

**ST. REGIS MOHAWK TRIBE  
SEX OFFENDER REGISTRATION AND  
NOTIFICATION ORDINANCE**

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**I. TITLE**

This Ordinance shall be known as the St. Regis Mohawk Sex Offender Registration and Notification Ordinance.

**II. SCOPE**

This Ordinance applies to all residents, employees, students, temporary residents or domiciliaries of the St. Regis Mohawk Reservation.

**III. PURPOSE**

The purpose of this Ordinance is to ensure the health, safety and well-being of all residents of the St. Regis Mohawk Reservation, by requiring that certain sex offenders present within the Territory of Akwesasne comply with registration requirements imposed by this ordinance and to comply with the Sex Offender Registration and Notification Act (“SORNA”). The St. Regis Mohawk Tribe has elected to become a registration jurisdiction under SORNA and is thus prepared to implement the registration and notification requirements for sex offenders contained herein. This Ordinance shall be interpreted liberally to comply with the terms and conditions of that Act as presently written or hereafter amended.

**IV. DEFINITIONS**

“Clean Record” – For purposes of this ordinance means not convicted of any offense for which imprisonment for more than 1 year may be imposed; not being convicted of any sex offense; successful (without revocation) completion of any periods of supervised release, probation, and parole; and successful completion of an appropriate sex offender treatment program certified by a jurisdiction or by the Attorney General (42 USC §16915 (b) (1)).

Convicted. An adult sex offender is “convicted” for SORNA purposes if the sex offender has been subject to penal consequences based on the conviction, however it may be styled; this includes convictions of juveniles who are prosecuted as adults or juveniles adjudicated delinquent as juvenile for a sex offense and the offense adjudicated was comparable to or more severe than aggravated sexual abuse (18 U.S.C. §2241 (a) or §2241 (b)), or was an attempt or conspiracy to commit such an offense.

Employee. Includes an individual who is self-employed, an intern or volunteer, or who works for any other entity, whether compensated or not.

Immediate. Immediate and immediately is defined as within three (3) business days.

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 rather than in a narrow technical sense, to include for example confinement in a state “prison” as well as in a local “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.”

Jurisdiction. Refers to the 50 States, the District of Columbia, the five principal U.S. territories – i.e., the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, and the United States Virgin Islands, and any Indian Tribe.

Minor. The term minor means an individual who has not attained the age of 18 years.

Resides. The term reside or resides means, with respect to an individual, the location of the individuals' home or other place where the individual habitually lives or sleeps. This includes vacation homes, hunting or fishing locations, and sex offenders who visit the reservation for a period of six (6) hours or more.

Sex Offense. The term “sex offense” is not used to refer to any and all crimes of a sexual nature, but rather to those covered by the definition of “sex offense” appearing in SORNA § 111(5).

Sex Offender. An individual convicted of a sex offense is a “sex offender.”

Sexual Act. The term means:

1. contact between the penis and vulva, or the penis and anus and for the purposes of this definition contact involving the penis occurs upon penetration, however slight;
2. contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;
3. the penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;
4. the intentional touching, not through the clothing, of the genitalia of another person that has not attained the age of 18 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

Sexual Contact. The term means any form of sexual touching of or contact with the intimate parts of the body, either directly or through the clothing for ones own sexual gratification or with an intent to abuse, humiliate, harass, degrade or arouse the sexual desire of any person.

Student: 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.

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.

Sex Offender Registry. The term means the registry of sex offenders and a notification program maintained by the St. Regis Mohawk Tribe.

National Sex Offender Registry (NSOR). The National registry maintained by the Attorney General of the United States pursuant to 42 U.S.C. §16919.

Tier 1 Sex Offender. A Tier 1 sex offender is one that has been convicted of a tier 1 sex offense as defined in this Ordinance.

Tier 2 Sex Offender. A Tier 2 sex offender is one that has been convicted of a tier 2 sex offense as defined in this Ordinance.

Tier 3 Sex Offender. A Tier 3 sex offender is one that has been convicted of a tier 3 sex offense as defined in this Ordinance.

**V. REGISTRATION OF SEX OFFENDERS**

Every person convicted of a crime described in Section VI, while temporarily residing, working as an employee, attending school or establishing a domicile within the exterior boundaries of the St. Regis Mohawk Indian Reservation or on property owned by the St. Regis Mohawk Tribe in fee, restricted fee or trust, is subject to the registration and notification requirements imposed by this Ordinance. The person shall be required annually thereafter, within five working days of his or her birthday, to update his or her registration with the St. Regis Mohawk Tribal Police Department, including, verifying his or her name and address on a form as may be required by the St. Regis Mohawk Tribe.

**VI. COVERED OFFENSES**

Individuals convicted of one or more registerable offenses on or after January 21, 1996 must register as a sex offender with the Division of Criminal Justice Services and/or the St. Regis Mohawk Tribal Police Department. Additionally, any person convicted of a registerable offense who was incarcerated or under parole or probation supervision for the offense on January 21, 1996 is required to be registered. Further, anyone convicted of the following offenses are subject to the requirements of this Ordinance:

**A. Attempts and Conspiracies.** Any attempt or conspiracy to commit any sex offense.

**B. New York State Offenses.** Convictions under the following New York State Offenses:

120.70	E Felony <sup>1</sup>	luring a child
130.20	A Misdemeanor	sexual misconduct
130.25	E Felony	rape in the third degree
130.30	D Felony	rape in the second degree
130.35	B Felony	rape in the first degree
130.40	E Felony	criminal sexual act in the third degree
130.40	E Felony	sodomy in the third degree
130.45	D Felony	criminal sexual act in the second degree
130.45	D Felony	sodomy in the second degree
130.50	B Felony	criminal sexual act in the first degree
130.50	B Felony	sodomy in the first degree
130.52 <sup>2</sup>	A Misdemeanor	forcible touching
130.53	E Felony	persistent sexual abuse
130.55 <sup>2</sup>	B Misdemeanor	sexual abuse in the third degree
130.60	A Misdemeanor	sexual abuse in the second degree
130.65	D Felony	sexual abuse in the first degree
130.65-a	E Felony	aggravated sexual abuse in the fourth degree
130.66	D Felony	aggravated sexual abuse in the third degree
130.67	C Felony	aggravated sexual abuse in the second degree

<sup>1</sup> If the underlying offense is a class A or a class B felony, then the offense of luring a child shall be considered respectively, a class C felony or class D felony.

<sup>2</sup> A registerable offense only if the victim is less than eighteen years of age or where the defendant has a prior conviction for a sex offense, a sexually violent offense, forcible touching or sexual abuse in the third degree or an attempt thereof even if registration was not required for the prior conviction; regardless of when the prior conviction occurred.

130.70	B Felony	aggravated sexual abuse in the first degree
130.75	B Felony	course of sexual conduct against a child in the first degree
130.80	D Felony	course of sexual conduct against a child in the second degree
130.90	D Felony	facilitating a sex offense with a controlled substance
130.91	Various Felonies	sexually motivated felony(see category II below)
130.95	A-II Felony	predatory sexual assault
130.96	A-II Felony	predatory sexual assault against a child
135.05 <sup>3</sup>	A Misdemeanor	unlawful imprisonment in the second degree
135.10 <sup>3</sup>	E Felony	unlawful imprisonment in the first degree
135.20 <sup>3</sup>	B Felony	kidnapping in the second degree
135.25 <sup>3</sup>	A-I Felony	kidnapping in the first degree
230.04 <sup>4</sup>	A Misdemeanor	patronizing a prostitute in the third degree
230.05	E Felony	patronizing a prostitute in the second degree
230.06	D Felony	patronizing a prostitute in the first degree
230.30(2)	C Felony	promoting prostitution in the second degree
230.32	B Felony	promoting prostitution in the first degree
230.33	B Felony	compelling prostitution
230.34	B Felony	sex trafficking
235.22	D Felony	disseminating indecent material to minors in the first degree
250.45(2), (3) and (4) <sup>5</sup>	E Felony	unlawful surveillance in the second degree
250.50	D Felony	unlawful surveillance in the first degree
255.25	E Felony	Incest (committed prior to 11/1/06)
255.25	E Felony	Incest in the third degree
255.26	D Felony	Incest in the second degree
255.27	B Felony	Incest in the first degree
263.05	C Felony	use of a child in a sexual performance
263.10	D Felony	promoting an obscene sexual performance by a child
263.11	E Felony	possessing an obscene sexual performance by a child
263.15	D Felony	promoting a sexual performance by a child
263.16	E Felony	possessing a sexual performance by a child
263.30	B Felony	facilitating a sexual performance by a child with a controlled substance or alcohol

**C. Sexually Motivated Felonies.** Registration is required upon conviction of a certain offense, or a conviction for an attempt or conspiracy to commit a certain offense, as a sexually motivated felony pursuant to NY State Penal Law §130.91. A person commits a sexually motivated felony when he or she commits a “specified offense” for the purpose, in whole or substantial part, of his or her own direct sexual gratification. A “specified offense” is any of the following offenses:

120.70	E Felony <sup>1</sup>	luring a child
130.20	A Misdemeanor	sexual misconduct
130.25	E Felony	rape in the third degree
130.30	D Felony	rape in the second degree

<sup>3</sup> A registerable offense only if the victim is less than seventeen years old and the offender is not the parent of the victim.

<sup>4</sup> A registerable offense only if the person patronized is in fact less than seventeen years old.

<sup>5</sup> A registerable offense unless the trial court finds that registration would be unduly harsh and inappropriate. Please note that an attempt to commit this offense does not require registration.

130.35	B Felony	rape in the first degree
130.40	E Felony	criminal sexual act in the third degree
130.40	E Felony	sodomy in the third degree
130.45	D Felony	criminal sexual act in the second degree
130.45	D Felony	sodomy in the second degree
130.50	B Felony	criminal sexual act in the first degree
130.50	B Felony	sodomy in the first degree
130.52 <sup>2</sup>	A Misdemeanor	forcible touching
130.53	E Felony	persistent sexual abuse
130.55 <sup>2</sup>	B Misdemeanor	sexual abuse in the third degree
130.60	A Misdemeanor	sexual abuse in the second degree
130.65	D Felony	sexual abuse in the first degree
130.65-a	E Felony	aggravated sexual abuse in the fourth degree
130.66	D Felony	aggravated sexual abuse in the third degree
130.67	C Felony	aggravated sexual abuse in the second degree
130.70	B Felony	aggravated sexual abuse in the first degree
130.75	B Felony	course of sexual conduct against a child in the first degree
130.80	D Felony	course of sexual conduct against a child in the second degree
130.90	D Felony	facilitating a sex offense with a controlled substance
130.91	Various Felonies	sexually motivated felony(see category II below)
130.95	A-II Felony	predatory sexual assault
130.96	A-II Felony	predatory sexual assault against a child
135.05 <sup>3</sup>	A Misdemeanor	unlawful imprisonment in the second degree

**D. Federal Offenses.** Convictions under the following Federal Offenses:

18 U.S.C. §1591	Sex Trafficking of Children.
18 U.S.C §1801	Video Voyeurism of a Minor.
18 U.S.C. §2241	Aggravated Sexual Abuse.
18 U.S.C. §2242	Sexual Abuse.
18 U.S.C. §2243	Sexual Abuse of a Minor or Ward.
18 U.S.C. §2244	Abusive Sexual Contact.
18 U.S.C. §2245	Offenses Resulting in Death.
18 U.S.C. §2251	Sexual Exploitation of Children.
18 U.S.C. §2251A	Selling or Buying Children.
18 U.S.C. §2252	Material Involving the Sexual Exploitation of Minors.
18 U.S.C. §2252A	Material Containing Child Pornography.
18 U.S.C. §2252B	Misleading Domain Names on the Internet.
18 U.S.C. §2252C	Misleading Words or Digital Images on the Internet.
18 U.S.C. §2260	Production of Sexually Explicit Depictions of a Minor for Import in to the United States.
18 U.S.C. §2421	Transportation of a Minor for Illegal Sexual Activity.
18 U.S.C. §2422	Coercion and Enticement of a Minor for Illegal Sexual Activity.
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 U.S.C. §2424

Failure to File Factual Statement about an Alien Individual.

18 U.S.C. §2425

Transmitting Information about a Minor to further Criminal Sexual Conduct.

- E. Foreign Offenses.** Any Conviction for a sex offense involving any conduct listed in this Section that was obtained under the laws of Canada, the United Kingdom, Australia, New Zealand or under the laws of any foreign country when the United States State Department in its Country Reports on Human Rights Practices has Concluded that an independent judiciary generally or vigorously enforced the right to a fair trial in that country during the year in which the conviction occurred.
- F. Military Offenses** 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).
- G. Juvenile Adjudications:** The term “convicted” or a variant thereof, used with respect to a sex offense, includes adjudicated delinquent as a juvenile for that 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 section 2241 of title 18, United States Code [18USC § 2241]), or was an attempt or conspiracy to commit such an offense. This includes engaging in a sexual act with another by force or threat of serious violence; or engaging in a sexual act with another by rendering unconscious or involuntarily drugging the victim. Any juveniles convicted of an offense under 18 USC §2241(c) shall be required to register pursuant to this Ordinance.
- H. Jurisdiction Offenses.** Any sex offense committed in any jurisdiction, including the St. Regis Mohawk Tribe that involves:

1. Any type of or degree of genital, oral, or anal penetration.
2. Any sexual touching of or contact with a person’s body, either directly or through the clothing.
3. Kidnapping of a minor.
4. False imprisonment of a minor.
5. Solicitation to engage a minor in sexual conduct (should be understood broadly to include any direction, request, enticement, persuasion, or encouragement of a minor to engage in sexual conduct).
6. Use of a minor in a sexual performance.
7. Solicitation of a minor to practice prostitution.
8. Video voyeurism of a minor as described in 18 U.S.C. § 1801.
9. Possession, production, or distribution of child pornography.
10. Criminal sexual conduct (sexual offenses whose elements involve physical contact with the victim) involving a minor, or the use of the internet to facilitate or attempt such conduct. This includes offenses whose elements involve the use of other persons in prostitution, such as pandering, procuring, or pimping in cases where the victim was a minor at the time of the offense.
11. Any conduct that by its nature is a sex offense against a minor.
12. Any offenses similar to the following Federal Offenses:

18 U.S.C. §1591

Sex Trafficking by Force, Fraud, or Coercion

18 U.S.C. §1801

Video Voyeurism of a Minor

18 U.S.C. §2241

Aggravated Sexual Abuse

18 U.S.C. §2242

Sexual Abuse

18 U.S.C. §2244

Abusive Sexual Contact

18 U.S.C. §2422(b)

Coercing a Minor to Engage in Prostitution

**VII. TIERING OF OFFENSES****A. TIER I OFFENSES:**

1. A Tier 1 Offense includes any sex offense for which a person has been convicted by any jurisdiction, local government, or qualifying foreign country pursuant to this section that involves any sexual act or sexual contact with another person that is not included in the Tier 2 or Tier 3 levels as defined by this Ordinance.

2. Tier 1 Offenses also include the following Federal Offenses:

18 U.S.C. §1801	Video Voyeurism of a Minor
18 U.S.C. §2252	Receipt or Possession of Child Pornography
18 U.S.C. §2252A	Receipt of Possession of Child Pornography
18 U.S.C. §2252B	Misleading Domain Name
18 U.S.C. §2252C	Misleading Words or Digital Images
18 U.S.C. §2422(a)	Coercion to engage in Prostitution
18 U.S.C. §2423(b)	Travel with the intent to engage in illicit conduct
18 U.S.C. §2423(c)	Engaging in illicit conduct in foreign places
18 U.S.C. §2424	Filing Factual Statement about Alien Individual
18 U.S.C. §2425	Transmitting Information about a Minor to further Criminal Sexual Conduct

3. And any comparable military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (U.S.C. 951 note).

**B. TIER II OFFENSES**

1. Recidivism and Felonies. Unless otherwise stated, any sex offense, which is not the first sex offense for which a person has been convicted, that is punishable by more than one year in jail is a Tier 2 offense. A person commits a sexually motivated felony when he or she commits a “specified offense” for the purpose, in whole or substantial part, of his or her own direct sexual gratification. A “specified offense” is any of the following offenses:

2. Offenses Involving Minors. A Tier 2 Offense includes any sex offense for which a person has been convicted by a state, local, foreign or tribal jurisdiction that involves:
  - a. The use of minors in prostitution,
  - b. Enticing a minor to engage in criminal sexual activity,
  - c. Sexual contact with a minor in a sexual performance,
  - d. Sexual contact with a minor 13 years of age or older, whether direct or through the clothing that involves intimate parts of the body, or
  - e. The production for distribution of child pornography.

3. The following Federal Offenses:

18 U.S.C. §1591	Sex Trafficking by Force, Fraud, or Coercion
18 U.S.C. §2243	Sexual Abuse of a Minor
18 U.S.C. §2244	Abusive Sexual Contact, Victim 13 or Older
18 U.S.C. §2251	Sexual Exploitation of Children
18 U.S.C. §2251A	Selling or Buying of Children

18 U.S.C. §2252	Production or Distribution of Child Pornography
18 U.S.C. §2252A	Production or Distribution of Child Pornography
18 U.S.C. §2260	Producing Child Pornography for Import
18 U.S.C. §2421	Transportation for Prostitution
18 U.S.C. §2422(b)	Coercing a Minor to Engage in Prostitution
18 U.S.C. §2423(a)	Transporting a minor to engage in illicit conduct

4. Any comparable 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).

### C. TIER III OFFENSES

1. Recidivism and Felonies. Any sex offense punishable by more than one year in jail and where the offender has at least one prior conviction for a Tier 2 sex offense is a “Tier 3” offense. In the case of subsequent convictions from any tribal court, the offense shall be treated as if it is punishable by more than one year in jail if a substantially similar New York State or Federal offense is punishable by more than one year.

2. Convictions by State, Local, foreign, and/or Tribal Jurisdictions that involve:

- a. non-parental kidnapping of a minor,
- b. a sexual act with another by force or threat,
- c. a sexual act with another who has been rendered unconscious or involuntarily, drugged, or who is otherwise incapable of appraising the nature of the conduct or declining to participate, or
- d. ‘sexual contact’ with a minor under the age of 13, including offenses that cover sexual touching of or contact with the intimate parts of the body, either directly or through clothing.

3. The following Federal Offenses:

18 U.S.C. §2241	Aggravated Sexual Abuse
18 U.S.C. §2242	Sexual Abuse
18 U.S.C. §2244	Abusive Sexual Conduct, victim under 13
18 U.S.C. § 2251	Sexual exploitation of children
18 U.S.C. § 2251A	Selling or buying of children
18 U.S.C. § 2252	Certain activities relating to material involving the sexual exploitation of minors
18 U.S.C. § 2252A	Certain activities relating to material constituting or containing child pornography
18 U.S.C. § 2260	production of sexually explicit depictions of a minor for importation into the United States
18 U.S.C. § 2422(b)	coercion and enticement
18 U.S.C. § 2423	transportation of minors
18 U.S.C. § 2425	use of interstate facilities to transmit information about a minor

4. Any comparable 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).

### VIII. GENERAL REQUIREMENTS



- A. Duties. A sex offender covered by this code who is required to register with the tribe pursuant to Section V of this Ordinance, shall provide all of the information detailed in this chapter to the St. Regis Mohawk Tribal Police and the St. Regis Mohawk Tribal Police shall obtain all of the information detailed in this Section 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. Digitization. All information obtained under this Ordinance shall be, at a minimum, maintained by the St. Regis Mohawk Tribal Police in digitized format.
- C. Electronic Database. A sex offender registry shall be maintained in an electronic database by the St. Regis Mohawk Tribal Police and shall be in a form capable of electronic transmission.
- D. The St. Regis Mohawk Tribal Police shall develop a policies and procedures manual within a reasonable period of time after this Ordinance is enacted to ensure the timely and effective implementation of this Ordinance. Such manual shall not be inconsistent with the provisions of this Ordinance and shall be approved by the St. Regis Mohawk Tribal Council before use. Such manual shall include any necessary forms and instructions to assist the Sex Offender Registrar in carrying out his or her duties under this Ordinance.

## **IX. CONTENT OF REGISTRATION.**

- A. The registration shall consist of the following to be updated and maintained for the duration of the applicable registration period:
  - 1. Criminal History. The St. Regis Mohawk Tribal Police or designee shall obtain and a covered sex offender shall provide, the following information related to the sex offender's criminal history:
    - a. Date of all arrests.
    - b. Date of all convictions.
    - c. Status of parole, probation or supervised release.
    - d. Registration status.
    - e. Outstanding arrest warrants.
  - 2. Date of Birth
    - a. Actual date of birth.
    - b. Purported date of birth.
  - 3. DNA Sample of the sex offender
    - a. A DNA sample must be taken, or must have been taken from the sex offender, for purposes of analysis and entry of the resulting DNA profile into the Combined DNA Index System (CODIS).
    - b. Samples are being submitted to CODIS.
  - 4. Driver's License or Identification Card
    - a. A photocopy of a valid driver's license or identification card (including tribal ID) issued to the sex offender by a recognized jurisdiction.
  - 5. Employment Information
    - a. Name.
    - b. Address.

- c. of any place where the sex offender is an employee or will be an employee, including as a volunteer or unpaid intern.
6. Fingerprints and palm prints
  - a. All information digitized.
7. Internet Identifiers
  - a. Email addresses.
  - b. Instant Message addresses/identifiers.
  - c. any other designations or monikers used for self-identification in Internet communications or postings.
8. Name of the sex offender
  - a. Primary, given name.
  - b. Nicknames, aliases, pseudonyms generally, regardless of context in which used.
  - c. Ethnic or Tribal names by which they are commonly known.
9. Passport and Immigration Documents
  - a. Digitized copies of passports.
  - b. Digitized copies of immigration documents.
10. Phone Numbers
  - a. Telephone numbers and any other designations used by sex offenders for purposes of routing or self-identification in telephonic communications.
  - b. Land line telephone numbers.
  - c. Cell phone telephone numbers.
11. Photograph
  - a. Updated digitized photograph collected unless appearance has not changed significantly:
    - i) Tier III: quarterly.
    - ii) Tier II: Bi-annually.
    - iii) Tier I: Annually.
12. Physical Description
  - a. Physical description of the sex offender.
  - b. General description of physical appearance or characteristics.
  - c. Any identifying marks, such as scars or tattoos, etc..
13. Professional Licensing Information
  - a. Concerning all licensing of the registrant that authorizes the registrant to engage in an occupation or carry out a trade or business.
14. Resident Address
  - a. Address of each residence at which the sex offender resides or will reside.
  - b. If no permanent residence, location or description that identifies where the sex offender "habitually lives".
15. School Information
  - a. Name of school.
  - b. Address of school.
  - c. Of any place where the sex offender is a student or will be a student.

16. Social Security Number
    - a. Valid social security number.
    - b. Purported social security number.
  17. Temporary Lodging Information
    - a. Identifying information (location) of temporary location(s)
    - b. Dates of temporary lodging(s).
  18. Text of Registration Offense – The text of the provision of law defining the criminal offense for which the sex offender is registered \* will be provided via the SORNA Database once fully populated\*
    - a. Link to SORNA Database.
  19. Vehicle Information- for all vehicles owned or operated by the offender, whether for work or personal use, including land vehicles, aircraft or watercraft:
    - a. License plate number.
    - b. Registration number or identifier.
    - c. Description of all vehicles identified above.
    - d. Permanent or frequent location where all vehicles are kept.
    - e. All information digitized.
- B.** If any person who is required to register pursuant to this section makes any changes to the information included in this section, the person shall inform the St. Regis Mohawk Tribal Police Department in writing within three (3) working days of such change.

## **X. WHERE REGISTRATION IS REQUIRED**

- A.** Jurisdiction of Conviction- Initial registration is required in the jurisdiction where the sex offender was convicted even if the sex offender will not be residing there.
- B.** Initial registration is required in incarceration jurisdiction. (The jurisdiction where a sex offender is incarcerated when completing their sentence, regardless if this is the jurisdiction of conviction or the jurisdiction of residence).
- C.** Jurisdiction of Residence- all sex offenders who “reside” in the jurisdiction are required to register.
- D.** Jurisdiction of Employment- all sex offenders who are “employees” in the jurisdiction are required to register.
- E.** Jurisdiction of School Attendance- All sex offenders who are “students” in the jurisdiction are required to register.

## **XI. TIMING OF INITIAL REGISTRATION**

- A.** When incarcerated- Before release from “imprisonment” for the registration offense.
- B.** When not incarcerated- Within three business days of sentencing for the registration offense.
- C.** Foreign, Federal and Military Convicted Offenders- a personal appearance required within 3 business days of establishing residence after release from incarceration or sentencing (if not incarcerated). Foreign, Federal or Military.

**D. Duties of Initial Registration Jurisdiction.**

1. Inform the sex offender of his or her duties under SORNA.
2. Explain SORNA duties to sex offender.
3. Require the sex offender to read and sign a form stating that the duty to register has been explained and that the sex offender understands the registration requirements.
4. Read, sign and acknowledgement of understanding of requirements. Ensure that the sex offender is registered.
5. Immediately forward information. Upon entry of the sex offender's information on to the registry, immediately forward the registration information to all other jurisdictions in which the sex offender is required to register.
  - a. Residency Jurisdiction.
  - b. Employment Jurisdiction.
  - c. Student Jurisdiction.

**XII. INITIAL REGISTRATION; RETROACTIVE CLASSES OF OFFENDERS**

**A.** The St. Regis Mohawk Tribal Police 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 supervision, either for the predicate sex offense or for some other crime.
2. Sex offenders already registered or subject to a pre-existing sex offender registration requirement under the jurisdictions law.
3. Sex offenders reentering the jurisdiction's justice system because of conviction for some other crime (whether or not a sex offense).

**B.** Timing of Recapture (from date of implementation of SORNA in the jurisdiction.)

1. Tier I: One Year
2. Tier II: 6 Months
3. Tier III: 3 Months

**C.** Sex offender is subject to Regular Initial Registration Procedure upon notification of duty to register.

**XIII. KEEPING THE REGISTRATION CURRENT**

**A.** All sex offenders required to register in this jurisdiction shall immediately appear in person at the St. Regis Mohawk Tribal Police Department 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 St. Regis Mohawk Tribal Police Department in person of any changes to their temporary lodging information, vehicle information, internet identifiers, or telephone numbers. In the event of a change in temporary lodging, the sex offender and the St. Regis Mohawk Tribal Police Department shall immediately notify the jurisdiction in which the sex offender will be temporarily staying.

1. Residence Jurisdiction. Immediate in person appearance is required to update the following information:
  - a. Name.
  - b. Residence.
  - c. Employment.

- d. School Attendance.
  - e. Termination of residence.
2. Immediate updates required for any changes to the following information:
    - a. Vehicle information.
    - b. Temporary Lodging information.
  3. Immediate notification to the jurisdiction in which the offender will be temporarily staying.
  4. Immediate updates required for changes or additions to:
    - a. Email addresses.
    - b. Instant Message addresses.
    - c. Any other designations used in internet communications, postings, or telephone communications.

**B. Duties of the Residence Jurisdiction when Updated Information is Received:**

1. Immediate notification provided to all jurisdictions where the offender intends to reside, work, or attend school.
2. Immediate notification of any changes to any other jurisdiction where the sex offender is either registered, or is required to register.
3. Foreign relocation special procedure. If the jurisdiction is notified that the offender intends to commence residence, school, or employment outside the United States.
4. Immediate notification of any changes to any other jurisdiction where the sex offender is either registered, or is required to register.
5. Notify the U.S. Marshals Service
6. Update SORNA information

**C. Employer Jurisdiction:**

1. Immediate in person appearance required to update the following information
2. Employment
3. Termination of employment

**D. School Jurisdiction:**

1. Immediate in-person appearance required to update the following information
2. School
3. Termination of school

**E. Duties of the Employer Jurisdiction when updated information is received:** Immediate notification of any changes to all jurisdictions where the sex offender is either required to register, or was required to register prior to the updated information being given.

**F. Duties of the School Jurisdiction when updated information is received:** Immediate notification of any changes to all jurisdictions where the sex offender is either registered, or is required to register.

**XIV. VERIFICATION /APPEARANCE REQUIREMENTS**

- |           |                    |                             |
|-----------|--------------------|-----------------------------|
| <b>A.</b> | Tier I Offenders.  | Once a year for 15 years    |
| <b>B.</b> | Tier II Offenders  | Every 6 months for 25 years |
| <b>C.</b> | Tier III Offenders | Every 3 months for life     |

**D. Requirement for in person regular appearances**

1. A current photograph must be allowed to be taken
2. The sex offender reviews the existing formation for accuracy.
3. If any new information or changes are secure, it must be immediately communicated to all other registration jurisdictions

**E. Reduction of Registration Period**

1. Tier I Offenders

- a. After 10 years with a “Clean Record”.
- b. Not being convicted of any offense for which imprisonment for more than 1 year may be imposed;
- c. Not being convicted of any sex offense;
- d. Successful (without revocation) completion of any periods of supervised release, probation, and parole; and
- e. Successful completion of an appropriate sex offender treatment program certified by a jurisdiction or by the Attorney General (42 USC §16915 (b) (1)).

2. Tier II Offenders

- a. Adjudicated delinquent of an offense as a juvenile which required Tier III registration.
- b. After 20 years with a “Clean Record”.
- c. Not being convicted of any offense for which imprisonment for more than 1 year may be imposed;
- d. Not being convicted of any sex offense;
- e. Successful (without revocation) completion of any periods of supervised release, probation, and parole; and
- f. Successful completion of an appropriate sex offender treatment program certified by a jurisdiction or by the Attorney General (42 USC §16915 (b) (1)).

**XV. REGISTRY WEBSITE REQUIREMENTS**

**A. Every jurisdiction will need to maintain a public sex offender registry website, as specified below:**

1. Public Sex Offender Registry Website.
2. Links to sex offender safety and education resources.
3. A warning that information on the site 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 address and that any such action could result in civil or criminal penalties.
4. Search field capability needs to include:
  - a. Name.
  - b. County, City and or Town.
  - c. Zip code and or Geographic Radius.

**B. Ten Core required items on public Registry Websites**

1. Absconder status: When the offender is on violation or cannot be located.
2. Criminal History: any other sex offense for which the sex offender has been convicted.
3. Current Offense: the sex offense for which the offender is registered.
4. Employer address.
5. Name of the sex offender, including all aliases.
6. Photograph: a current photograph of the offender.
7. Physical description of the sex offender.
8. Residential Address of the sex offender including any information about where the offender “habitually lives”.
9. School address.

10. Vehicle(s) information: License plate number(s), Vehicle description(s).

**C. Information that is NOT permitted to be displayed on Public Websites.**

1. Criminal History: Arrests not resulting in conviction.
2. Social Security Number.
3. Travel and Immigration Document Numbers.
4. Victim Identity.
5. Internet Identifiers.

**D. Witness protection.** The St. Regis Mohawk Tribal Police shall be permitted and encouraged to make provision in their laws and procedures to accommodate consideration of the security of such individuals and to honor requests from the United States Marshal Service and other agencies responsible for witness protection in order to ensure that their original identities are not compromised.

**XVI. LAW ENFORCEMENT AND COMMUNITY NOTIFICATION**

**A. Law Enforcement Notification.** Whenever a sex offender registers or updates his or her information with the Tribe, the St. Regis Mohawk Tribal Police shall:

1. Immediately notify the FBI or other federal agency as designation by the Attorney General in order that the information may be updated on the NSOR or other relevant databases;
2. Immediately notify any agency, department, or program within the Tribe that is responsible for criminal investigation, prosecution, child welfare or sex offender supervision functions, including but not limited to police, prosecutors, or probation;
3. Immediately notify any and all other registration jurisdictions where the sex offender is registered due to the sex offenders' residency, school attendance, or employment.
4. Immediately notify National Child Protection Act agencies, which includes any agency responsible for conducting employment-related background checks under section 3 of the National Child Protection Act of 1993 (42 U.S.C. 5119a) when a sex offender registers or updates registration.

**B. Community Notification.** The St. Regis Mohawk Tribal Police Department 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 email 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 geographical 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. The Tribe shall also maintain a public posting of all updates, in hard copy format, in the following locations, which shall be updated at the same time as all electronic notification: the Tribal Government Building, the Tribal Police Station and the Akwesasne Library and Cultural Center, and shall provide public notice in the local newspaper and on the local radio station as deemed necessary.

## **XVII. FAILURE TO REGISTER AS A SEX OFFENDER: STATE PENALTY**

- A. Failure to Appear:** When a sex offender fails to appear for registration with the Tribe as required by this Code shall inform the jurisdiction that provided the notification (that the offender was to commence residence, employment, or school in the new jurisdiction) that the sex offender failed to appear for registration.
- B. Absconded Sex Offenders.** When the Tribe has information that a sex offender may have absconded, the following shall be required of the St. Regis Mohawk Tribal Police Department:
1. An effort must be made to determine whether the sex offender has actually absconded.
  2. If no determination can be made, then the law enforcement agency with jurisdiction to investigate the matter must be notified.
  3. Also, if the information indicating the possible absconding came through notice from another jurisdiction or federal authorities, the authorities that provided the notification must be informed that the sex offender has failed to appear and register.
  4. If an absconded sex offender cannot be located, then the jurisdiction must take the following steps:
    - a. The information in the registry must be revised to reflect that the sex offender is an absconder or cannot be located.
    - b. A warrant must be sought for the sex offender's arrest, if the legal requirements for doing so are satisfied.
    - c. The United States Marshals Service, which is the lead federal agency for investigation of sex offender registration violations, must be notified.
    - d. The jurisdiction must update the NSOR to reflect the sex offender's status as an absconder or not capable of being located.
    - e. The jurisdiction must enter the sex offender into the National Crime Information Center Wanted Person File.
- C. Failure to Register.** If a sex offender required to register pursuant to this Ordinance fails to do so or otherwise violates a registration requirement of this Ordinance, the Tribal Police or designee, shall take all appropriate follow-up measures. The Tribal Police or designee shall first make an effort to determine if the sex offender is actually present on lands within the Tribe's jurisdiction. Failure to register pursuant to this Ordinance will subject the sex offender to applicable criminal penalties under State and Federal law.

## **XVIII. EXCLUSION OF NON-MEMBER SEX OFFENDERS**

- A.** In accordance with all applicable Tribal ordinances, regulations and laws, known non-member sex offenders residing within the exterior boundaries of the St. Regis Mohawk Indian Reservation, regardless of Tier of offense, shall be excluded from the St. Regis Mohawk Indian Reservation by Order of the St. Regis Mohawk Tribal Court, to be executed by the St. Regis Mohawk Tribal Police.
- B.** For purposes of this Section, "non-member" shall mean any person that is not an enrolled member of the St. Regis Mohawk Tribe, the Mohawks of Akwesasne or the Mohawk Nation Council of Chiefs according to their respective membership codes.
- C.** Findings made under the NY State Family Court Act or other Tribal or State law, where a person's conduct is substantially similar to conduct that would constitute a sex offense, shall serve as a basis for the removal of any non-members from the Territory.

## **XIX. RELEASE OF INFORMATION**



- A.** When a peace officer reasonably suspects, based on information that has come to his or her attention by any peace officer or member of the public, that a child or other person may be at risk from a sex offender convicted of a crime listed in paragraph (1) of subdivision (a) of the New York State Penal Code, a law enforcement agency may, notwithstanding any other provision of law, provide any of the information specified in paragraph (2) of this subdivision about that registered sex offender that the agency deems relevant and necessary to protect the public, to the following persons, agencies, or organizations the offender is likely to encounter, including, but not limited to, the following:
1. Public and private educational institutions, day care establishments, and establishments and organizations that primarily serve individuals likely to be victimized by the offender.
  2. Other community members at risk.
- B.** The information that may be disclosed pursuant to this section includes the following:
1. The offender's full name.
  2. The offender's known aliases.
  3. The offender's gender.
  4. The offender's race.
  5. The offender's physical description.
  6. The offender's photograph.
  7. The offender's date of birth.
  8. Crimes resulting in registration under this section.
  9. The offender's address, which must be verified prior to publication.
  10. Description and license plate number of offender's vehicles or vehicles the offender is known to drive.
  11. Type of victim targeted by the offender.
  12. Relevant parole or probation conditions, such as one prohibiting contact with children.
  13. Dates of crimes resulting in classification under this section.
  14. Date of release from confinement.
- C.** Information disclosed pursuant to this subdivision shall not include information that would identify the victim.
- D.** If a law enforcement agency discloses information pursuant to this subdivision, it shall include, with the disclosure, a statement that the purpose of the release of the information is to allow members of the public to protect themselves and their children from sex offenders.

- E.** For purposes of this section, "likely to encounter" means (a) that the agencies, organizations, or other community members are in a location or in close proximity to a location where the offender lives or is employed, or that the offender visits or is likely to visit on a regular basis, and (b) the types of interaction that ordinarily occur at that location and other circumstances indicate that contact with the offender is reasonably probable.
- F.** For purposes of this section, "reasonably suspects" means that it is objectively reasonable for a peace officer to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his or her training and experience, to suspect that a child or other person is at risk.
- G.** For purposes of this section, "at risk" means a person is or may be exposed to a risk of becoming a victim of a sex offense committed by the offender.
- H.** The St. Regis Mohawk Tribal Police Department may continue to disclose information on an offender under this subdivision for as long as the offender is included in the appropriate section of the New York State Penal Code.
- I.** In addition to the procedures set forth elsewhere in this section, the St. Regis Mohawk Tribal Police Department may advise the public of the presence of high risk sex offenders in its community pursuant to this subdivision.

## **XX. RECORD OF DISSEMINATION OF INFORMATION**

- A.** If the St. Regis Mohawk Tribal Police Department disseminates information pursuant to this Ordinance, the St. Regis Mohawk Tribal Police Department shall maintain records of the offender and the means and dates of dissemination for a minimum of five years.

## **XXI. CIVIL PENALTIES FOR MISUSE OF INFORMATION**

Any person who uses information disclosed pursuant to this section to commit a felony or misdemeanor shall be subject to civil penalties consistent with the Indian Civil Rights Act.

## **XXII. MENTALLY DISORDERED SEX OFFENDER [reserved]**

## **XXIII. APPLICATION OF REGISTRATION AND PUBLIC NOTIFICATION PROVISIONS**

The registration and public notification provisions of this section are applicable to every person described in these sections, without regard to when his or her crimes were committed or his or her duty to register pursuant to this section arose, and to every offense described in these sections, regardless of when it was committed.

## **XXVI. IMMUNITY**

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

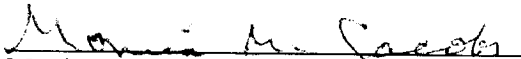
## **XXV. SEVERABILITY**


If any part of this Ordinance is held to be invalid, the remainder shall continue to be in full force and effect to the maximum extent possible.

**XXVI. EFFECTIVE DATE, AMENDMENT**

This Ordinance shall be effective from the date of its approval by the Tribal Council. This Ordinance may be amended in accordance with applicable tribal ordinances of the St. Regis Mohawk Tribe.


St. Regis Mohawk Tribal Council

  
\_\_\_\_\_  
Monica M. Jacobs, Tribal Chief

  
\_\_\_\_\_  
Mark H. Garrow, Tribal Chief

\_\_\_\_\_  
Randy Hart, Tribal Chief

I hereby certify that the St. Regis Mohawk Tribal Council has duly adopted this Ordinance on this 25<sup>th</sup> day of October, 2010.

  
\_\_\_\_\_  
Corleen Jacco, Tribal Clerk

--SEAL--