



PUEBLO OF ISLETA

P.O. BOX 1290
ISLETA, NM 87022

PUEBLO OF ISLETA Resolution No. 2011-036

Amending the Pueblo of Isleta Sex Offender Registry and Notification Ordinance

WHEREAS, the Pueblo of Isleta is a federally recognized Indian tribe with a written Constitution adopted pursuant to the Indian Reorganization Act;

WHEREAS, pursuant to authority granted by the Pueblo of Isleta Constitution, the Tribal Council chose to have the Pueblo of Isleta create and maintain a sex offender registry described in the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248 (hereinafter "Adam Walsh Act"), as more particularly described in Tribal Council Resolution No. 2007-080 (May 18, 2007);

WHEREAS, Article V, Section 2(e), of the Pueblo of Isleta Constitution authorizes the Tribal Council to enact ordinances to protect the peace, safety, property, health, and general welfare of the members of the Pueblo of Isleta;

WHEREAS, in order to create and maintain a sex offender registry and to comply with the Adam Walsh Act, on May 11, 2010, the Pueblo of Isleta enacted a sex offender registry through Pueblo of Isleta law (Tribal Council Resolution No. 2010-66), known as the Pueblo of Isleta Sex Offender Registration and Notification Ordinance ("SORN Ordinance");

WHEREAS, on June 3, 2011, the U.S. Department of Justice Sentencing, Monitoring, Apprehending, Registering, and Tracking Office ("SMART Office") reviewed the Pueblo's SORN Ordinance for compliance with the Adam Walsh Act;

WHEREAS, the SMART Office proposed certain revisions to the SORN Ordinance based on guidance issued by the U.S. Department of Justice subsequent to Pueblo's enactment of the SORN Ordinance; and

WHEREAS, the Tribal Council finds that it is in the best interest of the Pueblo of Isleta to amend the SORN Ordinance to comply with the SMART Office review.

NOW THEREFORE BE IT RESOLVED that the Tribal Council hereby amends the Ordinance as attached.

BE IT FURTHER RESOLVED that the Tribal Council authorizes the Governor to do all that is necessary to effectuate the intent of this Resolution.

CERTIFICATION

We, the undersigned officials of the Pueblo of Isleta, hereby certify that the foregoing Resolution was duly adopted by the Pueblo of Isleta Tribal Council at a regular meeting held on the 23rd day of June, 2011, with a quorum present, with -12- voting for, -0- opposing, and -0- abstaining.

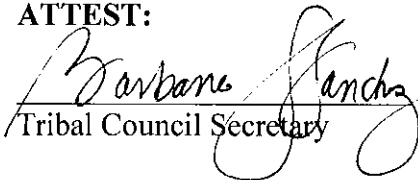


Tribal Council President



Pueblo of Isleta Governor

ATTEST:



Tribal Council Secretary



PUEBLO OF ISLETA

SEX OFFENDER REGISTRATION AND NOTIFICATION ORDINANCE

AMENDED BY TRIBAL COUNCIL on June 23, 2011

SEX OFFENDER REGISTRATION ORDINANCE

TABLE OF CONTENTS

CHAPTER 1.	GENERAL MATTERS	1
SECTION 1.01.	Title	1
SECTION 1.02.	Purpose.....	1
SECTION 1.03.	Need.....	1
SECTION 1.04.	Creation of Registries	1
CHAPTER 2.	TERMINOLOGY AND COVERED OFFENSES	2
SECTION 2.01.	Definitions.....	2
SECTION 2.02.	Covered Offenses.....	3
CHAPTER 3.	TIERED OFFENSES.....	8
SECTION 3.01.	Tier 1 Offenses.....	8
SECTION 3.02.	Tier 2 Offenses.....	8
SECTION 3.03.	Tier 3 Offenses.....	9
CHAPTER 4.	REQUIRED INFORMATION	11
SECTION 4.01.	General Requirements.....	11
SECTION 4.02.	Criminal History	11
SECTION 4.03.	Date of Birth	11
SECTION 4.04.	DNA Sample.....	11
SECTION 4.05.	Driver's Licenses, Identification Cards, Passports, and Immigration Documents	11
SECTION 4.06.	Employment Information.....	12
SECTION 4.07.	Finger and Palm Prints.....	12
SECTION 4.08.	Internet Identifiers.....	12
SECTION 4.09.	Name	12
SECTION 4.10.	Phone Numbers.....	12
SECTION 4.11.	Picture	13
SECTION 4.12.	Physical Description	13
SECTION 4.13.	Professional Licensing Information.....	13
SECTION 4.14.	Residence Address	13
SECTION 4.15.	School	13
SECTION 4.16.	Social Security Number	14
SECTION 4.17.	Temporary Lodging	14
SECTION 4.18.	Offense Information.....	14
SECTION 4.19.	Vehicle Information	14
SECTION 4.20.	Frequency, Duration and Reduction	14
SECTION 4.21.	Requirements for In Person Appearances.....	15
CHAPTER 5.	REGISTRATION	16
SECTION 5.01.	When Registration Is Required.....	16
SECTION 5.02.	Timing of Registration.....	16
SECTION 5.03.	Retroactive Registration.....	17
SECTION 5.04.	Keeping Registration Current	17
SECTION 5.05.	Failure To Appear For Registration and Absconding.....	18
CHAPTER 6	PUBLIC SEX OFFENDER REGISTRY WEBSITE	19
SECTION 6.01.	Website	19
SECTION 6.02.	Required and Prohibited Information	19

SECTION 6.03	Community Notification	20
CHAPTER 7	IMMUNITY AND SEVERABILITY	21
CHAPTER 8	CRIMES AND CIVIL SANCTIONS	21

CHAPTER 1: GENERAL PROVISIONS

Sec. 1.01 TITLE

This Ordinance shall be known as the Pueblo of Isleta Sex Offender Registration and Notification Ordinance (“Ordinance”).

Sec. 1.02 PURPOSE

The purpose of this Ordinance is to implement Tribal Council Resolution 2007-080 and the federal Sex Offender Registration and Notification Act, Title I of Public Law 109-248 (hereinafter “SORNA”) and shall be interpreted liberally to comply with the terms and conditions of SORNA as presently written or hereafter amended.

Sec. 1.03 NEED

The Pueblo of Isleta has a compelling interest to protect the safety, health, and general welfare of its members.

The Tribal Council finds that the conduct and presence of convicted sex offenders with Pueblo of Isleta lands threatens the political integrity, economic security, health and welfare of the Pueblo of Isleta.

Sec. 1.04 CREATION OF REGISTRY

- A. Sex Offender Registry. There is hereby established a sex offender registry, which the Isleta Tribal Police Department shall maintain and operate pursuant to the provisions of this Ordinance, as amended.
- B. Public Sex Offender Registry Website. There is hereby established a public sex offender registry website, which the Isleta Tribal Police Department shall maintain and operate pursuant to the provisions of this Ordinance, as amended.

Sec. 1.05 SCOPE

The provisions of this Ordinance shall apply to Pueblo of Isleta lands, which shall consist of:

- A. Land held in trust by the federal government for the benefit of the Pueblo of Isleta;
- B. Land owned by the Pueblo of Isleta and subject to the restriction against alienation; and
- C. Land that is otherwise under the jurisdiction or will become under jurisdiction of the Pueblo of Isleta.

CHAPTER 2. TERMINOLOGY AND COVERED OFFENSES

2.01 DEFINITIONS

The Definitions below apply to this Ordinance:

- A. **Convicted.** An adult sex offender is “convicted” for the purposes of this Ordinance if the sex offender has been subject to penal consequences based on the conviction, however the conviction may be styled. A juvenile offender is “convicted” for purpose of this Ordinance if the juvenile offender is either:
 - 1. Prosecuted and found guilty as an adult for a sex offense; or
 - 2. Is adjudicated delinquent as a juvenile for a sex offense, but only if the offender is 14 years of age or older at the time of the offense and the offense adjudicated was comparable to or more severe than aggravated sexual abuse (as described in either (a) or (b) of section 2241 of title 18, United States Code), or was an attempt or conspiracy to commit such an offense.
- B. **Foreign Convictions.** A foreign conviction is one obtained outside of the United States.
- C. **Employee.** The term “employee” as used in this Ordinance includes, but is not limited to, an individual who is self-employed or works for any other entity, regardless of compensation including but not limited to volunteers, interns, externs, and apprentices.
- D. **Immediate.** “Immediate” and “immediately” mean within 3 business days.
- E. **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 local or tribal “jail”.
- F. **Jurisdiction.** The term “jurisdiction” as used in this Ordinance refers to the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, the United States Virgin Islands, and any Indian tribe. This includes the Pueblo of Isleta.
- G. **Minor.** The term “minor” means an individual who has not attained the age of 18 years.
- H. **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. This includes sex offenders who visit the reservation for a period of 24 hours or more.
- I. **Sex Offense.** The term “sex offense” as used in this Ordinance includes those offenses contained in 42 U.S.C. § 16911(5) and those offenses enumerated in Section 2.02 of this Ordinance or any other covered offense under tribal law. An offense involving consensual sexual conduct is not a sex offense for the purposes of this Ordinance if the victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense, or if the victim was at least 13 years old and the offender was not more than 4 years older than the victim.
- J. **Sex Offender.** A person convicted of a sex offense is a “sex offender”.
- K. **Sexual Act.** The term “sexual act” means:
 - 1. contact between the penis and the vulva or the penis and the anus, and for purpose of this definition contact involving the penis occurs upon penetrations, 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; or
 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.
- L. 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.
 - M. Student. A “student” is a person who enrolls in or attends either a private or public education institution, including a secondary school, trade or professional school, or an institution of higher education.
 - N. 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.
 - O. Sex Offender Registry. The term “sex offender registry” means the registry of sex offenders, and a notification program, maintained by Isleta Tribal Police Department.
 - P. National Sex Offender Registry (NSOR). The national database maintained by the Attorney General of the United States pursuant to 42 U.S.C. §16919.
 - Q. SMART Office. The Office of Sex Offender sentencing, Monitoring, Apprehending, Registering, and Tracking which was established within the United States Department of Justice under the general authority of the Attorney General of the United States pursuant to 42 U.S.C. §16945
 - R. 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.
 - S. “Tier 1 Sex Offender”. A “tier 1 sex offender”, or a “sex offender” designated as “tier 1”, is one that has been convicted of a “tier 1” sex offense as defined in section 3.01.
 - T. “Tier 2 Sex Offender”. A “tier 2 sex offender”, or a “sex offender” designated as “tier 2”, is one that has been convicted of a “tier 2” sex offense as defined in section 3.02, or who is subject to the recidivist provisions of 3.02(B).
 - U. “Tier 3 Sex Offender”. A “tier 3 sex offender”, or a “sex offender” designated as “tier 3”, is one that has been either convicted of a “tier 3” sex offense as defined in section 3.03, or who is subject to the recidivist provisions of 3.03(B).

Sec. 2.02 COVERED OFFENSES

The requirements of this Ordinance apply to the following:

1. An individual who reside within Pueblo of Isleta lands regardless of location,
2. An individual employed within Pueblo of Isleta lands regardless of location,
3. An individual who attend school within Pueblo of Isleta lands regardless of location, and
4. An individual who visit the reservation for a period of 24 hours or more.

An individual in subsections A through D who have been convicted of the following offenses, or convicted of an attempt or conspiracy to commit any of the following offenses, will be subject to the requirements of this Ordinance:

A. Tribal Offenses. Any conviction for any of the following, and any other offense here after included within SORNA:

1. 30-05-07. Enticement of a Child.
2. 30-05-08. Molestation of a Child.
3. 30-05-09. Sexual Conduct With a Minor.
4. 30-05-10. Public Sexual Indecency to a Minor.
5. 30-05-11. Sexual Exploitation of a Child.
6. 30-05-12. Commercial Sexual Exploitation of a Child.
7. 30-08-02. Indecent Exposure.
8. 30-08-03. Public Sexual Indecency.
9. 30-08-04. Knowingly Transmitting a Contagious Disease.
10. 30-08-05. Sexual Assault.
11. 30-08-06. Sexual Assault of a Spouse.
12. 30-09-02. Incest.

B. Federal Offenses. A conviction for any of the following, and any other offense here after included within SORNA:

1. 18 U.S.C. §1591 (sex trafficking of children),
2. 18 U.S.C. §1801 (video voyeurism of a minor),
3. 18 U.S.C. §2241 (aggravated sexual abuse),
4. 18 U.S.C. §2242 (sexual abuse),
5. 18 U.S.C. §2243 (sexual abuse of a minor or ward),
6. 18 U.S.C. §2244 (abusive sexual contact),
7. 18 U.S.C. §2245 (offenses resulting in death),
8. 18 U.S.C. §2251 (sexual exploitation of children),
9. 18 U.S.C. §2251A (selling or buying of children),

10. 18 U.S.C. §2252 (material involving the sexual exploitation of a minor),
 11. 18 U.S.C. §2252A (material containing child pornography),
 12. 18 U.S.C. §2252B (misleading domain names on the internet),
 13. 18 U.S.C. §2252C (misleading words or digital images on the internet),
 14. 18 U.S.C. §2260 (production of sexually explicit depictions of a minor for import into the United States),
 15. 18 U.S.C. §2421 (transportation of a minor for illegal sexual activity),
 16. 18 U.S.C. §2422 (coercion and enticement of a minor for illegal sexual activity),
 17. 18 U.S.C. §2423 (Mann Act).
 18. 18 U.S.C. §2424 (failure to file factual statement about alien individual),
 19. 18 U.S.C. §2425 (transmitting information about a minor to further criminal sexual conduct).
- C. Foreign Offenses. Any conviction for a sex offense involving any conduct listed in Section 2.02.B which was obtained under the laws of Canada, the United Kingdom, Australia, New Zealand, and any foreign country where 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.
- D. Military Offenses. Any military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of P.L. 105-119 (codified at 10 U.S.C. 951).
- E. Juvenile Offenses or Adjudications. Any sex offense, or attempt or conspiracy to commit a sex offense, that is comparable to or more severe than the federal crime of aggravated sexual abuse (as codified in 18 U.S.C. §2241) and committed by a minor who is 14 years of age or older at the time of the offense. This includes engaging in a sexual act with another by rendering unconscious or involuntarily drugging the victim.
- F. Jurisdiction Offenses. Any sex offense committed in any jurisdiction, including but not limited to the Pueblo of Isleta and a Code of Federal Regulation court, that involves:
1. Any type 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 understood broadly to include any direction, request, enticement, persuasion, or encouragement of a minor to engage in sexual conduct,
 6. Use of a minor in a sexual performance,
 7. Solicitation of a minor to practice prostitution,
 8. Possession, production, or distribution of child pornography,

9. Criminal sexual conduct that involves physical contact with a minor or the use of the internet to facilitate or attempt such conduct. This includes offenses 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,
 10. Any conduct that by its nature is a sex offense against a minor, and
 11. Any offense similar to those outlined in:
 - a. 18 U.S.C. §1591 (sex trafficking by force, fraud, or coercion),
 - b. 18 U.S.C. §1801 (video voyeurism of a minor),
 - c. 18 U.S.C. §2241 (aggravated sexual abuse),
 - d. 18 U.S.C. §2242 (sexual abuse),
 - e. 18 U.S.C. §2244 (abusive sexual contact),
 - f. 18 U.S.C. §2422(b)(coercing a minor to engage in prostitution), or
 - g. 18 U.S.C. §2423(a) (transporting a minor to engage in illicit conduct).
- G. “Sex Offense” Except as limited by subparagraph 6 or 7, the term “sex offense” means:
1. A criminal offense that has an element involving a sexual act or sexual contact with another;
 2. A criminal offense that is a “specified offense against a minor”. The term “specified offense against a minor” means an offense against a minor that involves any of the following:
 - a. An offense (unless committed by a parent or guardian) involving kidnapping.
 - b. An offense (unless committed by a parent or guardian) involving false imprisonment.
 - c. Solicitation to engage in sexual conduct.
 - d. Use in a sexual performance.
 - e. Solicitation to practice prostitution.
 - f. Video voyeurism as described in 18 U.S.C. §1801.
 - g. Possession, production, or distribution of child pornography.
 - h. Criminal sexual conduct involving a minor, or the use of the Internet to facilitate or attempt such conduct.
 - i. any conduct that by its nature is a sex offense against a minor;
 3. A Federal offense (including an offense prosecuted under section 1152 or 1153 of Title 18 of the United States Code) under section 1591, or chapter 109A, 110 (other than section 2257, 2257A, or 2258), or 117, of Title 18 of the United States Code;
 4. A military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of P. L. 105-119 (10 U.S.C. 951 note); or

5. An attempt or conspiracy to commit an offense described in clauses (1) through (4).
6. Offense involving Consensual Sexual Conduct. An offense involving consensual sexual conduct is not a sex offense for the purposes of the Ordinance if the victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense, or if the victim was at least thirteen (13) years old and the offender was not more than four (4) years older than the victim.
7. Foreign Offenses. A foreign conviction is not a sex offense for the purpose of this Ordinance unless it was either:
 - a. obtained under the laws of Canada, the United Kingdom, Australia, New Zealand, or
 - b. under the laws of any foreign country when the United States State Department in its Country Reports on Human Rights Practices has concluded that an independent judiciary generally or vigorously enforced the right to a fair trial in that country during the year in which the conviction occurred.

CHAPTER 3. TIERED OFFENSES

Sec. 3.01 TIER 1 OFFENSES

- A. Sex Offenses. A “Tier 1” offense includes any sex offense for which a person has been convicted, or an attempt or conspiracy to commit such an offense, that is not a “Tier 2” or “Tier 3” offense.
- B. Offenses Involving Minors. A “Tier 1” offense also includes any offense for which a person has been convicted by a jurisdiction, local government, or qualifying foreign country pursuant to Section 2.02(C) that involves the false imprisonment of a minor, video voyeurism of a minor, or possession or receipt of child pornography.
- C. Tribal Offense. Any sex offense covered by this Ordinance where punishment was limited to one year in jail shall be considered a “Tier 1” sex offense.
- D. Certain Federal Offenses. Conviction for any of the following federal offenses shall be considered “Tier 1” offenses:
 - 1. 18 U.S.C. §1801 (video voyeurism of a minor),
 - 2. 18 U.S.C. §2252 (receipt or possession of child pornography),
 - 3. 18 U.S.C. §2252A (receipt or possession of child pornography),
 - 4. 18 U.S.C. §2252B (misleading domain names on the internet),
 - 5. 18 U.S.C. §2252C (misleading words or digital images on the internet),
 - 6. 18 U.S.C. §2422(a) (coercion to engage in prostitution),
 - 7. 18 U.S.C. §2423(b) (travel with the intent to engage in illicit conduct),
 - 8. 18 U.S.C. §2423(c) (engaging in illicit conduct in foreign places),
 - 9. 18 U.S.C. §2424 (failure to file factual statement about an alien individual), and
 - 10. 18 U.S.C. §2425 (transmitting information about a minor to further criminal sexual conduct).
- E. Certain Military Offenses. Any military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of P.L. 105-119 (codified at 10 U.S.C. §951) that is similar to those offenses outlined in Section 3.01(A),(B), or (C) shall be considered “Tier 1” offenses.

Sec. 3.02 TIER 2 OFFENSES

- A. Recidivism and Felonies. Unless otherwise covered by Section 3.03, 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 considered a “Tier 2” offense.
- B. Offenses Involving Minors. A “Tier 2” offense includes any sex offense for which a person has been convicted, or an attempt or conspiracy to commit such an offense, that involves:
 - 1. The use of minors in prostitution, including solicitations,
 - 2. Enticing a minor to engage in criminal sexual activity,

3. Sexual contact with a minor 13 years of age or older, whether direct or through the clothing, that involves the intimate parts of the body,
 4. The use of a minor in a sexual performance, or
 5. The production for distribution of child pornography.
- C. Certain Federal Offenses. Conviction for any of the following federal offenses shall be considered “Tier 2” offenses:
1. 18 U.S.C. §1591 (sex trafficking by force, fraud, or coercion),
 2. 18 U.S.C. §2243 (sexual abuse of a minor or ward),
 3. 18 U.S.C. §2244 (Abuse sexual contact, where the victim is 18 years of age or older),
 4. 18 U.S.C. §2251 (sexual exploitation of children),
 5. 18 U.S.C. §2251A (selling or buying of children),
 6. 18 U.S.C. §2252 (material involving the sexual exploitation of a minor),
 7. 18 U.S.C. §2252A (production or distribution of material containing child pornography),
 8. 18 U.S.C. §2260 (production of sexually explicit depictions of a minor for import into the United States),
 9. 18 U.S.C. §2421 (transportation of a minor for illegal sexual activity),
 10. 18 U.S.C. §2422(b)(coercing a minor to engage in prostitution),
 11. 18 U.S.C. §2423(a) (transporting a minor to engage in illicit conduct).
- D. Certain Military Offenses. Any military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of P.L. 105-119 (codified at 10 U.S.C. §951) that is similar to those offenses outlined in Section 3.02(A),(B), or (C) shall be considered “Tier 2” offenses.

Sec. 3.03 TIER 3 OFFENSES

- A. Recidivism and Felonies. Any sex offense that is punishable by more than one year in jail where the offender has at least one prior conviction for a Tier 2 sex offense or has previously become a Tier 2 sex offender is a “Tier 3” offense.
- B. General Offenses. A “Tier 3” offense includes any sex offense for which a person has been convicted, or an attempt or conspiracy to commit such an offense, that involves:
1. Non-parental kidnapping of a minor,
 2. A sexual act with another by force or threat,
 3. A sexual act with another who has been rendered unconscious or involuntarily drugged, or who is otherwise incapable of appraising the nature of the conduct or declining to participate, or
 4. Sexual contact with a minor 12 years of age or younger, including offenses that cover sexual touching of or contact with the intimate parts of the body, either directly or through the clothing.

- C. Certain Federal Offenses. Conviction for any of the following federal offenses shall be considered “Tier 3” offenses:
1. 18 U.S.C. §2241 (a) and (b) (aggravated sexual abuse),
 2. 18 U.S.C. §2242 (sexual abuse), or
 3. Where the victim is 12 years of age or younger, 18 U.S.C. §2244 (abusive sexual contact).
- D. Certain Military Offenses. Any military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of P.L. 105-119 (codified at 10 U.S.C. §951) that is similar to those offenses outlined in Section 3.03(A),(B), or (C) shall be considered “Tier 3” offenses.

CHAPTER 4. REQUIRED INFORMATION

Sec. 4.01 GENERAL REQUIREMENTS

- A. Duties. A sex offender covered by this Ordinance who is required to register with the Pueblo of Isleta pursuant to Chapter 5 shall provide all of the information detailed in this chapter to the Isleta Tribal Police Department, who shall obtain all of the information detailed in this chapter from covered sex offenders who are required to register with the Pueblo of Isleta in accordance with this Ordinance. The Isleta Tribal Police Department shall implement policies and procedures consistent with this Ordinance, which shall be duly promulgated by Tribal Council prior to implementation.
- B. Digitization. All information obtained under this Ordinance shall be, at a minimum, maintained by the Isleta Tribal Police Department in digitized format.
- C. Electronic Database. A sex offender registry shall be maintained in an electronic database by the Isleta Tribal Police Department and shall be in a form capable of electronic transmission..

Sec. 4.02 CRIMINAL HISTORY

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

Sec. 4.03 DATE OF BIRTH

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

Sec. 4.04 DNA SAMPLE

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

Sec. 4.05 DRIVER'S LICENSES, IDENTIFICATION CARDS, PASSPORTS, AND IMMIGRATION DOCUMENTS

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

Sec. 4.06 EMPLOYMENT INFORMATION

- A. Employment. The Isleta Tribal Police Department shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's employment, to include any and all places where the sex offender is employed in any means including volunteer and unpaid positions:
 - 1. The name of the sex offender's employer,
 - 2. The address of the sex offender's employer, and
 - 3. Similar information related to any transient or day labor employment.

Sec. 4.07 FINGER AND PALM PRINTS

- A. Finger and Palm Prints. The Isleta Tribal Police Department shall obtain, and a covered sex offender shall provide, both finger prints and palm prints of the sex offender in a digitized format.

Sec. 4.08 INTERNET IDENTIFIERS

- A. Internet Names. The Isleta Tribal Police Department shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's internet related activity:
 - 1. Any and all email addresses used by the sex offender,
 - 2. Any and all Instant Message addresses and identifiers,
 - 3. Any and all other designations or monikers used for self-identification in internet communications or postings, and
 - 4. Any and all designations used by the sex offender for the purpose of routing or self-identification in internet communications or postings.

Sec. 4.09 NAME

- A. Name. The Isleta Tribal Police Department shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's name:
 - 1. The sex offender's full primary given name,
 - 2. Any and all nicknames, aliases, and pseudonyms regardless of the context in which it is used, and

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

Sec. 4.10 PHONE NUMBERS

- A. Phone Numbers. The Isleta Tribal Police Department shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's telephone numbers:
 1. Any and all land line telephone numbers, and
 2. Any and all cellular telephone numbers.

Sec. 4.11 PICTURE

- A. Photograph. The Isleta Tribal Police Department shall obtain, and a covered sex offender shall provide, a current photograph of the sex offender.
- B. Update Requirements. Unless the appearance of a sex offender has not changed significantly, a digitized photograph shall be collected :
 1. Every 90 days for Tier 3 sex offenders,
 2. Every 180 days for Tier 2 sex offenders, and
 3. Every year for Tier 1 sex offenders.

Sec. 4.12 PHYSICAL DESCRIPTION

- A. Physical Description. The Isleta Tribal Police Department shall obtain, and a covered sex offender shall provide, an accurate description of the sex offender as follows:
 1. A physical description,
 2. A general description of the sex offender's physical appearance or characteristics, and
 3. Any identifying marks, such as, but not limited to, scars, moles, birthmarks, or tattoos.

Sec. 4.13 PROFESSIONAL LICENSING INFORMATION

- A. Professional Licenses. The Isleta Tribal Police Department 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.

Sec. 4.14 RESIDENCE ADDRESS

- A. Address. The Isleta Tribal Police Department shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's residence:
 1. The address of each residence at which the sex offender resides or will reside, and
 2. Any location or description that identifies where the sex offender habitually resides regardless of whether it pertains to a permanent residence or location otherwise identifiable by a street or address.

Sec. 4.15 SCHOOL

- A. School Location. The Isleta Tribal Police Department shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's school:
1. The address of each school where the sex offender is or will be a student, and
 2. The name of each school the sex offender is or will be a student.

Sec. 4.16 SOCIAL SECURITY NUMBER

- A. Social Security. The Isleta Tribal Police Department shall obtain, and a covered sex offender shall provide, the following information:
1. A valid social security number for the sex offender, and
 2. Any social security number the sex offender has used in the past, valid or otherwise.

Sec. 4.17 TEMPORARY LODGING

- A. Lodging Information. The Isleta Tribal Police Department shall obtain, and a covered sex offender shall provide, the following information when the sex offender will be absent from his residence for 7 days or more:
1. Identifying information of the temporary lodging locations including addresses and names, and
 2. The dates the sex offender will be staying at each temporary lodging location.
 3. Travel Abroad. In the event the sex offender will be traveling outside the United States for more than 7 days, the Isleta Tribal Police Department shall immediately provide this information to U.S. Marshall's Office ~~INTERPOL~~. The sex offender shall personally appear to notify the Isleta Police Department at least twenty-one (21) days in advance of such travel and shall at that time convey to the Isleta Police Department the specific travel documentation including destination(s), flight and accommodations information.

Sec. 4.18 OFFENSE INFORMATION

- A. Offense Information. The Isleta Tribal Police Department shall obtain the text of each provision of law defining the criminal offense(s) for which the sex offender is registered.

Sec. 4.19 VEHICLE INFORMATION

- A. Detailed Information. The Isleta Tribal Police Department shall obtain, and a covered sex offender shall provide, the following information related to all vehicles owned or operated by the sex offender for work or personal use including land vehicles, aircraft, and watercraft:
1. License plate numbers,
 2. Registration numbers or identifiers,
 3. General description of the vehicle to include color, make, model, and year, and
 4. Any permanent or frequent location where any covered vehicle is kept.

Sec. 4.20 FREQUENCY, DURATION AND REDUCTION

- A. Frequency. A sex offender who is required to register shall, at a minimum, appear in person at the Isleta Tribal Police Department for purpose of verification and keeping their registration current in accordance with the following time frames:
 - 1. For “Tier 1” offenders, once every 90 days for the rest of their lives.
 - 2. For “Tier 2” offenders, once every 90 days for the rest of their lives
 - 3. For “Tier 3” offenders, once every 90 days for the rest of their lives.
- B. Reduction of Registration Periods. A sex offender may have their period of registration reduced as follows:
 - 1. A Tier 1 offender may have his or her period of registration reduced to 10 years if he or she has maintained a clean record for 10 consecutive years;
 - 2. A Tier 3 offender may have his or her period of registration reduced to 15 years if he or she was adjudicated delinquent of an offense as a juvenile that required Tier 3 registration and he or she has maintained a clean record for 25 consecutive years.
- C. Clean Record. For purposes of Chapter 4.20(B) a person has a clean record if:
 - 1. He or she has not been convicted of any offense, for which imprisonment for more than 1 year may be imposed,
 - 2. He or she has not been convicted of any sex offense,
 - 3. He or she has successfully completed, without revocation, any period of supervised release, probation, or parole, and
 - 4. He or she has successfully completed an appropriate sex offender treatment program certified by the Pueblo of Isleta, another jurisdiction, or by the Attorney General of the United States.

Sec. 4.21 REQUIREMENTS FOR IN PERSON APPEARANCES

- A. Photographs. At each in person verification, the sex offender shall permit the Isleta Tribal Police Department to take a photograph of the offender.
- B. Review of Information. At each in person verification the sex offender shall review existing information for accuracy.
- C. Notification. If any new information or change in information is obtained at an in person verification, the Isleta Tribal Police Department shall immediately notify all other registration jurisdictions of the information or change in information.

CHAPTER 5 REGISTRATION

Sec. 5.01 WHERE REGISTRATION IS REQUIRED

- A. Jurisdiction of Conviction. A sex offender must initially register with the Isleta Tribal Police Department of Pueblo of Isleta if the sex offender was convicted by the Tribal Court of a covered sex offense regardless of the sex offender's actual or intended residency.
- B. Jurisdiction of Incarceration. A sex offender must register with the Isleta Tribal Police Department of Pueblo of Isleta if the sex offender is incarcerated by the Pueblo of Isleta while completing any sentence for a covered sex offense, regardless of whether it is the same jurisdiction as the jurisdiction of conviction or residence.
- C. Jurisdiction of Residence. A sex offender must register with the Isleta Tribal Police Department of Pueblo of Isleta if the sex offender resides within lands subject to the jurisdiction of the Pueblo of Isleta.
- D. Jurisdiction of Residence. A sex offender must register with the Isleta Tribal Police Department of the Pueblo of Isleta if the sex offender resides with the lands of the Pueblo of Isleta.
- E. Jurisdiction of School Attendance. A sex offender must register with the Isleta Tribal Police Department of the Pueblo of Isleta if the sex offender is a student in any capacity with the land of the Pueblo of Isleta.

Sec. 5.02 TIMING OF REGISTRATION

- A. Timing. A sex offender required to register with the Pueblo of Isleta under this Ordinance shall do so in the following timeframe:
 - 1. If convicted by the Pueblo of Isleta for a covered sex offense and incarcerated, the sex offender must register before being released from incarceration;
 - 2. If convicted by the Pueblo of Isleta but not incarcerated, within 3 business days of sentencing for the registration offense, and
 - 3. Within 3 business days of establishing a residence, commencing employment, or becoming a student on the lands of the Pueblo of Isleta, a sex offender must appear in person to register with the Isleta Tribal Police Department.
- B. Duties of Isleta Tribal Police Department. The Isleta Tribal Police Department shall have policies and procedures in place to ensure the following:
 - 1 That any sex offender incarcerated or sentenced by the Pueblo of Isleta for a covered sex offense completes their initial registration with the Pueblo of Isleta,
 - 2 The sex offender reads and signs a form stating that the duty to register has been explained to them and that the sex offender understands the registration requirement,
 - 3. That the sex offender is registered, and
 - 4. That upon entry of the sex offender's information in to 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.
 - 5. An individual is notified of his/her registration obligations prior to that individual entering a plea of guilty for any qualifying sex offense in Pueblo of Isleta Tribal Court, in a form to be provided by the Pueblo of Isleta Tribal Court.

Sec. 5.03 RETROACTIVE REGISTRATION

- A. Retroactive Registration. The Isleta Tribal Police Department shall have in place policies and procedures to ensure the following three categories of sex offenders are subject to the registration and updating requirements of this Ordinance:
 - 1. Sex offenders incarcerated or under supervision of the Pueblo of Isleta, whether for a covered sex offense or other crime,
 - 2. Sex offenders already registered or subject to a pre-existing sex offender registration requirement under the Pueblo of Isleta's laws, and
 - 3. Sex offenders reentering the justice system due to conviction for any crime.
- B. Timing of Recapture. The Isleta Tribal Police Department shall ensure recapture of the sex offenders mentioned in Section 5.03(A) within the following timeframe to be calculated from the date of passage of this Ordinance:
 - 1. For Tier 1 sex offenders, 90 days,
 - 2. For Tier 2 sex offenders, 90 days, and
 - 3. For Tier 3 sex offenders, 90 days.

Sec. 5.04 KEEPING REGISTRATION CURRENT

- A. Jurisdiction of Residency. All sex offenders required to register in this jurisdiction shall immediately appear in person at the Isleta Tribal Police Department to update any change in their name, residence (including termination of residency), employment, school attendance. All sex offenders required to register in this jurisdiction shall immediately inform Isleta Tribal Police Department via, telephone and or letter of any changes to their temporary lodging, vehicle information, internet identifiers, or telephone numbers. In the event of a change in temporary lodging, the sex offender and Isleta Tribal Police Department shall immediately notify the jurisdiction in which the sex offender will be temporarily staying.
- B. Jurisdiction of School Attendance. Any sex offender who is a student in any capacity with the land of the Pueblo of Isleta regardless of location that changed their school, or otherwise terminate their schooling, shall immediately appear in person at the Isleta Tribal Police Department to update that information. The Isleta Tribal Police Department shall ensure that each jurisdiction in which the sex offender is required to register, or was required to register prior to the update information being give, are immediately notified of the change.
- C. Jurisdiction of Employment. Any sex offender, who is employed by the Pueblo of Isleta in any capacity or otherwise is employed within Pueblo of Isleta lands subject to the jurisdiction of the Pueblo of Isleta regardless of location that change their employment, or otherwise terminate their employment, shall immediately appear in person at the Isleta Tribal Police Department to update that information. The Isleta Tribal Police Department shall ensure that each jurisdiction in which the sex offender is required to register, or was required to register prior to the updated information being given, are immediately notified of the change.
- D. Duties of Isleta Tribal Police Department. With regard to changes in a sex offender's registration information, the tribal police shall immediately notify:
 - 1. All jurisdictions where a sex offender intends to reside, work, or attend school,
 - 2. Any jurisdiction where the sex offender is either registered or required to register, and

3. 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 tribal police shall also ensure this information is immediately updated on National Sex Offender Registry (NSOR).

Sec. 5.05 FAILURE TO APPEAR FOR REGISTRATION AND ABSCONDING

- A. Failure to Appear. In the event a sex offender fails to register with the Pueblo of Isleta as required by this Ordinance, the Isleta Tribal Police Department shall immediately inform the jurisdiction that provided notification that the sex offender was to commence residency, employment, or school attendance with the Pueblo of Isleta that the sex offender failed to appear for registration.
- B. Absconded Sex Offenders. If the Isleta Tribal Police Department receives information that a sex offender has absconded the Isleta Tribal Police Department shall make an effort to determine if the sex offender has actually absconded.
 4. In the event no determination can be made, the Isleta Tribal Police Department shall ensure the tribal police and any other appropriate law enforcement agency is notified.
 5. If the information indicating the possible absconding came through notice from another jurisdiction or federal authorities, they shall be informed that the sex offender has failed to appear and register.
 6. If an absconded sex offender cannot be located then the tribal police shall take the following steps:
 - a. Update the registry to reflect the sex offender has absconded or is otherwise not capable of being located,
 - b. Seek a warrant for the sex offender's arrest, and in the case of a non-Indian, the U.S. Marshals Service or FBI shall be contacted in an attempt to obtain a federal warrant for the sex offender's arrest,
 - c. Notify the U.S. Marshals Service,
 - d. Update NSOR to reflect the sex offender's status as an absconder, or is otherwise not capable of being located,
 - e. Enter the sex offender into the National Crime Information Center Wanted Person File.
- F. Failure to Register. In the event a sex offender who is required to register due to their employment or school attendance status fails to do so or otherwise violate a registration requirement of this Ordinance, the Isleta Tribal Police Department shall take all appropriate follow-up measures including those outlined in Section 5.05(B). The Isleta Tribal Police Department shall first make an effort to determine if the sex offender is actually employed or attending school in lands subject to the Pueblo of Isleta's jurisdiction.

CHAPTER 6 PUBLIC SEX OFFENDER REGISTRY WEBSITE

Sec. 6.01 WEBSITE

- A. Website. The Isleta Tribal Police Department shall use and maintain a public sex offender registry website.
- B. Links. The registry website shall include links to sex offender safety and education resources.
- C. Instructions. The registry website shall include instructions on how a person can seek correction of information that the individual contends is erroneous.
- D. 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.
- E. 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.
- F. Dru Sjodin National Sex Offender Public Website. The tribal 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.

Sec. 6.02 REQUIRED AND PROHIBITED INFORMATION

- A. Required Information. The following information shall be made available to the public on the sex offender registry website:
 - 1. Notice that an offender is in violation of their registration requirements or cannot be located if the sex offender has absconded,
 - 2. All sex offenses for which the sex offender has been convicted,
 - 3. The sex offense(s) for which the offender is currently registered,
 - 4. The address of the sex offender's employer(s)
 - 5. The name of the sex offender including all aliases,
 - 6. A current photograph of the sex offender,
 - 7. A physical description of the sex offender,
 - 8. The residential address and, if relevant, a description of a habitual residence of the sex offender,
 - 9. All address of schools attended by the sex offender, and
 - 10. The sex offender's vehicle license plate number along with a description of the vehicle.
- B. Prohibited Information. The following information shall not be available to the public on the sex offender registry website:
 - 1. Any arrest that did not result in conviction,

2. The sex offender's social security number,
 3. Any travel and immigration documents,
 4. The identity of the victim, and
 5. Internet identifiers (as defined in 42 U.S.C. §16911).
- C. **Witness Protection.** For sex offenders who are under a witness protection program, the tribal police may honor the request of the United States Marshals Service or other agency responsible for witness protection by not including the original identity of the offender on the publicly accessible sex offender registry website.

Sec. 6.03 COMMUNITY NOTIFICATION

- A. **Law Enforcement Notification.** Whenever a sex offender registers or updates his or her information with the Pueblo of Isleta, the Isleta Tribal Police Department shall:
1. Immediately notify the FBI or other federal agency as designated by the Attorney General in order that the information maybe updated on NSOR or other relevant databases,
 2. Immediately notify any agency, department, or program within the Pueblo of Isleta 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.
 3. Immediately notify any and all other registration jurisdictions due to the sex offender's residency, school attendance, or employment, and
 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 tribal police 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 Pueblo of Isleta, the public registry website is immediately updated,
 2. The Pueblo of Isleta's public sex offender registry has a function that enables the general public to request an e-mail notice that will notify them when a sex offender commences residence, employment, or school attendance with the Pueblo of Isleta, 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.

CHAPTER 7 IMMUNITY AND SEVERABILITY

- A. No waiver of immunity. Nothing under this Ordinance shall be construed as a waiver of sovereign immunity for the Pueblo of Isleta, its departments, agencies, employees, or agents.
- B. Good Faith Immunity. Any person acting in good faith of this Ordinance shall be immune from any civil liability arising out of such actions.
- C. Isleta Tribal Police Department may delegate any of its duties under this Ordinance (a) upon notice to and approval by the Governor and Tribal Council in writing and (b) if such delegation is otherwise lawful under existing Pueblo of Isleta laws.
- D. In the event that any provision of this Ordinance is deemed invalid by a court of competent jurisdiction, the remaining provisions shall remain valid and in full force.
- E. Nothing in this Ordinance shall be interpreted to foreclose the Pueblo of Isleta from entering into agreements with other governments, including state, federal and other tribal governments, to carry out the provisions of this Ordinance and SORNA. Such agreements and amendments to this Ordinance shall be approved by Tribal Council through resolution prior to execution.

CHAPTER 8 CRIMES AND CIVIL SANCTIONS

- A. Criminal penalty. Each violation of a provision of this Ordinance by a sex offender who is an Indian shall be considered a crime and subject to punishment as a Class A Offense and in no event punishable less than the maximum penalty imposed by a Class B Offense.
- B. Civil Penalty. Each violation of a provision of this Ordinance by a sex offender who is not an Indian shall be considered a civil violation subject to enforcement by any means not prohibited by federal law, including but not limited to the following:
 - 1. Issuance of fines in these amounts: \$1,000 for the first offense; \$2,000 for the second offense; \$3,000 for the third offense; and \$4,000 for the fourth offense.
 - 3. Civil contempt, and/or
 - 4. Banishment in accordance with Pueblo of Isleta law.
- C. Hindrance of sex offender registration
 - 1. A person is guilty of an offense if they:
 - a. Knowingly harbor, attempt to harbor, or assist another in harboring or attempting to harbor a sex offender who is in violation of this Ordinance;
 - b. Knowingly assists a sex offender in eluding a law enforcement agency that is seeking to find the sex offender to question them about, or to arrest them for, noncompliance with the requirements of this Ordinance; or
 - c. Provides information to a law enforcement agency regarding a sex offender which the person knows to be false.