



TITLE 24

SEX OFFENDER REGISTRATION ORDINANCE

FLANDREAU SANTEE SIOUX TRIBE

Updated: July 26, 2017

FLANDREAU SANTEE SIOUX TRIBE SEX OFFENDER REGISTRY ORDINANCE

TABLE OF CONTENTS

CHAPTER 1	GENERAL MATTERS	4
SECTION 1.01	TITLE.....	4
SECTION 1.02	PURPOSE.....	4
SECTION 1.03	NEED.....	4
SECTION 1.04	CREATION OF REGISTRIES.....	4
CHAPTER 2	TERMINOLOGY AND REGISTERABLE OFFENSES.....	5
SECTION 2.01	DEFINITIONS.....	5
SECTION 2.02	REGISTERABLE OFFENSES	8
CHAPTER 3	TIERING OF OFFENSES	14
SECTION 3.01	TIER 1 OFFENSES	14
SECTION 3.02	TIER II OFFENSES.....	15
SECTION 3.03	TIER III OFFENSES	16
CHAPTER 4	REQUIRED INFORMATION.....	18
SECTION 4.01	GENERAL REQUIREMENTS	18
SECTION 4.02	CRIMINAL HISTORY.....	18
SECTION 4.03	DATE OF BIRTH.....	18
SECTION 4.04	DNA SAMPLE	18
SECTION 4.05	DRIVER’S LICENSES, IDENTIFICATION CARDS, PASSPORTS, IMMIGRATION DOCUMENTS.....	19
SECTION 4.06	EMPLOYMENT INFORMATION	20
SECTION 4.07	FINGER AND PALM PRINTS.....	20
SECTION 4.08	INTERNET IDENTIFIERS	20
SECTION 4.09	NAME.....	20
SECTION 4.10	PHONE NUMBERS	21
SECTION 4.11	PICTURE	21
SECTION 4.12	PHYSICAL DESCRIPTION	21
SECTION 4.13	PROFESSIONAL LICENSING INFORMATION	22
SECTION 4.14	RESIDENCE ADDRESS	22
SECTION 4.15	SCHOOL.....	22

SECTION 4.16	SOCIAL SECURITY NUMBER.....	22
SECTION 4.17	TEMPORARY LODGING.....	22
SECTION 4.18	INTERNATIONAL TRAVEL	23
SECTION 4.19	OFFENSE INFORMATION	23
SECTION 4.20	VEHICLE INFORMATION.....	23
SECTION 4.21	FREQUENCY, DURATION, AND REDUCTION	23
SECTION 4.22	REQUIREMENTS FOR IN PERSON APPEARANCES	24
SECTION 4.23	SEX OFFENDER ACKNOWLEDGEMENT FORM.....	25
CHAPTER 5	REGISTRATION.....	26
SECTION 5.01	WHERE REGISTRATION IS REQUIRED	26
SECTION 5.02	TIMING OF REGISTRATION	26
SECTION 5.03	RETROACTIVE REGISTRATION.....	27
SECTION 5.04	KEEPING REGISTRATION CURRENT	27
SECTION 5.05	FAILURE TO APPEAR FOR REGISTRATION; ABSCONDING.....	28
CHAPTER 6	PUBLIC SEX OFFENDER REGISTRY WEBSITE.....	30
SECTION 6.01	WEBSITE	30
SECTION 6.02	REQUIRED AND PROHIBITED INFORMATION.....	30
SECTION 6.03	COMMUNITY NOTIFICATIONS	31
CHAPTER 7	IMMUNITY.....	33
SECTION 7.01	SOVEREIGN IMMUNITY	33
SECTION 7.02	GOOD FAITH	33
CHAPTER 8	CRIMES AND CIVIL SANCTIONS	34
SECTION 8.01	CRIMINAL PENALTIES.....	34
SECTION 8.02	CIVIL PENALTIES.....	34
SECTION 8.03	BANISHMENT	34
SECTION 8.04	HINDERING REGISTRATION	34
LEGISLATIVE HISTORY.....		35

CHAPTER 1 GENERAL MATTERS

SECTION 1.01 TITLE

This Ordinance shall be known as the “Flandreau Santee Sioux Tribe Sex Offender Registration Ordinance,” hereafter abbreviated as “FSST SORO”.

SECTION 1.02 PURPOSE

The intent of this ordinance is to implement the federal Sex Offender Registration and Notification Act (“SORNA”), Title I of Public Law 109-248, 42 U.S.C. § 16901 et seq., and shall be interpreted liberally to comply with the terms and conditions of SORNA as presently written or hereafter amended.

SECTION 1.03 NEED

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

FSST SORO is being drafted to maintain the integrity of the Flandreau Santee Sioux Tribe, and to help to further efforts locally, state-wide, and nationally to curb sexual violence. The structure of this Ordinance shall allow every sex offender within Moody County to be constantly watched by the community and law enforcement. This Ordinance is also designed to keep sex offenders from re-offending, and to become peaceful community members.

SECTION 1.04 CREATION OF REGISTRIES

- A. Sex Offender Registry. There is hereby established a sex offender registry program, known as the Flandreau Santee Sioux Tribe Sex Offender Registry which the Flandreau Santee Sioux Tribal Police shall maintain and operate pursuant to the provisions of this ordinance.
- B. Public Sex Offender Registry Website. There is hereby established a public sex offender registry website, Flandreau Santee Sioux Tribe Sex Offender Registry at <http://www.nsopr.gov/fsst/>, which the Flandreau Santee Sioux Tribal Police shall maintain and operate pursuant to the provisions of this ordinance.

CHAPTER 2 TERMINOLOGY AND REGISTERABLE OFFENSES

SECTION 2.01 DEFINITIONS

The Definitions below apply to this Ordinance only.

- A. Convicted. An adult sex offender is “convicted” for the purposes of this ordinance if the sex offender has been subjected to penal consequences based on the conviction, however the conviction may be styled. The sealing of a criminal record or other action that limits the publicity or availability of conviction information, but does not deprive the conviction of continuing legal validity, does not change its status as a "conviction" for purposes of this ordinance.
1. A juvenile offender is “convicted” for purposes of this ordinance 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 Code), or was an attempt or conspiracy to commit such an offense.
- B. Dru Sjodin National Sex Offender Public Website (NSOPW). The public website maintained by the Attorney General of the United States pursuant to 42 U.S.C. § 16920.
- C. Employee. The term “employee” as used in this ordinance includes, 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.
- D. Foreign Convictions. A foreign conviction is one obtained outside of the United States.
- E. Immediate. “Immediate” and “immediately” mean within 3 business days.
- F. Imprisonment. The term “imprisonment” refers to incarceration pursuant to a conviction, regardless of the nature of the institution in which the offender serves the sentence. The term is to be interpreted broadly to include, for example, confinement in a state “prison” as well as in a federal, military, foreign, BIA, private or contract facility, or a local or tribal “jail”. Persons under “house arrest” following conviction of a covered sex offense are required to register pursuant to the provision of this ordinance during their period of “house arrest”.

- G. Jurisdiction. The term “jurisdiction” as used in this ordinance refers to the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, and any Indian Tribe that elected to function as a SORNA registration and notification jurisdiction pursuant to PL 109-248 Section 127 (42 U.S.C. § 16927).
- H. Minor. The term “minor” means an individual who has not attained the age of 18 years.
- I. National Crime Information Center (“NCIC”). The NCIC is a computerized index of criminal justice information (i.e.- criminal record history information, fugitives, stolen properties, missing persons). It is available to Federal, state, and local law enforcement, and other criminal justice agencies.
- J. National Sex Offender Registry (“NSOR”). The national database maintained by the Federal Bureau of Investigation pursuant to 42 U.S.C. § 16919.
- K. Resides. The term “reside” or “resides” means, with respect to an individual, the location of the individual’s home or other place where the individual habitually lives or sleeps.
- L. Sex Offender. A person convicted of a sex offense is a “sex offender.”
- M. Sex Offender Registry. The term “sex offender registry” means the registry of sex offenders, and a notification program, maintained by the Flandreau Police Department.
- N. Sex Offense. Except limited by subparagraph 6 or 7, and in addition to section I, 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 Code) under section 1591, or chapter 109A, 110 (other than section 1157, 1157A, 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
 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 Ordinance if the victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense, or if the victim was at least thirteen (13) years old and the offender was not more than four (4) years older than the victim.
 7. The term “sex offense” as used in this ordinance includes those offenses contained in 42 U.S.C. § 16911(5)(as amended) and those offenses enumerated in Section 2.01 of this Ordinance or any other register able offense under FSST law.
 8. Foreign Offenses. A foreign conviction is not a sex offense for the purposes of this ordinance 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.

O. Sexual Act. The term “sexual act” means:

1. contact between the penis and the vulva or the penis and the anus, and for purposes of this definition contact involving the penis occurs upon penetration, however slight;
2. contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;

3. the penetration, however slight, of the anal or genital opening of another person by a hand or finger or by an 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, or 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.
- P. Sexual Contact. 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.
- Q. SMART Office. 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.
- R. SORNA. The Sex Offender Registration and Notification Act (Title I of the Adam Walsh Child Protection and Safety Act of 2006 P.L. 109-248), 42 U.S.C. § 16911 *et seq.*, as amended.
- S. Student. A “student” is 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 I Sex Offender. A “tier I sex offender”, or a “sex offender” designation as “tier I”, is one that has been convicted of a “tier I” sex offense as defined in section 3.01.
- U. Tier II Sex Offender. A “tier II sex offender”, or a “sex offender” designation as “tier II”, is one that has been convicted of a “tier II” sex offense as defined in section 3.02, or who is subject to the recidivist provisions of 3.02(B).
- V. Tier III Sex Offender. A “tier III sex offender”, or a “sex offender” designation as “tier III”, is one that has been convicted of a “tier III” sex offense as defined in section 3.03, or who is subject to the recidivist provision of 3.03(B).

SECTION 2.02 REGISTERABLE OFFENSES

Individuals who reside within the exterior boundaries of the reservation or otherwise reside on property owned by the Tribe in fee or trust, regardless of location, are employed or volunteer within the exterior boundaries of the reservation or on property owned by the Tribe in fee or trust regardless of location, or who attend school within the exterior boundaries of the reservation or on property owned by the Tribe 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 ordinance:

A. Tribal Offenses.

1. FSST § 3-6-1 (Rape)
2. FSST § 3-6-3 (Sexual contact with child under sixteen – felony only)
3. FSST § 3-6-5 (Incest)
4. FSST § 3-6-6 (Sexual exploitation of a child – Acts Prohibited)
5. FSST § 3-6-7 (Photographing a child in obscene act)
6. FSST § 3-6-8 (Possession of child pornography)

B. Federal Offenses. A conviction for, or a conviction for an attempt or conspiracy to commit any of the following, or 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 U.S.C. § 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)

C. State of South Dakota Offenses. Any conviction for a sex offense involving conduct as defined at S.D. Codified Laws §§ 22-24B-1(1)-(20) (2010), including:

1. S.D. Codified Laws § 22-24B-1(1) (Rape as set forth in § 22-22-1);
2. S.D. Codified Laws § 22-24B-1(2) (Felony sexual contact with a person incapable of consenting as set forth in § 22-22-7 if committed by an adult);
3. S.D. Codified Laws § 22-24B-1(3) (Sexual contact with a person incapable of consenting as set forth in § 22-22-7.2);
4. S.D. Codified Laws § 22-24B-1(4) (Incest if committed by an adult);
5. S.D. Codified Laws § 22-24B-1(5) (Possessing, manufacturing, or distributing child pornography as set forth in § 22-24A-3);
6. S.D. Codified Laws § 22-24B-1(6) (Sale of child pornography as set forth in § 22-24A-1);
7. S.D. Codified Laws § 22-24B-1(7) (Sexual exploitation of a minor as set forth in § 22-22-24.3);
8. S.D. Codified Laws § 22-24B-1(8) (Kidnapping, as set forth in § 22-19-1, if the victim of the criminal act is a minor);
9. S.D. Codified Laws § 22-24B-1(9) (Promotion of prostitution of a minor as set forth in subdivision 22-23-2(2));
10. S.D. Codified Laws § 22-24B-1(10) (Criminal pedophilia as previously set forth in § 22-22-30.1);

11. S.D. Codified Laws § 22-24B-1(11) (Felony indecent exposure as previously set forth in former § 22-24-1 or felony indecent exposure as set forth in § 22-24-1.2);
12. S.D. Codified Laws § 22-24B-1(12) (Solicitation of a minor as set forth in § 22-24A-5);
13. S.D. Codified Laws § 22-24B-1(13) (Felony indecent exposure as set forth in § 22-24-1.3);
14. S.D. Codified Laws § 22-24B-1(14) (Bestiality as set forth in § 22-22-42);
15. S.D. Codified Laws § 22-24B-1(15) (An attempt to commit any of the crimes listed in this section or any conspiracy or solicitation to commit any of the crimes listed in this section);
16. S.D. Codified Laws § 22-24B-1(16) (Any crime committed in a place other than this state which would constitute a sex crime under this section if committed in this state);
17. S.D. Codified Laws § 22-24B-1(17) (Any federal crime or court martial offense that would constitute a sex crime under federal law);
18. S.D. Codified Laws § 22-24B-1(18) (Any crime committed in another state if that state also requires that anyone convicted of that crime register as a sex offender in that state; or);
19. S.D. Codified Laws §§ 22-24B-1(19)(a)-(c) (If the victim is a minor: (a) Any sexual acts between a jail employee and a detainee as set forth in § 22-22-7.6; (b) Any sexual contact by a psychotherapist as set forth in § 22-22-28; or (c) Any sexual penetration by a psychotherapist as set forth in § 22-22-29);
20. S.D. Codified Laws § 22-24B-1(20) (Intentional exposure to HIV infection as set forth in subdivision (1) of § 22-18-31.);

D. Foreign Offenses. Any conviction for a sex offense involving conduct listed in this Ordinance 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.

E. Military Offenses. Any military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (codified at 10 U.S.C. § 951 note).

F. Juvenile Offenses or Adjudications. Any sex offense, or attempt or conspiracy to commit a sex offense, that is comparable to or more severe than the federal crime of aggravated sexual

abuse (as codified in 18 U.S.C. § 2241(a) and (b)) and committed by a minor who is 14 years of age or older at the time of the offense. 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 involuntary drugging the victim. The juvenile offender will be required to register as a sex offender, and will be entered into the FSST Sex Offender Website, but their information will not be made public, unless they are tried as an adult.

G. Jurisdictional Offenses. Any sex offense committed in any jurisdiction, including the Flandreau Santee Sioux Tribe, which involves:

1. Any conduct that by its nature is a sex offense against a minor
2. Any type or degree of genital, oral, or anal penetration
3. Any sexual touching of or sexual contact with a person's body, either directly or through the clothing
4. Criminal sexual conduct that involves the physical contact with a minor or the use of the internet to facilitate or attempt such conduct. This includes offenses whose elements involve the use of other persons in prostitution, such as pandering, procuring, or pimping in cases where the victim was a minor at the time of the offense.
5. False imprisonment of a minor (unless committed by a parent or guardian)
6. Kidnapping of a minor (unless committed by a parent or guardian)
7. Possession, production, or distribution of child pornography
8. Solicitation of a minor to practice prostitution
9. Solicitation to engage a minor in sexual conduct understood broadly to include any direction, request, enticement, persuasion, or encouragement of a minor to engage in sexual conduct
10. Use of a minor in a sexual performance
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)

CHAPTER 3 TIERING OF OFFENSES

SECTION 3.01 TIER 1 OFFENSES

- A. Sex Offenses. A “Tier I” 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 II” or “Tier III” offense.
- B. Offenses Involving Minors. A “Tier I” offense 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.
- C. Flandreau Santee Sioux Tribe Offenses. Any sex offense covered by this act where punishment was limited to one year in jail shall be considered a “Tier I” sex offense.
- D. Certain Federal Offenses. Conviction for any of the following federal offenses or an attempt or conspiracy to commit such an offense shall be considered a conviction for a “Tier I” offense:
1. 18 U.S.C. § 1801 (video voyeurism of a minor)
 2. 18 U.S.C. § 2252 (receipt or possession of child pornography)
 3. 18 U.S.C. § 2252A (receipt or possession of child pornography)
 4. 18 U.S.C. § 2252B (misleading domain names on the internet)
 5. 18 U.S.C. § 2252C (misleading words or digital images on the internet)
 6. 18 U.S.C. § 2422(a) (coercion to engage in illicit conduct)
 7. 18 U.S.C. § 2423(b) (travel with intent to engage in illicit conduct)
 8. 18 U.S.C. § 2423(c) (engaging in illicit conduct in foreign places)
 9. 18 U.S.C. § 2423(d) (arranging, inducing, procuring, or facilitating the travel in interstate commerce of an adult for the purpose of engaging in illicit conduct for financial gain)
 10. 18 U.S.C. § 2424 (failure to file factual statement about an alien individual) or
 11. 18 U.S.C. § 2425 (transmitting information about a minor to further criminal sexual conduct)

- E. Certain Military Offenses. Any military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (codified at 10 U.S.C. § 951 note) that is similar to those offenses outlined in Section 3.01(A),(B), or (C) shall be considered a “Tier I” offense.
- F. Certain State Offenses. Any South Dakota State offense, or other state sex offense, that results in a possible sentence of less than one year, or is a class 1 or class 2 misdemeanor shall be considered a Tier I offense. People who commit State crimes that are similar in the nature and severity to this section are also considered “Tier I” offenders. This relates to the length of imprisonment for an individual offense, and if multiple offenses are committed, not the aggregate.

SECTION 3.02 TIER II OFFENSES

- A. Recidivism and Felonies. Unless otherwise covered by Section 3.03, any sex offense that is not the first sex offense for which a person has been convicted or an attempt or conspiracy to commit such an offense and that is punishable by more than one year in jail is considered a “Tier II” offense.
- B. Offenses Involving Minors. A “Tier II” offense includes any sex offense against a minor for which a person has been convicted, or an attempt or conspiracy to commit such an offense that involves:
 - 1. The use of minors in prostitution, including solicitations,
 - 2. Enticing a minor to engage in criminal sexual conduct,
 - 3. A non-forcible sexual act with a minor 16 or 17 years old,
 - 4. Sexual contact with a minor 13 years of age or older, whether directly or indirectly through the clothing, that involves the intimate parts of the body,
 - 5. The use of a minor in a sexual performance, or
 - 6. The production or distribution of child pornography.
- 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 II” offense:
 - 1. 18 U.S.C. § 1591 (sex trafficking by force, fraud, or coercion)
 - 2. 18 U.S.C. § 2423(d) (arranging, inducing, procuring, or facilitating the travel in interstate commerce of a minor for the purpose of engaging in illicit conduct for financial gain)

3. 18 U.S.C. § 2244 (abusive sexual contact, where the victim is 13 years of age or older)
 4. 18 U.S.C. § 2251 (sexual exploitation of children)
 5. 18 U.S.C. § 2251A (selling or buying of children)
 6. 18 U.S.C. § 2252 (material involving the sexual exploitation of a minor)
 7. 18 U.S.C. § 2252A (production or distribution of material containing child pornography)
 8. 18 U.S.C. § 2260 (production of sexually explicit depictions of a minor for import into the United States)
 9. 18 U.S.C. § 2421 (transportation of a minor for illegal sexual activity)
 10. 18 U.S.C. § 2422(b) (coercing a minor to engage in prostitution)
 11. 18 U.S.C. § 2423(a) (transporting a minor to engage in illicit conduct)
- 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) that is similar to those offenses outlines in Section 3.02(A),(B), or (C) shall be considered a “Tier II” Offense.
- E. Certain State Offenses. Any South Dakota, or other State sex offense, that results in a possible sentence of more than one year, or is a Class A, B, C, 1, 2, 3, 4, 5, or 6 Felony, without any other previous sex crime conviction, shall be considered a Tier II offense. People who commit State crimes that are similar in the nature and severity to this section are also considered “Tier II” offenders. This relates to the length of imprisonment for an individual offense, and if multiple offenses are committed, not the aggregate.

SECTION 3.03 TIER III OFFENSES

- A. Recidivism and Felonies. Any sex offense that is punishable by more than one year in jail where the offender has at least one prior conviction or an attempt or conspiracy to commit such an offense for a Tier II sex offense, or has previously become a Tier II sex offender, is a “Tier III” offense.
- B. General Offenses. A “Tier III” offense includes any sex offense for which a person has been convicted, or an attempt or conspiracy to commit such an offense that involves:
1. Non-parental kidnapping of a minor,
 2. A sexual act with another by force or threat,

3. A sexual act with another who has been rendered unconscious or involuntarily drugged, or who is otherwise incapable of appraising the nature of the conduct or declining to participate, or
 4. Sexual contact with a minor 12 years of age or younger, including offenses that cover sexual touching of or contact with the intimate parts of the body, either directly or through the clothing
- C. Certain Federal Offenses. Conviction for any of the following federal offenses shall be considered conviction for a “Tier III” offense:
1. 18 U.S.C. § 2241 (aggravated sexual abuse)
 2. 18 U.S.C. § 2242 (sexual abuse)
 3. 18 U.S.C. § 2243 (sexual abuse of a minor or ward)
 4. Where the victim is 12 years of age or younger, 18 U.S.C. § 2244 (abusive sexual contact)
- D. Certain Military Offenses. Any military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (codified at 10 U.S.C. § 951 note) that is similar to those offenses outlined in Section 3.03(A), (B), or (C) shall be considered a “Tier III” offense.
- F. Certain State Offenses. Any South Dakota State, or any other State sex offense that results in a possible sentence of more than one year, is a felony conviction, and because of the nature of the offense, the offender is required to be registered throughout their lifetime, is considered a “Tier III” offender. People who commit State crimes that are similar in the nature and severity to this section are also considered “Tier III” offenders. This relates to the length of imprisonment for an individual offense, and if multiple offenses are committed, not the aggregate.

CHAPTER 4 REQUIRED INFORMATION

SECTION 4.01 GENERAL REQUIREMENTS

- A. Duties. A sex offender covered by this ordinance who is required to register with the Tribe pursuant to Chapter 5 shall provide all of the information detailed in this chapter to the Flandreau Santee Sioux Tribe Police Department (“FPD”), and the FPD shall obtain all of the information detailed in this chapter from covered sex offenders who are required to register with the Tribe in accordance with this ordinance and shall implement any relevant policies and procedures.
- B. Digitalization. All information obtained under this ordinance shall be, at minimum, maintained by the FPD in a digitalized format.
- C. Electronic Database. A sex offender registry shall be maintained in an electronic database by the FPD and shall be in a form capable of electronic transmission.

SECTION 4.02 CRIMINAL HISTORY

- A. Criminal History. The FPD shall obtain, and a covered sex offender shall provide, the following information related to the sex offender’s criminal history:
1. The date of all arrests,
 2. The date of all convictions,
 3. The sex offender’s status of parole, probation, or supervised release,
 4. The sex offender’s registration status, and
 5. Any outstanding arrest warrants.

SECTION 4.03 DATE OF BIRTH

- A. Date of Birth. The FPD shall obtain, and a covered sex offender shall provide, the following information related to the sex offender’s date of birth:
1. The sex offender’s actual date of birth, and
 2. Any other date of birth used by the sex offender.

SECTION 4.04 DNA SAMPLE

- A. DNA. If the sex offender’s DNA is not already contained in the Combined DNA Index System (“CODIS”), the sex offender shall provide the FPD or designee a sample of his DNA.

B. DNA Collection Training. Prior to DNA Collection, the FPD personnel taking the DNA sample must:

1. Review the FBI website about DNA collection procedures at: <http://www.fbi.gov/about-us/lab/dna-nuclear/fco-buccal-kit/>, and
2. Sign the FSST DNA Procedure Form stating that they have reviewed the process.

C. Collection Procedure. DNA will be collected utilizing the DNA Kits provided by the FBI, and will be completed and submitted as specified in the kit's packaging. The collected sample will then be given to the State of South Dakota DCI Forensic Laboratory at:

STATE OF SOUTH DAKOTA
DCI FORENSIC LABORATORY
OFFICE OF ATTORNEY GENERAL
1302 E. HWY 14, STE. 6
PIERRE, SOUTH DAKOTA 57501-8506
PHONE (605) 773-3673
FAX (605) 773-5658

The State Laboratory will then, within its own internal procedures, add the person into CODIS, and furnish proof there off to the Flandreau Police Department. If the sex offender is contained within the CODIS System, a note will be added to the Offender's file, and a copy of the submitted information will be obtained from the agency that originally submitted the Offender's DNA, and will also be added to the offender's file. If the FBI or the South Dakota Forensic Lab determines that the sample is tainted, completed improperly, or is otherwise incomplete, the DNA must be resubmitted.

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

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

SECTION 4.06 EMPLOYMENT INFORMATION

A. Employment. The FPD 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:

1. The name of the sex offender's employer,
2. The address of the sex offender's employer, and
3. Similar information related to any transient or day labor employment.

SECTION 4.07 FINGER AND PALM PRINTS

A. Finger and Palm Prints. The FPD or its designee shall obtain, and a covered sex offender shall provide, both finger prints (to be submitted to the Integrated Automated Fingerprint Identification System) and palm prints (to be submitted to the FBI Next Generation Identification Program).

SECTION 4.08 INTERNET IDENTIFIERS

A. Internet Names. The FPD or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's internet related activity:

1. Any and all e-mail addresses used by the sex offender,
2. Any and all Instant Message addresses and identifiers,
3. Any and all other designations or monikers used for self-identification in internet communications or postings, and
4. Any and all designations used by the sex offender for the purpose of routing or self-identification in internet communications or postings, including but not limited to social network identifications, Twitter accounts, Facebook, video posting site identifications such as You Tube, online dating websites, and etc.

SECTION 4.09 NAME

A. Name. The FPD or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's name:

1. The sex offender's full primary given name,
2. Any and all nicknames, aliases, and pseudonyms regardless of the context in which it is used, and

3. Any and all ethnic or tribal names by which the sex offender is commonly known, or has ever commonly been known by. This does not include any religious or sacred names not otherwise commonly known.

SECTION 4.10 PHONE NUMBERS

A. Phone numbers. The FPD or designee shall obtain, and a covered sex offender shall provide, any and all telephone numbers and any other designations used by the sex offender for purposes of routing or self-identification in telephonic communications including, but not limited to:

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

SECTION 4.11 PICTURE

A. Photograph. A covered sex offender shall permit his photograph to be taken by the FPD or designee:

1. Every 90 days for Tier III sex offenders,
2. Every 180 days for Tier II sex offenders, and
3. Every year for Tier I sex offenders.

B. Update Requirements: Unless the appearance of a sex offender has not changed significantly, a digitalized photograph shall be collected at each appearance indicated in Section 4.11 A.

SECTION 4.12 PHYSICAL DESCRIPTION

A. Physical Description. The FPD or designee shall obtain, and a covered sex offender shall provide, an accurate description of the sex offender as follows:

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

When taking pictures for Section 4.11 purposes, each identifying mark noted must be photographed for identification purposes.

SECTION 4.13 PROFESSIONAL LICENSING INFORMATION

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

SECTION 4.14 RESIDENCE ADDRESS

- A. Address. The FPD or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's residence:

1. The address of each residence at which the sex offender resides or will reside, and
2. Any location or description that identifies where the sex offender habitually resides regardless of whether it pertains to a permanent residence or location otherwise identifiable by a street or address.

SECTION 4.15 SCHOOL

- A. School Location. The FPD or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's school:

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

SECTION 4.16 SOCIAL SECURITY NUMBER

- A. Social Security. The FPD or designee shall obtain, and a covered sex offender shall provide, the following information:

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

SECTION 4.17 TEMPORARY LODGING

- A. Lodging Information: The FPD or designee shall obtain, and a covered sex offender shall provide, the following information when the sex offender will be absent from their residence for seven (7) days or more:

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

- D. The registered sex offender shall provide the information in Section 4.17 (1) and (2) no later than seven (7) days before his scheduled travel. The information must be provided in person.
- E. Upon receipt of this information, the FPD will enter the gathered information in the SORNA Exchange Portal to notify other reporting jurisdictions of the sex offender's presence.

SECTION 4.18 INTERNATIONAL TRAVEL

- A. 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. Marshalls Service and immediately notify other jurisdictions where the sex offender is either registered, or is required to register, of the updated information. Updates also must be made to the FBI NCIC and the NSOR.

SECTION 4.19 OFFENSE INFORMATION

- A. Offense Information. The FPD or designee shall obtain the text of each provision of law defining the criminal offense(s) for which the sex offender is registered.

SECTION 4.20 VEHICLE INFORMATION

- A. Detailed Information. The FPD 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:
 - 1. License plate numbers,
 - 2. Registration numbers or identifiers,
 - 3. General description of the vehicle to include color, make, model, and year, and
 - 4. Any permanent or frequent location where any covered vehicle is kept.

SECTION 4.21 FREQUENCY, DURATION, AND REDUCTION

- A. Frequency. A sex offender who is required to register shall, at a minimum, appear in person at the FPD for purposes of verification and keeping their registration current in accordance with the following time frames:
 - 1. For "Tier I" offenders, once every year for 15 years from the time of the release from custody for a sex offender who is incarcerated for the registration offense or from the date of the sentencing for a sex offender who is not incarcerated for the registration offense.

2. For “Tier II” offenders, once every 180 days for 25 years from the time of the release from custody for a sex offender who is incarcerated for the registration offense or from the date of the sentencing for a sex offender who is not incarcerated for the registration offense.
3. For “Tier III” offenders, once every 90 days for the rest of their lives.

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

1. A Tier I offender may have his or her period of registration reduced to ten (10) years if he or she has maintained a clean record for ten (10) consecutive years.
2. A Tier III 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 III registration and he or she had maintained a clean record for 25 consecutive years.

C. Clean Record. For purposes of Chapter 4.21(B) a person has a clean record if:

1. He or she has not been convicted of any offense, for which imprisonment for more than 1 year may be imposed;
2. He or she has not been convicted of any sex offense;
3. He or she has successfully completed, without revocation, any period of supervised release, probation, or parole; and
4. He or she has successfully completed an appropriate sex offender treatment program certified by the Tribe, another jurisdiction, or the Attorney General of the United States.

SECTION 4.22 REQUIREMENTS FOR IN PERSON APPEARANCES

- A. Photographs. At each in person verification, the sex offender shall permit the FPD to take a photograph of the offender.
- B. Review of Information. At each in person verification, the sex offender shall review existing information for accuracy.
- C. Notification. If any new information or change in information is obtained at an in person verification, the FPD shall immediately notify all other jurisdictions in which the sex offender is required to register of the information or change in information.
- D. If any new information or change in information is obtain at an in person verification, the FPD shall immediately update the public website, if applicable, and update information in NCIC/NSOR.

SECTION 4.23 SEX OFFENDER ACKNOWLEDGEMENT FORM

- A. The sex offender shall read, or have read to them, and sign a form stating that the duty to register has been explained to them by the FPD, and that the sex offender understands the registration requirement.
 - 1. The form shall be signed and dated by FPD personnel registering the sex offender.
- B. The FPD shall immediately upload the acknowledgement form into the Flandreau Santee Sioux Tribe Sex Offender Registry.

CHAPTER 5 REGISTRATION

SECTION 5.01 WHERE REGISTRATION IS REQUIRED

- A. Jurisdiction of Conviction. A sex offender must initially register with the FPD if the sex offender was convicted by the Tribal Court of a covered sex offense regardless of the sex offender's actual or intended residency.
- B. Jurisdiction of Incarceration. A sex offender must register with the FPD if the sex offender is incarcerated by the Tribe while completing any sentence for a covered sex offense, regardless of whether it is the same jurisdiction as the jurisdiction of conviction or residence.
- C. Jurisdiction of Residence. A sex offender must register with the FPD if the sex offender resides within lands subject to jurisdiction of the Tribe.
- D. Jurisdiction of Employment. A sex offender must register with the FPD if the sex offender is employed by the Tribe in any capacity or otherwise is employed, or performs work within lands subject to the jurisdiction of the Tribe, whether compensated or not.
- E. Jurisdiction of School Attendance. A sex offender must register with the FPD if the sex offender is a student in any capacity, including an intern or clerk, within lands subject to the jurisdiction of the Tribe.

SECTION 5.02 TIMING OF REGISTRATION

- A. Timing. A sex offender required to register with the Tribe under this ordinance shall do so in the following timeframe:
 - 1. If convicted by the FSST TC for a covered sex offense and incarcerated, the sex offender must register before being released from incarceration;
 - 2. If convicted by the FSST TC but not incarcerated, within 3 business days of sentencing for the registration offense, and
 - 3. Within 3 business days of establishing a residence, commencing employment, or becoming a student on lands subject to the jurisdiction of the Tribe, a sex offender must appear in person to register with the FPD.
- B. Duties of the FPD. The FPD shall have policies and procedures in place to ensure the following:
 - 1. That any sex offender incarcerated or sentenced by the Tribe for a covered sex offense completes their initial registration with the Tribe, and to explain the SORO and its processes, and their rights and obligations under the SORO;

2. That the sex offender reads, or has read to them, and signs a form stating that the duty to register has been explained to them and that the sex offender understands the registration requirements;
3. That the sex offender is registered, and added to the public website if applicable;
4. That upon entry of the sex offender's information into the registry, that the information is immediately forwarded to all other jurisdictions in which the sex offender is required to register due to the sex offender's residency, employment, or student status; and
5. That all information is entered and updated in NCIC/NSOR.

SECTION 5.03 RETROACTIVE REGISTRATION

A. Retroactive Registration. The FPD 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 ordinance:

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

B. Timing of Recapture. The FPD shall ensure recapture of the sex offenders mentioned in Section 5.03(A) within the following timeframe to be calculated from the date of passage of this ordinance:

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

SECTION 5.04 KEEPING REGISTRATION CURRENT

A. Jurisdiction of Residency. All sex offenders who reside on lands subject to the jurisdiction of the Tribe who are required to register in the Tribe's jurisdiction shall immediately appear in person at the FPD 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 the FPD in person of any changes to their temporary lodging information, and notification of any changes to their vehicle information, internet identifiers, or telephone numbers. In the event of a change in temporary lodging of over 7 days, the sex offender shall immediately notify the registry official of the residence

jurisdiction and the FPD shall notify the jurisdiction in which the offender will be temporarily staying.

- B. Jurisdiction of School Attendance. Any sex offender who is a student in any capacity within lands subject to the jurisdiction of the Tribe, regardless of location, that change their school, or otherwise terminate their schooling, shall immediately appear in person at the FPD to update that information. The FPD shall ensure that each jurisdiction in which the sex offender is required to register, or was required to register prior to the updated information being given, are immediately notified of the change.
- C. Jurisdiction of Employment. Any sex offender who is employed by the Tribe in any capacity or otherwise is employed within lands subject to the jurisdiction of the Tribe, regardless of location, that change their employment, or otherwise terminate their employment, shall immediately appear in person at the FPD to update that information. The FPD shall ensure that each jurisdiction in which the sex offender is required to register, or was required to register prior to the updated information being given, are immediately notified of the change.

SECTION 5.05 FAILURE TO APPEAR FOR REGISTRATION; ABSCONDING

- A. Failure to Appear. In the event a sex offender fails to register with the Tribe as required by the ordinance, the FPD or designee shall immediately inform the jurisdiction that provided notification that the sex offender was to commence residency, employment, or school attendance with the Tribe that the sex offender failed to appear for registration.
- B. Absconded Sex Offenders. If the FPD or designee receives information that a sex offender has absconded, the FPD shall make an effort to determine if the sex offender has actually absconded.
 - 1. In the event no determination can be made, the FPD may utilize its internal policies and procedures to facilitate an arrest of the individual, and shall notify the Moody County Sheriff's Department or other law enforcement agencies of the situation.
 - 2. If the information indicating the possible absconding came through notice from another jurisdiction or federal authorities, they shall be informed that the sex offender failed to appear and register.
 - 3. If an absconded sex offender cannot be located, then the FPD 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. Marshall's Service,

- c. Seek a warrant for the sex offender's arrest. The U.S. Marshals Service, or FBI may be contacted in an attempt to obtain a federal warrant for the sex offender's arrest,
- d. Update the NCIC/NSOR to reflect the sex offender's status as an absconder, or is otherwise not capable of being located, and
- e. Enter the sex offender into the National Crime Information Center Wanted Person File.

C. Failure to Register. In the event a sex offender who is required to register due to their residence, employment, or school attendance fails to do so, or otherwise violates a registration requirement of this ordinance, the FPD shall take all appropriate follow-up measures including those outlines in Section 5.05(B). The FPD shall first make an effort to determine if the sex offender actually resides, is employed, or attending school in lands subject to the Tribe's jurisdiction.

CHAPTER 6 PUBLIC SEX OFFENDER REGISTRY WEBSITE

SECTION 6.01 WEBSITE

- A. Website. The FPD shall use and maintain a public sex offender registry website.
- B. Links. The Flandreau Santee Sioux Tribe Sex Offender Registry Website (“website”) shall include links to sex offender safety and education resources.
- C. Instructions. The website shall include instructions on how a person can seek correction of information that the individual contends is erroneous.
- D. Warnings. The 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 website shall have the capability of conducting searches by (1) name; (2) county, city, and/or town; and, (3) zip code and/or geographic radius.
- F. Dru Sjodin National Sex Offender Public Website. The Tribe shall include in the design of its registry website all field search capabilities needed for full participation in the Dru Sjodin National Sex Offender Public Website and shall participate in that website as provided by the Attorney General of the United States.

SECTION 6.02 REQUIRED AND PROHIBITED INFORMATION

- A. Required Information. The following information shall be made available to the public on the sex offender registry website:
 - 1. Notice that an offender is in violation of their registration requirements, or that they 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
 5. Internet identifiers as defined in Section 4.08
- C. Witness Protection. For sex offenders who are under a witness protection program, the tribal 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 6.03 COMMUNITY NOTIFICATIONS

- A. Law Enforcement Notification. Whenever a sex offender registers or updates his or her information with the Tribe, the FPD shall:
1. Monitor and utilize the SORNA Exchange Portal for inter-jurisdictional change of residence, employment, or student status.
 2. Immediately update NCIC/NSOR.
 3. Immediately notify any agency, department, or program within the Tribe that is responsible for criminal investigation, prosecution, child welfare, or sex offender functions, including but not limited to, police, whether BIA, tribal, city, or FBI, tribal prosecutors, and tribal probation.
 4. Immediately notify National Child Protection Act agencies, which includes any agency responsible for conducting employment-related background checks under section 3 of the National Child Protection Act of 1993 (42 U.S.C. § 5119(a)) when a sex offender registers or updates registration.

5. Enter or update information posted on the public website.
- E. Notify all other registration jurisdictions where the sex offender is registered due to the sex offender's residence, school attendance, or employment.
- B. Community Notification. The FPD shall ensure there is an automated community notification process in place that ensures the following:
1. Upon a sex offender's registration or update of information with the Tribe, the Tribe's public sex offender registry website is immediately updated.
 2. The Tribe's public sex offender registry has a function that enables the general public to request an e-mail notice that will notify them when a sex offender commences residence, employment, or school attendance with the Tribe, within a specified zip code, or within a certain geographic radius. This email notice shall include the sex offender's identity so that the public can access the public registry for the new information.
 3. There also shall be an updated printed copy of the sex offender registry, containing the profiles of sex offenders, posted where the FSST Tribal Members receive their quarterly per capita payments.

CHAPTER 7 IMMUNITY

SECTION 7.01 SOVEREIGN IMMUNITY

- A. No waiver of sovereign immunity. Nothing under this chapter shall be construed as an express or implied waiver of sovereign immunity for the Flandreau Santee Sioux Tribe, its departments, agencies, employees, or agents.

SECTION 7.02 GOOD FAITH

- B. Good faith. Any person acting under good faith of this Title shall be immune from any civil liability arising out of such actions.

CHAPTER 8 CRIMES AND CIVIL SANCTIONS

SECTION 8.01 CRIMINAL PENALTIES

- A. Criminal penalty. Each violation of a provision of this ordinance by a sex offender who is an Indian shall be considered a crime and subject to a period of incarceration of one (1) year and a fine of \$5,000.

SECTION 8.02 CIVIL PENALTIES

- A. Civil penalty. Each violation of a provision of this ordinance 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.

SECTION 8.03 BANISHMENT

- A. Customs and traditions and banishment/exclusion. The FSST shall have authority to banish individuals from the Flandreau Santee Sioux Reservation as provided in section 3-2-4 of Title 3, and may exercise its authority to banish if any of the grounds found in section 8A-2-3 (Grounds for Banishment) are met. This includes both FSST Members, and non-members alike, (FSST § 8A-2-3) and can result in a partial or total banishment (FSST § 8A-2-4).

SECTION 8.04 HINDERING REGISTRATION

- A. Hindrance of Sex Offender Registration.

1. Harboring a Sex Offender. A person is guilty of an offense of “Harboring a Sex Offender” if they:
 - a. Knowingly harbor or knowingly attempts to harbor, or knowingly assists another person in harboring or attempting to harbor a sex offender who is in violation of this Title;
 - 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 Title; or
 - c. Provides information to law enforcement agencies regarding a sex offender which that person knows to be false.
2. Sanctions. If a person is found guilty of Harboring a Sex Offender, they may be fined up to \$5000 and imprisoned for up to one (1) year. There may also be Federal, and other jurisdictional sanctions that arise as well.

LEGISLATIVE HISTORY

This Title 24 was enacted by the Flandreau Santee Sioux Tribe Executive Committee on July 19, 2011 by Resolution 11-54. An update to the Title was made on September 17, 2013 by Tribal Resolution 13-47. The Title was further updated on April 23, 2015 by Tribal Resolution 15-24. The Title was finally updated on _____ by Tribal Resolution 16-07.