sexual abuse of a minor or ward),
 3. 18 U.S.C. §2244 (abusive sexual contact with a person 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).
- D. Certain Military Offenses. Any military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of PL 105-119 (codified at 10 U.S.C. §951) that is similar to those offenses outlined in Section 3.02(A),(B), or (C) shall be considered “Tier 2” offenses.

SECTION 3.03. TIER 3 OFFENSES

- A. 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 2 sex offense is a “Tier 3” offense. In the case of subsequent convictions from any tribal court, the offense shall be treated as if it is punishable by more than one year in jail if a substantially similar Oregon state or federal offense is punishable by more than one year.
- B. General Offenses. A “Tier 3” offense includes any sex offense for which a person has been convicted by a jurisdiction, local government, or qualifying foreign country pursuant to Section 2.02(C) 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 12 years of age or younger, including offenses that cover sexual touching of or contact with the intimate parts of the body, either directly or through the clothing.
- C. Certain Federal Offenses. Conviction for any of the following federal offenses shall be considered “Tier 3” offenses:
1. 18 U.S.C. §2241 (aggravated sexual abuse),
 2. 18 U.S.C. §2242 (sexual abuse), or
 3. Where the victim is 12 years of age or younger, 18 U.S.C. §2244 (abusive sexual contact).
- D. Certain Military Offenses. Any military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of PL 105-119 (codified at 10 U.S.C. §951) that is similar to those offenses outlined in Section 3.03(A),(B), or (C) shall be considered “Tier 3” offenses.

CHAPTER 4. REQUIRED INFORMATION

SECTION 4.01. GENERAL REQUIREMENTS

- A. Duties. A sex offender covered by this code who is required to register with the tribe pursuant to Chapter 5 shall provide all of the information detailed in this chapter to the tribal police department or designee, and the tribal police department or designee shall obtain all of the information detailed in this chapter from covered sex offenders who are required to register with the tribe in accordance with this code and shall implement policies and procedures.
- B. Digitization. All information obtained under this code shall be, at a minimum, maintained by the police department or designee in digitized format.
- C. Electronic Database. A sex offender registry shall be maintained in an electronic database by the police department or designee and shall be in a form capable of electronic transmission, or otherwise electronically accessible by other jurisdictions.

SECTION 4.02. CRIMINAL HISTORY

The tribal police or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender’s criminal history:

- A. The date of all arrests,
- B. The date of all convictions,
- C. The sex offender’s status of parole, probation, or supervised release,
- D. The sex offender’s registration status, and
- E. Any outstanding arrest warrants.

SECTION 4.03. DATE OF BIRTH

The tribal police or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's date of birth:

- A. The sex offenders actual date of birth, and
- B. Any other date of birth used by the sex offender.

SECTION 4.04. DNA SAMPLE

- A. DNA. If the sex offender's DNA is not already contained in the Combined DNA Index System (CODIS), the sex offender shall provide the tribal police or designee a sample of his DNA.
- B. CODIS. Any DNA sample obtained from a sex offender shall be submitted to an appropriate lab for analysis and entry of the resulting DNA profile in to CODIS.

SECTION 4.05. DRIVER'S LICENSES, IDENTIFICATION CARDS, PASSPORTS, AND IMMIGRATION DOCUMENTS

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

SECTION 4.06. EMPLOYMENT INFORMATION

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

- A. The name of the sex offender's employer,
- B. The address of the sex offender's employer, and
- C. Similar information related to any transient or day labor employment.

SECTION 4.07. FINGER AND PALM PRINTS

Finger and Palm Prints. The tribal police or designee shall obtain, and a covered sex offender shall provide, both finger prints and palm prints of the sex offender in a digitized format.

SECTION 4.08. INTERNET IDENTIFIERS

The tribal police or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's internet related activity:

- A. Any and all email addresses used by the sex offender,

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- B. Any and all Instant Message addresses and identifiers,
- C. Any and all other designations or monikers used for self-identification in internet communications or postings, and
- D. Any and all designations used by the sex offender for the purpose of routing or self-identification in internet communications or postings.

SECTION 4.09. NAME

The tribal police or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's name:

- A. The sex offender's full primary given name,
- B. Any and all nicknames, aliases, and pseudonyms regardless of the context in which it is used, and
- C. 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 4.10. PHONE NUMBERS

The tribal police or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's telephone numbers:

- A. Any and all land line telephone numbers, and
- B. Any and all cellular telephone numbers.

SECTION 4.11. PICTURE

- A. Photograph. The tribal police or designee shall obtain, and a covered sex offender shall provide, a current photograph of the sex offender.
- B. Update Requirements. Unless the appearance of a sex offender has not changed significantly, a digitized photograph shall be collected :
 - 1. Every 90 days for Tier 3 sex offenders,
 - 2. Every 180 days for Tier 2 sex offenders, and
 - 3. Every year for Tier 1 sex offenders.

SECTION 4.12. PHYSICAL DESCRIPTION

The tribal police or designee shall obtain, and a covered sex offender shall provide, an accurate description of the sex offender as follows:

- A. A physical description,
- B. A general description of the sex offender's physical appearance or characteristics, and
- C. Any identifying marks, such as, but not limited to, scars, moles, birthmarks, or tattoos.

SECTION 4.13. PROFESSIONAL LICENSING INFORMATION

Professional Licenses. The tribal police or designee shall obtain, and a covered sex offender shall provide, all licensing of the sex offender that authorizes the sex offender to engage in an occupation or carry out a trade or business.

SECTION 4.14. ADDRESS

The tribal police or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's residence:

- A. The address of each residence at which the sex offender resides or will reside, and
- B. 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 4.15. SCHOOL

The tribal police or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's school:

- A. The address of each school where the sex offender is or will be a student, and
- B. The name of each school the sex offender is or will be a student.

SECTION 4.16. SOCIAL SECURITY NUMBER

The tribal police or designee shall obtain, and a covered sex offender shall provide, the following information:

- A. A valid social security number for the sex offender, and
- B. Any social security number the sex offender has used in the past, valid or otherwise.

SECTION 4.17. TEMPORARY LODGING

A. Lodging Information. The tribal police or designee shall obtain, and a covered sex offender shall provide, the following information when the sex offender will be absent from his residence for 3 days or more:

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

B. Travel Abroad. In the event the sex offender will be traveling abroad for more than 3 days, the tribal police or designee should consider providing this information to INTERPOL.

SECTION 4.18. OFFENSE INFORMATION

- A. Offense Information. The tribal police or designee shall obtain the text of each provision of law defining the criminal offense(s) for which the sex offender is registered.
- B. SORNA Database. The text of each provision of law mentioned in Section 4.18(A) shall be cross linked to the SORNA Database containing the text of relevant sex related laws for all jurisdictions.

SECTION 4.19. VEHICLE INFORMATION

Detailed Information. The tribal police or 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:

- A. License plate numbers,
- B. Registration numbers or identifiers,
- C. General description of the vehicle to include color, make, model, and year, and
- D. Any permanent or frequent location where any covered vehicle is kept.

CHAPTER 5. REGISTRATION

SECTION 5.01. WHEN REGISTRATION IS REQUIRED

- A. Conviction. A sex offender must initially register if they were convicted of a covered sex offense in this tribe's court regardless of the sex offender's actual or intended residency.
- B. Incarceration. A sex offender must register if they are incarcerated while completing any sentence for a covered sex offense arising out of the court of the Confederated Tribes of the Umatilla Indian Reservation, regardless of where they were convicted or reside.
- C. Residence. A sex offender who resides within the external boundaries of the Confederated Tribes of the Umatilla Indian Reservation or on any property owned by, or in trust for, the Tribes, regardless of location, must register.
- D. Employment. A sex offender who is employed within the external boundaries of the Confederated Tribes of the Umatilla Indian Reservation or with any entity owned by, or considered a branch of the Tribes regardless of location, must register.
- E. School Attendance. A sex offender who is a student at any school within the external boundaries of the Confederated Tribes of the Umatilla Indian Reservation is required to register with that jurisdiction.

SECTION 5.02. INITIAL REGISTRATION

- A. Timing. A sex offender required to register with the tribe under this code shall do so in the following timeframe:
 - 1. If incarcerated, before release from imprisonment for the registration offense,
 - 2. If not incarcerated, within 3 business days of sentencing for the registration offense, and
 - 3. For foreign, federal, and military convictions, a sex offender must appear in person at the tribal police department within 3 business days of establishing a residence on the reservation or tribal property after either release from incarceration or, if not incarcerated, sentencing for purposes of complying with this code.
- B. Duties of Tribal Police Department. The tribal police department shall have policies and procedures in place to ensure the following:
 - 1. Any sex offender incarcerated or sentenced by the tribe for a covered sex offense completes their initial registration with the tribe,

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2. Any sex offender initially registering with the tribe is informed of their duties under SORNA and this code, and that such duties under SORNA and this code are explained to them,
3. The sex offender reads and signs a form stating that the duty to register has been explained to them and that the sex offender understands the registration requirement,
4. That the sex offender is registered, and
5. That upon entry of the sex offender's information in to the registry, that information is immediately forwarded to all other jurisdictions in which the sex offender is required to register due to the sex offender's residency, employment, or student status.

SECTION 5.03. RECAPTURE

- A. Recapture. The tribal police department or designee shall have in place policies and procedures to ensure the following three categories of sex offenders are recaptured:
 1. Sex offenders incarcerated or under 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 under the tribes' laws, and
 3. Sex offenders reentering the justice system due to conviction for any crime.
- B. Timing of Recapture. The tribal police department or designee shall ensure recapture of the sex offenders mentioned in Section 5.03(A) within the following timeframe to be calculated from the date of passage of this code:
 1. For Tier 1 sex offenders, 1 year,
 2. For Tier 2 sex offenders, 180 days, and
 3. For Tier 3 sex offenders, 90 days.

SECTION 5.04. UPDATING REGISTRATION INFORMATION

- A. Duty of Offender to Update. All sex offenders required to register must immediately appear at the tribal police department in person to update any change in their name, residence (including termination of residency), employment, school attendance, vehicle information, temporary lodging, email addresses, telephone numbers, Instant Messaging addresses, and any other designation used in internet communications, postings, or telephone communications. In the event of a change in temporary lodging, the sex offender and tribal police shall immediately notify the jurisdiction in which the sex offender will be temporarily staying.
- B. Duties of Tribal Police. With regard to changes in a sex offender's registration information, the tribal police or designee shall immediately notify:
 1. All jurisdictions where a sex offender intends to reside, work, or attend school,
 2. Any jurisdiction where the sex offender is either registered or required to register, and
 3. Specifically with respect to information relating to a sex offender's intent to commence residence, school, or employment outside of the United States, any jurisdiction where the sex offender is either registered or required to register, and the U.S. Marshals Service. The tribal police shall also ensure this information is

immediately updated on National Sex Offender Registry (NSOR) and the sex offender registry website identified in chapter 7.

SECTION 5.05. 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 tribal police or 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 tribal police or designee receives information that a sex offender has absconded the tribal police shall make an effort to determine if the sex offender has actually absconded.
 - 1. In the event no determination can be made, the tribal police or designee shall ensure the tribal police 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 tribal police shall take the following steps:
 - a. Update the registry to reflect the sex offender has absconded or is otherwise not capable of being located,
 - b. Seek a warrant for the sex offender's arrest, and in the case of a non-Indian, the U.S. Marshals Service or FBI shall be contacted in an attempt to obtain a federal warrant for the sex offender's arrest,
 - c. Notify the U.S. Marshals Service,
 - d. Update NSOR to reflect the sex offender's status as an absconder, or is otherwise not capable of being located,
 - e. Enter the sex offender into the National Crime Information Center Wanted Person File.
- C. Failure to Register. In the event a sex offender who is required to register due to their employment or school attendance status fails to do so or otherwise violates a registration requirement of this code, the tribal police or designee shall take all appropriate follow-up measures including those outlined in Section 5.05(B). The tribal police or designee shall first make an effort to determine if the sex offender is actually employed or attending school within the exterior boundaries of the reservation or on property owned by the tribe in fee or trust regardless of location

CHAPTER 6. VERIFICATION AND APPEARANCE REQUIREMENTS

SECTION 6.01. FREQUENCY

- A. Frequency. A sex offender who is required to register with the tribe shall, at a minimum, appear in person at the tribal police department for purposes of keeping registration current in accordance with the following time frames:
 - 1. For "Tier 1" offenders, once every year for 15 years from the date of sentencing or if incarcerated from the date of release,

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As Amended through Resolution No. 10-038 (May 10, 2010)*

2. For “Tier 2” offenders, once every 180 days for 25 years from the date of sentencing or if incarcerated from the date of release,
 3. For “Tier 3” offenders, once every 90 days for the rest of their lives.
- B. Reduction of Registration Periods. A sex offender may have their period of registration reduced as follows:
1. A Tier 1 offender may have their period of registration and verification reduced by 5 years if they have maintained a clean record for 10 consecutive years,
 2. A Tier 3 offender may have their period of registration and verification reduced to 25 years if they were adjudicated delinquent of an offense as a juvenile which required Tier 3 registration and they have maintained a clean record for 25 consecutive years.
- C. Clean Record. For purposes of Section 6.01(B) a person has a clean record if:
1. They have not been convicted of any offense for which imprisonment for more than 1 year may be imposed. In the case of subsequent convictions from any tribal court, the offense shall be treated as if it is punishable by more than one year in jail if a substantially similar Oregon state or federal offense is punishable by more than one year.
 2. They have not been convicted of any sex offense,
 3. They have successfully completed, without revocation, any period of supervised release, probation, or parole, and
 4. They have successfully completed an appropriate sex offender treatment program certified by a jurisdiction or by the United States Attorney General.

SECTION 6.02. REQUIREMENTS FOR IN PERSON APPEARANCES

- A. Photographs. At each in person verification, the sex offender shall permit the tribal police 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 tribal police shall immediately notify all other registration jurisdictions of the information or change in information.

CHAPTER 7. PUBLIC SEX OFFENDER REGISTRY WEBSITE

SECTION 7.01. WEBSITE

- A. Website. The tribal police department or designee shall use and maintain a public sex offender registry website. Any tribal specific national website provided or approved by the SMART Office shall qualify as a public sex offender registry website under this code.
- B. Links. The registry website shall include links to sex offender safety and education resources.
- C. Instructions. The registry website shall include instructions on how a person can seek correction of information that the individual contends is erroneous.
- D. Warnings. The registry website shall include a warning that the information contained on the website should not be used to unlawfully injure, harass, or commit a crime against any

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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 registry website shall have the capability of conducting searches by name, county, city, zip code, and geographic radius.

SECTION 7.02. REQUIRED AND PROHIBITED INFORMATION

- A. Required Information. The following information shall be made available to the public on the sex offender registry website:

1. Notice that an offender is in violation of their registration requirements or cannot be located if the sex offender has absconded,
2. All 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, and
4. The identity of the victim, and
5. Internet identifiers.

- C. Witness Protection. For sex offenders who are under a witness protection program, the tribal police may honor the request of the United States Marshal 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 7.03. COMMUNITY NOTIFICATION

- A. Law Enforcement Community Notification. Whenever a sex offender registers or updates their information with the tribe, the tribal police or designee shall:

1. Immediately notify the FBI and ensure the information is updated on NSOR,

2. 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.
 3. Immediately notify any and all other registration jurisdictions due to the sex offender's residency, school attendance, or employment, and
 4. 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).
- B. Community Notification. The tribal police or designee 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 public registry website is immediately updated,
 2. Email notice is available to the general public to 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.

CHAPTER 8. SANCTIONS

SECTION 8.01. SANCTIONS

- A. Crime. Any violation of a provision of this code, including the provision of false or misleading information, by a sex offender shall be considered a crime and subject to a penalty of 365 days or \$5,000.
- B. Civil Penalty. Any violation of a provision of this code by a sex offender shall also 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.

SECTION 8.02. NON-SEX OFFENDER RELATED CRIMES

- A. Harboring. A person is guilty of a crime punishable by up to 365 days in jail or a \$5,000 fine if they do any of the following:
1. Knowingly harbor, attempt to harbor, or assist another in harboring or attempting to harbor a sex offender who is in violation of this Code;
 2. Knowingly assists a sex offender in eluding a law enforcement agency that is seeking to find the sex offender to question them about, or to arrest them for, noncompliance with the requirements of this Code; or
 3. Knowingly provide false information to a law enforcement agency regarding a sex offender
- B. Misuse of Registration Information. A person is guilty of a crime punishable by up to 365 days in jail or a \$5,000 fine if they do any of the following:
1. Willfully misuse or alter public record information relating to a sex offender or sexual predator, or a person residing or working at an address reported by a sex offender, including information displayed by law enforcement agencies on web sites; or
 2. Sell or exchange sex offender information for profit.

SECTION 8.03. OFFENSES INVOLVING VICTIMS WHO ARE MINORS

Anyone convicted of a sex offense as an adult involving a minor, while subject to the registration requirements of this Code as a tier 2 or tier 3 offender, shall not:

- A. Enter onto or walk by or park a vehicle within 1000 feet of a school, school bus stop, or playground while minors are present;
- B. Attend events held primarily for minors;
- C. Reside in or have contact with a residence while minors are present; or
- D. Reside or maintain an address for residential purposes at any location within 1000 feet of a playground, school, school bus stop, Tribal Community Center, or other location which is established or designated specifically for the use by or enjoyment of minors and such location is commonly used by minors.

CHAPTER 9. IMMUNITY

SECTION 9.01. NO WAIVER OF IMMUNITY

No Waiver. Nothing in this Code shall be construed as a waiver of sovereign immunity for the Confederated Tribes of the Umatilla Indian Reservation, its departments, agencies, employees, or agents.

SECTION 9.02. GOOD FAITH

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

APPENDIX A

LEGISLATIVE HISTORY

SEX OFFENDER REGISTRATION CODE

LEGISLATIVE HISTORY

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

In Resolution 07-073 (July 9, 2007), the Board of Trustees elected to carry out the duties of a jurisdiction under the Adam Walsh Act, rather than to allow the state of Oregon to implement the Act within the Umatilla Indian Reservation.

The Board of Trustees enacted the Sex Offender Registration Code in Resolution No. 09-023 (March 9, 2009) to comply with Title I of the Adam Walsh Act. Resolution 09-023 specified that this Code and the associated manual be implemented by all relevant departments “forthwith”. In conjunction with the enactment of the Sex Offender Registration Code, the section of the Confederated Tribes’ Criminal Code concerning sex offender registration was repealed.

Resolution No. 09-099 (August 3, 2009) amended the Sex Offender Registration Code to make a few minor clarifications identified as necessary by the US DOJ SMART Office for purposes of complying with SORNA. Resolution No. 09-114 (September 14, 2009) further amended the Sex Offender Registration Code to make additional clarifications and amendments identified as necessary by the US DOJ Office of General Counsel, bringing the Code into full compliance with federal requirements.

On September 22, 2009, the United States Department of Justice formally recognized the Confederated Tribes, along with the State of Ohio, as being the first jurisdictions in the United States to substantially implement the Adam Walsh Act.

In Resolution No. 10-038 (May 10, 2010), the Board of Trustees amended the Sex Offender Registration Code to add a new Section 8.03, effectively reinstating former Criminal Code section 4.107(K) concerning offender requirements when a conviction involves a minor.