TRIBAL COUNCIL
(AT LARGE)

Nola Taken Alive

Charles Walker

Cyril Archambault

Stephanie Yellow Hammer

Alice Bird Horse

Richard Long Feather

Steven Sitting Bear
Chairman

Mike Faith
Vice Chairman

Arlene Cordova
Secretary

Kendrick Eagle
Cannonball District

Sid Bailey, Jr.
Long Soldier District

Warren Hawk
Wakpala District

Claudia Walking Elk
Kenel District

Leon Jamerson
Bear Soldier District

Paul Archambault
Rock Creek District

Jessica R. Porras
Running Antelope District

Wilberta Red Tomahawk
Porcupine District

NOTICE TO PUBLIC

On August 2, 2026 the Standing Rock Sioux Tribal Council approved to post revisions to **Title IV, Criminal Offenses/Sex Offenders** for ten (10) days. Pursuant to Standing Rock Constitution and Title XIX of the Code of Justice, any interested persons may submit comments on **Title IV, Criminal Offenses/Sex Offenders** which the person believes should be amended.

Members of the Judicial Committee and the Standing Rock Tribal Council will accept oral, written and electronic comments until August 30, 2026. You may submit your electronic comments to the following:

Judicial Committee judicial@standingrock.org

If you are receiving this notice and attachments in your role as District Officer, please post a copy at your local district offices and ensure it is available to other District Officers and District Members. In addition, please have copies available to distribute upon request.

Please note you can also access the Title on the Tribe's website at www.standingrock.com, From the home page, click on Titles, followed by Titles for Review, and find the link to **Title IV, Criminal Offenses/Sex Offenders.**

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MEMORANDUM

August 20, 2026

TO: Erin Shanley

FROM: Susan White Eagle/Recording Director

SUBJECT: Excerpt from Regular Tribal Council Meeting held on August 5, 2026.

EXCERPT EXCERPT EXCERPT

#78. MOTION WAS MADE BY STEPHANIE YELLOW HAMMER, SECONDED BY WARREN HAWK, TO APPROVE TO POST TITLE IV REVISIONS REGARDING SORNA FOR PUBLIC COMMENT FOR TEN [10] DAYS PURSUANT TO TITLE 19 AND THE STANDING ROCK CONSTITUTION.

ROLL CALL VOTE: SITTING BEAR, STEVE – NOT VOTING

ARCHAMBAULT, Paul	YES	ARCHAMBAULT, Cyril	EX.
BAILEY, Jr., Sidney	YES	BIRD HORSE, Alice	YES
EAGLE, Kendrick	EX.	CORDOVA, Arlene	YES
HAWK, Warren	YES	FAITH, Mike	YES
JAMERSON, Leon	AB.	LONG FEATHER, Richard	YES
PORRAS, Jessica R.	YES	TAKEN ALIVE, Nola	EX.
RED TOMAHAWK, Wilberta	EX.	WALKER, Charles	YES
WALKING ELK, Claudia	YES	YELLOW HAMMER, Stephanie	YES

VOTE: YES – 11 NO – 0 NOT VOTING – 1

MOTION CARRIED 4 – EXCUSED 1 – ABSENT

Should you have any questions please do not hesitate to contact me at 854-8577

Manslaughter is a felony.

4-503. Negligent Homicide.

A person who negligently causes the death of another human being is guilty of negligent homicide.

Negligent homicide is a felony.

4-504. Causing or Aiding Suicide.

A person who intentionally causes another person to commit or attempt to commit suicide by force, duress or deception, or aids or solicits another to commit or attempt to commit suicide, is guilty of causing or aiding suicide.

Causing or aiding suicide is a Class A misdemeanor.

4-505. Kidnapping.

Whoever by force, threat, or deception:

(a) Removes another from his or her place of residence or business, or a substantial distance from the vicinity where he or she was located; or

(b) Confines another for a substantial period in a place of isolation; or

~~(b)~~(c) And iss the nonparent of a child, and removes the child from his or her place of residence

~~is guilty of kidnapping.~~or a substantial distance from the vicinity where he or she was located and commits a sex offense under Chapter 14 herein;

is guilty of kidnapping.

Kidnapping is a felony.

4-506. Illegally Harboring a Child or Incompetent Person.

Whoever removes, confines, harbors, or keeps a child or other incompetent person without the consent of a parent, guardian, or other person responsible for general supervision of the welfare of the child or other incompetent person is guilty of illegally harboring a child or incompetent person; provided, however, that no person shall be guilty of illegally harboring a child or incompetent person who notifies a law enforcement officer of the child or other incompetent person's whereabouts.

assistance and cooperated with medical assistance and law enforcement personnel on the scene. The maximum number of individuals that may be immune for any one occurrence is five (5) individuals.

(d) In addition to the penalty prescribed for such an offense, all alcoholic beverages possessed in violation of this Section will be forfeited to the Tribe, and disposed of in accordance with the order of the Court.

Unlawful Possession of Intoxicating Beverages by a Person Under the age of 21 is an infraction for the first offense. Subsequent offenses shall be a Class B misdemeanor.

4-1303. Selling Intoxicating Beverages to Pregnant Women.

Any retailer who knowingly sells intoxicating beverages to a pregnant woman is guilty of selling intoxicating beverages to pregnant women.

Selling intoxicating beverages to pregnant women is a Class A misdemeanor.

4-1304. Selling Tobacco Products to a Child.

Any retailer who sells tobacco products to a child is guilty of selling tobacco products to a child.

Selling tobacco products to a child is a Class B misdemeanor for the first offense, while any subsequent offenses are Class A misdemeanors.

CHAPTER 14
SEX OFFENSES

4-1401. Definitions.

Terms used in this Chapter are defined as follows:

(a) "Sexual Violence" shall mean a sexual act that is committed or attempted by another person without freely given consent of the victim or against someone who is unable to consent or refuse. It includes forced alcohol/drug facilitated penetration of a victim; forced or alcohol/drug facilitated incidents in which the victim is made to penetrate the perpetrator or someone else; non-physical pressured unwanted penetration; intentional sexual touching; or non-contact acts of a sexual nature.

1. The following crimes constitute Sexual Violence:

i. Commission or attempted commission of Rape under Section 4-1402;

ii. Commission or attempted commission of Statutory Rape under Section 4-1403;

iii. Commission or attempted commission of Sexual Assault under Section 4-1406;

iv. Commission or attempted commission of Sex Trafficking under Section 4-1407;

v. Commission or attempted commission of Sexual Abuse of a Ward under Section 4-1411.

2. The Standing Rock Sioux Tribe exercises inherent Special Tribal Criminal Jurisdiction against non-Indian offenders for any offenses of Sexual Violence pursuant to the Reauthorization of the Violence Against Women Act of 2022.

4-1402~~1~~. Rape

A person who engages in a sexual act with another, or who causes another to engage in a sexual act, is guilty of rape if:

(b) The defendant compels the other person to submit by force or by any threat that would render a person of reasonable firmness incapable of resisting;

(c) The defendant or someone else, with the defendant's knowledge, has substantially impaired the other person's power to appraise or control that person's conduct by administering or employing, without the other person's knowledge, intoxicants, drugs or another similar substance with intent to prevent resistance;

(d) The other person is unconscious or otherwise incapable of appraising the nature of the conduct;

(e) The other person is physically incapable of declining participation in, consenting to or communicating unwillingness to engage in the sexual contact;

(f) The defendant knows that the other person submits because the other person falsely supposes the defendant to be someone else, unless the defendant is the spouse of the other person;

(g) The other person has not yet reached 13 years of age;

(h) The defendant knows that the other person suffers from a mental disease or defect which renders that person incapable of understanding the nature of his or her conduct, unless the defendant is the spouse of the other person; or

(i) The other person is in official custody of, or otherwise detained in, a hospital, prison or other similar institution and the defendant has supervisory or disciplinary authority over the detained person.

Rape is a felony.

4-14032. Statutory Rape.

A person 18 years of age or older who engages in a sexual act with another person who is 13 years of age or older but less than 18 years of age is guilty of statutory rape, if the defendant is at least 3 years older than the child.

Statutory rape is a felony.

4-14043. Indecent Exposure.

A person, with intent to arouse, appeal to or gratify that person's lust, passions or sexual desires, who exposes his or her genitals or other intimate parts - including the penis, vulva, anus, or feminine breasts - under circumstances likely to cause affront or alarm is guilty of indecent exposure.

Indecent exposure is a Class A misdemeanor.

4-14054.1 Promoting Prostitution.

Whoever:

(a) Operates a prostitution business or a house of prostitution;

(b) Induces or otherwise intentionally causes another to become engaged in sexual activity as a business, including by knowingly persuading, inducing, enticing or coercing any individual to engage in prostitution; or
(c) Knowingly procures a prostitute for a prostitution business or a house of prostitution, including by transporting any individual to or within the Reservation with intent that such individual engage in prostitution;

Is guilty of Promoting Prostitution.

Promoting Prostitution is a felony.

4-14054.2 Facilitating Prostitution.

Whoever:

(a) Knowingly solicits a person to patronize a prostitute, including by persuading, inducing, enticing or coercing any individual to patronize a prostitute;

(b) Knowingly procures a prostitute for a patron;

(c) Knowingly leases or otherwise permits a place controlled by the actor, alone or in association with others, to be regularly used for prostitution, promoting prostitution or facilitating prostitution, or fails to make reasonable effort to abate such use by ejecting the tenant, notifying law enforcement authorities or taking other legally available means; or

(d) Knowingly induces or otherwise intentionally causes another to remain a prostitute. A person who is supported in whole or substantial part by the proceeds of prostitution, other than the prostitute or the prostitute's child or a person whom the prostitute is required by law to support, is presumed to be knowingly inducing or intentionally causing another to remain a prostitute;

Is guilty of Facilitating Prostitution.

Facilitating Prostitution is a felony.

4-14054.3. Prostitution.

(a) A person who:
1. Is an inmate of a house of prostitution or is otherwise engaged in sexual activity as a business;

2. Loiters in view of any public place with the intent of being hired to engage in sexual activity;

3. Solicits another person with the intention of being hired to engage in sexual activity; or

4. Agrees to engage in sexual activity with another for money or other items of pecuniary value;

Is guilty of Prostitution.

(b) It shall be an affirmative defense to a charge of prostitution that the individual is or was a victim of sex or human trafficking, or acted under duress or otherwise against his or her will.

(c) It shall be presumed that any individual under the age of 18 who had engaged or is engaging in an offense under this section was or is doing so against his or her will unless the Tribe can overcome such presumption beyond a reasonable doubt.

Prostitution is a Class A misdemeanor.

4-14054.4. Hiring a Prostitute.

An individual who:

(a) Hires or offers or agrees to hire another individual with the intention of engaging in sexual activity;

(b) Enters or remains in a house of prostitution with intent to engage in sexual activity; or

(c) Solicits another person to hire a prostitute or commit an act of prostitution;

is guilty of a Hiring a Prostitute.

Hiring a Prostitute is a Class A Misdemeanor, unless the Prostitute is under the age of 18, in which case it is a Felony.

4-1406~~5~~. Sexual Assault.

A person who intentionally has sexual contact with another, or causes such other person to have sexual contact with the defendant, is guilty of sexual assault if:

(a) The defendant compels the other person to submit by force or by any threat that would render a person of reasonable firmness incapable of resisting;

(b) The contact is made, or caused to be made, with knowledge that the contact is offensive to the other person;

(c) The defendant or someone else, with the defendant's knowledge, has substantially impaired the other person's power to appraise or control that person's conduct by administering or employing, without the other person's knowledge, intoxicants, drugs or another similar substance with intent to prevent resistance;

(d) The other person is unconscious or otherwise incapable of appraising the nature of the conduct;

(e) The other person is physically incapable of declining participation in, consenting to or communicating unwillingness to engage in the sexual contact;

(f) The defendant knows that the other person submits because the other person falsely supposes the defendant to be someone else, unless the defendant is the spouse of the other person;

(g) The defendant knows that the other person suffers from a mental disease or defect which renders that person incapable of understanding the nature of his or her conduct, unless the defendant is the spouse of the other person;

(h) The other person has not yet reached 13 years of age;

(i) The defendant is 18 years of age or older, and the other person is 13 years of age or older but less than 18 years of age, if the defendant is at least 3 years older than the other person; or

(j) The other person is in official custody or otherwise detained in a hospital, prison or other similar institution and the defendant has supervisory or disciplinary authority over the detained person.

Sexual assault is a felony.

4-14076. Incest.

Any person who engages in "sexual activity," as that term is defined in Section 4-106 of this Title with another person and is related to that person as: parent and child; grandparent and grandchild; brother and sister; half-brother and half-sister; aunt and nephew; uncle and niece; or cousins in the first or second degree is guilty of incest.

Incest is a felony.

4-14087. Sex Trafficking.

(a) Whoever knowingly, or in reckless disregard of the fact, that means of force, threats of force, fraud, coercion or any combination of such means, will be used to cause the person to engage in a commercial sex act, or that the person has not attained the age of 18 years and will be caused to engage in a commercial sex act, and:

1. Recruits, entices, harbors, transports, provides, obtains or maintains by any means a person; or

2. Benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in violation of paragraph (1) of this subsection,

is guilty of Sex Trafficking

~~knowing, or in reckless disregard of the fact, that means of force, threats of force, fraud, coercion or any combination of such means, will be used to cause the person to engage in a commercial sex act, or that the person has not attained the age of 18 years and will be caused to engage in a commercial sex act, is guilty of sex trafficking.~~

(a) The punishment for an offense under subsection (a) of this Section is a felony.

(b) In a prosecution under subsection (a)(1) in which the defendant had a reasonable opportunity to observe the person so recruited, enticed, harbored, transported, provided, obtained or maintained, the Tribe need not prove that the defendant knew that the person had not attained the age of 18 years.

(c) Whoever obstructs, attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be guilty of a felony.

(d) In this section:

1. The term "coercion" means:

   i. Threats of serious harm to or physical restraint against any person;

   ii. Any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or

   iii. The abuse or threatened abuse of law or the legal process.

2. The term "commercial sex act" means any sex act, on account of which anything of value is given to or received by any person.

3. The term "serious harm" means any harm, whether physical or nonphysical, including psychological, financial or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing commercial sexual activity in order to avoid incurring that harm.

4. The term "venture" means any person or group of two (2) or more individuals associated in fact, whether or not a legal entity.

4-14098. Video Voyeurism.

(a) Whoever has the intent to capture an image of a private area of an individual without their consent, and knowingly does so under circumstances in which the individual has a reasonable expectation of privacy, shall be guilty of a felony.

(b) In this section:

1. The term "capture", with respect to an image, means to videotape, photograph, film, record by any means, or broadcast;

2. The term "broadcast" means to electronically transmit a visual image with the intent that it be viewed by a person or persons;

3. The term "a private area of the individual" means the naked or undergarment clad genitals, pubic area, buttocks, or female breast of that individual;

4. The term "female breast" means any portion of the female breast below the top of the areola; and

5. The term "under circumstances in which that individual has a reasonable expectation of privacy" means:

   i. Circumstances in which a reasonable person would believe that he or she could disrobe in privacy, without being concerned that an image of a private area of the individual was being captured; or

   ii. Circumstances in which a reasonable person would believe that a private area of the individual would not be visible to the public, regardless of whether that person is in a public or private place.

(c) This section does not prohibit any lawful law enforcement, correctional or intelligence activity.

4-141009. Crossing Reservation Lines With Intent to Engage in Sexual Act With Child Who Has Not Yet Reached 13 Years of Age.

(a) Whoever crosses into the Reservation with intent to engage in sexual activity with a person who has not reached the age of 13 years shall be guilty of a felony.

(b) In a prosecution under this section, the Tribe need not prove that the defendant knew that the other person engaging in the sexual activity had not reached the age of 13 years.

4-14110. Sexual Abuse of a Ward.

(a) Whoever knowingly engages in sexual activity with another person who is:

1. In official detention; and

2. Under the custodial, supervisory or disciplinary authority of the person so engaging;

Or attempts to do so, is guilty of Sexual Abuse of a Ward, which shall be a felony.

(b) It is a defense under this Section, which the defendant must establish by a preponderance of the evidence, that the persons engaging in the sexual activity were at that time married to each other.

4-14121. Sexual Exploitation of Children.

(a) Any person who employs, uses, persuades, induces, entices or coerces any child to engage in, or who has a child assist any other person to engage in, or who transports any child into the Reservation with the intent that such child engage in, any sexually explicit conduct for the purpose of producing any visual depiction of such conduct or for the purpose of

transmitting a live visual depiction of such conduct, shall be punished as provided under subsection (d), if such person knows or has reason to know that such visual depiction will be transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed, if that visual depiction was produced or transmitted using materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer, or if such visual depiction has actually been transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed.

(b) Any parent, legal guardian, or person having custody or control of a child who knowingly permits such child to engage in, or to assist any other person to engage in, sexually explicit conduct for the purpose of producing any visual depiction of such conduct or for the purpose of transmitting a live visual depiction of such conduct shall be punished as provided under subsection (d) of this section, if such parent, legal guardian or person knows or has reason to know that such visual depiction will be transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed, if that visual depiction was produced or transmitted using materials that have been mailed, shipped or transported in or affecting interstate or foreign commerce by any means, including by computer, or if such visual depiction has actually been transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed.

(c) Any person who knowingly makes, prints, or publishes, or causes to be made, printed or published, any notice or advertisement seeking or offering:

1. To receive, exchange, buy, produce, display, distribute or reproduce any visual depiction, if the production of such visual depiction involves the use of a child engaging in sexually explicit conduct and such visual depiction is of such conduct; or

2. Participation in any act of sexually explicit conduct by or with any child for the purpose of producing a visual depiction of such conduct;

shall be punished as provided under subsection (d).

(d) Any individual who violates, or attempts or conspires to violate, this section shall be guilty of a felony. Any organization that violates, or attempts or conspires to violate, this section shall be fined under this title.

4-1413~~2~~. Selling or Buying of Children

(a) Any parent, legal guardian, or other person having custody or control of a child who sells or otherwise transfers custody or control of such child, or offers to sell or otherwise transfer custody of such child either:

1. With knowledge that, as a consequence of the sale or transfer, the child will be portrayed in a visual depiction engaging in, or assisting another person to engage in, sexually explicit conduct; or

2. With intent to promote either:

   i. The engaging in of sexually explicit conduct by such child for the purpose of producing any visual depiction of such conduct; or

   ii. The rendering of assistance by the child to any other person to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct;

   iii. shall be guilty of a felony.

(b) Whoever purchases or otherwise obtains custody or control of a child, or offers to purchase or otherwise obtain custody or control of a child either:

1. With knowledge that, as a consequence of the purchase or obtaining of custody, the child will be portrayed in a visual depiction engaging in, or assisting another person to engage in, sexually explicit conduct; or

2. With intent to promote either:

   i. The engaging in of sexually explicit conduct by such child for the purpose of producing any visual depiction of such conduct; or

   ii. The rendering of assistance by the child to any other person to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct;

   iii. shall be guilty of a felony.

4-1414~~3~~. Certain Activities Relating to Materials Involving the Sexual Exploitation of Children.

(a) Any person who:

1. Knowingly transports or ships by any means including by computer or mails, any visual depiction, if:

   i. The producing of such visual depiction involves the use of a child engaging in sexually explicit conduct; and
   ii. Such visual depiction is of such conduct;

2. Knowingly receives or distributes any visual depiction using any means, or knowingly reproduces any visual depiction for distribution using any means or facility of

interstate or foreign commerce or in or affecting interstate or foreign commerce or through the mails, if:

i. The producing of such visual depiction involves the use of a child engaging in sexually explicit conduct; and

ii. Such visual depiction is of such conduct;

3. Knowingly sells or possesses with intent to sell any visual depiction, if:

i. The producing of such visual depiction involves the use of a child engaging in sexually explicit conduct; and

ii. Such visual depiction is of such conduct; or

4. Knowingly possesses, or knowingly accesses with intent to view, one (1) or more books, magazines, periodicals, films, video tapes or other matter which contain any visual depiction, if:

i. The producing of such visual depiction involves the use of a child engaging in sexually explicit conduct; and

ii.

iii. Such visual depiction is of such conduct;

shall be guilty of a felony.

(b) Affirmative defense. It shall be an affirmative defense to a charge of violating paragraph (4) of subsection (a) that the defendant:

1. Possessed less than three (3) matters containing any visual depiction proscribed by that paragraph; and

2. Promptly and in good faith, and without retaining or allowing any person, other than a law enforcement agency, to access any visual depiction or copy thereof:

i. Took reasonable steps to destroy each such visual depiction; or

ii. Reported the matter to a law enforcement agency and afforded that agency access to each such visual depiction.

4-14154. Certain Activities Relating to Material Constituting or Containing Child Pornography.

(a) Any person who:

1. Knowingly mails, or transports or ships by any means, including by computer, any child pornography;

2. Knowingly receives or distributes:

   i. Any child pornography by any means, including by computer; or

   ii. Any material that contains child pornography by any means, including by computer;

3. Knowingly:

   i. Reproduces any child pornography for distribution by any means, including by computer; or

   ii. Advertises, promotes, presents, distributes or solicits by any means, including by computer, any material or purported material in a manner that reflects the belief, or that is intended to cause another to believe, that the material or purported material is, or contains:

      a. An obscene visual depiction of a child engaging in sexually explicit conduct; or

      b. A visual depiction of an actual child engaging in sexually explicit conduct;

4. Knowingly sells or possesses with the intent to sell any child pornography;

5. Knowingly possesses, or knowingly accesses with intent to view, any book, magazine, periodical, film, videotape, computer disk or any other material that contains an image of child pornography;

6. Knowingly distributes, offers, sends, or provides to a child any visual depiction, including any photograph, film, video, picture or computer generated image or picture, whether made or produced by electronic, mechanical, or other means, where such visual depiction is, or appears to be, of a child engaging in sexually explicit conduct for purposes of inducing or persuading a child to participate in any activity that is illegal; or

7. Knowingly produces with intent to distribute, or distributes, by any means, including a computer child pornography that is an adapted or modified depiction of an identifiable child;

shall be guilty of a felony.

(b) It shall be an affirmative defense to a charge under subsections (a) (1)-(5) of this Section that:

1. The alleged child pornography was produced using an actual person or persons engaged in sexually explicit conduct, and each such person was an adult at the time the material was produced; or

2. The alleged child pornography was not produced using any actual child or children.

(c) No affirmative defense under subsection (b) shall be available in any prosecution that involves child pornography as defined in Section 4-106(b)(3) of this Title.

(d) A defendant may not assert an affirmative defense under subsection (b) for any offense under this Section unless, within the time provided for filing pretrial motions or at such time prior to trial as the judge may direct, but in no event later than 14 days before the commencement of the trial, the defendant provides the Tribal Court with notice of the intent to assert such defense and the substance of any expert or other specialized testimony or evidence upon which the defendant intends to rely. If the defendant fails to comply with this subsection, the court shall, absent a finding of extraordinary circumstances that prevented timely compliance, prohibit the defendant from asserting such defense to a charge of violating this Section, or presenting any evidence for which the defendant has failed to provide proper and timely notice.

(e) It shall be an affirmative defense to a charge of violating subsection (a)(5) that the defendant:

1. Possessed less than three (3) images of child pornography; and

2. Promptly and in good faith, and without retaining or allowing any person, other than a law enforcement agency, to access any image or copy thereof:

i. Took reasonable steps to destroy each such image; or

ii. Reported the matter to a law enforcement agency and afforded that agency access to each such image.

(f) On motion of the Tribe, in any prosecution under this Section, except for good cause shown, the name, address, social security number or other nonphysical identifying information, other than the age or approximate age of any child who is depicted in any child pornography shall not be admissible and may be redacted from any otherwise admissible evidence, and the jury shall be instructed, upon request of the Tribe, that it can draw no inference from the absence of such evidence in deciding whether the child pornography depicts an actual child.

(g) Civil Remedies.

1. In general. Any person aggrieved by reason of the conduct prohibited under subsection (a) may commence a civil action for the relief set forth in paragraph (2).

2. Relief. In any action commenced in accordance with paragraph (1), the court may award appropriate relief, including:

   i. Temporary, preliminary or permanent injunctive relief;

   ii. Compensatory and punitive damages; and

   iii. The costs of the civil action and reasonable fees for attorneys and expert witnesses.

4-1415. Misleading Domain Names on the Internet

(a) Whoever knowingly uses a misleading domain name on the Internet with the intent to deceive a person into viewing material constituting obscenity shall be guilty of a felony

(b) Whoever knowingly uses a misleading domain name on the Internet with the intent to deceive a child into viewing material that is harmful to children on the Internet shall be guilty of a felony.

(c) For purposes of this Section, a domain name that includes a word or words to indicate the sexual content of a site, such as "sex" or "porn," is not misleading.

(d) For purposes of this Section, the phrase "material that is harmful to children" means any communication, consisting of nudity, sexually explicit conduct or excretion that, taken as a whole and with reference to its context:

1. Predominately appeals to a prurient interest of children;

2. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for children; and

3. Lacks serious literary, artistic, political or scientific value for children.

4-1416. Misleading Words or Digital Images on the Internet

(a) Whoever knowingly embeds words or digital images into the source code of a website with the intent to deceive a person into viewing material constituting obscenity shall be guilty of a felony.

(b) Whoever knowingly embeds words or digital images into the source code of a website with the intent to deceive a child into viewing material harmful to children on the Internet shall be guilty of a felony.

(c) For the purposes of this section, a word or digital image that clearly indicates the sexual content of the site, such as "sex" or "porn," is not misleading.

(d) As used in this section, the phrase "material that is harmful to children" has the same meaning given to the phrase in Section 4-1415 of this Title.

(e) As used in this section, the term "source code" means the combination of text and other characters comprising the content, both viewable and nonviewable, of a web page, including any website publishing language, programming language, protocol or functional content, as well as any successor languages or protocols.

4-1417. Aiding in the Commission of a Sex Offense.

Unless otherwise specifically covered by another Section of this Chapter, such as Promoting Prostitution and Facilitating Prostitution, or Chapter 3 of this Title, whoever:

(a) Knowingly transports any individual to or within the Reservation with intent that such individual engage in activity constituting a sex offense under this Chapter, or attempts to do so;

(b) Knowingly induces, persuades, entices or coerces any individual to engage in activity constituting a sex offense under this Chapter, or attempts to do so;

(c) Knowingly induces, persuades, entices or coerces any child to engage in activity which would constitute a sex offense if an adult had engaged in the activity;

Is guilty of Aiding in the Commission of a Sex Offense.

Aiding in the Commission of a Sex Offense is a felony.

4-1418. Use of Child's Information For Illicit Purposes.

Whoever knowingly uses the name, address, telephone number, social security number or electronic mail address of another individual, knowing that such other individual has not attained the age of 18 years, with the intent to entice, encourage, offer, or solicit any person to engage in any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, is guilty of Use of Child's Information for Illicit Purposes.

Use of Child's Information for Illicit Purposes is a felony.

Chapter 15
Criminal Gangs and Gang Related Activities

4-1501. Gang Crime

Any person who commits a crime for the benefit of, at the direction of or in association with any criminal gang, with the intent to promote, further or assist in the affairs of a criminal gang or obtain membership into a criminal gang, is guilty of gang crime.

Chapter 16
Sex Offender Registration and Notification Requirements

Subchapter A
General Matters

4-1601. Title.

This Chapter shall be known as the Standing Rock Sioux Tribe Sex Offender Registration and Notification Chapter.

4-1602. Purpose..

The intent of this Chapter is to implement the Federal Sex Offender Registration and Notification Act (SORNA) (Title I of the Adam Walsh Act, Public Law 109-248) and shall be interpreted liberally to comply with the terms and conditions of SORNA as presently written or hereafter amended.

4-1603. Creation of Registries.

A. National Sex Offender Registry There is hereby established a sex offender registry, which the Standing Rock Sioux Tribal Court shall maintain and operate pursuant to the provisions of this Chapter, as amended. Access to the sex offender registry shall be restricted to those designated Tribal Court personnel authorized by the Court to maintain the registry. The sex offender registry is designed in part to facilitate the immediate exchange of sex offender information among other jurisdictions.

B. Standing Rock Public Sex Offender Registry Website -There is hereby established a public sex offender registry website, which shall be known as the "Standing Rock Public Sex Offender Registry (SRPSOR) Website" and which the Standing Rock Sioux Tribal Court shall maintain and operate pursuant to the provisions of this Chapter, or as may be amended. The SRPSOR Website is designed in part to allow public access through the internet to sex offender information and provide the community with notification of sex offenders residing within the community as set forth in Chapter 4, Section 1638, herein. The Tribe's registry site can be accessed at the following address: http://srst.nsopw.gov.

4-1604. Definitions.

The following are definitions that will apply to this Chapter 16, only:

A. Convicted-An adult sex offender is "convicted" for the purposes of this Chapter if the sex offender has been subjected to penal consequences based on the conviction, however the conviction may be styled. A juvenile offender is "convicted" for purposes of this Chapter 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 juvenile 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 Title 18, U.S.C. § 2241, or is an offense listed in Section 4-1609(e) of this Title, or was an attempt or conspiracy to commit such offenses, provided the adjudicated juvenile offender was represented by a licensed attorney.

B. Foreign Convictions-A foreign conviction is one obtained outside of the United States.

C. Employee the term "employee" as used in this Chapter includes, but is not limited to, an individual who is self-employed or works for any other entity, regardless of compensation. Volunteers of a tribal agency or organization are included within the definition of employee for registration purposes.

D. Immediate "Immediate" and "immediately" means within three (3) Tribal Court 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 federal, military, foreign, BIA, private or contract facility, or a local or tribal "jail". Persons under "house arrest" following conviction of a sex offense are required to register pursuant to the provisions of this Chapter during their period of "house arrest".

F. Indian Indian status shall be determined in accordance with prevailing federal law as it applies within the jurisdiction of the United States Court of Appeals for the 8th Circuit. In addition, Indian status shall include members of the First Nations of Canada, i.e., Canadian Indians.

G. Jurisdiction - The term "jurisdiction" as used in this Chapter refers to the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands and any Indian tribe.

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

I. 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.

J. Sex Offense-The term "sex offense" as used in this Chapter includes those offenses contained in 42 U.S.C. § 16911(5) and those offenses enumerated in Section 4-1606 of this Chapter or any other covered offense under tribal law or applicable state law. An offense involving consensual sexual conduct is not a sex offense for the purposes of this Chapter 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 four (4) years older than the victim.

K. Sex Offender-A person convicted of a sex offense is a "sex offender".

L. Sexual Act-The term "sexual act" means:

(1) Contact between the penis and the vulva or the penis and the anus, and for purposes of this definition contact involving the penis occurs upon penetration, however slight;

(2) Contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;

(3) The penetration, however slight, of the anal or genital opening of another 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 old with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

M. 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.

N. Student-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.

O. 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.

P. Sex Offender Registry- Means the Standing Rock Public Sex Offender Registry (SRPSOR) Website, the Registry of Sex Offenders and a Notification Program which the Standing Rock Sioux Tribal Court shall maintain and operate pursuant to the provisions of this Chapter, or as may be amended.

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 4-1607 of this Title.

T. Tier 2 Sex Offender -A "tier 2 sex offender," or a "sex offender" designated as "tier 2," is one that has been either convicted of a "tier 2" sex offense as defined in Section 4-1608 of this Title, or who is subject to the recidivist provisions of Section 4-1608(a) of this Title.

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 4-1609 of this Title, or who is subject to the recidivist provisions of Section 4-1609(a) of this Title.

Subchapter B
Covered Offenders & Covered Offenses

4-1605. Covered Offenders.

Sex Offenders subject to the provisions of this Chapter are not limited to offenders who have been convicted or sentenced by the Standing Rock Tribal Court. Sex Offenders convicted, sentenced and required to register as a sex offender in federal or state court also are subject to the provisions of this Chapter, if the sex offender meets any of the conditions set forth below. In addition, offenders subject to registration under this Chapter are not limited to Tribal members or Indians in general. The following sex offenders, which include all sex offenders who have been convicted, sentenced and required to register as a sex offender by the tribal court, federal court or state court for a sex offense, MUST register with the Tribe:

(1) ~~Indians~~ Offenders who reside within the exterior boundaries of the Tribe or otherwise reside on property owned by the Tribe in fee or trust regardless of location;

(2) Offenders employed within the exterior boundaries of the Tribe or on property owned by the Tribe in fee or trust regardless of location; and

(3) Offenders who attend school within the exterior boundaries of the Tribe or on property owned by the Tribe in fee or trust regardless of location.

If a sex offender is convicted of any of the following offenses, or convicted of an attempt or conspiracy to commit any of the following offenses, that sex offender is subject to the provisions of this Chapter and the requirements of the Standing Rock Sioux Tribe's Offender Registration Procedures Manual.

4-1606. Covered Offenses

A. Tribal Offenses -A conviction for any of the following crimes under the Standing Rock Sioux Tribe Code of Justice (SRST, COJ):

(1) SRST, COJ § 4-1401 (rape);

(2) SRST, COJ § 4-1402 (statutory rape);

(3) SRST, COJ § 4-1405 (sexual assault);

(4) SRST, COJ § 4-1406 (incest);

~~(5) SRST, COJ § 4-1204(1)(d) (child abuse by sexual assault, molestation or exploitation);~~

(6) SRST, COJ § 4-301 (complicity in the commission of any of the foregoing offenses);

(7) SRST, COJ § 4-505(c) (~~Non-parental~~ Kidnapping ~~of a Child~~);

(8) SRST, COJ § 4-1407 (Sex Trafficking);

(9) SRST, COJ § 4-1408 (Video Voyeurism);

(10) SRST, COJ § 4-1409 (Crossing Reservation Lines With Intent to Engage in Sexual Act with Child Who Has Not Yet Reached 13 Years of Age);

(11) SRST, COJ § 4-1410 (Sexual Abuse of a Ward);

(12) SRST, COJ § 4-1411 (Sexual Exploitation of Children);

(13) SRST, COJ § 4-1412 (Selling or Buying Children);

(14) SRST, COJ § 4-1413 (Certain Activities Relating to Materials Involving the Sexual Exploitation of Children);

(15) SRST, COJ § 4-1414 (Certain Activities Relating to Materials Constituting Child Pornography);

(16) SRST, COJ § 4-1415 (Misleading Domain Names on the Internet);

(17) SRST, COJ § 4-1416 (Misleading Words or Digital Images on the Internet);

(18) SRST, COJ § 4-1417 (Aiding in the Commission of a Sex Offense); and/or

(19) SRST, COJ § 4-1418 (Use of Child's Information for Illicit Purposes.

A pardon granted by the Tribe as to any of the foregoing offenses shall not terminate or modify the requirements of registration otherwise imposed by this Chapter.

B. Federal Offenses -A conviction for any of the following, and any other offenses hereafter included in the definition of "sex offense" at 42 U.S.C. § 16911(5):

(1) 18 U.S.C. § 1591 (sex trafficking of children);

(2) 18 U.S.C. § 1801 (video voyeurism of a minor);

(3) 18 U.S.C. § 2241 (aggravated sexual abuse);

(4) 18 U.S.C. § 2242 (sexual abuse);

(5) 18 U.S.C. § 2243 (sexual abuse of a minor or ward);

(6) 18 U.S.C. § 2244 (abusive sexual contact);

(7) 18 U.S.C. § 2245 (offenses resulting in death);

(8) 18 U.S.C. § 2251 (sexual exploitation of children);

(9) 18 U.S.C. § 2251A (selling or buying of children);

(10) 18 U.S.C. § 2252 (material involving the sexual exploitation of a minor);

(11) 18 U.S.C. § 2252A (material containing child pornography);

(12) 18 U.S.C. § 2252B (misleading domain names on the internet);

(13) 18 U.S.C. § 2252C (misleading words or digital images on the internet);

(14) 18 U.S.C. § 2260 (production of sexually explicit depictions of a minor for import into the U.S.);

(15) 18 U.S.C. § 2421 (transportation of a minor for illegal sexual activity);

(16) 18 U.S.C. § 2422 (coercion and enticement of a minor for illegal sexual activity);

(17) 18 U.S.C. § 2423 (Transportation of Minors for Illegal Sexual Activity, Travel With the Intent to Engage in Illicit Sexual Conduct with a Minor, Engaging in Illicit Sexual Conduct in Foreign Places);

(18) 18 U.S.C. § 2424 (failure to file factual statement about an alien individual); and/or

(19) 18 U.S.C. § 2425 (transmitting information about a minor to further criminal sexual conduct).

C. **State Offenses** - A conviction for any of the following crimes under the North Dakota Century Code (N.D. Cent. Code) Chapter 12.1-20:

(1) N.D. Cent. Code § 12.1-20-03(2)(b) (Gross sexual imposition (if offense involves sexual contact by force or threat and victim 18 or older)

(2) N.D. Cent. Code § 12.1-20-03(2)(c) (Gross sexual imposition (if offense involves sexual contact and victim unaware of contact and 18 or older)

(3) N.D. Cent. Code § 12.1-20-04(1)-(2) (Sexual imposition (if offense involves sexual contact and victim 18 or older))

(4) N.D. Cent. Code § 12.1-20-05.1 (Luring minors by computer or other electronic means (if misdemeanor))

(5) N.D. Cent. Code § 12.1-20-06 (Sexual abuse of wards (if victim 18 or older))

(6) N.D. Cent. Code § 12.1-20-06.1 (Sexual exploitation by therapist (if victim 18 or

older))

(7) N.D. Cent. Code § 12.1-20-07(1)(b)-(f) (Sexual assault (if victim 18 or older))

(8) N.D. Cent. Code § 12.1-20-12.2 (Surreptitious intrusion (if victim under 18))

(9) N.D. Cent. Code § 12.1-20-12.3(1)(a) (Sexual extortion)

(10) N.D. Cent. Code § 12.1-20-12.3(1)(b) (Sexual extortion (if victim 18 or older))

(11) N.D. Cent. Code § 12.1-27.2-04.1 (Possession of certain materials prohibited)

(12) N.D. Cent. Code § 12.1-29-06 (Hiring an individual to engage in sexual activity (if victim under 18))

(13) N.D. Cent. Code § 12.1-20-03(1)(d) (Gross sexual imposition (if victim 13-14))

(14) N.D. Cent. Code § 12.1-20-03(2)(a) (Gross sexual imposition (if offense involves sexual contact and victim 13-14))

(15) N.D. Cent. Code § 12.1-20-03(2)(b) (Gross sexual imposition (if offense involves sexual contact by force or threat and victim 13-17))

(16) N.D. Cent. Code § 12.1-20-03(2)(c) (Gross sexual imposition (if offense involves sexual contact and victim unaware of contact and 13-17))

(17) N.D. Cent. Code § 12.1-20-03.1 (Continuous sexual abuse of a child (if offense involves non-forcible sexual act and victim 13-14))

(18) N.D. Cent. Code § 12.1-20-04(1)-(2) (Sexual imposition (if offense involves sexual contact and victim 13-17))

(19) N.D. Cent. Code § 12.1-20-05(2) (Corruption or solicitation of minors)

(20) N.D. Cent. Code § 12.1-20-05.1 (Luring minors by computer or other electronic means (if felony))

(21) N.D. Cent. Code § 12.1-20-06 (Sexual abuse of wards (if victim 13-17))

(22) N.D. Cent. Code § 12.1-20-06.1 (Sexual exploitation by therapist (if victim 13-17))

(23) N.D. Cent. Code § 12.1-20-07(1)(b)-(f) (Sexual assault (if victim 13-17))

(24) N.D. Cent. Code § 12.1-20-11 (Incest (if offense involves non-forcible sexual act and victim 13-17))

(25) N.D. Cent. Code § 12.1-20-12.3(1)(b) (Sexual extortion (if victim 13-17))

(26) N.D. Cent. Code § 12.1-27.2-02 (Use of a minor in a sexual performance)

(27) N.D. Cent. Code § 12.1-27.2-03 (Promoting or directing an obscene sexual performance by a minor)

(28) N.D. Cent. Code § 12.1-27.2-04 (Promoting a sexual performance by a minor)

(29) N.D. Cent. Code § 12.1-29-01 (Promoting prostitution (if victim under 18))

(30) N.D. Cent. Code § 12.1-29-02 (Facilitating prostitution (if victim under 18))

(31) N.D. Cent. Code § 12.1-41-02(1)(b) (Trafficking an individual (if victim 13-17))

(32) N.D. Cent. Code § 12.1-41-04(1)(a) (Sexual servitude (if victim is 13-17))

(33) N.D. Cent. Code § 12.1-41-05 (Patronizing a victim of sexual servitude (if victim under 18))

(34) N.D. Cent. Code § 12.1-41-06 (Patronizing a minor for commercial sexual activity)

(35) N.D. Cent. Code § 12.1-20-03(1)(a)-(c), (e) (Gross sexual imposition)

(36) N.D. Cent. Code § 12.1-20-03(1)(d) (Gross sexual imposition (if victim under 13))

(37) N.D. Cent. Code § 12.1-20-03(2)(a)-(c) (Gross sexual imposition (if victim under 13))

(38) N.D. Cent. Code § 12.1-20-03.1 (Continuous sexual abuse of a child (if offense involves nonconsensual sexual act or non-forcible sexual act and victim under 13))

(39) N.D. Cent. Code § 12.1-20-04(1) – (2) (Sexual imposition (if offense involves nonconsensual sexual act or sexual contact and victim under 13))

(40) N.D. Cent. Code § 12.1-20-06 (Sexual abuse of wards (if victim under 13))

(41) N.D. Cent. Code § 12.1-20-06.1 (Sexual exploitation by therapist (if victim under 13))

(42) N.D. Cent. Code § 12.1-20-07(1)(b)-(f) (Sexual assault (if victim under 13))

(43) N.D. Cent. Code § 12.1-20-11 (Incest (if offense involves non-forcible sexual act and under 13))

(44) N.D. Cent. Code § 12.1-20-12.3(1)(b) (Sexual extortion (if victim under 13))

(45) N.D. Cent. Code § 12.1-20-12.3(1)(b) (Sexual extortion (if victim "vulnerable" and 18 or older))

(46) N.D. Cent. Code § 12.1-41-02(1)(b) (Trafficking an individual (if offense involves sex trafficking by force, fraud, or coercion or victim under 13))

(47) N.D. Cent. Code § 12.1-41-04(1)(a) (Sexual servitude (if victim under 13))

(48) N.D. Cent. Code § 12.1-41-04(1)(b) (Sexual servitude (if offense involves sex trafficking by force, fraud, or coercion))

D. Foreign Offenses Any conviction for a sex offense involving any conduct listed in this Section that was obtained under the laws of Canada, the United Kingdom, Australia, New Zealand or under the laws of any foreign country when the United States State Department in its Country Reports on Human Rights Practices has concluded that an independent judiciary generally or vigorously enforced the right to a fair trial in that country during the year in which the conviction occurred.

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

~~E~~F. Juvenile Offenses or Adjudications - Any sex offense, or attempt or conspiracy to commit a sex offense, that is comparable to or more severe than the federal crime of aggravated sexual abuse (as codified in 18 U.S.C. § 2241) or those offenses listed in Section 4-1609(e) of this Title and committed by a child who is 14 years of age or older at the time of the offense. This includes engaging in a sexual act with another by force or the threat of serious violence, or engaging in a sexual act with another by rendering unconscious or involuntarily drugging the victim. Adjudications of delinquency by children 14 years of age or older of offenses listed in subsection A above shall be Tiered as set forth in Sections 4-1607(c), 4-1608(b) and 4-1609(e) of this Title. Tier 1 and Tier 2 offenses are exempt from all registration requirements. Adjudication of delinquency by children 14 years of age or older of 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 (18 U.S.C. 2241) and Section 4-1609(e) of this Title shall be subject to registration requirements and included in the NSOR, but exempt from inclusion in the SRPSOR.

~~F~~G. Jurisdiction Offenses-Any sex offense committed in any jurisdiction-including this Tribe, any State, or any other Tribe - that involves:

(1) Any type or degree of genital, oral, or anal penetration;

(2) Any sexual touching of or sexual contact with a person's body, either directly or through the clothing;

(3) Kidnapping of a child by a non-parent and commission of a sex offense;

(4) False imprisonment of a child;

(5) Solicitation to engage a child in sexual conduct understood broadly to include any direction, request, enticement, persuasion, or encouragement of a child to engage in sexual conduct;

(6) Use of a child in a sexual performance;

(7) Solicitation of a child to practice prostitution;

(8) Possession, production, or distribution of child pornography;

(9) Criminal sexual conduct that involves physical contact with a child 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 child at the time of the offense;

(10) Any conduct that by its nature is a sex offense against a child; or

(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)

Subchapter C
Tiered Offenses

4-1607. 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 a Child A "Tier 1" offense also includes any offense for which a person has been convicted by any jurisdiction, local government or qualifying foreign country pursuant to Section 4-1606 of this Title that involves the false imprisonment of a child, video voyeurism of a child, or possession or receipt of child pornography.

C. Tribal Offenses Incest as defined in Section 4-1406 of this Title ; complicity in the commission of rape, statutory rape, sexual assault, child abuse by sexual assault as provided for in Section 4-301 of this Title ; and/or any offenses provided for in subsection (D) of this Section.

D. Certain Federal and Tribal Offenses - Conviction for any of the following federal offenses, and/or of a Tribal offense for the same acts underlying the federal offenses, shall be considered a conviction for a "Tier 1" offense:

(1) 18 U.S.C. § 1801 (video voyeurism of a minor);

(2) 18 U.S.C. § 2252 (receipt or possession of child pornography);

(3) 18 U.S.C. § 2252A (receipt or possession of child pornography);

(4) 18 U.S.C. § 2252B (misleading domain names on the internet);

(5) 18 U.S.C. § 2252C (misleading words or digital images on the internet);

(6) 18 U.S.C. § 2422(a) (coercion to engage in prostitution);

(7) 18 U.S.C. §2244(a) (1)-(2), 2244(b) (Abusive Sexual Contact with an Adult)

E. **Certain State Offenses** Conviction for any of the following state offenses shall be considered a conviction for a "Tier 1" offense:

(1) N.D. Cent. Code § 12.1-20-03(2)(b) (Gross sexual imposition (if offense involves sexual contact by force or threat and victim 18 or older)

(2) N.D. Cent. Code § 12.1-20-03(2)(c) (Gross sexual imposition (if offense involves sexual contact and victim unaware of contact and 18 or older)

(3) N.D. Cent. Code § 12.1-20-04(1)-(2) (Sexual imposition (if offense involves sexual contact and victim 18 or older))

(4) N.D. Cent. Code § 12.1-20-05.1 (Luring minors by computer or other electronic means (if misdemeanor))

(5) N.D. Cent. Code § 12.1-20-06 (Sexual abuse of wards (if victim 18 or older))

(6) N.D. Cent. Code § 12.1-20-06.1 (Sexual exploitation by therapist (if victim 18 or older))

(7) N.D. Cent. Code § 12.1-20-07(1)(b)-(f) (Sexual assault (if victim 18 or older))

(8) N.D. Cent. Code § 12.1-20-12.2 (Surreptitious intrusion (if victim under 18))

(9) N.D. Cent. Code § 12.1-20-12.3(1)(a) (Sexual extortion)

(10) N.D. Cent. Code § 12.1-20-12.3(1)(b) (Sexual extortion (if victim 18 or older))

(11) N.D. Cent. Code § 12.1-27.2-04.1 (Possession of certain materials prohibited)

(12) N.D. Cent. Code § 12.1-29-06 (Hiring an individual to engage in sexual activity (if victim under 18))

F. Certain Military Offenses -Any military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (codified at 10 U.S.C. § 951 note) that is similar to those offenses outlined in Section 3.01(A), (B), or (C) shall be considered a "Tier 1" offense.

4-1608. Tier 2 Offenses.

A. Recidivism and Felonies- Unless otherwise covered by Section 4-1607 of this Title, any sex offense that is not the first sex offense for which a person has been convicted and that is punishable by more than one (1) year in jail is considered a "Tier 2" offense.

B. Tribal Offenses - Sexual Assault as defined in Section 4-1405 of this Title, Statutory Rape as defined in Section 4-1402 of this Title, and/or any offenses provided for in subsection (D) of this Section.

C. Offenses Involving a Child - A "Tier 2" offense includes any sex offense against a child for which a person has been convicted, or an attempt or conspiracy to commit such an offense, that involves:

(1) The use of a child in prostitution, including solicitations;

(2) Enticing a child to engage in criminal sexual activity;

(3) A non-forcible Sexual Act with a child 16-17 years old;

(4) Sexual contact with a child 13 years of age or older, whether directly or indirectly through the clothing, that involves the intimate parts of the body;

(5) The use of a child in a sexual performance; or

(6) The production or distribution of child pornography.

D. Certain Federal and Tribal Offenses Conviction for any of the following federal offenses, and/or of a Tribal offense for the same acts underlying the federal offenses, shall be considered a conviction for a "Tier 2" offense:

(1) 18 U.S.C. § 1591 (sex trafficking by force, fraud, or coercion);

(2) 18 U.S.C. § 2244(a) (1), 2244(a) (5) (Abusive sexual contact, where the victim is between 13 and 17 years of age);

(3) 18 U.S.C. § 2251 (sexual exploitation of children);

(4) 18 U.S.C. § 2251A (selling or buying of children);

(5) 18 U.S.C. § 2252 (material involving the sexual exploitation of a minor);

(6) 18 U.S.C. § 2252A (production or distribution of material containing child pornography);

(7) 18 U.S.C. § 2260 (production of sexually explicit depictions of a minor for import into the United States);

(8) 18 U.S.C. § 2421 (transportation of a minor for illegal sexual activity);

(9) 18 U.S.C. § 2422(b) (coercing a minor to engage in prostitution);

(10) 18 U.S.C. § 2423(a) (transporting a minor to engage in illicit conduct);

(11) 18 U.S.C. § 2423 (b) (travel with the intent to engage in Criminal Sexual Activity with a Minor);

(12) 18 U.S.C. § 2423(c) (engaging in illicit sexual conduct in foreign places with a minor);

(13) 18 U.S.C. § 2423(d) (arranging, inducing, procuring or facilitating the travel in interstate commerce of a minor for the purpose of engaging in illicit conduct for financial gain);

(14) 18 U.S.C. § 2424 (Filing factual statements about an alien individual minors for Sexual Activity); or

(15) 18 U.S.C. § 2425 (Use of Interstate Facilities to transmit information about a minor to Solicit Sexual Activity).

E. **Certain State Offenses** - Conviction for any of the following state offenses shall be considered a conviction for a "Tier 2" offense:

(1) N.D. Cent. Code § 12.1-20-03(1)(d) (Gross sexual imposition (if victim 13-14))

(2) N.D. Cent. Code § 12.1-20-03(2)(a) (Gross sexual imposition (if offense involves sexual contact and victim 13-14))

(3) N.D. Cent. Code § 12.1-20-03(2)(b) (Gross sexual imposition (if offense involves sexual contact by force or threat and victim 13-17))

(4) N.D. Cent. Code § 12.1-20-03(2)(c) (Gross sexual imposition (if offense involves sexual contact and victim unaware of contact and 13-17))

(5) N.D. Cent. Code § 12.1-20-03.1 (Continuous sexual abuse of a child (if offense involves non-forcible sexual act and victim 13-14))

(6) N.D. Cent. Code § 12.1-20-04(1)-(2) (Sexual imposition (if offense involves sexual contact and victim 13-17))

(7) N.D. Cent. Code § 12.1-20-05(2) (Corruption or solicitation of minors)

(8) N.D. Cent. Code § 12.1-20-05.1 (Luring minors by computer or other electronic means (if felony))

(9) N.D. Cent. Code § 12.1-20-06 (Sexual abuse of wards (if victim 13-17))

(10) N.D. Cent. Code § 12.1-20-06.1 (Sexual exploitation by therapist (if victim 13-17))

(11) N.D. Cent. Code § 12.1-20-07(1)(b)-(f) (Sexual assault (if victim 13-17))

(12) N.D. Cent. Code § 12.1-20-11 (Incest (if offense involves non-forcible sexual act and victim 13-17))

(13) N.D. Cent. Code § 12.1-20-12.3(1)(b) (Sexual extortion (if victim 13-17))

(14) N.D. Cent. Code § 12.1-27.2-02 (Use of a minor in a sexual performance)

(15) N.D. Cent. Code § 12.1-27.2-03 (Promoting or directing an obscene sexual performance by a minor)

(16) N.D. Cent. Code § 12.1-27.2-04 (Promoting a sexual performance by a minor)

(17) N.D. Cent. Code § 12.1-29-01 (Promoting prostitution (if victim under 18))

(18) N.D. Cent. Code § 12.1-29-02 (Facilitating prostitution (if victim under 18))

(19) N.D. Cent. Code § 12.1-41-02(1)(b) (Trafficking an individual (if victim 13-17))

(20) N.D. Cent. Code § 12.1-41-04(1)(a) (Sexual servitude (if victim is 13-17))

(21) N.D. Cent. Code § 12.1-41-05 (Patronizing a victim of sexual servitude (if victim under 18))

(22) N.D. Cent. Code § 12.1-41-06 (Patronizing a minor for commercial sexual activity)

F. Certain Military Offenses -Any military offense specified by the Secretary of Defense under Section115(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 Sections 4-1608(A), (B), or (C) of this Title shall be considered a "Tier 2" offense.

4-1609. Tier 3 Offenses.

A. Recidivism and Felonies-Any sex offense that is punishable by more than one (1) year in jail where the offender has at least one (1) 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 child and commission of a sex offense;

(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 child 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 and Tribal Offenses Conviction for any of the following federal offenses, and/or of a Tribal offense for the same acts underlying the federal offenses, shall be considered conviction for a "Tier 3" offense:

(1) 18 U.S.C. § 2241 (aggravated sexual abuse);

(2) 18 U.S.C. § 2242 (sexual abuse);

(3) 18 U.S.C. § 2243 (sexual abuse of a minor or ward); or

(4) Where the victim is 12 years of age or younger, 18 U.S.C. § 2244 (abusive sexual contact).

D. Certain State Offenses - Conviction for any of the following state offenses shall be considered a conviction for a "Tier 3" offense:

(1) N.D. Cent. Code § 12.1-20-03(1)(a)-(c), (e) (Gross sexual imposition)

(2) N.D. Cent. Code § 12.1-20-03(1)(d) (Gross sexual imposition (if victim under 13))

(3) N.D. Cent. Code § 12.1-20-03(2)(a)-(c) (Gross sexual imposition (if victim under 13))

(4) N.D. Cent. Code § 12.1-20-03.1 (Continuous sexual abuse of a child (if offense involves nonconsensual sexual act or non-forcible sexual act and victim under 13))

(5) N.D. Cent. Code § 12.1-20-04(1) – (2) (Sexual imposition (if offense involves nonconsensual sexual act or sexual contact and victim under 13))

(6) N.D. Cent. Code § 12.1-20-06 (Sexual abuse of wards (if victim under 13))

(7) N.D. Cent. Code § 12.1-20-06.1 (Sexual exploitation by therapist (if victim under 13))

(8) N.D. Cent. Code § 12.1-20-07(1)(b)-(f) (Sexual assault (if victim under 13))

(9) N.D. Cent. Code § 12.1-20-11 (Incest (if offense involves non-forcible sexual act and under 13))

(10) N.D. Cent. Code § 12.1-20-12.3(1)(b) (Sexual extortion (if victim under 13))

(11) N.D. Cent. Code § 12.1-20-12.3(1)(b) (Sexual extortion (if victim "vulnerable" and 18 or older))

(12) N.D. Cent. Code § 12.1-41-02(1)(b) (Trafficking an individual (if offense involves sex trafficking by force, fraud, or coercion or victim under 13))

(13) N.D. Cent. Code § 12.1-41-04(1)(a) (Sexual servitude (if victim under 13))

(14) N.D. Cent. Code § 12.1-41-04(1)(b) (Sexual servitude (if offense involves sex trafficking by force, fraud, or coercion))

~~D.~~ E. Certain Military Offenses-Any military offense specified by the Secretary of Defense under section 115(a) (8) (C) (i) of Public Law 105-119 (codified a 10 U.S.C. § 951 note) that is similar to those offenses outlined in Section 4-1609(A), (B), or (C) of this Title shall be considered a "Tier 3" offense.

E. Tribal Offenses Child abuse by sexual assault, molestation or exploitation as defined in Section 4-1204(1)(d) of this Title, Rape as defined in Section 4-1401 of this Title, and Non-parental Kidnapping of a Child as defined in Section 4-505 of this Title and/or any offenses provided for in subsection (D) of this Section, are considered "Tier 3" offenses.

Subchapter D
Required Registration

4-1610. General Requirements.

A. Duties A sex offender covered by this Chapter who is required to register with the Tribe pursuant to Section 4-1631 shall provide all of the information detailed in this Chapter to the Standing Rock Sioux Tribal Court, and the Standing Rock Sioux Tribal Court shall obtain all of the information detailed in this Chapter from sex offenders who are required to register with the Tribe in accordance with this Chapter and shall implement any relevant policies and procedures.

B. Digitization-All information obtained under this Chapter shall be, at a minimum, maintained by the Standing Rock Sioux Tribal Court in a digitized format.

C. Electronic Database -A sex offender registry shall be maintained in an electronic database by the Standing Rock Sioux Tribal Court and shall be in a form capable of electronic transmission.

4-1611. Criminal History..

Criminal History - The Standing Rock Sioux Tribal Court shall obtain, and a sex offender shall provide, the following information related to the sex offender's criminal history:

(1) The date of all arrests;

(2) The date of all convictions;

(3) The sex offender's status of parole, probation, or supervised release;

(4) The sex offender's registration status, and

(5) Any outstanding arrest warrants.

4-1612. Date of Birth.

Date of Birth - The Standing Rock Sioux Tribal Court shall obtain, and a sex offender shall provide, the following information related to the sex offender's date of birth:

(1) The sex offender's actual date of birth; and

(2) Any other date of birth used by the sex offender.

4-1613. 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 Standing Rock Sioux Tribal Court 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. If the sex offender is an Indian, the DNA profile will be submitted by Tribal Court to the North Dakota or South Dakota

crime lab to be forwarded to CODIS, as agreed upon through Agreements entered into between the Tribe and the above States.

C. DNA Repository-The State of North Dakota and the State of South Dakota shall be the repositories of all DNA samples required to be stored pursuant to the provisions of this Chapter as agreed upon through Agreements entered into between the Tribe and the above States.

4-1614. Driver's Licenses, Identification Cards, Passports, and Immigration Documents.

A. Driver's License - The Standing Rock Sioux Tribal Court shall obtain, and a 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 Standing Rock Sioux Tribal Court shall obtain, and a 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 Standing Rock Sioux Tribal Court shall obtain, and a covered sex offender shall provide, a photocopy of any passports used by the sex offender.

D. Immigration Documents -The Standing Rock Sioux Tribal Court shall obtain, and a sex offender shall provide, a photocopy of any and all immigration documents.

4-1615. Employment Information.

A. Employment -The Standing Rock Sioux Tribal Court shall obtain, and a 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 transfer or day labor employment.

4-1616. Finger and Palm Prints.

A. Finger and Palm Prints-The Standing Rock Sioux Tribal Court shall obtain and the sex offender shall provide both finger prints and palm prints of the sex offender in a digitized format.

B. IAFIS If the sex offender is an Indian, the finger print and palm print will be submitted to the state of North Dakota or South Dakota by the Tribal Court for submission to IAFIS.

4-1617. Internet Identifiers.

A. Internet Names - The Standing Rock Sioux Tribal Court shall obtain, and a 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.

4-1618. Name.

A. Name-The Standing Rock Sioux Tribal Court shall obtain and a 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.

4-1619. Phone Numbers.

A. Phone Numbers-The Standing Rock Sioux Tribal Court shall obtain, and a 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.

4-1620. Picture.

A. Photograph - The Standing Rock Sioux Tribal Court shall obtain, and a 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.

4-1621. Physical Description.

A. Physical Description -The Standing Rock Sioux Tribal Court shall obtain, and a 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.

4-1622. Professional Licensing Information.

A. Professional Licenses The Standing Rock Sioux Tribal Court shall obtain, and a sex offender shall provide, all licenses of the sex offender that authorizes the sex offender to engage in an occupation or carry out a trade or business.

4-1623. Residence Address.

A. Address The Standing Rock Sioux Tribal Court shall obtain, and a 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.

4-1624. School.

A. School Location - The Standing Rock Sioux Tribal Court shall obtain, and a 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 where the sex offender is or will be a student.

4-1625. Social Security Number.

A. Social Security-The Standing Rock Sioux Tribal Court shall obtain, and a 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.

4-1626. Temporary Lodging.

A. Lodging Information -The Standing Rock Sioux Tribal Court shall obtain, and a sex offender shall provide, the following information when the sex offender will be absent from his residence for seven (7) days or more:

(1) Identifying information of the temporary lodging locations including 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 of the United States for more than seven (7) days, the Standing Rock Sioux Tribal Court shall immediately provide this information to INTERPOL.

a. Sex offenders must inform their residence jurisdictions 21 days in advance if they intend to travel outside of the United States. Jurisdictions must notify the U.S. Marshals Serve and immediately notify any other jurisdiction where the sex offender is either registered, or is required to register, of that updated information. Update also must be made to NCIC/NSOR.

4-1627. Offense Information..

A. Offense Information -The Standing Rock Sioux Tribal Court shall obtain the text of each provision of law defining the criminal offense(s) for which the sex offender is registered.

4-1628. Vehicle Information.

A. Detailed Information The Standing Rock Sioux Tribal Court shall obtain, and a 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 applicable vehicle is kept.

4-1629. Frequency, Duration and Reduction.

A. Frequency-A sex offender who is required to register shall, at minimum, appear in person at the Standing Rock Sioux Tribal Court for purposes of verification and keeping their registration current in accordance with the following time frames:

(1) For "Tier 1" offenders, once every year for 15 years from the time of release from custody for a sex offender who is incarcerated for the registration offense or from the date of sentencing for a sex offender who is not incarcerated for the registration offense.

(2) For "Tier 2" offenders, once every 180 days for 25 years from the time of release from custody for a sex offender who is incarcerated for the registration offense or from the date of sentencing for a sex offender who is not incarcerated for the registration offense.

(3) For "Tier 3" offenders, once every 90 days for the rest of their lives.

B. Reduction of Registration Period -A sex offender may have their period of registration reduced for a Tribal Court offense 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 2 offender may have his or her period of registration reduced to 15 years if he or she has maintained a clean record for 15 consecutive years; and

(3) A Tier 3 offender may have his or her period of registration reduced to 25 years if he or she was adjudicated delinquent of an offense as a juvenile that required Tier 3 registration and he or she has maintained a clean record for 25 consecutive years.

C. Clean Record - For purposes of Section 4-1629 of this Title a person has a clean record if:

(1) He or she has not been convicted of any offense, for which imprisonment for more than six (6) months may be imposed;

(2) He or she has not been convicted of any sex offense;

(3) He or she has successfully completed, without revocation, any period of supervised release, probation or parole; and

(4) He or she has successfully completed an appropriate sex offender treatment program certified by the tribe, another jurisdiction, or by the Attorney General of the United States.

D. Increased Registration Requirements

(1) Statement of Necessity- The sentencing authority of the Standing Rock Sioux Tribal Court is limited to one (1) year by the Indian Civil Rights Act, 25 U.S.C. § 1302(7). The denomination of offenses as Tier 1 offenses under this Code and the Sex Offender Registration and Notification Act (SORNA) does not adequately reflect the danger to individuals and to the community which this Code and said Act are intended to protect. Pursuant to SORNA§ 112z(b), the Attorney General of the United States is directed to and has issued The National Guidelines for Sex Offender Registration and Notification, Final Guidelines, June 2008, which provide for the authority of sentencing jurisdictions to require enhanced registration requirements.

(2) Enhancement of Registration Requirements - At the time of sentencing or hearing for recapture for any offense subject to the registration requirements of this Code, the judge shall determine whether the offender shall register subject to the requirements of Tier 1, Tier 2 or Tier 3, and shall so order as part and parcel of sentence. In so determining, the judge shall consider such factors as reflect the offender's risk to the public, including, but not limited to the seriousness of the offense or offenses, the risk of recidivism and the danger to any individual or the community. The order and judgment of sentence shall state with particularity the factors considered by the judge and the adjudicated facts upon which the determination is based, with sufficient particularity to allow for review on appeal.

4-1630. Requirements for In Person Appearances.

A. Photographs - At each in person verification, the sex offender shall permit the Standing Rock Sioux Tribal Court 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 Standing Rock Sioux Tribal Court shall immediately notify all other jurisdictions in which the sex offender is required to register of the information or change in information.

Subchapter E
Registration

4-1631. Where Registration is Required.

A. Jurisdiction of Conviction -A sex offender must initially register with the Standing Rock Sioux Tribal Court if the sex offender was convicted by the Tribal Court of a sex offense regardless of the sex offender's actual or intended residency.

B. Jurisdiction of Incarceration -A sex offender must register with the Standing Rock Sioux Tribal Court if the sex offender is incarcerated by the Tribe while completing any sentence for a 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 Standing Rock Sioux Tribal Court if the sex offender is an Indian and resides within the exterior boundaries of the Standing Rock Sioux Indian Reservation. If the sex offender is a non-Indian and resides within the exterior boundaries of the reservation, the sex offender will be "Tiered" based on the crime(s) as stated in Subchapter C, in the Standing Rock Sioux Tribal Civil Court. ~~the sex offender must register in the county where he/she resides within the reservation. In addition, the Standing Rock Sioux Tribal Court will obtain the county registration information and post the non-Indian sex offender on the SRPSOR~~.

D. Jurisdiction of Employment-A sex offender must register with the Standing Rock Sioux Tribal Court if he or she is employed by the Tribe in any capacity, or otherwise is employed within lands subject to the jurisdiction of the Tribe.

E Jurisdiction of School Attendance -A sex offender must register with the Standing Rock Sioux Tribal Court if the sex offender is a student in any capacity within lands subject to the jurisdiction of the Tribe.

4-1632. Timing of Registration.

A. Timing-A sex offender required to register with the Tribe under this Chapter shall do so in the following timeframe:

(1) If convicted by the Standing Rock Sioux Tribal Court for a sex offense and incarcerated, the sex offender must register before being released from incarceration;

(2) If convicted by the Standing Rock Sioux Tribal Court but not incarcerated, the sex offender must register within three (3) Tribal Court business days of sentencing for the registration offense; and

(3) Within three (3) Tribal Court business days of establishing a residence, commencing employment, or becoming a student within the exterior boundaries of the Standing Rock Sioux Reservation, a sex offender must appear in person to register with the Standing Rock Sioux Tribal Court.

B. Duties of the Standing Rock Sioux Tribal Court - The Standing Rock Sioux Tribal Court shall have policies and procedures in place to ensure the following:

(1) That any sex offender incarcerated or sentenced by the tribe for a sex offense completes their initial registration with the tribe;

(2) That the sex offender reads, or has read to them, and signs a form stating that the duty to register has been explained to them and that the sex offender understands the registration 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) That personnel of the Tribal Court will conduct compliance and monitoring checks during the offender's registration period, to include verification of residency, employment and school.

i. A Tier I offender shall have compliance and monitoring checks every six (6) months;

ii. A Tier II offender shall have compliance and monitoring checks every three (3) months; and

iii. A Tier III offender shall have compliance and monitoring checks every month.

(6) Failure to provide accurate information or comply with the provisions of registration shall be a Felony offense.

4-1633. Retroactive Registration.

A. Retroactive Registration-The Standing Rock Sioux Tribal Court 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 Chapter:

(1) Sex offenders incarcerated or under the supervision of the tribe, whether for a sex offense or other crime;

(2) Sex offenders already registered or subject to a pre-existing sex offender registration requirement under tribal or state laws; and

(3) Sex offenders reentering the Tribal justice system due to conviction for any crime.

B. Recaptured Sex Offenders a sex offender who has been recaptured, and any other registered sex offender, shall be ineligible to reside in housing provided by the Standing Rock Housing Authority.

C. Timing of Recapture. The Standing Rock Sioux Tribal Court shall ensure recapture of the sex offenders mentioned in Section 4-1633(A) within the following timeframe to be calculated from the date of passage of this code:

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

4-1634. Keeping Registration Current.

A. Jurisdiction of Residency-All sex offenders required to register in this jurisdiction shall appear within three (3) tribal business days in person at the Standing Rock Sioux Tribal Court to update any changes to their name, residence (including termination of residency) , employment or school attendance. All sex offenders required to register in this jurisdiction shall, within three (3) tribal business days, inform the Standing Rock Sioux Tribal Court in writing of any changes to their temporary lodging information, vehicle information, internet identifiers or telephone numbers. In the event of a change in temporary lodging, the sex offender and the Standing Rock Sioux Tribal Court 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 within lands subject to the jurisdiction of the Tribe regardless of location that change their school, or otherwise terminate their schooling, shall within three (3) tribal business days appear in person at the Standing Rock Sioux Tribal Court to update that information. The Standing Rock Sioux Tribal

Court shall ensure that each jurisdiction in which the sex offender is required to register, or was required to register prior to the updated information being given, are immediately notified of the change.

C. Jurisdiction of Employment Any sex offender who is employed by the Tribe in any capacity or otherwise is employed within lands subject to the jurisdiction of the Tribe that change their employment, or otherwise terminate their employment, shall within three (3) tribal business days immediately appear in person at the Standing Rock Sioux Tribal Court to update that information. The Standing Rock Sioux Tribal Court 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 the Standing Rock Sioux Tribal Court-With regard to changes in a sex offender's registration information, the Standing Rock Sioux Tribal Court 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 Court also shall ensure this information is immediately updated on NSOR.

4-1635. Failure to Appear For Registration and Absconding.

A. Failure to Appear- In the event a sex offender fails to register with the Tribal Court as required by this Chapter, the Tribal Court shall immediately inform the jurisdiction that provided notification that the sex offender was to commence residency, employment or school attendance with the Tribe that the sex offender failed to appear for registration.

B. Absconded Sex Offenders - If the Tribal Court receives information that a sex offender has absconded, the Tribal Court shall make an effort to determine if the sex offender has actually absconded.

1. In the event no determination can be made, the Tribal Court shall ensure that the BIA, Tribal Law Enforcement and any other appropriate law enforcement agency is notified.

2 If the information indicating the possible absconding came through notice from another jurisdiction or federal authorities, the BIA, Tribal Law Enforcement and other appropriate law enforcement agency shall be informed that the sex offender has failed to appear and register.

3. If an absconded sex offender cannot be located, then the BIA, Tribal Law Enforcement and other appropriate law enforcement agency 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. Notify the U.S. Marshals Service;

c. Seek a warrant for the sex offender's arrest. The U.S. Marshals Service or FBI may be contacted in an attempt to obtain a federal warrant for the sex offender's arrest;

d. Update the NSOR to reflect the sex offender's status as an absconder, or is otherwise not capable of being located; and

e. Enter the sex offender into the National Crime Information Center Wanted Person File.

C. Failure to Register- In the event a sex offender who is required to register due to their employment or school attendance status fails to do so or otherwise violates a registration requirement of this Chapter, the Tribal Court shall take all appropriate follow-up measures including those outlined in this subsection (B) of this Section. The Tribal Court 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.

Subchapter F
Standing Rock Public Sex Offender Registry (SRPSOR) Website

4-1636. Website.

A. Website -The Standing Rock Sioux Tribal Court shall use and maintain a public sex offender registry website, which shall be known as the Standing Rock Public Sex Offender Registry (SRPSOR) Website. The Tribe's registry site can be accessed at the following address: http://srst.nsopw.gov.

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 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.

4-1637. Required and Prohibited Information.

A. Required Information. The following information shall be made available to the public on the SRPSOR 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 addresses of schools attended by the sex offender; and
10. The sex offender's vehicle license plate number along with a description of the vehicle.

B. Prohibited Information-The following information shall not be available to the public on the SRPSOR website:

1. Any arrest that did not result in conviction;
2. The sex offender's social security number;
3. Any travel and immigration documents;
4. The identity of the victim;
5. Internet identifiers (as defined in 42 U.S.C. § 16911); and
6. All juveniles adjudicated as sex offenders.

C. Witness Protection - For sex offenders who are under a witness protection program, the BIA or Tribal Law Enforcement 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 SRPSOR website.

4-1638. Community Notification..

A. Law Enforcement Notification - Whenever a sex offender registers or updates his or her information with the Tribe, the Standing Rock Sioux Tribal Court shall:

1. Immediately notify the FBI or other federal agency as designated by the Attorney General in order that the information may be updated on NSOR or other relevant databases;
2. Immediately notify any agency, department, or program within the Tribe that is responsible for criminal investigation, prosecution, child welfare or sex offender supervision functions, including but not limited to, Law Enforcement, whether BIA, Tribal or FBI, Tribal prosecutors and Tribal probation;
3. 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; 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 Standing Rock Sioux Tribal Court shall ensure there is an automated community notification process in place that ensures the following:

1. Upon a sex offender's registration or update of information with the Tribe, the SRPSOR website is immediately updated;
2. The Tribe's public sex offender registry has a function that enables the general public to request an e-mail notice that will notify them when a sex offender commences residence, employment or school attendance with the tribe, within a specified zip code, or within a certain geographic radius. This email notice shall include the sex offender's identity so that the public can access the public registry for the new information. The Tribe's registry site can be accessed at the following address: http://srst.nsopw.gov; and
3. In order to facilitate notification of those members of the general public without internet access, notice shall also be posted for at least 30 days in prominent locations at the Standing Rock Sioux Tribal Courthouse, and the local reservation newspaper. Notices shall be posted upon initial registration and for 30 days after updated registration, per Tier level.

Subchapter G
School Sone Requirements

4-1639. School Zone Restrictions.

A. Access Restrictions - No person who is required to register as a sex offender shall have access to any school grounds and/or facilities of public or private elementary, middle or high school located within the exterior boundaries of the Reservation. For the purposes of this Chapter, School Grounds is defined to mean the area within the control and administration of the School to include common areas, residential areas or school buildings and except as follows:

1. Except to vote in a school building used as a public polling place, or to attend an open meeting under the Standing Rock Sioux Tribal Code of Justice held in a school building. A sex offender may not knowingly enter school grounds unless allowed on school property in compliance with a written policy adopted by the school board of a public school or the governing body of a non-public school.
2. If no written policy exists regarding entry of school grounds, a sex offender may enter school grounds under only one of the following conditions:

a. As the parent or guardian of a student to attend a conference with school personnel to discuss the progress of the student academically or socially, participate in a child review conference in which evaluation and placement decisions may be made regarding special education services, or to attend a conference to discuss other student issues, including retentions and promotion;

b. As the parent, guardian, or relative of a student attending or participating in a function at the school having first requested and received advance permission from the school board or governing body to attend the school function and with escort from school security; or

c. As a student at the school with the written permission of the school board or governing body.

Subchapter H
Immunity

4-1640. Immunity

A. No Waiver of Immunity- Nothing under this Chapter shall be construed as a waiver of sovereign immunity for the Standing Rock Sioux Tribe, its departments, agencies, employees or agents.

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

Subchapter I
Enforcement and Regulation

4-1641. Chief Prosecutor

A. The Office of the Chief Prosecutor shall be responsible for the enforcement and regulation of Chapter 16, Sex Offender Registration and Notification Requirements.

Subchapter J
Crimes and Civil Penalties

4-1642. Crimes

A. Criminal Penalty-Any violation of a provision of this Chapter by a sex offender who is an Indian shall be considered a **Felony**.

B. 1. A person is guilty of an offense if they:

a. Knowingly harbor or knowingly attempt to harbor, or knowingly assist another person in harboring or attempting to harbor, a sex offender who is in violation of this Title;

b. Knowingly assist a sex offender in eluding a law enforcement agency that is seeking to find the sex offender to question the sex offender about, or to arrest the sex offender for, noncompliance with the requirements of this Title; or

c. Provide information to law enforcement agency regarding a sex offender which the person knows to be false.

C. 1. A person is guilty of an offense if they:

a. Knowingly fail to provide and comply with the General Requirements required in Sections 4-1610 through 4-1628 of this Title.