
Offenses and Penalties

(Amended as of 8/28/12)

CHICKASAW NATION CODE

TITLE 17

17.OFFENSES AND PENALTIES

**CHAPTER 1
GENERAL PROVISIONS**

(RESERVED)

CHAPTER 2

**ARTICLE A
CHICKASAW NATION SEX OFFENDER REGISTRATION
AND NOTIFICATION ACT**

Section 17-201.1	Short Title.
Section 17-201.2	Preamble.
Section 17-201.3	Purpose.
Section 17-201.4	Constitutional Authority.
Section 17-201.5	No Waiver of Sovereign Immunity.
Section 17-201.6	Establishment.
Section 17-201.7	Applicability.
Section 17-201.8	Criminal and Civil Sanctions.
Section 17-201.9	Definitions.
Section 17-201.10	Offenses.
Section 17-201.11	Tier 1 Offenses
Section 17-201.12	Tier 2 Offenses.
Section 17-201.13	Tier 3 Offenses.
Section 17-201.14	Registration Requirements for Sex Offenders.
Section 17-201.15	Failure to Register.
Section 17-201.16	Providing False Information.
Section 17-201.17	Retroactive Registration Requirements of the Chickasaw Nation.
Section 17-201.18	Maintenance and Management of Registry.

Offenses and Penalties

<u>Section 17-201.19</u>	<u>Registry Information Required to be Preserved by the Chickasaw Nation.</u>
<u>Section 17-201.20</u>	<u>Mandatory Exclusions.</u>
<u>Section 17-201.21</u>	<u>Registry Information Required to be Preserved by the Chickasaw Nation.</u>
<u>Section 17-201.22</u>	<u>The Chickasaw Nation as Residence, Employer, and School Jurisdictions.</u>
<u>Section 17-201.23</u>	<u>Employees of the Chickasaw Nation.</u>

CHAPTER 3
OFFENSES AGAINST PROPERTY

(RESERVED)

CHAPTER 4
OFFENSES AGAINST PUBLIC PEACE

(RESERVED)

CHAPTER 5
OFFENSES AGAINST THE PUBLIC

(RESERVED)

CHAPTER 6
OFFENSES AGAINST PUBLIC AUTHORITY

(RESERVED)

Offenses and Penalties

**CHAPTER 1
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Section 17-201.10	Offenses.
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Section 17-201.12	Tier 2 Offenses.
Section 17-201.13	Tier 3 Offenses.
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Section 17-201.15	Failure to Register.
Section 17-201.16	Providing False Information.
Section 17-201.17	Registration Requirements of the Chickasaw Nation.
Section 17-201.18	Maintenance and Management of Registry.
Section 17-201.19	Registry Information Required to be Preserved by the Chickasaw Nation.
Section 17-201.20	Mandatory Exclusions.
Section 17-201.21	Registry Information Required to be Preserved by the Chickasaw Nation.
Section 17-201.22	The Chickasaw Nation as Residence, Employer, and School Jurisdictions.
Section 17-201.23	Registration Not Required.
Section 17-201.24	Employees of the Chickasaw Nation.
Section 17-201.25	Form for Updating Offender Information.

Offenses and Penalties

SECTION 17-201.1 **SHORT TITLE.**

This Chapter 2 establishes ordinances for the registration and notification of Sex Offenders within the Chickasaw Nation and shall be known as the "Chickasaw Nation Sex Offender Registration and Notification Act" ("Act"). (PR29-005, 8/17/12)

SECTION 17-201.2 **PREAMBLE.**

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

SECTION 17-201.3 **PURPOSE.**

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

B. Having elected to function as a registration jurisdiction on May 18, 2007 by Tribal Legislative resolution GR-24-039, the Chickasaw Nation bears the responsibility of implementing Sex Offender registration and notification decisions and for assuring compliance with the federal Sex Offender Registration and Notification Act of 2007, the Chickasaw Constitution and this ordinance.

C. The purpose of this Act is to implement the federal Sex Offender Registration and Notification Act of 2007 and this code shall be interpreted liberally to comply with the terms and conditions of the federal act as presently written or hereafter amended.

SECTION 17-201.4 **CONSTITUTIONAL AUTHORITY.**

The Chickasaw Tribal Legislature has the power to enact ordinances governing criminal law and criminal procedures in the Chickasaw Nation. (Article II, Section 1 and 2, Constitution of the Chickasaw Nation.)

SECTION 17-201.5 **NO WAIVER OF SOVEREIGN IMMUNITY.**

In order to implement this Act to its fullest, the Nation is hereby authorized to work cooperatively with necessary state, federal, or tribal agencies. However, in doing so, the Nation

Offenses and Penalties

does not and shall not waive any sovereign rights, including sovereign immunity.

SECTION 17-201.6 **ESTABLISHMENT.**

A. This Act hereby establishes a mechanism to register anyone convicted of a Sex Offense or an attempt or conspiracy to commit a Sex Offense.

B. This Act hereby establishes a Chickasaw Nation Sex Offender Registration Office, which the Chickasaw Nation shall maintain and operate pursuant to the provisions of this Act.

C. This Act hereby establishes a public Sex Offender registration and notification system, which the Chickasaw Nation shall maintain and operate pursuant to the provisions of this Act.

D. This Act hereby establishes a Chickasaw Nation Sex Offender Registry website, which shall be maintained and operated pursuant to the provisions of this Act.

E. The Chickasaw Nation Sex Offender Registration Office shall have authority to establish policies and procedures and other mechanisms necessary and proper to carrying out this Act.

(PR29-005, 8/17/12)

SECTION 17-201.7 **APPLICABILITY.**

The following persons who have been Convicted of the offenses listed in this Act, are subject to the provisions herein: Sex Offenders who reside in, are employed in or attend school in Indian Country within the territorial jurisdiction of the Chickasaw Nation.

SECTION 17-201.8 **CRIMINAL AND CIVIL SANCTIONS.**

A. Any violation of a provision of this Act by a Sex Offender who is an Indian shall be considered a crime and subject to a maximum penalty of one year Imprisonment and/or fine of five thousand dollars (\$5,000), or both.

B. Any violation of a provision of this Act by a Sex Offender who is not an Indian shall be considered a civil violation subject to enforcement by any means not prohibited by federal law, including but not limited to the issuance of fines, forfeitures, civil contempt, and banishment.

Offenses and Penalties

SECTION 17-201.9 DEFINITIONS.

Words and phrases as used herein shall be defined as follows:

A. “Absconder” shall mean a Convicted Sex Offender who goes in a clandestine manner out of the jurisdiction of the Court, or lies concealed, in order to avoid process of law.

B. “Chickasaw Nation” or “Nation” shall mean the Government of the Chickasaw Nation or all Chickasaw Indians by blood whose names appear on the final rolls of the Chickasaw Nation as approved pursuant to Section 2 of the Act of April 26, 1906, (34 Stat. 137), and their lineal descendants as stated in Section 1, Article II of the Constitution of the Chickasaw Nation.

C. “Chickasaw Nation Sex Offender Registration Office” shall mean the office designated by the Chickasaw Nation to register Sexual Offenders, and maintain the Sex Offender Registry, pursuant to the provisions of the Chickasaw Constitution and applicable laws of the Chickasaw Nation.

D. “Consent” shall mean to voluntarily give permission, approval, or agreement.

E. “Convicted” shall mean a Sex Offender who has been subject to penal consequences based on a conviction, however it may be styled. This includes convictions committed by any of the following:

1. adults;
2. Juvenile Offenders who are prosecuted as adults; or
3. Juveniles, age fourteen (14) years or older at the time of the offense, who are adjudicated delinquent for a sex offense comparable to or more severe than aggravated sexual abuse (as described in 18 U.S.C. § 2241(a) or (b)) or an attempt or conspiracy to commit such an offense.

F. “Court” shall mean the Chickasaw Nation District Court. All proceedings under this Act shall refer to the same.

G. “Digitized Format” shall mean information kept digitally on an electronic data base and does not mean hard copies or physical objects.

Offenses and Penalties

H. “Employee” shall mean any person who is self-employed or works for any entity whether compensated or not.

I. “Foreign Country” shall mean any territory, country, region or province which is outside the borders of the United States of America.

J. “Immediate” or “Immediately” shall mean within three (3) business days.

K. “Imprisonment” shall mean 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, Bureau of Indian Affairs, private or contract facility, or a local or tribal jail. Persons under “house arrest” following conviction of a covered Sex Offense are required to register pursuant to the provisions of this Act during their period of “house arrest”.

L. “Indian” shall mean a person of any age who is a member of a federally recognized Indian tribe, as defined by 25 U.S.C. §450(b) et. seq, and who Resides or is found within the jurisdiction of the Chickasaw Nation.

M. “Indian Country” is defined, pursuant to 18 U.S.C. §1151, as:

1. all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation;

2. all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state; or

3. all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

“Indian Country” shall also be defined to include land held in trust by the United States for the benefit of the Chickasaw Nation.

N. “Intimate Parts” shall mean parts of the human body primarily in, but not limited to, the genital area, groin, inner thigh, buttocks, and breast.

Offenses and Penalties

O. “Jurisdiction” shall mean, unless otherwise specified, the 50 states, District of Columbia, the Five principal U.S. Territories – i.e. Commonwealth of Puerto Rico; Guam; American Samoa; the Northern Mariana Islands; the United States Virgin Islands, and Indian tribes that elect to function as registration authorities under 42 U.S.C. §16927.

P. “Juvenile” shall mean any person less than eighteen (18) years of age, regardless of legal emancipation.

Q. “Minor” shall mean a person under the age of eighteen (18) years old.

R. “Perpetrator” shall mean a person accused of criminal sexual conduct.

S. “Resides” shall mean, with respect to an individual, the location of the individual’s home or other place where the individual habitually lives.

T. “Sexual Act” shall mean, unless otherwise provided herein, any of the following:

1. contact between the penis and the vulva or the penis and the anus, and for the purpose 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 the intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of that person; or

4. the intentional touching, not through the clothing, of the genitalia of another person that has not attained the age of eighteen (18) years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of that person.

U. “Sexual Contact” shall mean, unless otherwise provided herein, the intentional touching, either directly or through the clothing, of the genitalia of another person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of that person.

V. “Sex Offender” or “Offender” shall mean a person Convicted of a Sex Offense or an attempt or conspiracy to commit a Sex Offense under state, federal, military, territorial, local, maritime, foreign or tribal law.

Offenses and Penalties

W. “Sex Offender Registry” shall mean the Registry of Sex Offenders and notification program maintained by the Chickasaw Nation.

X. “Sex Offense,” except as limited by Subparagraph 6 or 7, shall mean:

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 Code) under section 1591, or chapter 109A, 110 (other than section 2257, 2257A, or 2258), or 117, of Title 18 of the United States Code;

4. a military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (10 U.S.C. 951 note); or

Offenses and Penalties

5. an attempt or conspiracy to commit an offense described in clauses (1) through (4) of §17-201.9(X).

6. **Offenses involving Consensual Sexual Conduct.** An offense involving consensual sexual conduct is not a sex offense for the purposes of this Act if the victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense, or if the victim was at least 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 Act unless it was either:

a. obtained under the laws of Canada, the United Kingdom, Australia, or 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.

Y. “SORNA” shall mean Subchapter I entitled “Sex Offender Registration and Notification” of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248).

Z. “Student” shall mean an individual who enrolls or attends an educational institution, including a secondary school, trade or professional school, and institutions of higher education, whether public or private.
(PR27-006, 7/16/10; PR29-005, 8/17/12)

SECTION 17-201.10 OFFENSES.

A. **Tribal Offenses.** Any offenses listed within the Chickasaw Nation Code which are specifically set out as Sex Offenses or have an element involving a Sexual Act or Sexual Contact with another person or a criminal offense that is a specified offense against a Minor. Such Sex Offenses specifically include, as of the date of enactment of this Code section, the following offenses under the Chickasaw Nation Code:

1. §5-1503.13 (rape in the first degree);
2. §5-1503.14 (rape in the second degree);

Offenses and Penalties

3. §5-1503.15 (bestiality);
4. §5-1503.16 (lewd or indecent proposals or acts as to child under 16; sexual battery); or
5. §5-1506.13 (prostitution).

B. Federal Offenses. A conviction for any of the following, or a conviction for an attempt or conspiracy to commit any of the following, and any other offense hereafter included in the definition of a Sex Offense at 42 U.S.C. §16911(5):

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.);

Offenses and Penalties

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 alien individual); or
19. 18 U.S.C. §2425 (transmitting information about a Minor to further criminal Sexual conduct).

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

D. **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).

E. **Attempt or Conspiracy.** Any attempt or conspiracy to commit any crime specified in §17-201.10(A), (B), (C) or (D) above.

F. **Juvenile Offenses or Adjudications.** Any Sex Offense, or attempt or conspiracy to commit a Sex Offense, that is comparable to or more severe than the federal crime of aggravated sexual abuse (as codified in 18 U.S.C. §2241(a) or (b)) and committed by a Juvenile who is fourteen (14) years of age or older at the time of the offense.

G. **State, Tribal, Territory, and Foreign Offenses.** Any criminal offense committed in any state, tribe, territory, or the District of Columbia, and any foreign country (subject to §17-201.10(C)) that involves:

1. any type or degree of genital, oral, or anal penetration;

Offenses and Penalties

2. any sexual touching of or Sexual 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. 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 in which 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 conduct similar to those prohibited by the following:
 - 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).

Offenses and Penalties

(PR27-006, 7/16/10; PR29-005, 8/17/12)

SECTION 17-201.11 TIER 1 OFFENSE.

A. A Tier 1 offense includes any Sex Offense that involves an element of a Sexual Act or Sexual Contact with another, for which a person has been Convicted, or an attempt or conspiracy to commit such a Sex Offense, that is not a Tier 2 or Tier 3 offense.

B. A Tier 1 offense also includes any offense for which a person has been Convicted by any jurisdiction, local government, or Foreign Country 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 or an attempt or conspiracy to commit such an offense shall be considered a conviction for a Tier 1 offense:

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

Offenses and Penalties

11. 18 U.S.C. §2425 (transmitting information about a Minor to further criminal sexual conduct); or

D. **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) shall be considered a Tier 1 Offense.

E. **Tribal Offenses.** A Tier 1 offense includes any tribal offense listed under the Chickasaw Nation Code which expressly states that it is a Tier 1 Sex Offense, regardless of any other provisions of this Act. The category of Tier 1 Sex Offenses under the Chickasaw Nation Code shall include, but is not limited to, the following:

1. §5-1506.13(11) (encourage, induce, or otherwise purposely cause another to become or remain a prostitute [when not involving a Minor]).

2. §5-1506.13(12) (transport a person with a purpose to promote that person's engaging in prostitution or procuring or paying for transportation with that purpose [when not involving a Minor]).

(PR27-006, 7/16/10; PR29-005, 8/17/12)

SECTION 17-201.12 TIER 2 OFFENSES.

A. **Recidivist Offender and Felonies.** Unless the offense is a Tier 3 Sex Offense, 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 (1) year in jail is considered a Tier 2 offense.

B. **Offenses Involving Minors.** A Tier 2 offense includes any Sex Offense against a Minor for which a person has been Convicted in any jurisdiction, or an attempt or conspiracy to commit such an offense that involves any of the following:

1. the use of a Minor in prostitution, including solicitations;

2. enticing a Minor to engage in criminal sexual activity;

3. non-forcible Sexual Act with a Minor fourteen (14) years of age or older, whether directly or indirectly through the clothing, that involves the Intimate Parts of the body;

Offenses and Penalties

4. the use of a Minor in a sexual performance;
5. the production or distribution of child pornography; or
6. Sexual Contact with a Minor thirteen (13) years of age or older.

C. **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:

1. 18 U.S.C. §1591 (sex trafficking by force, fraud, or coercion);
2. 18 U.S.C. §2244 (abusive Sexual Contact, where victim is 13 years old, or older);
3. 18 U.S.C. §2251 (sexual exploitation of children);
4. 18 U.S.C. §2251A (selling or buying of children);
5. 18 U.S.C. §2252 (material involving the sexual exploitation of a Minor);
6. 18 U.S.C. §2252A (production or distribution of material containing child pornography);
7. 18 U.S.C. §2260 (production of sexually explicit depictions of a Minor for import into the United States);
8. 18 U.S.C. §2421 (transportation of a Minor for illegal sexual activity);
9. 18 U.S.C. §2422(b) (coercing a Minor to engage in prostitution);
10. 18 U.S.C. §2423(a) (transportation for prostitution); or
11. 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).

D. **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) shall be considered a Tier 2 offense.

Offenses and Penalties

E. **Tribal Offenses.** A Tier 2 offense includes any tribal offense listed under the Chickasaw Nation Code which expressly states that it is a Tier 2 offense, regardless of the term of punishment. The category of Tier 2 Sex Offenses under the Chickasaw Nation Code shall include, but is not limited to, the following:

1. §5-1506.13(11) (encourage, induce, or otherwise purposely cause another to become or remain a prostitute [when involving a child thirteen (13) years of age or older]).

2. §5-1506.13(12) (transport a person with a purpose to promote that person's engaging in prostitution or procuring or paying for transportation with that purpose [when involving a child thirteen (13) years of age or older]).

(PR27-006, 7/16/10; PR29-005, 8/17/12)

SECTION 17-201.13 TIER 3 OFFENSES.

A. **Recidivist Offender and Felonies.** Any Sex Offense for which a person previously convicted of a Tier 2 offense or an attempt or conspiracy to commit such an offense, or for a person who has previously become a Tier 2 Sex Offender, whose current Sex Offense conviction is punishable by more than one (1) year imprisonment is considered a Tier 3 offense.

B. **General Offenses.** A Tier 3 offense includes any Sex Offense for which a person has been Convicted of the offense, or an attempt or conspiracy to commit such an offense, which 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 twelve (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 or an attempt or conspiracy to commit such an offense shall be considered conviction for a Tier 3 offense:

Offenses and Penalties

1. 18 U.S.C. §2241 (aggravated sexual abuse);
2. 18 U.S.C. §2242 (sexual abuse);
3. 18 U.S.C. §2243 (sexual abuse of a Minor or ward); or
4. 18 U.S.C. §2244 (abusive Sexual Contact, victim under thirteen (13) years of age).

D. **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) shall be considered a Tier 3 offense.

E. **Tribal Offenses.** A Tier 3 offense includes any tribal offense listed under the Chickasaw Nation Code which expressly states that it is a Tier 3 offense, regardless of the term of punishment. The category of Tier 3 Sex Offenses under the Chickasaw Nation Code shall include, but is not limited to, the following:

1. § 5-1503.13 (rape in the first degree);
 2. § 5-1503.14 (rape in the second degree);
 3. § 5-1503.15 (bestiality);
 4. § 5-1503.16 (lewd or indecent proposals or acts as to a child under 16; sexual battery);
 5. § 5-1506.13(11) (encourage, induce, or otherwise purposely cause another to become or remain a prostitute [when involving a child twelve (12) years of age or younger]); and
 6. § 5-1506.13(12) (transport a person with a purpose to promote that person's engaging in prostitution or procuring or paying for transportation with that purpose [when involving a child twelve (12) years of age or younger]).
- (PR27-006, 7/16/10; PR29-005, 8/17/12)

SECTION 17-201.14 REGISTRATION REQUIREMENTS FOR SEX OFFENDERS.

- A. Any person with a conviction listed in this Act must Immediately register as a Sex

Offenses and Penalties

Offender if he lives, or works, or Resides in Indian Country within the Chickasaw Nation's territorial jurisdiction. Registration is required for all Sex Offenses under this Act unless specifically stated to the contrary and regardless of the jurisdiction or location of prior conviction.

B. Where to Register:

1. If Convicted in this Court, Sex Offenders shall initially register with the Chickasaw Nation Sex Offender Registration Office within three (3) business days of sentencing, if no jail time is ordered.

2. If the Sex Offender is incarcerated, he shall register at the facility in which he is detained before his release.

3. A Sex Offender must also register in all of the following jurisdictions:

- a. where he was Convicted; and
- b. where he Resides; and
- c. where he is employed; and
- d. where he goes to school.

C. **Current Information.** A Sex Offender with a conviction listed in this Act shall keep his personal information current in the Registry at all times. A Sex Offender is required to appear in person at the Chickasaw Nation Sex Offender Registration Office to update any change in his personal information within three (3) business days of such change. The information required to be updated includes but is not limited to:

1. name;
2. residence address;
3. employment;
4. school attendance;
5. e-mail addresses;

Offenses and Penalties

6. instant message addresses;
7. any other designations used in internet communications, postings, or telephone communications;
8. termination of residence;
9. temporary lodging information;
10. vehicle information;
11. intent to travel outside of the United States;
12. termination of employment; and
13. termination of school attendance.

D. **Registration Period.** The registration period begins to run upon release from custody for an incarcerated Sex Offender, or at sentencing for Sex Offenders not incarcerated. The length of registration is as follows:

1. fifteen (15) years if the Offender is a Tier 1 Sex Offender;
2. twenty-five (25) years if the Offender is a Tier 2 Sex Offender; or
3. the life of the Offender if the Offender ~~he~~ is a Tier 3 Sex Offender.

E. **Clean Record.** There are only two (2) classifications of sex offenders that are permitted to have a reduced registration provided that certain requirements are met. An eligible Sex Offender who has maintained a clean record may petition the Court to reduce the Offender's registration period.

1. **Tier 1 Offender.** The Sex Offender must have maintained a clean record for ten (10) years and satisfied all of the following conditions:
 - a. the Offender has not been Convicted of any offense for which Imprisonment for more than one (1) year may be imposed;

Offenses and Penalties

b. the Offender has not been Convicted of any Sex Offense regardless of sentence;

c. the Offender has successfully completed, without revocation, any periods of supervised release, probation and parole; and

d. the Offender has successfully completed an appropriate Sex Offender sex offender treatment program approved by the jurisdiction which Convicted the Offender or by the United States Attorney General (42 U.S.C. § 16915(b)(1)). Such jurisdiction shall decide what program design is sufficient and what constitutes “successful completion.”

2. **Tier 3 Offender.** The Sex Offender must have maintained a clean record for twenty-five (25) years and satisfied all of the following conditions:

a. the Offender was required to register based on a delinquency adjudication as a juvenile for an offense which required Tier 3 registration;

b. has not been Convicted of any offense for which Imprisonment for more than one (1) year may be imposed;

c. the Offender has not been Convicted of any sex offense regardless of sentence;

d. the Offender has successfully completed, without revocation, any periods of supervised release, probation and parole; and

e. the Offender has successfully completed an appropriate sex offender treatment program approved by the jurisdiction which Convicted the Offender or by the United States Attorney General (42 U.S.C. § 16915(b)(1)). Such jurisdiction shall decide what program design is sufficient and what constitutes “successful completion.

F. A Tier 1 Sex Offender is required to personally appear to take a photograph, and review and verify registration information at least once every twelve (12) months with the Chickasaw Nation Sex Offender Registration Office. The Offender’s date of review shall be on or before the last date of registration.

G. A Tier 2 Sex Offender is required to personally appear to take a photograph, and review and verify registration information at least once every six (6) months with the Chickasaw

Offenses and Penalties

Nation Sex Offender Registration Office.

H. A Tier 3 Sex Offender is required to personally appear to take a photograph, and review and verify registration information at least once every three (3) months with the Chickasaw Nation Sex Offender Registration Office.

I. Upon entering the Nation's jurisdiction for residency, work, or school, a Sex Offender from another jurisdiction must register with the Chickasaw Nation Sex Offender Registration Office, within three (3) business days.

(PR27-006, 7/16/10; PR29-005)

SECTION 17-201.15 FAILURE TO REGISTER.

A. It shall be unlawful for a Sex Offender to fail to register in any jurisdiction or update current information. If Convicted, such offense shall carry a maximum penalty of incarceration of not more than one (1) year, or a civil penalty of not more than Five Thousand Dollars (\$5,000), or both.

B. If a Sex Offender fails to register in the Nation's jurisdiction as required by this Act, the Nation shall:

1. petition the Court for a warrant to arrest and detain the Offender until a hearing can be set to determine the penalty, if any, for the Offender's non-compliance;

2. revise the information in the Chickasaw Nation Sex Offender Registry to reflect that the Sex Offender has failed to register and the Offender's new status as an Absconder; and

3. enter the Sex Offender into the National Crime Information Center Wanted Persons File.

C. **Absconders.** When the Chickasaw Nation Sex Offender Registration Office has information that a Sex Offender may have absconded, a reasonable effort must be made by the Chickasaw Nation Sex Offender Registration Office to determine whether the Sex Offender has actually absconded.

1. In the event no determination can be made, the Chickasaw Nation Sex Offender Registration Office or designee shall ensure the Chickasaw Lighthouse Police Department and any other appropriate law enforcement agency is notified.

Offenses and Penalties

2. If the information indicating the possible absconding came through notice from another jurisdiction or federal authorities, those authorities shall be informed that the Sex Offender has failed to appear or actually register.

3. If an absconded Sex Offender cannot be located then the Chickasaw Lighthouse Police Department shall take the following steps:

a. update the registry/public website to reflect the Sex Offender has absconded or is otherwise not capable of being located,

b. notify the U.S. Marshals Service,

c. seek a warrant for the Sex Offender's arrest. The U.S. Marshals Service or FBI may be contacted in an attempt to obtain a federal warrant for the Sex Offender's arrest,

d. update the National Crime Information Center ("NCIC")/National Sex Offender Registry ("NSOR") to reflect the Sex Offender's status as an absconder, or is otherwise not capable of being located, and

e. enter the Sex Offender into the National Crime Information Center Wanted Persons File.

D. When the Chickasaw Nation Sex Offender Registration Office is notified by another jurisdiction that a Sex Offender intends to reside, be employed, or attend school in the Nation's jurisdiction, and that Sex Offender fails to personally appear for registration as required, the Chickasaw Nation Sex Offender Registration Office shall inform the notifying jurisdiction if the Sex Offender fails to appear for registration.

(Pr27-006, 7/16/10; PR29-005, 8/17/12)

SECTION 17-201.16 PROVIDING FALSE INFORMATION.

A. It shall be unlawful for a Sex Offender to provide false information to the Chickasaw Nation Sex Offender Registration Office. If Convicted, such offense shall carry a maximum penalty of incarceration of not more than one (1) year, or a civil penalty of not more than Five Thousand Dollars (\$5,000), or both.

B. If a Sex Offender provides false information to the Chickasaw Nation Sex Offender Registration Office, the Nation shall:

Offenses and Penalties

1. petition the Court for a warrant to arrest and detain the Offender until a hearing can be set to determine the penalty, if any, for the Offender's non-compliance;
2. revise the information in the Chickasaw Nation Sex Offender Registry to reflect that the Sex Offender has provided false information and the Offender is considered an Absconder; and
3. enter the Sex Offender into the National Crime Information Center Wanted Person File.

C. **Absconders.** The Nation must make a reasonable effort to first verify that the information provided by the Sex Offender is false as of the date the sex offender last verified his information before the Sex Offender can be considered an Absconder.
(PR29-005), 8/17/12)

SECTION 17-201.17

RETROACTIVE REGISTRATION REQUIREMENTS OF THE CHICKASAW NATION.

A. This Act applies to all Sex Offenders, regardless of when they were convicted. The Nation is specifically required to recapture, which includes appropriately classifying and retroactively registering Sex Offenders if they are in the tribal judicial system as prisoners, supervisees, or registrants or if they reenter the system due to another conviction. The Nation shall notify such Sex Offenders of the new requirement. The Nation shall establish procedures to recapture and retroactively register the following categories of Sex Offenders:

1. Sex Offenders incarcerated or under supervision, either for the predicate Sex Offense or for some other crime;
2. Sex Offenders already registered or subject to a pre-existing sex offender registration requirement under the Nation's laws or that of another jurisdiction; and
3. Sex Offenders who reenter the Nation's criminal justice system because of a conviction for some other crime regardless of whether or not the crime is a Sex Offense.

B. The Sex Offender is thereafter subject to the registration requirements set forth herein upon notification of a duty to register.

C. The initial registration of recaptured Sex Offenders shall take place within the following time periods as of the date of the Act's enactment:

Offenses and Penalties

1. Tier 1 Offenders: within one (1) year;
2. Tier 2 Offenders: within six (6) months; and
3. Tier 3 Offenders: within three (3) months.

(PR29-005, 8/17/12)

SECTION 17-201.18 MAINTENANCE AND MANAGEMENT OF REGISTRY.

A. The Nation shall maintain a jurisdiction-wide Sex Offender Registry conforming to the requirements of SORNA.

B. The Nation may manage and enforce the registration of all tiers of Sex Offenders who are Convicted, reside, go to school, or work within Indian Country and within the jurisdiction of the Nation.

C. The Nation shall implement and maintain an electronic database of information and ensure that such information can be Immediately transmitted to others and Immediately accessed. Nevertheless, all information obtained under this Act shall be, at a minimum, maintained by the Nation or its designee in Digitized Format.

D. The Nation shall procure and maintain at all times computer software to enable the Nation or its designee to establish and operate a uniform Sex Offender Registry and internet web site. Such software shall facilitate (a) the Immediate exchange of information among jurisdictions, (b) public access over the Internet to appropriate information, including the number of registered Sex Offenders in the Nation's jurisdiction, (c) full compliance with the requirements of SORNA, and (d) communication of information to community notification program participants.

E. **Sex Offender Website.** The Nation's registered Sex Offender information shall be made available on the Internet, and in a manner that is readily accessible to all jurisdictions and to the public. The website shall:

1. allow for Immediate exchange of information among and between other jurisdictions;
2. provide for public access to appropriate information on Sex Offenders in the Nation's jurisdiction;
3. be able to receive information from other participating jurisdictions regarding

Offenses and Penalties

Offenders entering the tribal jurisdiction;

4. work in conjunction with the Dru Sjodin National Sex Offender Public Website;

5. allow for and provide hyperlinks to Sex Offender safety and education resources;

6. have instructions on how to correct erroneous information on a Sex Offender listed on the website;

7. give notice and warning that information on the website should not be used to unlawfully injure, harass, or commit a crime against any individual named in the Registry, or who reside, or work at any reported address. The warning shall note that any action could result in civil and criminal penalties;

8. implement search capabilities, including but not limited to, name, county, zip code, or geographical radius; and

9. provide an automated notification system which incorporates substantially the following features:

a. the information required to be included on all Sex Offender websites is posted on the Nation's Sex Offender website within three (3) business days;

b. the Nation's Sex Offender website includes a function under which members of the public and organizations can request notification when Sex Offenders commence residence, employment, or school attendance within zip codes or geographic radius areas specified by the requester, where the requester provides an e-mail address to which the notice is to be sent; and

c. Upon posting on the Nation's Sex Offender website of new residence, employment, or school attendance information for a Sex Offender within an area specified by the requester, the system will automatically send an e-mail notification to the requester which identifies the Sex Offender sufficiently that the requester can then

access the Nation's website and view the information about the Sex Offender on the website.

Offenses and Penalties

F. Whenever a Sex Offender registers or updates his or her information, the Chickasaw Nation Sex Offender Registration Office shall:

1. monitor and utilize the SORNA Exchange Portal for inter-jurisdictional change of residence, employment or student status, including following guidance issued by the U.S. Department of Justice on use of the SORNA Exchange Portal;
2. immediately update NCIC/NSOR;
3. immediately notify the U.S. Attorney General or national database;
4. immediately notify all law enforcement agencies, schools, and the public housing agencies in the area in which the Offender Resides;
5. immediately notify each jurisdiction where the Sex Offender is employed, attends school, or Resides, and each jurisdiction from or to which a change of residence, temporary lodging, employment, or student status occurs;
6. immediately notify agencies in the immediate area that conduct employment background checks under Section 3 of the National Child Protection Act of 1993;
7. immediately notify Social Service or volunteer entities in the area responsible for protecting Minors;
8. immediately notify any organization or individual that has requested notification; and
9. immediately enter or update information posted on the public website.

(PR29-005, 8/17/12)

SECTION 17-201.19

REGISTRY INFORMATION REQUIRED TO BE PRESERVED BY THE CHICKASAW NATION.

A. A Sex Offender covered by this Code who is required thereby to register with the tribe shall provide all the information detailed in this Chapter to the Chickasaw Nation Sex Offender Registration Office. The following Sex Offender information is required to be kept by the Chickasaw Nation Sex Offender Registration Office in a Digitized Format and on an electronic database that will enable it to be Immediately accessed by or transmitted to various entities, and shall be used on the public website unless specifically excluded:

Offenses and Penalties

1. name, including full legal name, nicknames, tribal or traditional names, and any aliases;
2. date of birth, and dates that the Offender uses as a birth date;
3. detailed physical description, including general appearance and any tattoos, scars, or other identifying marks;
4. current photograph, and if available, more than one photograph showing the front and back of the Offender, and the Offender in other presentations;
5. internet identifiers, monikers, email and instant messaging addresses;
6. telephone numbers including cell, work, and residential locations;
7. residence address, including past and current street addresses only, no post office boxes. If no street address is available, then a reasonable description of where the person's home is located shall be used;
8. alternative residences or temporary lodging information. This includes any place where the Offender might stay periodically or for seven days or more at one time, including the address and period of time the Offender stays there;
9. employer name and address, which includes self-employment whether compensated or not. If the Sex Offender has no fixed place of employment, other employment information concerning places where the Sex Offender works such as a normal travel route or the general area(s) in which the Offender works shall be listed;
10. professional licenses;
11. school or educational information, including the name and address of any educational institution where the Offender is currently enrolled and physically present;
12. vehicle information, including license plate number and description of any vehicle owned or regularly operated by the Offender. This includes watercraft, aircraft and any other land vehicles, such as ATVs;
13. the text of the provision of law defining the criminal offense for which the Offender is currently registered. This may be in the form of electronic text or a hyperlink;

Offenses and Penalties

14. fingerprints and palm prints. This can be digitized form, or hyperlinks to the central Registry;
15. driver's license or identification card (digitized photocopy); however, all prohibited information shall be redacted;
16. tribal affiliation and CDIB card (digitized photocopy); however, all prohibited information shall be redacted;
17. passport and immigration documents; however, all prohibited information shall be redacted;
18. criminal history, including the date of all arrests, the date of all convictions, any outstanding warrants, the registration status, and the status of parole, probation, or supervised release;
19. a DNA sample;
20. Social Security Number;
21. notice of intent of the Sex Offender to travel outside of the United States, which shall require the following:
 - a. notice of such intent must be provided in person by the Sex Offender at least twenty-one (21) days in advance of travel;
 - b. the Chickasaw Nation Sex Offender Registration Office must notify the U.S. Marshals Service and any other jurisdiction where the Sex Offender is registered, or required to register, of the updated information, and must update NCIC/NSOR;
 - c. the Chickasaw Nation Sex Offender Registration Office must advise the Sex Offender of his duty to provide notice of intent to travel outside the United States; and
22. when the Offender is in violation of this Act or cannot be located, the website must note this fact and label the Offender as an "Absconder."

Offenses and Penalties

B. Such information shall be Immediately shared among registration jurisdictions and disclosure of all of the information, except that which is mandatorily excluded, to the general public, local law enforcement, local child protection agencies, and other specified entities.
(PR29-005, 8/17/12)

SECTION 17-201.20 **MANDATORY EXCLUSIONS.**

Prohibited Information. The following information shall be retained by the Chickasaw Nation Sex Offender Registration Office; however, it shall not be placed for public viewing on the Chickasaw Nation Sex Offender Registry web site:

- A. the identity of a victim of a Sex Offense;
 - B. the Sex Offender's social security number;
 - C. the Sex Offender's arrests that did not result in conviction;
 - D. the Sex Offender's travel and immigration document numbers; and
 - E. the Sex Offender's internet identifiers.
- (PR27-006, 7/16/10; PR29-005, 8/17/12)

SECTION 17-201.21 **REGISTRY INFORMATION REQUIRED TO BE PRESERVED BY THE CHICKASAW NATION.**

Each time a Sex Offender appears before the Chickasaw Nation Sex Offender Registration Office for review, updating, and verification of his information, the attending officer shall:

- A. take a new photo of the Sex Offender and provide additional forms to the Sex Offender to verify or correct the Offender's information;
- B. inform the Sex Offender of his duties to register under this Act;
- C. require the Sex Offender to read and sign a form, as provided in §17-201.25, stating that the duty to register has been explained and that the Sex Offender understands the registration requirements; and
- D. ensure that the Offender is properly registered and Immediately enter the updated information into the Registry and transmit such by electronic means or data link to all jurisdictions

Offenses and Penalties

where such notification is required.
(PR29-005, 8/17/12)

SECTION 17-201.22 **THE CHICKASAW NATION AS RESIDENCE, EMPLOYER,
AND SCHOOL JURISDICTIONS.**

A. If the Nation registers a Sex Offender because he was Convicted, or began to reside, work, or attend school within its jurisdiction, the Nation shall forward notifications by automated e-mail or otherwise to the jurisdictions where the Offender is required to register, the U.S. Marshals Service, and other agencies who have requested notice.

B. If a Sex Offender is currently registered in the Chickasaw Nation jurisdiction because he was Convicted, Resides, works, or attends school therein, and the Offender gives notice that he intends to take up residence outside the Chickasaw Nation jurisdiction, including outside of the United States, the Nation shall forward notifications by automated e-mail or otherwise to the jurisdictions where the Offender intends to reside, work, or attend school, to the U.S. Marshals Service, the national sex offender registry, and any jurisdiction where the Sex Offender is registered or required to register.

C. Any notification provided by the Nation under Section §17-201.22, including notifying jurisdictions where the Sex Offender is temporarily staying, shall be provided within three (3) business days.
(PR27-006, 7/16/10; PR29-005, 8/17/12)

SECTION 17-201.23 **EMPLOYEES OF THE CHICKASAW NATION.**

An Employee of the Nation who fails to inform the Nation Immediately that he is a registered Sex Offender, or who fails to register as a Sex Offender, or who fails to keep Sex Offender registration information current, may be discharged from employment with the Nation without notice.
(PR29-005, 8/17/12)