

**PUEBLO OF LAGUNA**  
**CHAPTER 17. SEX OFFENDER REGISTRATION**

**Section 15-17-1. Purpose.**

A. The purpose of this Chapter is:

- (1) To implement the registration of sex offenders convicted, residing, or planning to enter the Pueblo of Laguna jurisdiction for a period of time that would require their registration; and
- (2) To promote public safety through sex offender accountability, public awareness, and nationwide networking through sex offender registration and notification.

**Section 15-17-2. Definitions.**

A. *Convicted* means:

- (1) An adult sex offender is “convicted” for the purposes of this Chapter if the sex offender has been subjected to penal consequences based on the conviction, however the conviction may be styled.
- (2) A juvenile offender is “convicted” for purposes of this Chapter if the juvenile offender is either:
  - (a) Prosecuted and found guilty as an adult for a sex offense; or
  - (b) Is adjudicated delinquent as a juvenile for a sex offense, but only if the offender is 14 years of age or older at the time of the offense and the offense adjudicated was comparable to or more severe than aggravated sexual abuse (as described in either (a) or (b) of section 2241 of title 18, United States Chapter), or was an attempt or conspiracy to commit such an offense; and
    - i. If found guilty will be required to register as a sex offender, but their registration will only be accessible by Law Enforcement and not the general public.

B. *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.

C. *Foreign Convictions* means a foreign conviction is one obtained outside of the United States.

D. *Employee* means, but is not limited to, an individual who is self-employed or works for any other entity, regardless of compensation. Volunteers of a tribal agency or organization are included within the definition of employee for registration purposes.

- E. *Immediate* and *immediately* means within three (3) business days.
- F. *Imprisonment* means 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 Chapter during their period of “house arrest”.
- G. *Jurisdiction* means the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, and any Indian Tribe that elected to function as a SORNA registration and notification jurisdiction pursuant to PL 109-248 Section 127 (42 U.S.C. § 16927).
- H. *Maximum allowable sentence under federal law* means the maximum penalty allowed pursuant to 25 USCA § 1302(a)(7)(B) and (C). The maximum penalty allowed under 25 USCA § 1302(a)(7)(B) is up to one year of incarceration and a fine of up to \$5,000.00 for any 1 offense. However, 25 USCA § 1302(a)(7)(C) allows for a penalty to be imposed of up to 3 years of incarceration and a fine of \$15,000.00 for any 1 offense up to a maximum of 9 years incarceration once the conditions imposed by 25 USCA § 1302(b) have been met. Maximum allowable time under federal law may increase over time as federal restrictions are removed.
- I. *Minor* means an individual who has not attained the age of 18 years.
- J. *National Sex Offender Registry (NSOR)* means the national database maintained by the Federal Bureau of Investigation pursuant to 42 U.S.C. §16919..
- K. *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.
- L. *Sex Offender* a person convicted of a sex offense is a “sex offender”.
- M. *Sex Offense* means those offenses contained in 42 U.S.C. §16911(5), those offenses enumerated in Section 15-17-3 (B) of this Chapter or any other covered offense under Pueblo of Laguna law, and any offense designated as sex offense under state or tribal law.
- (1) An offense involving consensual sexual conduct is not a sex offense for the purposes of this Chapter 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.
- N. *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.
- O. *Sexual Contact* means the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desires of another person.
- P. *SORNA* means the Sex Offender Registration and Notification Act (Title I of the Adam Walsh Child Protection and Safety Act of 2006 P.L. 109-248), 42 U.S.C. §16911 *et. seq.*
- Q. *Sex Offender Registry* means the registry of sex offenders, and a notification program maintained by The Pueblo of Laguna Sex Offender Compliance Office pursuant to this Chapter.
- R. *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.
- S. *Student* means a person who enrolls in or attends either a private or public educational institution, including a secondary school, trade or professional school, or an institution of higher education.
- T. *Tier 1 Sex Offender* or a “sex offender” designated as “tier 1” means one that has been convicted of a “tier 1” sex offense as defined in section 15-17-4A.
- U. *Tier 2 Sex Offender* or a “sex offender” designated as “tier 2” means one that has been either convicted of a “tier 2” sex offense as defined in section 15-17-4B, or who is subject to the recidivist provisions of 15-17-4B.
- V. *Tier 3 Sex Offender* or a “sex offender” designated as “tier 3” means one that has been either convicted of a “tier 3” sex offense as defined in section 15-17-4C, or who is subject to the recidivist provisions of 15-17-4C.
- W. *Touching* means, but is not limited to, the intentional contact, whether using a body part or object, with 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, regardless if over, through, under, or without clothing.

**Section 15-17-3. Covered Offenses.**

- A. *Individuals Covered by this Chapter.* Individuals who reside within the exterior boundaries of the Pueblo of Laguna or otherwise reside on property owned by the Pueblo in fee or trust regardless of location, are employed within the exterior boundaries of the reservation or on property owned by the Pueblo in fee or trust regardless of location, or who attend school within the exterior boundaries of the reservation or on property owned by the Pueblo in fee or trust regardless of location, that have been convicted of any of the following offenses, or convicted of an attempt or conspiracy to commit any of the following offenses, are subject to the requirements of this Chapter.
- B. *Pueblo of Laguna offenses.*
- (1) POLC § 15-7-3 (Aggravated sexual abuse)
  - (2) POLC § 15-7-4 (Sexual abuse)
  - (3) POLC § 15-7-5 (Sexual abuse of a minor or ward)
  - (4) POLC § 15-7-6 (Abusive sexual contact)
  - (5) POLC § 15-7-8 (Sexual exploitation of children)
  - (6) POLC § 15-7-8A (Selling or buying of children)
  - (7) POLC § 15-7-8B (Certain activities relating to material constituting or containing child pornography)
  - (8) POLC § 15-7-8C (Coercion and enticement of a minor for illegal sexual activity)
  - (9) POLC § 15-7-8D (Transportation of a person across state lines for the purpose of prostitution)
  - (10) POLC § 15-7-9 (Misleading domain names on the internet)
  - (11) POLC § 15-7-10 (Misleading words or digital images on the internet)
  - (12) POLC § 15-7-11 (Sex trafficking of children by force, fraud or coercion)
  - (13) POLC § 15-7-12 (Video voyeurism)
  - (14) POLC § 15-7-13 (Soliciting a minor via electronic device)
  - (15) POLC § 15-7-14 (Offenses resulting in death)

- (16) POLC § 15-7-15 (Transmitting information about a minor to further criminal sexual conduct)
- (17) POLC § 15-7-16 (Criminal sexual communication with a minor)
- (18) POLC § 15-7-17 (Failure to report child abuse)

*Federal Offenses.* A conviction for, or a conviction for an attempt or conspiracy to commit any of the following, and any other offense hereafter included in the definition of “sex offense” at 42 U.S.C. §16911(5): Including any offenses prosecuted under the Assimilative Crimes Act (18 USC §1152 or §1153).

- (1) 18 U.S.C. §1591 (sex trafficking of children)
- (2) 18 U.S.C. §1801 (video voyeurism of a minor)
- (3) 18 U.S.C. §2241 (aggravated sexual abuse)
- (4) 18 U.S.C. §2242 (sexual abuse)
- (5) 18 U.S.C. §2243 (sexual abuse of a minor or ward)
- (6) 18 U.S.C. §2244 (abusive sexual contact)
- (7) 18 U.S.C. §2245 (offenses resulting in death)
- (8) 18 U.S.C. §2251 (sexual exploitation of children)
- (9) 18 U.S.C. §2251A (selling or buying of children)
- (10) 18 U.S.C. §2252 (material involving the sexual exploitation of a minor)
- (11) 18 U.S.C. §2252A (material containing child pornography)
- (12) 18 U.S.C. §2252B (misleading domain names on the internet)
- (13) 18 U.S.C. §2252C (misleading words or digital images on the internet)
- (14) 18 U.S.C. §2260 (production of sexually explicit depictions of a minor for import into the U.S.)
- (15) 18 U.S.C. §2421 (transportation of a minor for illegal sexual activity)
- (16) 18 U.S.C. §2422 (coercion and enticement of a minor for illegal sexual activity)
- (17) 18 U.S.C. §2423 (Transportation of Minors for Illegal Sexual Activity, Travel With the

Intent to Engage in Illicit Sexual Conduct with a Minor, Engaging in Illicit Sexual Conduct in Foreign Places)

(18) 18 U.S.C. §2424 (failure to file factual statement about an alien individual)

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

A. *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.

B. *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).

C. *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. 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.

D. *Jurisdiction Offenses.* Any sex offense committed in any jurisdiction, including the Pueblo of Laguna, that involves:

- (1) Any type or degree of genital, oral, or anal penetration,
- (2) Any sexual touching of or sexual contact with a person's body, either directly or through the clothing,
- (3) Kidnapping of a minor where the offender is not a parent or guardian,
- (4) False imprisonment of a minor where the offender is not a parent or guardian,
- (5) Solicitation to engage a minor in sexual conduct understood broadly to include any direction, request, enticement, persuasion, or encouragement of a minor to engage in sexual conduct,
- (6) Use of a minor in a sexual performance,
- (7) Solicitation of a minor to practice prostitution,
- (8) Possession, production, or distribution of child pornography,
- (9) Criminal sexual conduct that involves physical contact with a minor or the use of the internet to facilitate or attempt such conduct. This includes offenses whose elements involve the use of other persons in prostitution, such as pandering, procuring, or pimping in cases where the victim was a minor at the time of the offense,

- (10) Any conduct that by its nature is a sex offense against a minor, 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) 18 U.S.C. §2423(a) (transporting a minor to engage in illicit conduct).

E. *Except as limited by subparagraph 6 or 7, the term “sex offense” means:*

- (1) A criminal offense that has an element involving a sexual act or sexual contact with another;
- (2) A criminal offense that is a “specified offense against a minor”. The term “specified offense against a minor” means an offense against a minor that involves any of the following:
  - (a) An offense (unless committed by a parent or guardian) involving kidnapping;
  - (b) An offense (unless committed by a parent or guardian) involving false imprisonment;
  - (c) Solicitation to engage in sexual conduct;
  - (d) Use in a sexual performance;
  - (e) Solicitation to practice prostitution;
  - (f) Video voyeurism as described in 18 U.S.C. §1801;
  - (g) Possession, production, or distribution of child pornography;
  - (h) Criminal sexual conduct involving a minor, or the use of the Internet to facilitate or attempt such conduct;
  - (i) Any conduct that by its nature is a sex offense against a minor;
- (3) A Federal offense (including an offense prosecuted under section 1152 or 1153 of Title 18 of the United States Chapter) under section 1591, or chapter 109A, 110 (other than section 2257, 2257A, or 2258), or 117, of Title 18 of the United States Chapter;
- (4) A military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (10 U.S.C. 951 note); or
- (5) An attempt or conspiracy to commit an offense described in clauses (1) through (4).
- (6) Offenses involving Consensual Sexual Conduct. An offense involving consensual sexual conduct is not a sex offense for the purposes of this Chapter if the victim was an adult, unless the adult was under the custodial authority of the offender at the time of the

offense, or if the victim was at least thirteen (13) years old and the offender was not more than four (4) years older than the victim.

- (7) Foreign Offenses. A foreign conviction is not a sex offense for the purposes of this Chapter unless it was either:
- (a) obtained under the laws of Canada, the United Kingdom, Australia, New Zealand, or
  - (b) under the laws of any foreign country when the United States State Department in its Country Reports on Human Rights Practices has concluded that an independent judiciary generally or vigorously enforced the right to a fair trial in that country during the year in which the conviction occurred.

#### **Section 15-17-4. Tiered Offenses.**

##### *A. Tier 1 Offenses.*

- (1) A “Tier 1” offense includes any sex offense for which a person has been convicted, or an attempt or conspiracy to commit such an offense, that is not a “Tier 2” or “Tier 3” offense.
- (2) Offenses Involving Minors. A “Tier 1” offense also includes any 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 the false imprisonment of a minor, video voyeurism of a minor, or possession or receipt of child pornography.
- (3) Pueblo of Laguna Offenses. Any sex offense covered by this act where punishment was limited to one year in jail shall be considered a “Tier 1” sex offense.
- (4) Certain Federal Offenses. Conviction for any of the following federal offenses shall be considered a conviction for a “Tier 1” offense:
  - (a) 18 U.S.C. §1801 (video voyeurism of a minor),
  - (b) 18 U.S.C. §2252 (receipt or possession of child pornography),
  - (c) 18 U.S.C. §2252A (receipt or possession of child pornography),
  - (d) 18 U.S.C. §2252B (misleading domain names on the internet),
  - (e) 18 U.S.C. §2252C (misleading words or digital images on the internet),
  - (f) 18 U.S.C. §2422(a) (coercion to engage in prostitution),
  - (g) 18 U.S.C. §2423(b) (travel with the intent to engage in illicit conduct),
  - (h) 18 U.S.C. §2423(c) (engaging in illicit conduct in foreign places),
  - (i) 18 U.S.C. §2423(d) (arranging, inducing procuring or facilitating the travel in interstate commerce of an adult for the purpose of engaging in illicit conduct for financial gain),
  - (j) 18 U.S.C. §2424 (failure to file factual statement about an alien individual), or
  - (k) 18 U.S.C. §2425 (transmitting information about a minor to further criminal sexual conduct).

- (5) Certain Military Offenses. Any military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (codified at 10 U.S.C. §951 note) that is similar to those offenses outlined in Section 15-17-4(A) shall be considered a “Tier 1” offense.

B. *Tier 2 Offenses.*

- (1) Recidivism and Felonies. Unless otherwise covered by the Tribal Code, 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 2” offense.
- (2) Offenses Involving Minors. A “Tier 2” offense includes any sex offense against a minor for which a person has been convicted, or an attempt or conspiracy to commit such an offense, that involves:
  - (a) The use of minors in prostitution, including solicitations,
  - (b) Enticing a minor to engage in criminal sexual activity,
  - (c) A non-forcible Sexual Act with a minor 16 or 17 years old,
  - (d) Sexual contact with a minor 13 years of age or older, whether directly or indirectly through the clothing, that involves the intimate parts of the body,
  - (e) The use of a minor in a sexual performance, or
  - (f) The production or distribution of child pornography.
- (3) 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 2” offense:
  - (a) 18 U.S.C. §1591 (sex trafficking by force, fraud, or coercion),
  - (b) 18 U.S.C. §2423(d) (arranging, inducing procuring or facilitating the travel in interstate commerce of a minor for the purpose of engaging in illicit conduct for financial gain),
  - (c) 18 U.S.C. §2243 (sexual abuse of a minor or ward),
  - (d) 18 U.S.C. §2244 (abusive sexual contact, where the victim is 13 years of age or older),
  - (e) 18 U.S.C. §2251 (sexual exploitation of children),
  - (f) 18 U.S.C. §2251A (selling or buying of children),
  - (g) 18 U.S.C. §2252 (material involving the sexual exploitation of a minor),
  - (h) 18 U.S.C. §2252A (production or distribution of material containing child pornography),
  - (i) 18 U.S.C. §2260 (production of sexually explicit depictions of a minor for import into the United States),
  - (j) 18 U.S.C. §2421 (transportation of a minor for illegal sexual activity),

- (k) 18 U.S.C. §2422(b) (coercing a minor to engage in prostitution),
- (l) 18 U.S.C. §2423(a) (transporting a minor to engage in illicit conduct).
- (4) 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 15-17-4(B) shall be considered a “Tier 2” offense.

C. *Tier 3 Offenses.*

- (1) 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, or an attempt or conspiracy to commit such an offense, for a Tier 2 sex offense, or has previously become a Tier 2 sex offender, is a “Tier 3” offense.
- (2) General Offenses. A “Tier 3” offense includes any sex offense for which a person has been convicted, or an attempt or conspiracy to commit such an offense, that involves:
  - (a) Non-parental kidnapping of a minor,
  - (b) A sexual act with another by force or threat,
  - (c) A sexual act with another who has been rendered unconscious or involuntarily drugged, or who is otherwise incapable of appraising the nature of the conduct or declining to participate, or
  - (d) Sexual contact with a minor 12 years of age or younger, including offenses that cover sexual touching of or contact with the intimate parts of the body, either directly or through the clothing.
- (3) Certain Federal Offenses. Conviction for any of the following federal offenses shall be considered conviction for a “Tier 3” offense:
  - (a) 18 U.S.C. §2241 (aggravated sexual abuse),
  - (b) 18 U.S.C. §2242 (sexual abuse), or
  - (c) 18 U.S.C. §2243 (sexual abuse of a minor or ward),
  - (d) Where the victim is 12 years of age or younger, 18 U.S.C. §2244 (abusive sexual contact).
- (4) 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 15-17-4(C) shall be considered a “Tier 3” offense.

**Section 15-17-5. Required Information.**

A. *General Requirements.*

- (1) Duties. A sex offender covered by this Chapter who is required to register with the Pueblo pursuant to Chapter 15 shall provide all of the information detailed in this Chapter to the Pueblo of Laguna Sex Offender Compliance Office, and the Pueblo of Laguna shall obtain all of the information detailed in this Chapter from covered sex

offenders who are required to register with the Pueblo in accordance with this Chapter and shall implement any relevant policies and procedures.

- (2) Digitization. All information obtained under this Chapter shall be, at a minimum, maintained by the Pueblo of Laguna Sex Offender Compliance Office in a digitized format.
- (3) Electronic Database. A sex offender registry shall be maintained in an electronic database by the Pueblo of Laguna Sex Offender Compliance Office and shall be in a form capable of electronic transmission.

B. *Criminal History.*

- (1) Criminal History. The Pueblo of Laguna Sex Offender Compliance Office 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.

C. *Date of Birth.*

- (1) Date of Birth. The Pueblo of Laguna Sex Offender Compliance Office 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 offender's actual date of birth, and
  - (b) Any other date of birth used by the sex offender.

D. *DNA Sample.*

- (1) DNA. If the sex offender's DNA is not already contained in the Combined DNA Index System (CODIS), the sex offender shall provide the Pueblo of Laguna Sex Offender Compliance Office or designee a sample of his DNA.
- (2) 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 into CODIS.

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

- (1) 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 Pueblo of Laguna Sex Offender Compliance Officer, or designee shall make a photocopy of any such licenses.
- (2) 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 Pueblo of Laguna Sex Offender Compliance Officer or designee shall make a photocopy of any such identification cards.

- (3) Passports. A covered sex offender shall provide any passports used by the sex offender, and the Pueblo of Laguna Sex Offender Compliance Officer or designee shall make a photocopy of any such passports.
- (4) Immigration Documents. A covered sex offender shall provide any and all immigration documents used by the sex offender, and the Pueblo of Laguna Sex Offender Compliance Officer or designee shall make a photocopy of any such documents.

F. *Employment Information.*

- (1) Employment. The Pueblo of Laguna Sex Offender Compliance Office 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.

G. *Finger and Palm Prints.*

Finger and Palm Prints. The Pueblo of Laguna Sex Offender Compliance Officer or designee shall obtain, and a covered sex offender shall provide, both fingerprints, which must be submitted to IAFIS, and palm prints, which must be submitted to FBI Next Generation Identification Program.

H. *Internet Identifiers.*

- (1) Internet Names. The Pueblo of Laguna Sex Offender Compliance Office 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,
  - (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, including but not limited to social network identifications, twitter accounts, video posting site identifications such as Facebook, YouTube etc.

I. *Name.*

- (1) Name. The Pueblo of Laguna Sex Offender Compliance Office 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.

J. *Phone Numbers.*

- (1) Phone Numbers. The Pueblo of Laguna Sex Offender Compliance Office or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's 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:
  - (a) Any and all land line telephone numbers;
  - (b) Any and all cellular telephone numbers; and
  - (c) Any and all Voice over IP (VOIP) telephone numbers.

K. *Picture.*

- (1) Photograph. The Pueblo of Laguna Sex Offender Compliance Office or designee shall obtain, and a covered sex offender shall provide, a current photograph of the sex offender.
- (2) Update Requirements. Unless the appearance of a sex offender has not changed significantly, a digitized photograph shall be collected:
  - (a) Every 90 days for Tier 3 sex offenders,
  - (b) Every 180 days for Tier 2 sex offenders, and
  - (c) Every year for Tier 1 sex offenders.

L. *Physical Description.*

- (1) Physical Description. The Pueblo of Laguna Sex Offender Compliance Office 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.

M. *Professional Licensing Information.*

- (1) Professional Licenses. The Pueblo of Laguna Sex Offender Compliance Office 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.

N. *Residence Address.*

- (1) Address. The Pueblo of Laguna Sex Offender Compliance Office 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.

O. *School.*

- (1) School Location. The Pueblo of Laguna Sex Offender Compliance Office 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.

P. *Social Security Number.*

- (1) Social Security. The Pueblo of Laguna Sex Offender Compliance Office 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.

Q. *Temporary Lodging.*

- (1) Lodging Information. The Pueblo of Laguna Sex Offender Compliance Office 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 7 days or more:
  - (a) Identifying information of the temporary lodging locations including addresses and names, and
  - (b) The dates the sex offender will be staying at each temporary lodging location.
  - (c) The registered sex offender shall provide the information in Section 4.17 (1) and (2) no later than 21 days before his scheduled travel. The information shall be provided in person.
  - (d) Travel Abroad. Sex offenders must inform their residence jurisdictions 21 days in advance if they intend to travel outside of the United States. Jurisdictions 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. Update also must be made to NCIC/NSOR.

R. *Offense Information.*

Offense Information. The Pueblo of Laguna Sex Offender Compliance Office or designee shall obtain the text of each provision of law defining the criminal offense(s) for which the sex offender is registered.

S. *Vehicle Information.*

(1) Detailed Information. The Pueblo of Laguna Sex Offender Compliance Office 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.

T. *Frequency, Duration and Reduction.*

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

- (a) For “Tier 1” offenders, once every year for 15 years from the time of release from custody for a sex offender who is incarcerated for the registration offense or from the date of sentencing for a sex offender who is not incarcerated for the registration offense.
- (b) For “Tier 2” offenders, once every 180 days for 25 years from the time of release from custody for a sex offender who is incarcerated for the registration offense or from the date of sentencing for a sex offender who is not incarcerated for the registration offense.
- (c) For “Tier 3” offenders, once every 90 days for the rest of their lives.

(2) Reduction of Registration Periods. A sex offender may have their period of registration reduced as follows:

- (a) A Tier 1 offender may have his or her period of registration reduced to 10 years if he or she has maintained a clean record for 10 consecutive years;
- (b) A Tier 3 offender may have his or her period of registration reduced to 25 years if he or she was adjudicated delinquent of an offense as a juvenile that required Tier 3 registration and he or she has maintained a clean record for 25 consecutive years.

(3) Clean Record. For purposes of Chapter 4.20(B) a person has a clean record if:

- (a) He or she has not been convicted of any offense, for which imprisonment for more than 1 year may be imposed,
- (b) He or she has not been convicted of any sex offense,

- (c) He or she has successfully completed, without revocation, any period of supervised release, probation, or parole, and
- (d) He or she has successfully completed an appropriate sex offender treatment program certified by the Pueblo, another jurisdiction, or by the Attorney General of the United States.

U. *Requirements for In Person Appearances.*

- (1) Photographs. At each in person verification, the sex offender shall permit the Pueblo of Laguna Sex Offender Compliance Office to take a photograph of the offender.
- (2) Review of Information. At each in person verification the sex offender shall review existing information for accuracy and update to current information.
- (3) Notification. If any new information or change in information is obtained at an in person verification, the Pueblo of Laguna Sex Offender Compliance Office shall immediately notify all other jurisdictions in which the sex offender is required to register of the information or change in information.
- (4) If any new information or change in information is obtained at an in person verification, the Pueblo of Laguna Sex Offender Compliance Office shall immediately update the public website, if applicable, and update information in NCIC/NSOR.

V. *Sex Offender Acknowledgement Form*

- (1) The sex offender shall read, or have read to them, and sign a form stating that the duty to register has been explained to them by the Pueblo of Laguna Sex Offender Compliance Office and that the sex offender understands the registration requirement.
- (2) The form shall be signed and dated by the Pueblo of Laguna Sex Offender Compliance Office personnel registering the sex offender.
- (3) The Pueblo of Laguna Sex Offender Compliance Office shall immediately upload the acknowledgement form into the Pueblo of Laguna sex offender registry.

**Section 15-17-6. Registration.**

A. *Where Registration is Required.*

- (1) Jurisdiction of Conviction. A sex offender must initially register with the Pueblo of Laguna Sex Offender Compliance Office if the sex offender was convicted by the Pueblo of Laguna Court of a covered sex offense regardless of the sex offender's actual or intended residency.
- (2) Jurisdiction of Incarceration. A sex offender must register with the Pueblo of Laguna Sex Offender Compliance Office if the sex offender is incarcerated by the Pueblo while completing any sentence for a covered sex offense, regardless of whether it is the same jurisdiction as the jurisdiction of conviction or residence.
- (3) Jurisdiction of Residence. A sex offender must register with the Pueblo of Laguna Sex Offender Compliance Office if the sex offender resides within lands subject to the jurisdiction of the Pueblo.

- (4) Jurisdiction of Employment. A sex offender must register with the Pueblo of Laguna Sex Offender Compliance Office if he or she is employed by the Pueblo in any capacity or otherwise is employed within lands subject to the jurisdiction of the Pueblo.
- (5) Jurisdiction of School Attendance. A sex offender must register with the Pueblo of Laguna Sex Offender Compliance Office if the sex offender is a student in any capacity within lands subject to the jurisdiction of the Pueblo.
- (6) Jurisdiction of Tribal Enrollment. A sex offender must register with the Pueblo of Laguna Sex Offender Compliance Office if the sex offender is an enrolled tribal member with the Pueblo of Laguna.

*B. Timing of Registration.*

- (1) Timing. A sex offender required to register with the Pueblo under this Chapter shall do so in the following timeframe:
  - (a) If convicted by the Pueblo of Laguna for a covered sex offense and incarcerated, the sex offender must register before being released from incarceration;
  - (b) If convicted by the Pueblo of Laguna but not incarcerated, within 3 business days of sentencing for the registration offense; and/or
  - (c) Within 3 business days of establishing a residence, commencing employment, or becoming a student on lands subject to the jurisdiction of the Pueblo of Laguna, a sex offender must appear in person to register with the Pueblo of Laguna Sex Offender Compliance Officer.
- (2) Duties of Pueblo of Laguna Sex Offender Compliance Office. The Pueblo of Laguna Sex Offender Compliance Office shall have policies and procedures in place to ensure the following:
  - (a) That any sex offender incarcerated or sentenced by the Pueblo for a covered sex offense completes their initial registration with the Pueblo;
  - (b) 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;
  - (c) That the sex offender is registered, and added to the public website if applicable;
  - (d) That upon entry of the sex offender's information into 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;
  - (e) That all information is entered and updated in NCIC/NSOR.

*C. Retroactive Registration.*

- (1) Retroactive Registration. The Pueblo of Laguna Sex Offender Compliance 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 Chapter:
  - (a) Sex offenders incarcerated or under the supervision of the Pueblo, whether for a covered sex offense or other crime;
  - (b) Sex offenders already registered or subject to a pre-existing sex offender registration requirement under the Pueblo's laws; and

- (c) Sex offenders reentering the justice system due to conviction for any crime.
- (2) Timing of Recapture. The Pueblo of Laguna Sex Offender Compliance Office shall ensure recapture of the sex offenders within the following timeframe to be calculated from the date of passage of this Chapter:
  - (a) For Tier 1 sex offenders, 1 year;
  - (b) For Tier 2 sex offenders, 180 days; and
  - (c) For Tier 3 sex offenders, 90 days.

*D. Keeping Registration Current.*

- (1) Jurisdiction of Residency. All sex offenders required to register in this jurisdiction shall immediately appear in person at the Pueblo of Laguna Sex Offender Compliance 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 Pueblo of Laguna Sex Offender Compliance Office via phone of any changes to their temporary lodging information, vehicle information, internet identifiers, or telephone numbers. In the event of a change in temporary lodging, the sex offender shall immediately notify the Pueblo of Laguna Sex Offender Compliance Officer and Pueblo of Laguna Sex Offender Compliance Officer shall immediately notify the jurisdiction in which the sex offender will be temporarily staying.
- (2) Jurisdiction of School Attendance. Any sex offender who is a student in any capacity within lands subject to the jurisdiction of the Pueblo, regardless of location, that change their school, or otherwise terminate their schooling, shall immediately appear in person at the Pueblo of Laguna Sex Offender Compliance Office to update that information. The Pueblo of Laguna Sex Offender Compliance 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.
- (3) Jurisdiction of Employment. Any sex offender who is employed by the Pueblo in any capacity or otherwise is employed within lands subject to the jurisdiction of the Pueblo regardless of location that change their employment, or otherwise terminate their employment, shall immediately appear in person at the Pueblo of Laguna Sex Offender Compliance Office to update that information. The Pueblo of Laguna Sex Offender Compliance 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.
- (4) Duties of Pueblo of Laguna Sex Offender Compliance Office. With regard to changes in a sex offender's registration information, the Pueblo of Laguna Sex Offender Compliance Office or designee shall immediately notify:
  - (a) All jurisdictions where a sex offender intends to reside, work, or attend school;
  - (b) Any jurisdiction where the sex offender is either registered or required to register; and 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 that this information is immediately updated on NSOR.

*E. Failure to Appear for Registration.*

- (1) Failure to Appear. In the event a sex offender fails to register with the Pueblo as required by this Chapter, the Pueblo of Laguna Sex Offender Compliance Office or

designee shall immediately inform the jurisdiction that provided notification that the sex offender was to commence residency, employment, or school attendance with the Pueblo that the sex offender failed to appear for registration.

- (2) **Absconded Sex Offenders.** If the Pueblo of Laguna Sex Offender Compliance Office or designee receives information that a sex offender has absconded the Pueblo of Laguna Sex Offender Compliance Office shall make an effort to determine if the sex offender has actually absconded.
  - (a) In the event no determination can be made, the Pueblo of Laguna Sex Offender Compliance Office or designee shall ensure the Pueblo of Laguna Police Department and any other appropriate law enforcement agency is notified.
  - (b) If the information indicating the possible absconding came through notice from another jurisdiction or federal authorities, they shall be informed that the sex offender has failed to appear and register.
  - (c) If an absconded sex offender cannot be located then the Pueblo of Laguna law enforcement shall take the following steps:
    - (i) Update the registry to reflect the sex offender has absconded or is otherwise not capable of being located;
    - (ii) Notify the U.S. Marshals Service;
    - (iii) 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;
    - (iv) Update the NSOR to reflect the sex offender's status as an absconder, or is otherwise not capable of being located; and
    - (v) Enter the sex offender into the National Crime Information Center Wanted Person File.
- (3) **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 Chapter, the Pueblo of Laguna Sex Offender Compliance Office shall take all appropriate follow-up measures. The Pueblo of Laguna Sex Offender Compliance Office shall first make an effort to determine if the sex offender is actually employed or attending school in lands subject to the Pueblo's jurisdiction.

#### **Section 15-17-7. Public Sex Offender Registration Website.**

- A. **Website.** The Pueblo of Laguna Sex Offender Compliance Office shall use and maintain a public sex offender registry website.
- B. **Links.** The registry website shall include links to sex offender safety and education resources.
- C. **Instructions.** The registry website shall include instructions on how a person can seek correction of information that the individual contends is erroneous.
- D. **Warnings.** The registry website shall include a warning that the information contained on the website should not be used to unlawfully injure, harass, or commit a crime against any individual named in the registry or residing 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 (1) name; (2) county, city, and/or town; and, (3) zip Chapter and/or geographic radius.
- F. *Dru Sjodin National Sex Offender Public Website.* The Pueblo shall include in the design of its website all field search capabilities needed for full participation in the Dru Sjodin National Sex Offender Public Website and shall participate in that website as provided by the Attorney General of the United States.

**Section 15-17-8. 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; 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 Pueblo of Laguna Police 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 15-17-9. Community Notification.**

- A. *Law Enforcement Notification.* Whenever a sex offender registers or updates his or her information with the Pueblo, the Pueblo of Laguna Sex Offender Compliance 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 Pueblo 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; 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
  - (5) Enter or update information posted on the public website..
- B. *Community Notification.* The Pueblo of Laguna Sex Offender Compliance 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 Pueblo, the Pueblo's public sex offender registry website is immediately updated;
  - (2) The Pueblo'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 Pueblo, within a specified zip Chapter, 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.

### **Section 15-17-10. Other Requirements.**

- A. *Village Presentation.* A sex offender that desires to reside within the boundaries of any village of the Pueblo of Laguna must annually present himself/herself before the respective village officials at the Village Meeting to receive permission to live within that particular village's boundaries.
- (1) Should a sex offender be granted permission to live within the village boundaries, the sex offender must comply with any and all conditions placed upon him or her by the village officials.
- B. *Prohibited Areas.* A sex offender is prohibited from areas, including but not limited to, being within 750 feet from any of the following:
- (1) Tier 1, 2, and 3 Sex Offenders
    - a. Schools

- b. Public Library
  - c. Parks and/or Village Playgrounds
  - d. Bus stops where children are present
- (2) Tier 2 and 3 Sex Offenders Only
- a. Social events open to the general public such as village feasts, craft shows, fundraisers, sporting events or organized walks or runs, traditional activities during the duration of their sex offender registration requirements

**Section 15-17-11. Immunity.**

- A. *No waiver of immunity.* Nothing under this chapter shall be construed as a waiver of sovereign immunity for the Pueblo of Laguna, its departments, agencies, employees, or agents.
- B. *Good faith.* Any person acting under good faith of this Title shall be immune from any civil liability arising out of such actions.

**Section 15-17-12. Crimes and Civil Sanctions.**

- A. *Criminal penalty.* Each violation of a provision of this Chapter by a person who is an Indian shall be considered a crime and subject to the maximum period of incarceration and fine allowed by federal law. The Pueblo of Laguna reserves the right to sentence an individual to the maximum sentence for each violation that occurs from a single transaction.
- B. *Civil Penalty.* Each violation of a provision of this Chapter by a sex offender who is not an Indian shall be considered a civil violation subject to enforcement by any means, including, but not limited to, the issuance of fines, forfeitures, civil contempt, and removal/exclusion from the reservation.
- C. *Customs and traditions and banishment/exclusion.*

(1) Banishment.

- (a) This Chapter recognizes the authority of the, Pueblo of Laguna Court, Pueblo of Laguna Staff and/or Village Officials to banish sex offenders from the Pueblo and/or village(s) for a temporary period of time or permanently;
  - (i) The Pueblo of Laguna Tribal Court can impose the penalty of banishment in accordance with the procedures outlined in the Pueblo Laguna Criminal Code 15-3-6, 15-4-1 through 15-4-6.
- (b) For any tribal member who has been convicted in state or federal court for an enumerated sex crime, and is a Tier 2 or Tier 3 sex offense, equivalent or similar to those contained in this Code, shall be subject to banishment; and
  - (i) The Sex Offender must present themselves in front of the Village Mayordomos upon their release from incarceration or after their case has been adjudicated in state or federal court and must do so within 30 days. Failure to report in 30 days may result in default banishment; and
  - (ii) The Village Officials shall present the case and their recommendations to the Mayordomos Association. All villages shall vote as to whether or not

banishment should occur, a simple majority (4 out of 6 villages) concurring on banishment shall result in banishment from the reservation of the Pueblo of Laguna, in event of a 3 to 3 tie amongst the villages, the matter will be proceed to Staff Officers for a final decision; and

- (iii) The Mayordomos Association shall work with the Pueblo of Laguna In-House Attorney or Chief Prosecutor to present the Association's decision to the Staff Officers who have exclusive authority to uphold the decision made by the Mayordomos Association; and
  - a). An individual village may banish a sex offender from the village jurisdiction in the event that Staff Officers deny banishment for the entire reservation.
- (iv) A banishment order may be for a definite period of time or may, under appropriate circumstances, be permanent.
- (v) Notwithstanding this section, the removal or exclusion of any nonmembers can still be effected by use of Title XII, Chapter 4, "Exclusion or Removal" of this Code.

D. *Hindrance of sex offender registration.*

- (1) A person is guilty of an offense if they:
  - (a) 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 Chapter;
  - (b) 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 Chapter; or
  - (c) Provides information to law enforcement agency regarding a sex offender which the person knows to be false; and
  - (d) Criminal Penalty. Each violation of a provision of this Chapter by a person who is an Indian shall be considered a crime and subject to the maximum period of incarceration and fine allowed by federal law. The Pueblo of Laguna reserves the right to sentence an individual to the maximum sentence for each violation that occurs from a single transaction.