

Chapter 4 - Sex Offender Registration Code

§ 4.01 - General Matters

- (a) Title. This code shall be known as the “Sex Offender Registration Code.”
- (b) Purpose. The intent of this code is to implement the Federal Sex Offender Registration and Notification Act (SORNA) (Title I of Public Law 109-248) and shall be interpreted liberally to comply with the terms and conditions of SORNA as presently written or hereafter amended.
- (c) Need. Violent crime in Indian Country is more than twice the national average. On some reservations it is twenty (20) times the national average. An astounding thirty percent (30%) of Indian and Alaska Native women will be raped in their lifetimes. Tribal nations are disproportionately affected by violent crime and sex offenses in particular from both Indian and non-Indian perpetrators; consequently, the conduct and presence of convicted sex offenders in Indian Country threatens the political integrity, economic security, health and welfare of tribal nations even to the point of imperiling the subsistence of tribal communities.
- (d) Intent. The GTB declares the intent of the Tribe is to use the tiering for sex offenders and sex offenses as provided in the State of Michigan Sex Offender Registration Act, Act 295 of 1994 (as amended).
- (e) Creation of Registries.
 - (1) Sex Offender Registry. There is hereby established a sex offender registry, which the Michigan State Police (MSP), based on information provided by the Grand Traverse Band (GTB), and as documented by a cooperative agreement (Memorandum of Agreement) between MSP and GTB dated June 25, 2009, shall maintain and operate pursuant to the provisions of this code, as amended.
 - (2) Public Sex Offender Registry Website. There is hereby established a public sex offender registry website, which the MSP/State of Michigan and the GTB shall maintain and operate pursuant to the provisions of this code, as amended.

History: Tribal Act #10-28.2164, enacted by Tribal Council on July 21, 2010.

§ 4.02 - Terminology and Covered Offenses

- (a) Definitions. The definitions below apply to this GTB Code only.
 - (1) Abscond. “Abscond” means failure to register and/or to leave, flee or depart quickly and secretly and hide oneself with intent to avoid arrest or prosecution.
 - (2) Convicted Adult Offender. An adult sex offender is “convicted” for the purposes of this code if the sex offender has been subjected to penal consequences based on the conviction, regardless of how the conviction may be styled. This shall include but not be limited to convictions or juvenile adjudications in tribal, state, and federal courts.
 - (3) Convicted Juvenile Offender. A juvenile offender is “convicted” for purposes of this code if

the juvenile offender is either:

- (A) Prosecuted and found guilty as an adult for a sex offense; or
 - (B) Is adjudicated delinquent as a juvenile for a sex offense, but only if the offender is fourteen (14) years of age or older at the time of the offense and the offense adjudicated was comparable to or more severe than aggravated sexual abuse [as described in either (a) or (b) of Section 2241 of Title 18, United States Code], or was an attempt or conspiracy to commit such an offense.
- (4) 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.
 - (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, interns, externs, apprentices, and those providing community services of or for a tribal agency or organization are included within the definition of employee for registration purposes.
 - (6) Federal Offense. “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.
 - (7) Foreign Convictions. A foreign conviction is one obtained outside of the United States.
 - (8) Homeless. Homeless means a person who does not have a permanent or temporary residence and who may have a temporary abode at the home of a family member or friend or at a shelter and is subject to the same registration requirements and is also required to verify their address daily with the GTBPD, even if that address is a bench on a specific street or a tent in a particular location or any such place where the sex offender frequents or stations himself during the day or sleeps at night.
 - (9) Immediate. “Immediate” and “immediately” mean within three (3) business days.
 - (10) 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.”
 - (11) Jurisdiction. The term “jurisdiction” as used in this code refers to the fifty (50) states, the District of Columbia, the five (5) principal U.S. territories, i.e., the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, and any Indian tribe that elects to function as registration jurisdictions under SORNA § 127.
 - (12) Loiter. “Loiter” means standing or sitting idly whether in or out of a vehicle, or remaining in or around property, not their own, without permission and a legitimate reason.

- (13) Minor. The term “minor” means an individual who has not attained the age of eighteen (18) years.
- (14) National Sex Offender Registry (NSOR). The national database maintained by the Attorney General of the United States pursuant to 42 U.S.C. § 16919.
- (15) Nonmember. “Nonmember” means a person who is not a member of any federally recognized Indian tribe.
- (16) Other tribal member. “Other tribal member” means a person who is duly enrolled or is a member of a federally recognized Indian tribe other than the GTB Indian tribe.
- (17) Primary address. Primary address is defined as “the mailing address” of the person’s dwelling, including “physical location of the dwelling described with as much specificity as possible.”
- (18) Residence. The term “residence” means a place where a person is living or temporarily staying for more than five (5) days, such as a shelter or structure that can be located by a street address, including, but not limited to, houses, apartment buildings, motels, hotels, homeless shelters, and recreational and other vehicles.
- (19) Resides. The term “reside” or “resides” means, with respect to an individual, the location of the individual’s home or other place where the individual habitually lives or sleeps. “Residing on the reservations” shall mean any person who maintains a permanent or temporary residence, including students, temporary employees, and military personnel on assignment.
- (20) School. “School” includes but is not limited to a building, facility, or room in a building or facility designated as a place for instruction, education, teaching, learning, or academics and is a public or private daycare, childcare facility, preschool, elementary school, secondary school, trade school, professional school, or institute of higher learning where teaching, training, supervision, recreation, and/or medical services for children of any age, for the disabled, or for the elderly, or anytime care given to preschool children or to school children after school or during vacation, as at a day care center, or to the elderly, as at a social agency.
- (21) School Personnel. “School personnel” includes but is not limited to teachers, caregivers, the principal, or superintendent of schools, a member of the school board or employee or any entity working for, or rendering or exchanging any service or performing any act for or on behalf of the Tribe in any capacity full or part time.
- (22) Secondary address. “Secondary address” is defined as a mailing address of any place where the person regularly or occasionally stays overnight, including the physical location of the place described with as much specificity as possible.
- (23) 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; or
 - (D) The intentional touching, not through the clothing, of the genitalia of another person that has not attained the age of eighteen (18) years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.
- (24) 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.
- (25) Sex Offender. A person convicted of a sex offense in any state, federal, tribal, or other court is a “sex offender.”
- (26) Sex Offender Registry. The term “sex offender registry” means the registry of sex offenders, and a notification program, maintained by GTB/State of Michigan.
- (27) Sex Offense. The term “sex offense” refers to those offenses covered by the definition of “sex offense” appearing in SORNA § 111(5), and those offenses enumerated in Section 4.02(b) of this code or any other covered offense under federal, state or tribal law as stated in Title 9 of the GTB Code. “Sex Offense” generally 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.
 - (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, or 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).
 - (E) An attempt or conspiracy to commit an offense described in Clauses (A) through (D); or
 - (F) Any tribal offense consistent with the above sections (A-E).
- (28) 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.
- (29) 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.

- (30) “Specified Offenses Against a Minor” means an offense against a minor that involves any of the following:
- (A) An offense (unless committed by a parent or guardian) involving kidnapping.
 - (B) An offense (unless committed by a parent or guardian) involving false imprisonment.
 - (C) Solicitation to engage in sexual conduct.
 - (D) Use in a sexual performance.
 - (E) Solicitation to practice prostitution.
 - (F) Video voyeurism as described in Section 1801 of Title 18 of the United States Code.
 - (G) Possession, production, or distribution of child pornography.
 - (H) Criminal sexual conduct involving a minor, or the use of the Internet to facilitate or attempt such conduct; or
 - (I) Any conduct that by its nature is a sex offense against a minor.
- (31) Student. A “student” includes an intern, extern, and apprentice and is a person who enrolls in or attends either a private or public education institution, including a daycare, childcare facility, preschool, secondary school, trade, or professional school, or an institution of higher education.
- (32) Transient. Transient means a person who lacks residence. A transient is subject to the same registration requirements and is also required to verify their address (city, county, township, and street) daily with the GTBPD, even if that address is a bench on a specific street or a tent in a particular location or any such place where the sex offender frequents or stations himself during the day or sleeps at night.
- (33) GTB Tribal member. “GTB Tribal Member” means a person who is duly enrolled with the GTB Indian tribe pursuant to Article II of the Tribal Constitution.
- (34) 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 4.03(a) of this code.
- (35) 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 4.03(b) of this code, or who is subject to the recidivist provisions of 4.03(b)(1).
- (36) 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 4.03(c), or who is subject to the recidivist provisions of 4.03(c)(1) of this code.
- (37) Tribal Lands. “Tribal Lands” includes “jurisdiction” and means the reservation, trust lands, tribal property owned by the tribal jurisdiction and other commonly known tribal lands within the primary jurisdiction in fee or trust regardless of location.

- (38) Visitor. Any sex offender who does not live, work or attend classes as a student who enters onto a GTB reservation.
- (b) Covered Offenses. Individuals who reside or are visiting on property within the exterior boundaries of tribal lands, regardless of location; are employed within tribal lands; or who attend school on tribal lands, that have been convicted of any of the following offenses, are subject to the requirements of this code:
- (1) Michigan Offenses, Act 295 of 1994 (as amended):
 - (A) MCL 750.10a. Sexually delinquent person.
 - (B) MCL 750.145a. Accosting, enticing or soliciting child for immoral purposes.
 - (C) MCL 750.145b. Accosting, enticing or soliciting child for immoral purposes; second or subsequent offense.
 - (D) MCL 750.145c. Child sexually abusive activity or material; offenses; penalties; application of section; affirmative defense; expert testimony; reporting by commercial film or photographic print processors; local ordinances.
 - (E) MCL 750.145d. Internet use; restrictions, purpose of committing crime against minor.
 - (F) MCL 750.158. Crime against nature or sodomy; penalty.
 - (G) MCL 750.335a. Indecent exposure.
 - (H) MCL 750.338. Gross indecency; between male persons.
 - (I) MCL 750.338a. Gross indecency; between female persons.
 - (J) MCL 750.338b. Gross indecency; between male and female persons.
 - (K) MCL 750.349b. Unlawful imprisonment.
 - (L) MCL 750.448 Soliciting and accosting.
 - (M) MCL 750.455. Pandering.
 - (N) MCL 750.349. Kidnapping.
 - (O) MCL 750.350. Kidnapping; child under 14.
 - (P) MCL 750.520b. Criminal sexual conduct in first degree.
 - (Q) MCL 750.520c. Criminal sexual conduct in second degree.
 - (R) MCL 750.520d. Criminal sexual conduct in third degree.
 - (S) MCL 750.520e. Criminal sexual conduct in fourth degree.
 - (T) MCL 750.520g. Assault with intent to commit criminal sexual conduct
 - (U) MCL 750.539j. Surveillance, photographing, etc., of individual clad only in undergarments, genitalia or buttocks of individual, or unclad breasts of female under circumstances in which individual would have reasonable expectation of privacy;

distribution, dissemination, or transmission of recording, photograph, or visual image obtained in violation of section; other offenses.

- (2) Tribal offenses. Any tribal offense under a law of a tribal sovereign nation that is substantially similar to the offenses listed in the Michigan Sex Offenders Registration Act, Act 295 of 1994 (as amended).
- (3) Federal Offenses. Any federal offense under a law of the United States specifically enumerated in 42 USC § 16911 that is substantially similar to the offenses listed in the Michigan Sex Offenders Registration Act, Act 195 of 1994 (as amended). 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 of children),
 - (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 contact),
 - (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 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 (Mann Act),

- (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).
- (4) 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, or New Zealand that is substantially similar to the offenses listed in the Michigan Sex Offenders Registration Act, Act 295 of 1994 (as amended). A foreign conviction is not a sex offense for the purposes of this code unless it was either:
- (A) Obtained under the laws of Canada, the United Kingdom, Australia, or New Zealand; or
 - (B) Under the laws of any foreign country, when the United States' State Department, in its country reports on human rights practices and has concluded that an independent judiciary generally or vigorously enforced the right to a fair trial, including ensuring sufficient safeguards for fundamental fairness and due process in that country during the year in which the conviction occurred.
- (5) Offenses Involving Consensual Sexual Conduct. An offense involving consensual sexual conduct is not a sex offense for the purposes of this code 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.
- (6) 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).
- (7) Juvenile Offenses or Adjudications. The term "convicted" or a variant thereof, used with respect to a sex offense includes adjudicated delinquent as juvenile for that offense, but only if the offender is fourteen (14) years of age or older at the time of the offense and that offense adjudicated was comparable to or more severe than aggravated sexual abuse (as codified in 18 U.S.C. § 2241) or was an attempt or conspiracy to commit such an 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.
- (8) Jurisdiction Offenses. Any sex offense committed in any state, local and tribal jurisdictions, 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 below eighteen (18) years of age at the time of the offense,
- (J) Any conduct that by its nature is a sex offense against a minor; or
- (K) Any federal offenses similar to those outlined in Section 4.02(b)(3):
 - (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 contact),
 - (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).

History: Tribal Act #10-28.2164, enacted by Tribal Council on July 21, 2010.

§ 4.03 - Tiered Offenses

(a) Tier I Offenses

- (1) **Sex Offenses.** A Tier I offense includes an element involving a sexual act or sexual contact with another or any sex offense, for which a person has been convicted in a state, local, foreign, and/or tribal jurisdiction, or an attempt or conspiracy to commit such an offense that is not a Tier II or Tier III offense.
- (2) **Tribal Offenses.** A Tier I offense includes an element involving a sexual act or sexual contact with another or any sex offense, for which a person has been convicted in a state, local, foreign, and/or tribal jurisdiction, or an attempt or conspiracy to commit such an offense under the tribal code that is not a Tier II or Tier III offense.
- (3) **Certain Federal Offenses.** Conviction for any of the following federal offenses shall be

considered a conviction for a Tier I offense:

- (A) 18 U.S.C. § 2252A (receipt or possession of child pornography),
 - (B) 18 U.S.C. § 2252B (misleading domain names on the Internet),
 - (C) 18 U.S.C. § 2252C (misleading words or digital images on the Internet),
 - (D) 18 U.S.C. § 2424 (failure to file factual statement about an alien individual); and
 - (E) 18 U.S.C. § 2425 (transmitting information about a minor to further criminal sexual conduct).
- (4) Certain Military Offenses. Any military offense specified by the Secretary of Defense under Section 115(a)(8)(C)(i) of Public Law 105-119 (codified at 10 U.S.C. § 951 note) that is similar to those offenses outlined in Section 4.03(a)(1), (2), or (3) shall be considered a Tier I offense.

(b) Tier II Offenses

- (1) Recidivism and Felonies. Unless otherwise covered by a Tier III offense, any sex offense that is not the first sex offense for which a person has been convicted in a state, local, foreign, and/or tribal jurisdiction, and is an offense punishable by more than one year imprisonment, is considered a Tier II offense.
- (2) Certain Federal Offenses. Conviction for any of the following federal offenses shall be considered a conviction for a Tier II offense:
 - (A) 18 U.S.C. § 1591 (sex trafficking by force, fraud or coercion),
 - (B) 18 U.S.C. § 2252A (production or distribution of material containing child pornography),
 - (C) 18 U.S.C. § 2423(b) (travel with the intent to engage in illicit sexual conduct with a minor), and
 - (D) 18 U.S.C. § 2423(c) (engage in illicit conduct in foreign places).
- (3) 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 4.03(b)(1), (2), or (3) shall be considered a Tier II offense.

(c) Tier III Offenses

- (1) Recidivism and Felonies. Any sex offense that is punishable by more than one year in jail where the offender has at least one prior conviction for a Tier II sex offense, or has previously become a Tier II sex offender, is a Tier III offense.
- (2) General Offenses. A Tier III offense includes any sex offense for which a person has been convicted in a state, local, foreign, and/or tribal jurisdiction, or an attempt or conspiracy to

commit such an offense that involves:

- (A) Non-parental kidnapping of a minor,
 - (B) A sexual act with another by force or threat,
 - (C) A sexual act with another who has been rendered unconscious or involuntarily drugged, or who is otherwise incapable of appraising the nature of the conduct or declining to participate; or
 - (D) Sexual contact with a minor 12 years of age or younger, including offenses that cover sexual touching of or contact with the intimate parts of the body, either directly or through the clothing.
- (3) Offenses Involving Minors. A Tier III offense also includes any offense for which a person has been convicted by any jurisdiction, local government, or qualifying foreign country pursuant to Section 4.02(b)(4) that involves the false imprisonment of a minor, video voyeurism of a minor, or possession or receipt of child pornography, or an attempt or conspiracy to commit such an offense that involves:
- (A) The use of minors in prostitution, including solicitations,
 - (B) Enticing a minor to engage in criminal sexual activity,
 - (C) 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,
 - (D) The use of a minor in a sexual performance; or
 - (E) The production or distribution of child pornography.
- (4) Certain Federal Offenses. Conviction for any of the following federal offenses shall be considered conviction for a Tier III offense:
- (A) 18 U.S.C. § 1801 (video voyeurism of a minor),
 - (B) 18 U.S.C. § 2241 (aggravated sexual abuse),
 - (C) 18 U.S.C. § 2242 (sexual abuse),
 - (D) 18 U.S.C. § 2243 [sexual abuse of a minor or ward where the victim is twelve (12) years of age or younger],
 - (E) 18 U.S.C. § 2244 [abusive sexual contact, victim under thirteen (13)],
 - (F) 18 U.S.C. § 2245 (offenses resulting in death),
 - (G) 18 U.S.C. § 2251 (sexual exploitation of children),
 - (H) 18 U.S.C. § 2251A (selling or buying of children),

- (I) 18 U.S.C. § 2252 (material involving the sexual exploitation of a minor),
 - (J) 18 U.S.C. § 2260 (production of sexually explicit depictions of a minor for import into the United States),
 - (K) 18 U.S.C. § 2421 (transportation of a minor for illegal sexual activity),
 - (L) 18 U.S.C. § 2422(a) (coercion and enticement of a minor for illegal sexual activity), and
 - (M) 18 U.S.C. § 2423(a) (transportation of minors to engage in illicit conduct).
- (5) Certain Military Offenses. Any military offense specified by the Secretary of Defense under Section 115(a)(8)(C)(i) of Public Law 105-119 (codified at 10 U.S.C. § 951 note) that is similar to those offenses outlined in Section 4.03(c)(1), (2), or (3) shall be considered a Tier III offense.

History: Tribal Act #10-28.2164, enacted by Tribal Council on July 21, 2010.

§ 4.04 - Registration, Verification and In Person Appearance Requirements

(a) General Requirements

- (1) Duties. A sex offender covered by this code who is required to register with the Tribe pursuant to Chapter 4 shall provide all of the information detailed in this chapter to the GTBPD, which information is then transmitted to MSP pursuant to the cooperative agreement dated June 25, 2009; and the GTBPD shall obtain all of the information detailed in this chapter from covered sex offenders who are required to register with the Tribe in accordance with this code and shall implement any relevant policies and procedures.
- (2) Digitization. All information obtained under this code shall be, at a minimum, maintained by the MSP in a digitized format.
- (3) Electronic Database. A sex offender registry shall be maintained in an electronic database by the MSP and shall be in a form capable of electronic transmission.

(b) Where Registration Is Required

- (1) Jurisdiction of Conviction. A sex offender must initially register with the Grand Traverse Band Tribal Court if the sex offender was convicted by the Tribal Court of a covered sex offense, regardless of the sex offender's actual or intended residency.
- (2) Jurisdiction of Incarceration. A sex offender must register with the GTBPD if the sex offender is incarcerated by the Tribe while completing any sentence for a covered sex offense, regardless of whether it is the same jurisdiction as the jurisdiction of conviction or residence.
- (3) Jurisdiction of Residence. A sex offender must register with the GTBPD if the sex offender resides or is homeless or is a transient within tribal lands.

- (4) Jurisdiction of Employment. A sex offender must register with the GTBPD if he or she is employed by the Tribe in any capacity or otherwise is employed within tribal lands.
 - (5) Jurisdiction of School Attendance. A sex offender must register with the GTBPD if the sex offender is a student in any capacity within tribal lands. A sex offender at any school within a jurisdiction is required to register with that jurisdiction.
 - (6) Jurisdiction of Visitor. Prior to entering tribal lands, a visitor who is completing any sentence for a covered sex offense shall register with the GTBPD. Visitors are not required to register prior to patronizing the tribal gaming establishments or the Eagle Town Market, or to visiting the Tribal Court for a valid purpose.
- (c) Timing of Registration
- (1) Timing. A sex offender required to register with the Tribe under this code shall do so in person and in the following timeframe:
 - (A) If convicted by the GTB for a covered sex offense and incarcerated, the sex offender must register before being released from incarceration.
 - (B) If convicted by the GTB but not incarcerated, no later than twenty-four (24) hours after sentencing for the registration offense.
 - (C) If a visitor has been convicted of a covered offense by the GTB or any other court, the visitor must register within seventy-two (72) hours prior to entry onto tribal lands.
 - (D) For convictions in any other court, including, but not limited to convictions in state, federal, military or foreign courts, a sex offender must appear in person to register with the GTBPD, no later than twenty-four (24) hours of establishing a residence, commencing employment, or becoming a student on tribal lands.
 - (E) If incarcerated in any tribal, state, federal, military or foreign jurisdiction, before release from imprisonment for the registration offense.
 - (2) Duties of GTBPD. The GTBPD or its designees shall have policies and procedures in place to ensure the following:
 - (A) That any sex offender incarcerated or sentenced by the Tribe for a covered sex offense completes their initial registration with the Tribe.
 - (B) Any sex offender initially registering with the Tribe is informed of their duties under SORNA and this code, and that such duties under SORNA and this code are explained to them.
 - (C) That the sex offender reads, or has read to them, and signs an Acknowledgement Form stating that the duty to register has been explained to them and that the sex offender understands the registration requirement.
 - (D) That the sex offender is registered; and

- (E) That upon entry of the sex offender's information into the registry, that information is immediately forwarded to all other jurisdictions in which the sex offender is required to register due to the sex offender's residency, employment, or student status.
- (d) Retroactive Registration
- (1) Retroactive Registration. The GTB shall have in place, policies and procedures to ensure the following three (3) categories of sex offenders are subject to the registration and updating requirements of this code:
 - (A) Sex offenders incarcerated or under the supervision of the Tribe, whether for a covered sex offense or other crime.
 - (B) Sex offenders already registered or subject to a pre-existing sex offender registration requirement under the Tribe's laws.
 - (C) Sex offenders reentering the justice system due to conviction for any crime.
 - (2) Timing of Recapture. The GTB shall ensure recapture of the sex offenders mentioned in Section 4.04(a)(1) within the following timeframe to be calculated from the date of passage of this code:
 - (A) For Tier I sex offenders, one (1) year.
 - (B) For Tier II sex offenders, one hundred eighty (180) days.
 - (C) For Tier III sex offenders ninety (90) days.
- (e) Changes in Information/Keeping Registration Current
- (1) Jurisdiction of Residency. All sex offenders required to register in this jurisdiction shall, within twenty-four (24) hours, appear in person at the GTBPD to update any changes to their name, primary or secondary residence (including termination of residency), employment, or school attendance. All sex offenders required to register in this jurisdiction shall, within twenty-four (24) hours, inform the GTBPD in person of any changes to their temporary lodging information, vehicle information, Internet identifiers, email addresses, instant message addresses, and any other designations used in Internet communications, postings, or telephone communications or numbers. In the event of a change in temporary lodging, the sex offender and the GTBPD shall, within twenty-four (24) hours, notify the jurisdiction in which the sex offender will be temporarily staying.
 - (2) Jurisdiction of School Attendance. Any sex offender who is a student in any capacity within tribal lands, regardless of location, that changes their school, or otherwise terminates their schooling shall, within twenty-four (24) hours, appear in person at the GTBPD to update that information. The GTBPD shall ensure that each jurisdiction in which the sex offender is required to register, or was required to register prior to the updated information being given, is immediately notified of the change.
 - (3) Jurisdiction of Employment. Any sex offender who is employed by the Tribe in any capacity or otherwise is employed within tribal lands, regardless of location, that changes

their employment, or otherwise terminates their employment shall, within twenty-four (24) hours, appear in person at the GTBPD to update that information. The GTBPD shall ensure that each jurisdiction in which the sex offender is required to register, or was required to register prior to the updated information being given, is immediately notified of the change.

- (4) Jurisdiction of Visitor. A sex offender must register with the GTBPD if the sex offender is visiting tribal lands while completing any sentence for a covered sex offense.
 - (5) Duties of the GTBPD. With regard to changes in a sex offender's registration information, the GTBPD shall provide immediate notification to the State of Michigan/MSP, who shall notify consistently with the MOA dated June 25, 2009.
 - (A) All jurisdictions where a sex offender intends to reside, work, or attend school.
 - (B) Any jurisdiction where the sex offender is either registered or required to register.
 - (C) Specifically, with respect to information relating to a sex offender's intent to commence residence, school, or employment outside of the United States, any jurisdiction where the sex offender is either registered or required to register, and the U.S. Marshals Service. The GTBPD shall also ensure this information is immediately updated with the MSP.
- (f) Failure to Appear and Register and Absconding
- (1) Failure to Appear and Register. In the event a sex offender who is required to register due to their employment or school attendance status fails to register with the Tribe, as required by this code, the GTBPD shall take all appropriate follow-up measures, including those outlined in Section 4.04(f), and 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. The GTBPD shall immediately inform the jurisdiction which provided notification to the Tribe of the sex offender's proposed commencement of residency, employment, or school attendance that the sex offender failed to appear for registration with the Tribe.
 - (2) Absconded Sex Offender. If the GTBPD receives information that a sex offender has absconded, the GTBPD shall make an effort to determine if the sex offender has actually absconded.
 - (A) In the event no determination can be made, the GTBPD shall ensure the appropriate law enforcement agency is notified.
 - (B) If the information indicating the possible absconding came through notice from another jurisdiction or federal authorities, the GTBPD shall be informed that the sex offender had failed to appear and register.
 - (C) If an absconded sex offender cannot be located, then the GTBPD shall take the following steps:
 - (i) Update the registry to reflect the sex offender has absconded or is otherwise not capable of being located,
 - (ii) Notify the U.S. Marshals Service,

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

(g) Frequency and Duration of Registration Periods

- (1) Frequency. A sex offender who is required to register shall, at a minimum, appear in person at the GTBPD for purposes of verification and keeping their registration current in accordance with the following time frames:
 - (A) 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.
 - (B) For Tier II offenders, once every one hundred eighty (180) days for twenty-five (25) years from the time of release from custody for a sex offender who is incarcerated for the registration offense or from the date of sentencing for a sex offender who is not incarcerated for the registration offense.
 - (C) For Tier III offenders, once every ninety (90) days for the rest of their lives.

(h) Requirements For In Person Appearances and Address Verification

- (1) Requirements. A sex offender who is required to appear "in person" shall comply with the following:
 - (A) Photographs. At each in person verification, the sex offender shall permit the GTBPD to take a photograph of the offender.
 - (B) Review of Information. At each in person verification, the sex offender shall review existing information for accuracy.
 - (C) Notification. If any new information or change of information is obtained at an in person verification, the GTBPD shall immediately notify the MSP pursuant to the MOA dated June 25, 2009.
- (2) Address Verification. A sex offender who is required to register shall register at the local jurisdiction in person within the first fifteen (15) days of January, April, July, and October of each year they are registered.
 - (A) Homeless. A sex offender who is homeless or transient shall verify the address (city, county, township, and street) daily with the GTBPD, even if that address is a temporary abode at the home of a family member or friend or at a shelter or a bench

on a specific street or a tent in a particular location or any such place where the sex offender frequents or stations himself during the day or sleeps at night.

(i) **Mandatory Disclosure**

- (1) A sex offender who volunteers for an organization where volunteers have direct, private and unsupervised contact with minors, shall notify the organization of the sex offender's conviction at the time of signing up to volunteer. Such notification must be in writing to GTB or its enterprises. GTB or its enterprises which accepts volunteers must notify volunteers of this disclosure requirement upon application of the volunteer to serve or prior to acceptance of any of the volunteer's service, whichever comes first.
- (2) If GTB or its enterprises, after notification by the sex offender, as provided in Section 4.04(i)(1), accepts the sex offender as a volunteer, GTB or its enterprises must notify the parents or guardians of any minors involved in GTB or its enterprises of the sex offender's criminal record.
- (3) Any person required to register must disclose regardless of the date of conviction.
- (4) If a registered sex offender is currently volunteering for GTB or its enterprises, the sex offender must resign or notify GTB or its enterprises immediately upon receipt of notice.

History: Tribal Act #10-28.2164, enacted by Tribal Council on July 21, 2010.

§ 4.05 - Required Information

(a) **Criminal History**

- (1) **Criminal History.** The GTBPD shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's criminal history:
 - (A) The date of all arrests,
 - (B) The date and place of all convictions, adjudication or acquittal by reason of insanity,
 - (C) The sex offender's status of parole, probation, or supervised release,
 - (D) The sex offender's registration status; and
 - (E) Any outstanding arrest warrants.

(b) **Date of Birth**

- (1) **Date of Birth.** The GTBPD shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's date of birth:
 - (A) The sex offender's actual date of birth; and
 - (B) Any other date of birth used by the sex offender.

(c) DNA Sample

- (1) DNA. If the sex offender's DNA is not already contained in the Combined DNA Index System (CODIS), the sex offender shall provide the GTBPD a sample of his DNA.
- (2) CODIS. Any DNA sample obtained from a sex offender shall be submitted to an appropriate lab for analysis and entry of the resulting DNA profile into CODIS.

(d) Driver's Licenses, Identification Cards, Passports, and Immigration Documents

- (1) Driver's License. The GTBPD 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.
- (2) Identification Cards. The GTBPD 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.
- (3) Passports. The GTBPD shall obtain, and a covered sex offender shall provide, a photocopy of any passports used by the sex offender.
- (4) Immigration Documents. The GTBPD shall obtain, and a covered sex offender shall provide, a photocopy of any and all immigration documents.

(e) Employment Information

- (1) Employment. The GTBPD 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 or will be employed in any means, including volunteer and unpaid positions:
 - (A) The name of the sex offender's employer,
 - (B) The address of the sex offender's employer; and
 - (C) Similar information related to any transient or day labor employment.

(f) Finger and Palm Prints

- (1) Finger and Palm Prints. The GTBPD shall obtain, and a covered sex offender shall provide, both finger prints and palm prints of the sex offender in a digitized format.

(g) Internet Identifiers

- (1) Internet Names. The GTBPD shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's, Internet related activity:
 - (A) Any and all email addresses used by the sex offender,
 - (B) Any and all Instant Message addresses and identifiers,
 - (C) Any and all other designations or monikers used for self-identification in Internet

communications or postings; and

- (D) Any and all designations used by the sex offender for the purpose of routing or self-identification in Internet communications or postings.

(h) Name

- (1) Name. The GTBPD shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's name:

- (A) The sex offender's full primary given name,
- (B) Any and all nicknames, aliases, and pseudonyms regardless of the context in which they are used; and
- (C) Any and all ethnic or tribal names by which the sex offender is commonly known. This does not include any religious or sacred names not otherwise commonly known.

(i) Phone Numbers

- (1) Phone numbers and any other designations used by sex offenders for purposes of routing or self-identification in telephonic communications. The GTBPD shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's telephone numbers:

- (A) Any and all land line telephone numbers, and
- (B) Any and all cellular telephone numbers.

(j) Picture

- (1) Photograph. The GTBPD shall obtain, and a covered sex offender shall provide, a current photograph of the sex offender.
- (2) Update Requirements. Unless the appearance of a sex offender has not changed significantly, a digitized photograph shall be collected:

- (A) Every ninety (90) days for Tier III sex offenders,
- (B) Every one hundred eighty (180) days for Tier II sex offenders; and
- (C) Every year for Tier I sex offenders.

(k) Physical Description

- (1) Physical Description. The GTBPD shall obtain, and a covered sex offender shall provide, an accurate description of the sex offender as follows:

- (A) A physical description,
- (B) A general description of the sex offender's physical appearance or characteristics;

and

- (C) Any identifying marks, such as, but not limited to, scars, moles, birthmarks, or tattoos.

(l) Professional Licensing Information

- (1) Professional Licenses. The GTBPD 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.

(m) Residence Address

- (1) Address. The GTBPD shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's residence:

- (A) The address of each residence at which the sex offender resides or will reside; and
- (B) Any location or description that identifies where the sex offender habitually resides regardless of whether it pertains to a permanent residence or location otherwise identifiable by a street or address, even if that address is a temporary abode, at the home of family members or friends or at a shelter or a bench on a specific street or a tent in a particular location or any such place where the sex offender frequents or stations himself during the day or sleeps at night.

(n) School

- (1) School Location. The GTBPD shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's school:

- (A) The address of each school where the sex offender is or will be a student, or is employed (with or without compensation), carries on a vocation; and
- (B) The name of each school at which the sex offender is or will be a student or employed.

(o) Social Security Number

- (1) Social Security. The GTBPD shall obtain, and a covered sex offender shall provide, the following information:

- (A) A valid social security number for the sex offender; and
- (B) Any social security number the sex offender has used in the past, valid or otherwise.

(p) Temporary Lodging

- (1) Lodging Information. The GTBPD shall obtain and a covered sex offender shall provide, the following information when the sex offender will be absent from his residence for three (3) days or more:

- (A) Identifying information of the temporary lodging locations, including addresses and names,
- (B) The dates the sex offender will be staying at each temporary lodging location, and
- (C) Travel Abroad. In the event the sex offender will be traveling outside of the United States for more than three (3) days, the GTBPD shall immediately notify the State of Michigan/MSP, who shall immediately provide this information to INTERPOL consistent with the MOA dated June 25, 2009.

(q) Offense Information.

(1) Offense Information. The GTBPD shall obtain and a covered offender shall provide:

- (A) The text of each provision of law defining the criminal offense(s) for which the sex offender is registered,
- (B) A brief description of the offense for which the registration is required,
- (C) The text of each provision of law mentioned in Section (q)(1)(A) shall be cross-linked to the SORNA databases containing the text of relevant sex-related laws for all jurisdictions,
- (D) Criminal offense history, including a copy of all sex offense judgments, criminal offense dates, age and gender of victim, and probation, parole or other release status and terms and contact information for supervisory group,
- (E) Documentation of any treatment received or any mental abnormality or personality disorder of the person; and
- (F) Any other information deemed necessary.

(r) Vehicle Information

(1) Detailed Information. The GTBPD or designee shall obtain, and a covered sex offender shall provide, the following information related to all vehicles owned, registered to, or operated by, the sex offender for work or personal use, including land vehicles, aircraft, and watercraft:

- (A) License plate numbers,
- (B) Registration numbers or identifiers,
- (C) General description of the vehicle(s), to include color, make, model, and year; and
- (D) Any permanent or frequent location where any covered vehicle is kept.

History: Tribal Act #10-28.2164, enacted by Tribal Council on July 21, 2010.

§ 4.06 - Zones of Restriction

- (a) Prohibition Against Sex Offender Being Present on or Within a Certain Distance of School Building or School Property.
- (1) Unless exempted under Subsection (2), it is unlawful for a person required to register as a sex offender under this code:
- (A) To be present in any school building, on real property comprising any school, or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen (18) are present in the building, on the grounds or in the conveyance; or
 - (B) To loiter or work within three hundred (300) feet of a school building or real property comprising any school.
- (2) A person required to register as a sex offender who is a parent or guardian of a student attending the school and who complies with Subsection (H) may be present on school property if the parent or guardian is:
- (A) Attending a conference at the school with school personnel to discuss the progress of the sex offender's child academically or socially,
 - (B) Participating in child review conferences in which evaluation and placement decisions may be made with respect to the sex offender's child regarding special education services,
 - (C) Attending conferences to discuss other student issues concerning the sex offender's child, such as retention and promotion,
 - (D) Transporting the sex offender's child to and from school, or
 - (E) Present at the school because the presence of the sex offender had been requested by the principal for any other reason relating to the welfare of the child.
 - (F) Subsection (1) of this section shall not apply to a sex offender who is legally enrolled in a particular school or is participating in a school-sponsored educational program located at a particular school when the sex offender is present at that school.
 - (G) In order to exercise the exemption under Subsection (H), a parent or guardian who is required to register as a sex offender must notify the principal of the school of the sex offender's presence at the school unless the offender:
 - (i) Has written permission to be present from the superintendent or the school board, or
 - (ii) The principal has granted ongoing permission, in writing, for regular visits of a routine nature.
 - (H) If permission is granted by the superintendent or the school board, the superintendent or school board president must inform the principal of the school where the sex offender will be present in the school and the sex offender is responsible for

notifying the principal's office upon arrival and upon departure. If the sex offender is to be present in the vicinity of children, the sex offender has the duty to remain under the direct supervision of a school official.

- (I) Nothing in this section shall be construed to infringe upon the constitutional right of a sex offender to be present in a school building that is used as a polling place for the purpose of voting.
- (b) Prohibition of Offenders Residing Within Three Hundred (300) Feet of a School or Day Care.
- (1) Any person, who has been classified as a sex offender, shall not reside within three hundred feet (300) of any school or day care which is in existence at the time the individual begins to reside at the location.
 - (2) If such sex offender has already established a residence and a school or day care is subsequently built or placed within three hundred (300) feet of such person's residence, then such person shall, prior to one (1) week of the opening of such school, notify the Department of Public Safety where such school is located that he or she is now residing within three hundred (300) feet of such school and shall provide verifiable proof to the Department of Public Safety that he or she resided there prior to the opening of such school.
 - (3) Restrictions and prohibitions in the above subsections do not apply to an offender already residing within a school or day care restricted zone prior to the enactment and effective date of the GTB SORNA Code, or an offender who is incarcerated or is at a facility within the zone, or worked within the student safety zone prior to the effective date and offenders who intermittently or sporadically enter a zone for the purposes of work. All registered sex offenders convicted prior to enactment of the GTB SORNA Code AND still living within a restricted zone may not initiate or maintain contact with minors in the restricted zone.

History: Tribal Act #10-28.2164, enacted by Tribal Council on July 21, 2010.

§ 4.07 - Public Sex Offender Registry Website

- (a) Website
- (1) Website. The GTBPD shall use and maintain a public sex offender registry website.
 - (2) Links. The GTBPD registry website shall include links to sex offender safety and education resources.
 - (3) Instructions. The registry website shall include instructions on how a person can seek correction of information that the individual contends is erroneous.
 - (4) Warnings. The registry website shall include a warning that the information contained on the website should not be used to unlawfully injure, harass, or commit a crime against any individual named in the registry or residing or working at any reported addresses and that any such action could result in civil or criminal penalties.
 - (5) Search Capabilities. The registry website shall have the capability of conducting searches by (1) name; (2) county, city, and/or town; and (3) zip code and/or geographic radius.

(6) 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.

(b) Required and Prohibited Information

(1) Required Information. The following information shall be made available to the public on the sex offender registry website:

- (A) Notice that an offender is in violation of their registration requirements or cannot be located if the sex offender has absconded,
- (B) All sex offenses for which the sex offender has been convicted,
- (C) The sex offense(s) for which the offender is currently registered,
- (D) The address of the sex offender's employer(s),
- (E) The name of the sex offender, including all aliases,
- (F) A current photograph of the sex offender,
- (G) A physical description of the sex offender,
- (H) The residential address and, if relevant, a description of a habitual residence of the sex offender,
- (I) All addresses of schools attended by the sex offender; and
- (J) The sex offender's vehicle license plate number along with a description of the vehicle.

(2) Prohibited Information. The following information shall not be available to the public on the sex offender registry website:

- (A) Any arrest that did not result in conviction,
- (B) The sex offender's social security number,
- (C) Any travel and immigration documents,
- (D) The identity of the victim; and
- (E) Internet identifiers (as defined in 42 U.S.C. § 16911).

(3) Witness Protection. For sex offenders who are under a witness protection program, the tribal police may honor the request of the United States Marshals Service or other agency responsible for witness protection by not including the original identity of the offender on the publicly accessible sex offender registry website.

History: Tribal Act #10-28.2164, enacted by Tribal Council on July 21, 2010.

§ 4.08 - Publications and Community Notifications

(a) **Mandatory Publication and Notification**

(1) Within twenty-four (24) hours of a sex offender registering or updating their information, the GTBPD shall disclose the name, address or location; most recent photograph, if available; date of photograph; place of employment; address of school attended; vehicle description and license plate numbers; crime for which convicted; date and place of conviction of any registrant; hair color; height; race; sex and age of any registrant; and any other information deemed necessary for the protection of the public to the MSP pursuant to the MOA dated June 25, 2009, and:

- (A) Each school, public housing agency, and community center in each area in which the sex offender resides, is an employee, or is a student,
- (B) Social service entities responsible for protecting minors in the child welfare system, and any agency, department, or program within the Tribe that is responsible for criminal investigations, prosecution, child welfare or sex offender supervision functions, including, but not limited to, police whether BIA, tribal, or FBI, tribal prosecutors and tribal probation,
- (C) Volunteer organizations in which contact with minors or other vulnerable individuals might occur,
- (D) Any organization, company, or individual who requests such notification pursuant to procedures established by the jurisdiction, and any organization, company, or individual who requests such notification pursuant to procedures established by the jurisdiction, and any agency, department, or program within the Tribe that is responsible for criminal investigations, prosecution, child welfare or sex offender supervision functions, including, but not limited to, police whether BIA, tribal, or FBI, tribal prosecutors and tribal probation,
- (E) To the registering authority or any jurisdiction in which a sex offender plans on residing, working, or going to school,
- (F) Any jurisdiction which notified the GTBPD of an area in which it is the sex offender's intent to reside, work, or go to school on GTB tribal lands who fails to register pursuant to this code; and
- (G) Any qualified entity pursuant to the National Child Protection Act of 1993, pursuant to Section 5119a of Title 42 of the United States Code.

(b) **Publication to National Sex Offender Registry.** Within three (3) business days, the GTBPD shall provide all such information as required to the State of Michigan/MSP, who shall notify consistently with the MOA dated June 25, 2009. For any database that is not required, the GTBPD may, in its discretion, provide information.

- (c) **Publication to Other Law Enforcement Agencies.** Within three (3) business days, the GTBPD shall produce all registrant information to the appropriate law enforcement agency and probation agency, if appropriate, in each area in which the sex offender resides, is an employee, or is a student. Online access of all registrant information is considered sufficient access.
- (d) **Public and Community Notifications**
 - (1) The Department of Public Safety may release to any person, entity, or organization, upon a written request, the name, address or location; most recent photograph, if available; date of photograph; place of employment; address of school attended; vehicle description and license plate numbers; crime for which convicted; date and place of conviction of any registrant; hair; eye color; height; race; sex and age of any registrant; and any other information deemed necessary for the protection of the public. Additionally, the department may utilize an Internet web site or other electronic means to release the information. Further:
 - (A) Individuals may obtain, for a fee, a list of registered sex offenders from the GTBPD, by following the provisions and procedure outlined in GTB's Records Ordinance, 2 GTBC § 401.
 - (B) The Tribe may, at its discretion, publish names and/or pictures of all registered sex offenders in local media.
 - (C) Records maintained pursuant to this chapter shall be open to law enforcement agencies which shall be authorized to release relevant and necessary information regarding sex offenders to the public.
 - (D) Information disclosed pursuant to this subsection shall not include information that would identify the victim.
 - (E) Any release of information under this section will be accompanied by the following:

WARNING

This information is made available for the purpose of protecting the public. It is not to be used for the purpose of harassing or intimidating anyone. A person who uses registry information to commit a criminal act against another person is subject to arrest and prosecution under the GTB Tribal Code.

- (2) **Law Enforcement Notification.** Whenever a sex offender registers or updates his or her information with the tribe, the GTBPD shall:
 - (A) Immediately notify the MSP pursuant to the MOA dated June 25, 2009, as designated by the Attorney General in order that the information may be updated on NSOR or other relevant databases.
 - (B) 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, whether BIA, tribal, or FBI, tribal prosecutors, and tribal probation.
 - (C) Immediately notify any and all other registration jurisdictions where the sex offender

is registered due to the sex offender's residency, school attendance, or employment.

- (D) 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.
- (3) Community Notification. The GTBPD or its designee shall ensure there is an automated community notification process in place that ensures the following:
 - (A) Upon a sex offender's registration or update of information with the Tribe, the Tribe's public sex offender registry website is immediately updated.
 - (B) The Tribe's public sex offender registry has a function that enables the general public to request an e-mail notice when a sex offender commences residence, employment, or school attendance with the Tribe; within a specified zip code; or within a certain geographic radius. This email notice shall include the sex offender's identity so that the public can access the public registry for the new information.

History: Tribal Act #10-28.2164, enacted by Tribal Council on July 21, 2010.

§ 4.09 - Immunity

- (a) Immunity and Good Faith
 - (1) No waiver of immunity. Nothing under this chapter shall be construed as a waiver of sovereign immunity for the GTB, its departments, agencies, employees, or agents.
 - (2) Good faith. Any government employee acting in good faith under this code shall be immune from any civil liability arising out of such actions.

History: Tribal Act #10-28.2164, enacted by Tribal Council on July 21, 2010.

§ 4.10 - Criminal and Civil Sanctions

- (a) Penalties and Sanctions
 - (1) Criminal penalty. Each violation of a provision of this code by a sex offender who is a Native American shall be considered a crime and subject to a period of incarceration of up to one (1) year and/or a fine of up to \$5,000.
 - (2) Criminal Sanctions:
 - (A) Failure to register. Any person required to register under this code within the time specified under this code shall be guilty of an offense punishable by up to one (1) year and/or a fine of up to \$5,000.
 - (B) Providing false or misleading registration information. Any person required to register under this code who knowingly provides false or misleading information

required under Section 4.05 shall be guilty of an offense up to one (1) year and/or a fine of up to \$5,000.

- (C) Failure to update registration information. Any person required to register under this code who fails to update their registration information in violation of Section 4.04(e) shall be guilty of an offense punishable by up to one (1) year and/or a fine of up to \$5,000.
- (D) Failure to appear for periodic registration. Any person required to appear for periodic in person verification under Section 4.04(f) and fails to comply, shall be guilty of an offense punishable by up to one (1) year and/or a fine of up to \$5,000.
- (E) Violation of school zone of restriction. Any sex offender who violates Section 4.06 is guilty of an offense punishable by one (1) year in jail and/or a \$5,000 fine.
- (F) Violation of residency restrictions. Any sex offender who violates Section 4.06(b) is guilty of an offense punishable by up to one (1) year and/or a fine of up to \$5,000.
- (G) Hindrance of Sex Offender Registration. A person is guilty of an offense if he or she:
 - (i) Knowingly harbors or knowingly attempts to harbor, or knowingly assists another person in harboring or attempting to harbor a sex offender who is in violation of this code,
 - (ii) Knowingly assists a sex offender in eluding a law enforcement agency that is seeking to find the sex offender to question the sex offender about, or to arrest the sex offender for, noncompliance with the requirements of this code; or
 - (iii) Provides information to a law enforcement agency regarding a sex offender which the person knows to be false.
- (H) Misuse of Registration Information
 - (i) Any person who willfully misuses or alters public record information relating to a sex offender or sexual predator, or a person residing or working at an address reported by a sex offender, including information displayed by law enforcement agencies on websites, shall be guilty of an offense punishable by ninety-three (93) days in jail or a \$500 fine.
 - (ii) The sale or exchange of sex offender information for profit is prohibited. Any violation of this Subsection (ii) is an offense punishable by ninety-three (93) days in jail or a \$500 fine.
- (I) Repeat Offenders. Any second or subsequent violation under this code occurring within the mandatory registration period shall be an offense punishable by one (1) year in jail or a \$5,000 fine.
- (J) Civil Penalty. Each violation of a provision of this code by a sex offender who is not a Native American shall be considered a civil violation subject to enforcement by any means not prohibited by federal law, including, but not limited to, the issuance of fines, forfeitures, civil contempt.

History: Tribal Act #10-28.2164, enacted by Tribal Council on July 21, 2010.

§ 4.11 - Exclusion

(a) Nonmember Exclusion

- (1) Any nonmember convicted of a Tier III sex offense shall no longer be entitled to reside on tribal lands pursuant to Tribal Council's authority vested in GTB Constitution, Article IV, § 1(g), and shall be excluded from tribal lands pursuant to this code. The exclusion order shall contain the following exceptions:
 - (A) To answer a summons or subpoena by the GTB Tribal Court.
 - (B) To be a defendant in any GTB Tribal Court.
 - (C) To attend the funeral service only of immediate family members, which is limited to one (1) hour prior to and one (1) hour post funeral service.
 - (D) To accompany, because of a legal duty, a person or minor who is eligible to receive medical services, including but not limited to Indian Health Services, performed at the Medicine Lodge or other building by the GTB Health Administration.
- (2) Any nonmember sex offender who is excluded from the reservation and, who must return pursuant to an exception listed above, must notify the GTBPD no less than one (1) business day prior to their return to tribal lands and disclose their exception purpose.
- (3) Any nonmember sex offender who is excluded from the reservation and, who must return pursuant to an exception listed above, has the duty to remain under the direct supervision of tribal authorities or an appointed or an accepted escort.

* Nonmember: "Nonmember" means a person who is not a member of any federally recognized Indian tribe.

(b) Other Tribal Member Exclusion

- (1) Any other tribal member convicted of a Tier III sex offense shall no longer be entitled to reside on tribal lands pursuant to Tribal Council's authority vested in GTB Constitution, Article IV, § 1(g), and shall be excluded from tribal lands pursuant to this code. The exclusion order shall contain the following exceptions:
 - (A) To answer a summons or subpoena by the GTB Tribal Court.
 - (B) To be a defendant in any GTB Tribal Court.
 - (C) To attend the funeral service only of immediate family members, which is limited to one (1) hour prior to and one (1) hour post funeral service.
 - (D) To receive medical services, including but not limited to Indian Health Services, performed at the Medicine Lodge or other building by the GTB Health Administration.

- (E) To accompany, because of a legal duty, a person or minor who is eligible to receive medical services, including but not limited to Indian Health Services, performed at the Medicine Lodge or other building by the GTB Health Administration.
- (2) Any other tribal member sex offender who is excluded from the reservation and, who must return pursuant to an exception listed above, must notify the GTBPD no less than one (1) business day prior to their return to tribal lands and disclose their exception purpose.
- (3) Any other tribal member sex offender who is excluded from the reservation and, who must return pursuant to an exception listed above, has the duty to remain under the direct supervision of tribal authorities or an appointed or an accepted escort.

* Other tribal member: "Other tribal member" means a person who is duly enrolled or is a member of a federally recognized Indian tribe other than the GTB Indian tribe.

- (c) (Reserved)¹
- (d) Gaming Exception. The exclusions and requirements listed in Subpart (a) for nonmembers, Subpart (b) for other tribal members and Subpart (c) for GTB Tribal members does not apply to the gaming floors owned and operated by the Grand Traverse Band.

History: Tribal Act #10-28.2164, enacted by Tribal Council on July 21, 2010.

§ 4.12 - Savings Clause

If any court of competent jurisdiction finds that any section, subsection, or phrase of this code violates the Constitution or laws of the GTB, such stand alone part will be deleted from the statute and, so long as the intent remains intact, the remainder of the statute will take full force and effect.

History: Tribal Act #10-28.2164, enacted by Tribal Council on July 21, 2010.

¹ Editor's Note: Former Subsection (c), GTB Tribal Member Exclusion, was repealed by Tribal Act #12-30.2350, enacted by Tribal Council on 3-21-2012, retroactively from the date of enactment by Tribal Act #10-28.2164 (7-21-2010).