

**KAW NATION  
SEX OFFENDER REGISTRATION AND  
NOTIFICATION ORDINANCE  
(SORNO)  
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**CHAPTER I                      GENERAL PROVISIONS**

**SECTION 101                      TITLE**

This law shall be known, and may be cited, as the Kaw Nation Sex Offender Registration and Notification Ordinance (SORNO).

**SECTION 102                      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) into the Kaw Nation's codes and shall be interpreted liberally to comply with the terms and conditions of SORNA as presently written or hereafter amended.

**SECTION 103                      FINDINGS**

The Kaw Nation Executive Council, acting on behalf of the Kaw Nation, finds that:

- A. Sex Offenders who commit predatory acts against other persons pose a high risk of re-offending after conviction or release from custody.
- B. The privacy interest of persons adjudicated guilty of Sex Offenses is less important than the Kaw Nation's interest in maintaining public safety.
- C. A system of Sex Offender registration and public notification will comply with federal law and permit Kaw Nation Law Enforcement officials to identify Sex Offenders and alert other jurisdictions, agencies, and the public when necessary to protect public safety.

**SECTION 104                      CREATION OF REGISTRIES**

- A. Kaw Nation Sex Offender Registration and Notification Ordinance (SORNO). There is hereby established a sex offender registry, which the Kaw Nation shall maintain and operate pursuant to the provisions of this code, as amended.
- B. The Kaw Nation Public Sex Offender Registry Website (KNPSOW). There is hereby established a public sex offender registry website, which the Kaw Nation shall maintain and operate pursuant to the provisions of this code, as amended.

**SECTION 105                      SEX OFFENDER REGISTRIES ESTABLISHED**

- A. Kaw Nation Law Enforcement, or a designee of the Kaw Nation, shall establish and maintain, either independently or in conjunction with any other

Jurisdiction, a Sex Offender Registry for the collection and maintenance of Sex Offender information required by SORNO.

- B. To the greatest extent possible, all information required to be collected and maintained by SORNO for the Kaw Nation Sex Offender Registry shall be in both print and digital format, and such digital information shall be stored in an electronic database in order for such information to be immediately accessed by or transmitted to various authorized entities.

SECTION 106 VIOLATION A CRIME; PENALTY

- A. Any person required to register pursuant to the provisions of SORNO who violates any provision of this Ordinance and is not subject to the criminal jurisdiction of the Kaw Nation shall, upon conviction by a court of competent jurisdiction, be punished to the fullest extent allowed under applicable law.
- B. Any person required to register pursuant to the provisions of SORNO who violates any provision of this Ordinance and is subject to the criminal jurisdiction of the Kaw Nation shall, upon conviction by a court of the Kaw Nation, be subject to the maximum punishment permitted pursuant to 25 U.S.C. Sections 1301-03 or other applicable law.

SECTION 107 FALSE OR MISLEADING INFORMATION

Any person subject to the registration provisions of SORNO found guilty of furnishing any false or misleading information to Kaw Nation Law Enforcement related to said registration shall, upon conviction of a court of competent jurisdiction, be punished in accordance SORNO.

SECTION 108 LIMITATION OF LIABILITY

- A. Kaw Nation officials, its employees, and its public agencies are immune from civil liability for good faith conduct under any provision of SORNO.
- B. Nothing in SORNO shall be deemed to impose any liability upon or to give rise to a cause of action against any Kaw Nation official, employee, or agency for releasing information to the public or for failing to release information in accordance with SORNO.
- C. Nothing in SORNO shall be construed to prevent Kaw Nation Law Enforcement officers from notifying members of the public of any persons that pose a danger under circumstances not enumerated in SORNO.



- C. Kaw Nation Law Enforcement shall take the following actions upon receipt of any information that a sex offender subject to registration pursuant to Section 501 referred to registration application may have absconded or failed to register:
1. Make an immediate effort to determine whether the Sex Offender has actually absconded from Kaw Nation jurisdiction and/or immediately notify a Jurisdiction law enforcement agency that can perform such investigation.
  2. If information indicating the possible absconding came through notice from another Jurisdiction, notify the informing Jurisdiction that the Sex Offender has been located immediately upon such determination.
  3. If an absconded Sex Offender cannot be located, then immediately:
    - a. Revise the Kaw Nation Sex Offender Registry website to reflect that the Sex Offender is an absconder and his/her location is unknown;
    - b. Seek a warrant for the absconding Sex Offender's arrest, if the legal requirements for doing so are satisfied, and enter the Sex Offender's information into the National Crime Information Center (NCIC) Wanted Person File (or equivalent);
    - c. Notify the U.S. Marshals Service, the National Sex Offender Registry, the notifying Jurisdiction, and any other Jurisdiction where the Sex Offender is known to be registered of the person's status as absconder; and
    - d. Notify any other persons deemed appropriate.

## CHAPTER II                      DEFINITIONS AND COVERED OFFENSES

### SECTION 201                      DEFINITIONS

- A. In this Ordinance the following definitions apply:
1. **Convict, convicted, or conviction** (or variant) means:
    - a. as related to an **adult** Sex Offender, a finding or determination of guilt by a court, whether upon verdict, or plea of guilt or nolo contendere, or the receipt from a court of a suspended sentence, deferred sentence, probationary term, or imprisonment.

- b. as related to a **minor**, is limited to certain adjudications of juvenile delinquency for a Sex Offense, provided the offender is either at least fourteen (14) years of age at the time of the offense or prosecuted as an adult, and the offense adjudicated was comparable to or more severe than aggravated sexual abuse (as described in 18 U.S.C. Section 2241), or was an attempt or conspiracy to commit such an offense.
2. **Criminal Offense.** The term "Criminal Offense" means a state, federal, tribal, foreign, or military offense (to the extent specified as comparable to civilian authority offenses by the Secretary of Defense under Section 115(a)(8)(C)(i) of Public Law 105-119 (10 U.S.C. Section 951 note) punishable by fine, imprisonment, or the diminution of any civil right.
  3. **Custodial Authority.** The term "Custodial Authority" means having control over another person as a result of authority relationship by law (i.e., as a parent, detention officer, etc.), coercion, force, intimidation, difference in age, intelligence, or maturity, or use of any substance which renders said person unconscious or incapable of resistance.
  4. **Foreign Convictions.** A foreign conviction is one obtained outside of the United States.
  5. **Employee.** The term "employee" as used in this code includes, but is not limited to, an individual who is self-employed or works for any other entity, regardless of compensation. Volunteers of a tribal agency or organization are included within the definition of employee for registration purposes.
  6. **Habitually live or stay.** A person that stays or visits one location for more than seven (7) hours for at least three (3) consecutive days or more
  7. **Habitual Offender.** A person that has been convicted of a criminal offense on different dates whether it was a sex offense or a criminal offense.
  8. **Immediate.** "Immediate" or "immediately" means within three (3) **business days**.
  9. **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 provisions of this code during their period of "house arrest".

10. **Jurisdiction.** The term "jurisdiction" means a federally-recognized Indian tribe electing to function as a registration jurisdiction under 42 U.S.C. § 16927, or a state, territory, commonwealth, or district of the United States, the United States or any institution or agency thereof.
11. **Minor.** The term "Minor" means an individual who has not attained the age of 18 years.
12. **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, sleeps or keeps possessions.
13. **School.** The term "School" means an educational institution, including (whether public or private) a secondary school, trade or professional school, and institution of higher education.
14. **Sex Offender.** The term "sex offender" means an individual who was convicted of a Sex Offense.
15. **Sex Offense.** The term "sex offense" as used in this code includes those offenses contained in 42 U.S.C. §16911(5) and those offenses enumerated in Section 202 of this ordinance or any other covered offense under tribal law.
16. **Sexual Act.** The term "sexual act" means:
  - a. 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;
  - b. contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;
  - c. the penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;
  - d. or the intentional touching, not through the clothing, of the genitalia of another person that has not attained the age of 18 years with an intent

to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

17. **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.
18. **Student.** The term "Student" means an individual who enrolls in or attends an educational institution, including (whether public or private) a secondary school, trade or professional school, and institution of higher education.
19. **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.
20. **Sex Offender Registry.** The term "Sex Offender Registry" means a registration and notification program for Sex Offenders maintained by a Jurisdiction.
21. **National Sex Offender Registry (NSOR).** The national database maintained by the Attorney General of the United States pursuant to 42 U.S.C. §16919.
22. **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.
23. **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.
24. **"Kaw Nation Law Enforcement"** means the agency of, or another entity delegated by, the Kaw Nation to implement and maintain the Nation's Sex Offender Registry and enforces the provisions of this Ordinance.
25. **"Tier I Sex Offender"**. A "tier I sex offender", or a "sex offender" designated as "tier I", is one that has been convicted of a "tier I" sex offense as defined in Section 301.
26. **"Tier II Sex Offender"**. A "tier II sex offender", or a "sex offender" designated as "tier II", is one that has been either convicted of a "tier II" sex

offense as defined in Section 302, or who is subject to the recidivist provisions of 302(B).

27. **“Tier III Sex Offender”**. A “tier III sex offender”, or a “sex offender” designated as “tier III”, is one that has been either convicted of a “tier III” sex offense as defined in Section 303, or who is subject to the recidivist provisions of 303(B).

## SECTION 202 COVERED OFFENSES

A. Individuals who reside within the exterior boundaries of the property owned by the tribe in fee or trust regardless of location, are employed within the exterior boundaries of the property owned by the tribe in fee or trust regardless of location, who visits the property owned by the tribe in fee or trust regardless of location or who attend school within the exterior boundaries of the 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 code:

1. Tribal Offense: currently there are no tribal codes for sex crimes other than Deviant Sexual Intercourse.
2. Federal Offenses. A conviction for any of the following, and any other offense hereafter included in the definition of “sex offense” at 42 U.S.C. §16911(5):
  - 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. §2243 (sexual abuse of a minor or ward),
  - f. 18 U.S.C. §2244 (abusive sexual abuse),
  - g. 18 U.S.C. §2245 (offenses resulting in death),
  - h. 18 U.S.C. §2251 (sexual exploitation of children),
  - i. 18 U.S.C. §2251A (selling or buying of children),

- j. 18 U.S.C. §2252 (material involving the sexual exploitation of a minor),
  - k. 18 U.S.C. §2252A (material containing child pornography),
  - l. 18 U.S.C. §2252B (misleading domain names on the internet),
  - m. 18 U.S.C. §2252C (misleading words or digital images on the internet),
  - n. 18 U.S.C. §2260 (production of sexually explicit depictions of a minor for import into the U.S.),
  - o. 18 U.S.C. §2421 (transportation of a minor for illegal sexual activity),
  - p. 18 U.S.C. §2422 (coercion and enticement of a minor for illegal sexual activity),
  - q. 18 U.S.C. §2423 (Transportation of minors),
  - r. 18 U.S.C. §2424 (failure to file factual statement about an alien individual),
  - s. 18 U.S.C. §2425 (transmitting information about a minor to further criminal sexual conduct).
3. 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 where U.S. 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.
  4. 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).
  5. Juvenile Offenses or Court Decisions. Any sex offense, or attempt or conspiracy to commit a sex offense, that is comparable to or more severe than the federal crime of aggravated sexual abuse (as codified in 18 U.S.C. §2241) and committed by a minor who is 14 years of age or older at the time of the offense. This includes engaging in a sexual act with another by force or the threat of serious violence; or engaging in a sexual act with another by rendering unconscious or involuntarily drugging the victim.
  6. Jurisdiction Offenses. Any sex offense committed in any jurisdiction, including this tribe, that involves:

- a. Any type or degree of genital, oral, or anal penetration;
  - b. Any sexual touching of or sexual contact with a person's body, either directly or through the clothing;
  - c. Kidnapping of a minor;
  - d. False imprisonment of a minor;
  - e. 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;
  - f. Use of a minor in a sexual performance;
  - g. Solicitation of a minor to practice prostitution;
  - h. Possession, production, or distribution of child pornography;
  - i. Criminal sexual conduct that involves physical contact with a minor or the use of the internet to facilitate or attempt such conduct. This includes offenses whose elements involve the use of other persons in prostitution, such as pandering, procuring, or pimping in cases where the victim was a minor at the time of the offense;
  - j. Any conduct that by its nature is a sex offense against a minor; or
  - k. Any offense similar to those outlined in:
    - i. 18 U.S.C. §1591 (sex trafficking by force, fraud, or coercion),
    - ii. 18 U.S.C. §1801 (video voyeurism of a minor),
    - iii. 18 U.S.C. §2241 (aggravated sexual abuse),
    - iv. 18 U.S.C. §2242 (sexual abuse),
    - v. 18 U.S.C. §2244 (abusive sexual abuse),
    - vi. 18 U.S.C. §2422(b)(coercing a minor to engage in prostitution), or
    - vii. 18 U.S.C. §2423(a) (transporting a minor to engage in illicit conduct).
7. **Sex offense.** Except as limited by subparagraph (f) or (g), the term "sex offense" means:
- a. A criminal offense that has an element involving a sexual act or sexual contact with another;

- b. 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:
  - i. An offense (unless committed by a parent or guardian) involving kidnapping.
  - ii. An offense (unless committed by a parent or guardian) involving false imprisonment.
  - iii. Solicitation to engage in sexual conduct.
  - iv. Use in a sexual performance.
  - v. Solicitation to practice prostitution.
  - vi. Video voyeurism as described in 18 U.S.C. §1801.
  - vii. Possession, production, or distribution of child pornography.
  - viii. Criminal sexual conduct involving a minor, or the use of the Internet to facilitate or attempt such conduct.
  - ix. Any conduct that by its nature is a sex offense against a minor,
- c. 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;
- d. 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
- e. An attempt or conspiracy to commit an offense described in clauses (1) through (4).
- f. 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.
- g. Foreign Offenses. A foreign conviction is not a sex offense for the purposes of this code/ordinance unless it was either:

- i. obtained under the laws of Canada, the United Kingdom, Australia, New Zealand, or
- ii. 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.

### CHAPTER III      TIERED OFFENSES

#### SECTION 301      TIER I 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 also includes any offense for which a person has been convicted by any jurisdiction, local government, or qualifying foreign country pursuant to Section 202(C) that involves the false imprisonment of a minor, video voyeurism of a minor, or possession or receipt of child pornography.
- C. Tribal 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 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 prostitution),
  7. 18 U.S.C. §2423(b) (travel with the intent to engage in illicit conduct),

8. 18 U.S.C. §2423(c) (engaging in illicit conduct in foreign places),
  9. 18 U.S.C. §2424 (failure to file factual statement about an alien individual),  
or
  10. 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.

## SECTION 302 TIER II OFFENSES

- A. Recidivism and Felonies. Unless otherwise covered by Section 303, any sex offense that is not the first sex offense for which a person has been convicted 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 activity,
  3. A non-forcible sexual act with a minor 16 or 17 years old’
  4. Sexual contact with a minor thirteen (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 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. §2243 (sexual abuse of a minor or ward),
  3. 18 U.S.C. §2244 (Abusive sexual abuse, where the victim is thirteen (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 outlined in Section 3.02(A),(B), or (C) shall be considered a “Tier II” offense.

### SECTION 303 TIER III OFFENSES

- A. Repeat Offenders and Felonies. Any sex offense that is punishable by more than one year in jail where the offender has at least one prior conviction for a Tier 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), or

3. Where the victim is 12 years of age or younger, 18 U.S.C. §2244 (abusive sexual contact).
  4. 18 U.S.C. §2245 (offenses resulting in death)
- 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.

## CHAPTER IV            REQUIRED INFORMATION

### SECTION 401            GENERAL REQUIREMENTS

- A. Duties of the Sex Offender. A sex offender covered by this code who is required to register with the tribe pursuant to Chapter V shall provide all of the information detailed in this chapter to the Kaw Nation Law Enforcement or designee. Covered sex offenders who are required to register with the tribe in accordance with this code and shall implement any relevant policies and procedures.
- B. Digitization. All information obtained under this code shall be, at a minimum, maintained by the Kaw Nation Law Enforcement or designee in a digital format.
- C. Electronic Database. A sex offender registry shall be maintained in an electronic database by the Kaw Nation Law Enforcement or designee and shall be in a form capable of electronic transmission.

### SECTION 402            CRIMINAL HISTORY

- A. Criminal History. The Kaw Nation Law Enforcement or designee 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 403            DATE OF BIRTH

- A. Date of Birth. The Kaw Nation Law Enforcement or designee 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 404            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 Kaw Nation Law Enforcement or designee a sample of his or her DNA.
- B. CODIS. Any DNA sample obtained from a sex offender shall be submitted to an appropriate lab for analysis and entry of the resulting DNA profile into CODIS.

SECTION 405            DRIVER'S LICENSES, IDENTIFICATION CARDS, PASSPORTS,  
AND IMMIGRATION DOCUMENTS

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

SECTION 406            EMPLOYMENT INFORMATION

- A. Employment. The Kaw Nation Law Enforcement 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,
3. Any similar information related to any transient or day labor employment,
4. Normal employment schedule, and
5. Employment related travel routes or locations.

#### SECTION 407 FINGER AND PALM PRINTS

A. Finger and Palm Prints. The Kaw Nation Law Enforcement or designee shall obtain, and a covered sex offender shall provide, both fingerprints and palm prints of the sex offender in a digital format.

#### SECTION 408 INTERNET IDENTIFIERS

A. Internet Names. The Kaw Nation Law Enforcement 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 email 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.

#### SECTION 409 NAME

A. Name. The Kaw Nation Law Enforcement 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. This does not include any religious or sacred names not otherwise commonly known.

SECTION 410

PHONE NUMBERS

A. Phone Numbers. The Kaw Nation Law Enforcement or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's telephone numbers:

1. Any and all land line telephone numbers, and
2. Any and all cellular telephone numbers.

SECTION 411

PHOTOGRAPHS

A. Photograph. The Kaw Nation Law Enforcement or designee shall obtain, and a covered sex offender shall provide, a current photograph of the sex offender at the time of initial registration.

1. Three (3) color photographs of face (one profile, one face-forward, and one 3/4 view) taken by Kaw Nation Law Enforcement.

B. Update Requirements. Unless the appearance of a sex offender has not changed significantly, a digitized photograph shall be collected:

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

SECTION 412

PHYSICAL DESCRIPTION

A. Physical Description. The Kaw Nation Law Enforcement or designee 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, or tattoos.

SECTION 413

PROFESSIONAL LICENSING INFORMATION

A. Professional Licenses. The Kaw Nation Law Enforcement 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 414

RESIDENCE ADDRESS(ES)

- A. Address. The Kaw Nation Law Enforcement or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's residence:
1. Under no circumstances will a P.O.BOX be accepted.
  2. The address of each residence at which the sex offender resides or will reside, and
  3. 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 415

SCHOOL

- A. School Location. The Kaw Nation Law Enforcement or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's school:
1. The name of each school where the sex offender is or will be a student at,
  2. The address of each school where the sex offender is or will be a student at, and
  3. Courses taken, class schedule and class location(s) if off campus.

SECTION 416

SOCIAL SECURITY NUMBER

- A. Social Security Number. The Kaw Nation Law Enforcement 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 417

TEMPORARY LODGING

- A. Lodging Information. The Kaw Nation Law Enforcement or designee shall obtain, and a covered sex offender shall provide, the following information when the sex offender will be absent from his residence for seven (7) days or more:
1. Identifying information of the temporary lodging locations including names, addresses, and
  2. Dates the sex offender will be staying at each temporary lodging location.
  3. Travel Abroad. In the event the sex offender will be traveling outside of the United States for more than seven (7) days, the Kaw Nation Law Enforcement or designee shall immediately provide this information to the International Police (INTERPOL).

SECTION 418

OFFENSE INFORMATION

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

#### SECTION 419

#### VEHICLE INFORMATION

- A. Detailed Vehicle Information. The Kaw Nation Law Enforcement 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 420

#### FREQUENCY, DURATION AND REDUCTION

- A. Frequency. A sex offender who is required to register shall, at a minimum, appear in person at the Kaw Nation Law Enforcement or designee 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 fifteen (15) years from the time of release from custody for a sex offender who is incarcerated for the registration offense or from the date of sentencing for a sex offender who is not incarcerated for the registration offense.
  2. For "Tier II" offenders, once every 180 days for 25 years from the time of release from custody for a sex offender who is incarcerated for the registration offense or from the date of sentencing for a sex offender who is not incarcerated for the registration offense.
  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 Sex Offender shall have his/her required registration period, as provided in Section 203, reduced by up to five (5) years, provided said offender during the preceding ten (10) years of Sex Offender registration has:
    - a. Not been convicted of any offense for which imprisonment for more than one (1) year may be imposed;
    - b. Not been convicted of any Sex Offense;

- c. Successfully completed (without revocation) any periods of supervised release, probation, or parole; and
  - d. Successfully completed a Sex Offender treatment program certified by the Kaw Nation or the Attorney General of the United States.
2. A Tier III Sex Offender, who was adjudicated of a Sex Offense as a juvenile which required Tier III registration, shall have his/her required registration period, as provided in Section 203, reduced from life to twenty-five (25) years or the number of years registered, provided said offender during the preceding twenty- five (25) years of Sex Offender registration has;
- a. Not been convicted of any offense for which imprisonment for more than one (1) year may be imposed;
  - b. Not been convicted of any Sex Offense;
  - c. Successfully completed (without revocation) any periods of supervised release, probation, or parole; and
  - d. Successfully completed a Sex Offender treatment program certified by the Kaw Nation or the Attorney General of the United States.
- C. Clean Record. For purposes of Chapter 420(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, (NOTE: Tribes may want to change this provision to ensure felonious tribal offenses do not count toward a clean record.)
  - 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 by the Attorney General of the United States.

#### SECTION 421 REQUIREMENTS FOR IN-PERSON APPEARANCES

- A. Photographs. At each in-person verification, the sex offender shall permit the Kaw Nation Law Enforcement or designee to take a photograph.
- 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 Kaw Nation Law Enforcement or designee shall immediately notify all other jurisdictions in which the sex offender is required to register of any changed information related to the offender.

## CHAPTER V                      REGISTRATION

### SECTION 501                      REGISTRATION APPLICATION

- A. The registration, notification, and penal provisions of the SORNO shall apply to any person who, at any applicable time, has been convicted by Kaw Nation or any other tribal court, or any federal, military, state, or applicable foreign court for a crime or an attempt to commit a crime or conspiracy to commit a crime involving a Sex Offense, and who is visiting, receiving services (health care, nutrition, social services, ect.), participate in traditional activities, residing, working for, working on or attending a School within the jurisdiction of the Kaw Nation after July 26, 2007.
- B. Any person subject to subsection (A) hereof, shall also register with the Sex Offender Registry for the Jurisdiction where such person travels, resides, works, attends School, or is incarcerated.

### SECTION 502                      REGISTRATION REQUIREMENT

Persons subject to Section 501 of the SORNO shall register as follows:

- A. Any person who has been convicted by any tribal, state, federal, military, or foreign court of a Sex Offense and on or after July 26, 2007, who resides, works, attends School, or terminates any of the foregoing, in Kaw Nation jurisdiction, or enters into Kaw Nation jurisdiction with the intent of staying one (1) day or longer, shall register, immediately and in person, with the Kaw Nation Law Enforcement.
- B. Any person imprisoned for a Sex Offense and who is intending to enter and stay for more than one (1) day for the purpose of travel, residence, employment, receive services (health care, nutrition, social services, ect.), participate in traditional activities, or School attendance within Kaw Nation jurisdiction subsequent to release from imprisonment shall:
  - 1. Notify Kaw Nation Law Enforcement in writing, seven (7) days prior to release, of such intent and provide the following information: name, all aliases, residence address, length of intended stay, temporary lodging information, valid social security number, birth date, copy of valid driver's

license or photo identification card issued by a jurisdiction, copy of valid travel and immigration documents, Internet identifiers and addresses, valid phone numbers (fixed location and cell), text of SORNO related offense(s) and victim identity, information concerning other crimes, treatment facilities &/or penal institutions attended, complete description of person including distinguishing features, a description of the vehicle(s) (including land, air, and water craft) registrant owns or operates including license number(s), name and address of prospective employer or School; and

2. Register in person with Kaw Nation Law Enforcement immediately upon release.

#### SECTION 503

#### LENGTH OF REGISTRATION

Any person subject to the registration provisions of SORNO shall register and remain registered with Kaw Nation Sex Offender Registry subsequent to release from imprisonment or from the imposition of a suspended or deferred sentence for a Sex Offense for the period of time as shown below:

- A. **Tier I Sex Offender** shall maintain registration once a year for **fifteen (15) years**;
- B. **Tier II Sex Offender** shall maintain registration every 180 days for **twenty -five (25) years**; and
- C. **Tier III Sex Offender** shall maintain registration every 90 days for **life**.

#### SECTION 504

#### RETROACTIVE REGISTRATION

- A. Retroactive Registration. The Kaw Nation Law Enforcement or designee 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 code:
  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 a pre-existing sex offender registration requirement under the tribe's laws, and
  3. Sex offenders reentering the justice system due to conviction for any crime.

#### SECTION 505

#### PERIODIC IN-PERSON VERIFICATION TO THE KAW NATION LAW ENFORCEMENT REQUIRED

- A. Kaw Nation Law Enforcement or designee shall mail a non-forwardable registration verification letter to every person on the Kaw Nation Sex Offender

Registry at the last known residential address on file with the following rate of frequency:

1. One time per year for a Tier I Sex Offender;
  2. Two times per year for a Tier II Sex Offender; and
  3. Four times per year for a Tier III Sex Offender.
- B. Any person subject to registration requirements of SORNO shall return the Kaw Nation Sex Offender Registry verification card in person to Kaw Nation Law Enforcement within ten (10) calendar days of the date mailed, and shall produce identification, be photographed, and sign a statement verifying his/her identity and other required information.
- C. Failure to timely return any Kaw Nation Sex Offender Registry verification card shall be a violation of SORNO.

SECTION 506

PROCEDURES FOR IN-PERSON  
REGISTRATION AND VERIFICATION

- A. Kaw Nation Law Enforcement or designee shall, during a Sex Offender's initial in-person registration, perform the following tasks:
1. Provide a copy of the Kaw Nation Sex Offender Registration and Notification Ordinances (SORNO) to the sex offender;
  2. Determine sex offender's SORNO risk level based on Sex Offense(s);
  3. Complete the Sex Offender Registration form and the sex offender will answer and provide said information as needed,
  4. Read and ensure that the sex offender understands the content of the "Sex Offender Acknowledgement Form".
  5. Obtain the signature of the sex offender on the Sex Offender Acknowledgement Form, and provide a copy to the sex offender.
  6. Utilize the sex offender checklist to ensure that all pertinent information has been gathered.

7. The Kaw Nation Law Enforcement or designee will be responsible for the following:
    - (a) Obtain sex offender's DNA sample;
    - (b) Copy sex offender's driver's license or photo identification card issued by a jurisdiction;
    - (c) Copy sex offender's valid travel and immigration documents;
    - (d) Obtain sex offender's fingerprints and palm prints;
    - (e) Obtain three (3) color digital photographs (one profile, one face-forward, and one 3/4 view) of sex offender;
    - (f) Verify the accuracy of the sex offender's physical description, including photographing of distinguishing features;
    - (g) Verify sex offender's vehicle description and number (if available).
  8. Advise sex offender of required future in-person verification and responsibility to keep Kaw Nation Sex Offender Registry apprised of changes in information immediately; and
- B. Kaw Nation Law Enforcement or designee shall, immediately after sex offender's in-person registration, perform the following tasks:
1. Verify the validity of sex offender's social security number, address(es) for residence, employment, and School, Internet identifier(s), and phone number(s), or seek the assistance of a law enforcement agency with jurisdiction to investigate and verify such information;
  2. Submit sex offender's DNA sample for analysis and entry of profile in the Combined DNA Index System (CODIS) and/or National Crime information Center (NCIC) (or their successors), as applicable;
  3. Enter all required information about sex offender into the Kaw Nation Sex Offender Registry digital database;



1. The National Sex Offender Registry maintained by the Federal Bureau of Investigation and the U.S. Marshals Service upon Sex Offender registration or update;
  2. Any Jurisdiction or supervision agency where the registrant travels, resides, works, or attends School, or is otherwise required to register, upon Sex Offender registration or update;
  3. Any agency responsible for conducting employment-related background checks under Section 3 of the National Child Protection Act of 1993 (42 U.S.C. Section 5119a) upon Sex Offender registration or update; and
  4. Other tribal, U.S. Territories, foreign, federal, state, county, or municipal law enforcement or Sex Offender supervisory agencies upon request.
- B. If any probation and/or parole officer supervising a person subject to registration under SORNO receives information to the effect that the status of the person has changed in any manner that affects proper supervision of the person including, but not limited to, a change in the physical health of the person, address, employment, or educational status, higher educational status, incarceration, or terms of release, the supervising officer or administrator shall immediately notify the Kaw Nation Law Enforcement, other Sex Offender Registries, and other appropriate law enforcement or supervision authorities of that change.
- C. Kaw Nation Law Enforcement or designee shall immediately notify any other Jurisdiction providing information that a Sex Offender was to travel to, or commence residence, employment or attend school in, Kaw Nation jurisdiction that such Sex Offender failed to appear for registration or has absconded.

#### SECTION 509                      EXCEPTION FOR WITNESS PROTECTION

Kaw Nation Law Enforcement or designee may honor valid requests from the U.S. Marshals Service and other agencies responsible for witness protection to modify public or community notification requirements of SORNO to ensure that such registrant's original identity is not compromised.

#### SECTION 510                      SORNO RECORD RETENTION

Kaw Nation Law Enforcement shall maintain the complete record file of all Sex Offender registrations for a minimum period of five (5) years after:

- A. The death of a SORNO registrant, or
- B. A SORNO registrant leaves Kaw Nation jurisdiction.

SECTION 511

FAILURE TO APPEAR FOR REGISTRATION  
AND ABSCONDING

- A. Failure to Appear. In the event a sex offender fails to register with the tribe as required by this code, the Kaw Nation Law Enforcement 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 Kaw Nation Law Enforcement or designee receives information that a sex offender has absconded, the Kaw Nation Law Enforcement shall make an effort to determine if the sex offender has actually absconded.
1. In the event no determination can be made, the Kaw Nation Law Enforcement or designee shall ensure the tribal police and any other appropriate law enforcement agency is notified.
  2. If the information indicating the possible absconding came through notice from another jurisdiction or federal authorities, they shall be informed that the sex offender has failed to appear and register.
  3. If an absconded sex offender cannot be located, then the tribal police shall take the following steps:
    - a. Update the registry to reflect the sex offender has absconded or otherwise cannot be located,
    - b. Notify the U.S. Marshals Service,
    - c. 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 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 (NCIC) Wanted Person File.
- C. Failure to Register. In the event a sex offender who is required to register, under this ordinance, fails to do so or otherwise violate a registration requirement of this ordinance, the Kaw Nation law enforcement or designee will take all appropriate follow-up measures including those outlined in Section 511(B). The Kaw Nation law enforcement or designee shall first make an effort to determine

if the sex offender is actually employed or attending school in lands subject to the tribe's jurisdiction.

## CHAPTER VI PUBLIC SEX OFFENDER REGISTRY WEBSITE

### SECTION 601 WEBSITE

- A. Kaw Nation Law Enforcement, or a designee of the Kaw Nation, shall establish and maintain, either independently or in conjunction with any other Jurisdiction, an Internet website for the publication or posting of Sex Offender information required by SORNO to be available to the public.
- B. To the greatest extent possible, all information required to be collected, maintained, and published by SORNO shall be in digitized form and stored in electronic database(s) in order for such information to be immediately accessed by or transmitted to various authorized entities.
- C. **Links.** The registry website shall include links to sex offender safety and education resources.
- D. **Instructions.** The registry website shall include instructions on how a person can seek correction of information that the individual contends is erroneous.
- E. **Warnings.** The registry website shall include a warning that the information contained on the website should not be used to unlawfully injure, harass, or commit a crime against any individual named in the registry or residing, attending school, participating in traditional ceremonies or working at any reported addresses and that any such action could result in civil or criminal penalties.
- F. **Search Capabilities.** The registry website shall have the capability of conducting searches by the following:
  - 1. name;
  - 2. county, city, and/or town; and,
  - 3. zip code and/or geographic radius.

G. **Dru Sjodin National Sex Offender Public Website.** The tribe shall include in the design of its website all field search capabilities needed for full participation in the Dru Sjodin National Sex Offender Public Website and shall participate in that website as provided by the Attorney General of the United States.

SECTION 602                      REQUIRED AND PROHIBITED INFORMATION

- A. **Required information.** Kaw Nation Law Enforcement or designee shall publish on its Sex Offender Registry website only the following information about each Sex Offender registrant: Name and aliases, all Sex Offenses which the sex offender was convicted of, the sex offence(s) for which the offender is currently registered, addresses or locations where registrant resides or habitually lives, works, and/or attends School, vehicle description(s) and license plate number(s), physical description, internet identifiers as defined in 42 U.S.C. §16911, current photograph(s), and status of whether the Sex Offender is in violation of SORNO or cannot be located.
  
- B. **Prohibited information.** Kaw Nation Law Enforcement or designee shall not publish the following information of the registrant on its Sex Offender Registry website or to the public by any other means: social security number, travel and immigration document numbers, victim identity, Internet identifiers (as defined in 42 U.S.C §16911) or criminal history not resulting in a conviction.

SECTION 603                      GENERAL PUBLIC OR COMMUNITY NOTIFICATION

- A. Kaw Nation Law Enforcement or designee shall immediately post or update such information required to be published on Kaw Nation's Sex Offender website upon receipt of a new SORNO registration or a change in publishable information about a SORNO registrant.
  
- B. Kaw Nation Law Enforcement or designee shall develop an automated notification system that permits email notification of registrant's identity to other agencies and interested parties in the event that a Sex Offender commences residence, employment, or School attendance within a particular zip code or within a certain geographic radius of the other agency or interested party.

SECTION 604                      SPECIAL PUBLIC OR COMMUNITY NOTIFICATION

- A. Upon registration of any Sex Offender designated as a "habitual or aggravated" Sex Offender, Kaw Nation Law Enforcement or designee may notify specifically, by any method of communication it deems appropriate, anyone that

Kaw Nation Law Enforcement determines appropriate, including, but not limited to:

1. The family of the habitual or aggravated Sex Offender,
  2. Any prior victim of the habitual or aggravated Sex Offender,
  3. Residential neighbors and churches, community parks, schools, convenience stores, businesses and other places that children or other potential victims may frequent, and
  4. A nursing facility, a specialized facility, a residential care home, a continuum-of-care facility, an assisted living center, and an adult day care facility.
- B. The notification provided under this Section may include, but is not limited to, the following information:
1. The name and physical address of the habitual or aggravated Sex Offender,
  2. A physical description of the habitual or aggravated Sex Offender, including, but not limited to, age, height, weight and eye and hair color,
  3. A description of the vehicle that the habitual or aggravated Sex Offender is known to drive,
  4. Any conditions or restrictions upon the probation, parole or conditional release of the habitual or aggravated Sex Offender,
  5. A description of the primary and secondary targets of the habitual or aggravated Sex Offender (excluding actual victim identities),
  6. A description of the method of offense of the habitual or aggravated Sex Offender,
  7. A current photograph of the habitual or aggravated Sex Offender,
  8. The name and telephone number of the probation or parole officer of the habitual or aggravated Sex Offender; and
  9. The numeric risk level of the person.

- C. The Kaw Nation Law Enforcement or designee may make the notification provided for in this section regarding a habitual or aggravated Sex Offender available to any person upon request.

SECTION 605 PUBLIC EDUCATION NOTICE

Kaw Nation Law Enforcement or designee may cause to be published, in any newspapers of general circulation serving the Kaw Nation jurisdiction; a notice that any person required to register pursuant to this Ordinance must do so prior to a particular date in order to avoid enforcement or prosecution of SORNO.

**CHAPTER VII SAFETY ZONE**

- A. It is unlawful to work with, or provide services to children or to work on school premises or for any person or business which contracts for work to be performed on school premises.
- B. It is unlawful to loiter within three hundred (300) feet of any elementary, junior high or high school, licensed child care center as defined by the Department of Human Services, playground, or park if I have been convicted of a crime, in this or any other jurisdiction that requires registration pursuant to the Sex Offenders Registration Act and the victim was a child under 13 years of age. A sex offender is exempt if he or she is the parent or guardian of a child enrolled as a student at a school or child care facility, and enrolling, delivering or retrieving a child at the school or child care facility during regular school or facility hours or for school or child care facility sanctioned extracurricular activities.
- C. It is unlawful to reside, either temporarily or permanently, within a 2000-foot radius or any public or private school site, educational institution, playground, a park, operated or licensed child care center. Establishment of a day care center or park in the vicinity of the residence of a registered sex offender will not require the relocation of the sex offender or the sale of the property.
- D. It is unlawful for two or more persons required to register as a sex offender to reside together in any individual dwelling during the term of registration as a sex offender. This does not prohibit a registered sex offender from residing in any property zoned and established boarding house, apartment building or multi-unit structure; provided the individual's dwellings are separate for each registered person. This does not prohibit the sharing of living quarters, jail or prison space, or any multi-person or dormitory-style housing of sex offenders in custody of any jail or correctional facility or any property zoned facility under contract with a jail or correctional agency for the purpose of housing prisoners, or any properly established treatment or nonprofit facility located in a properly zoned area as determined by the local governing authority, and housing persons

for purposes of sex offender services and treatment. This does not prohibit married persons, both of whom are required as sex offenders, or two or more blood relatives who are required to register as sex offenders, from residing in any individual dwelling during the term of registration as a sex offender.

## CHAPTER VIII CRIMES AND CIVIL SANCTIONS

- A. Criminal penalty. Each violation of a provision of this code by a sex offender who is an Indian shall be considered a crime and subject to a period of incarceration and a fine.
- B. Civil Penalty. Each violation of a provision of this code 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, or civil contempt.
- C. Customs and traditions and banishment/exclusion.
- D. Hindrance of sex offender registration.
  - 1. A person is guilty of an offense if they:
    - a. Knowingly harbor or knowingly attempt to harbor, or knowingly assist another person in harboring or attempting to harbor a sex offender who is in violation of this Title;
    - b. Knowingly assist 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 agency regarding a sex offender which the person knows to be false.