

RESOLUTION NO. 137 -11
OF THE GOVERNING BODY OF THE
YAVAPAI-APACHE NATION

A Resolution Approving Title 24 Yavapai-Apache Nation
Sex Offender Registration and Notification Code

WHEREAS: The Yavapai-Apache Tribal Council (“Council”) is empowered to represent the Yavapai-Apache Nation and act on all matters that concern the health and welfare of the Nation, and to make decisions not inconsistent with or contrary to the Constitution of the Yavapai-Apache Nation; and

WHEREAS: The Council is the legislative body of the Nation authorized to take any and all actions necessary and proper for the exercise of its Constitutional powers and duties, including those powers and duties not enumerated, and all other powers and duties now or hereafter delegated to the Tribal Council, or vested in the Tribal Council through its inherent sovereignty, as provided by Article V(w) of the Nation’s Constitution; and

WHEREAS: The Council is the legislative body of the Nation empowered to enact laws, ordinances and resolutions incidental to the exercise of legislative powers as provided by Article V (v) of the Nation’s Constitution; and

WHEREAS: On July 27, 2006, the Adam Walsh Child Protection and Safety Act of 2006 (P.L. 109-248) was signed into law. Title I of the Adam Walsh Act (“Adam Walsh Act”), entitled the Sex Offender Registration and Notification Act (“SORNA”) established minimum national standards for sex offender registration and notification applicable to states and Tribes; and

WHEREAS: Under SORNA, Tribes had until July 27, 2007 to elect to function as a sex offender registration jurisdiction or delegate this responsibility to the state. On June 28, 2007, the Council elected to participate as a registration jurisdiction by approving Tribal Council Resolution No. 41-2007, entitled, *A Resolution to Protect Tribal Sovereignty by Electing to Participate in the National Sex Offender Registry System Pursuant to the Provisions of Section 127 of Public Law No. 109-248 Known as the Adam Walsh Child Protection and Safety Act of 2006*; and

WHEREAS: Under Section 124 of SORNA, Tribes and states had initially until July 27, 2009 to meet the substantial implementation requirements of SORNA. Substantial implementation under SORNA is satisfied if a jurisdiction carries out the requirements of SORNA as interpreted and explained in the June 2008 Final Guidelines of The National Guidelines for Sex Offender

Registration and Notification issued by the United States Department of Justice (“DOJ”); and

WHEREAS: Under Section 124 of SORNA, the Attorney General of the United States is authorized to provide up to two one-year extensions for implementation beyond the July 27, 2009 deadline; and

WHEREAS: On April 23, 2009, pursuant to Resolution No. 79-09, the Council approved a request for an initial one-year extension until July 26, 2010. This request was granted by the DOJ on April 29, 2009; and

WHEREAS: On May 26, 2009, the Attorney General of the United States authorized a second one-year extension to July 26, 2011; and

WHEREAS: On April 22, 2010, pursuant to Resolution No. 84-10, the Council approved a request for an second one-year extension until July 26, 2011. This request was granted by the DOJ on May 5, 2010; and

WHEREAS: The Yavapai-Apache Nation Office of the Attorney General, together with the Yavapai-Apache Police Department drafted a model sex offender registration and notification code, Title 24 Sex Offender Registration and Notification Code (“Title 24”), as well as implementing policies and procedures; and

WHEREAS: The draft of Title 24 was presented to the Nation’s community members for public comment on June 8, 2011 in Middle Verde and on June 9, 2011 in Clarkdale. A copy of the draft code was also made available for public viewing and input from June 6 though June 17, 2011 at the Office of the Attorney General and the Yavapai-Apache Police Department; and

WHEREAS: On July 6, 2011, upon review of the public comments received on the draft of Title 24, the Tribal Council designated those provisions of the code which allow for jurisdictional discretion, including the number of years an offender must register, registered sex offenders visiting within the boundaries of the Nation and community notification; and

WHEREAS: On July 26, 2011, in compliance with the SORNA deadline for substantial implementation, the Nation filed its draft Title 24 Sex Offender Registration and Notification Code, together with the Yavapai-Apache Police Department Sex Offender Registration and Notification Program policies and procedures and registration forms to the DOJ; and

WHEREAS: The Yavapai-Apache Nation Office of the Attorney General, together with the Yavapai-Apache Police Department, have finalized Title 24 Yavapai-Apache Nation Sex Offender Registration and Notification Code, in the form attached as *Exhibit A*.

WHEREAS: The Council finds that it is in the best interest of the Nation to approve Title 24 Sex Offender Registration and Notification Code, attached as *Exhibit A* for immediate implementation.

NOW THEREFORE BE IT RESOLVED, that the Yavapai-Apache Nation Tribal Council, in Council assembled, at which a quorum is present, approves Title 24 Yavapai-Apache Nation Sex Offender Registration and Notification Code, attached as *Exhibit A*.

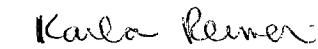
BE IT FINALLY RESOLVED that the Chairman and Vice-Chairman, or either of them, are hereby authorized and approved to take such further action as deemed necessary or warranted to carry out the purpose of this resolution.

CERTIFICATION

I hereby certify that the foregoing resolution was adopted by an affirmative vote of the Tribal Council, with a quorum in attendance, presented for approval on August 18 2011, by a vote of 8, 7 in favor, 0 opposed and 1 abstaining, pursuant to the authority contained under the Constitution of the Yavapai-Apache Nation as cited above.


David Kwail, Chairman

ATTEST:


Karla Reimer, Council Secretary

Approved as to form:

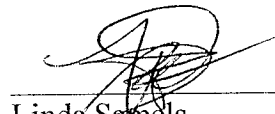

Linda Samels
Assistant Attorney General

Exhibit A

TITLE 24

**YAVAPAI-APACHE NATION SEX OFFENDER
REGISTRATION
AND NOTIFICATION CODE**

TITLE 24
YAVAPAI-APACHE NATION SEX OFFENDER
REGISTRATION AND NOTIFICATION CODE
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CHAPTER 1 GENERAL MATTERS

SECTION 1.01 TITLE

This code shall be known as Yavapai-Apache Nation Sex Offender Registration and Notification Code ("Code").

SECTION 1.02 PURPOSE

The purpose and intent of this Code is to promote the public safety of the Yavapai-Apache Nation and its members by providing information regarding registered sex offenders entering or residing within the Yavapai-Apache Nation in order to protect children and other vulnerable persons from sexual exploitation and abuse.

Furthermore, the intent of this Code is to implement and comply with the Federal Sex Offender Registration and Notification Act (SORNA) Public Law 109-248 (42 USC 16901).

The purpose of this Code is regulatory in nature and is not intended to be punitive.

SECTION 1.03 NEED

Prior to the enactment of this Code, the Yavapai-Apache Nation did not operate a sex offender registry system which adequately tracked and monitored sex offenders within the Nation and, recognizing that the public safety of the Yavapai-Apache Nation is a concern of the highest priority, the Yavapai-Apache Nation Tribal Council finds:

1. Public Law 109-248 Section 127 of the Adam Walsh Child Protection and Safety Act of 2006 mandates that tribal governments establish and operate sex offender notification programs in their own communities or delegate this task to the state government jurisdiction in which the tribe is located.
2. A sex offender registration and notification program for the Nation is vitally needed as an avenue to ensure public safety by notifying the Nation's members of sex offenders residing, working, and attending school within the Nation's boundaries.
3. Therefore the Yavapai-Apache Nation Tribal Council hereby directs all branches, divisions, departments, programs, and tribal entities to cooperate to the fullest extent possible with the Yavapai-Apache Police Department to establish and maintain a sex offender program.

SECTION 1.04 CREATION OF SEX OFFENDER REGISTRIES

- A. Sex Offender Registry. There is hereby established a sex offender registry entitled the Yavapai-Apache Nation Sex Offender Registration and Notification Program which the Yavapai-Apache Police Department ("YAPD") shall maintain and operate pursuant to the provisions of this Code, and as may be amended.
- B. Public Sex Offender Registry Website. There is hereby established a public sex offender registry website entitled the Yavapai-Apache Nation Public Sex Offender Registry which the YAPD shall maintain and operate pursuant to the provisions of this Code, and as may be amended.

SECTION 1.05 EFFECTIVE DATE

The Yavapai-Apache Nation's Tribal Council enacted the Yavapai-Apache Sex Offender Registration and Notification Code under Resolution No. 137-11 on August 18, 2011, pursuant to Public Law 109-248, the Adam Walsh Sex Offender Registration and Notification Act. Resolution No. 137-11 specified that this Code and the associated Policies and Procedures be implemented to the fullest extent necessary to fulfill its purpose as stated under Section 1.02.

CHAPTER 2 TERMINOLOGY AND REGISTRABLE OFFENSES

SECTION 2.01 DEFINITIONS

The definitions below apply to this Code:

- A. *Convicted*. An adult sex offender is "convicted" for the purposes of this Code if the sex offender has been subjected to penal consequences based on the conviction, however the conviction may be styled.
 - (a.) A Juvenile offender is "convicted" for purposes of this Code if the juvenile offender is either:
 - 1. Prosecuted and found guilty as an adult for a covered sex offense; or
 - 2. Is adjudicated delinquent as a juvenile for a covered sex offense, but only if the offender is 14 years of age or older at the time of the offense and the offense adjudicated was comparable to or more severe than aggravated sexual abuse (as described in either (a) or (b) of section 2241 of title 18, United States Code), or was an attempt or conspiracy to commit such an offense.
- B. *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.
- C. *Employee*. The term "employee" as used in this Code includes, but is not limited to, an individual who is self-employed or works for any entity within the jurisdictional boundaries of the Yavapai-Apache Nation, regardless of

compensation. Volunteers of the Yavapai-Apache Nation, its departments, programs, and entities fall within the definition of employee for registration purposes.

- D. *Foreign Convictions*. A foreign conviction is one obtained outside of the United States.
- E. *Immediate*. “Immediate” and “immediately” mean within 3 business days.
- F. *Imprisonment*. The term “imprisonment” refers to incarceration pursuant to a conviction, regardless of the nature of the institution in which the offender serves the sentence. The term is to be interpreted broadly to include, for example, confinement in a state “prison” as well as in a federal, military, foreign, BIA, private or contract facility, or a local or tribal “jail”. Persons under “house arrest” following conviction of a covered sex offense are required to register pursuant to the provisions of this Code during their period of “house arrest”.
- G. *Jurisdiction*. The term “jurisdiction” as used in this Code 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 that elected to function as a SORNA registration and notification jurisdiction pursuant to PL 109-248 Section 127 (42 USC § 16927) except where specific reference is made to the “jurisdictional boundaries of the Yavapai-Apache Nation”.
- H. *Minor*. The term “minor” means an individual who has not attained the age of 18 years.
- I. *National Sex Offender Registry (NSOR)*. The national database maintained by the Federal Bureau of Investigation pursuant to 42 U.S.C. §16919.
- J. *Resides*. The term “reside” or “resides” means, with respect to an individual, the location of the individual's home and/or other place where the individual habitually live or sleeps.
- K. *Sex Offender*. A person convicted of a sex offense is a “sex offender”.
- L. *Sex Offender Registry*. The term “sex offender registry” means the registry of sex offenders, and a public notification program, maintained by the Yavapai-Apache Police Department.
- M. *Sex Offense*. The term “sex offense” as used in this Code includes those offenses contained in 42 U.S.C. §16911(5) (as amended) and those offenses enumerated in Section 2.02 (as amended) of this Code or any other registrable offense under the Nation’s Laws.

“Sex Offense.” Except as limited by subparagraph 6 or 7, the term “sex offense” means:

1. A criminal offense that has an element involving a sexual act or sexual contact with another;
2. A criminal offense that is a “specified offense against a minor”. The term “specified offense against a minor” means an offense against a minor that involves any of the following:
 - a. An offense (unless committed by a parent or guardian) involving kidnapping.

- b. An offense (unless committed by a parent or guardian) involving false imprisonment.
 - c. Solicitation to engage in sexual conduct.
 - d. Use in a sexual performance.
 - e. Solicitation to practice prostitution.
 - f. Video voyeurism as described in 18 U.S.C. §1801.
 - g. Possession, production, or distribution of child pornography.
 - h. Criminal sexual conduct involving a minor, or the use of the Internet to facilitate or attempt such conduct.
 - i. Any conduct that by its nature is a sex offense against a minor;
3. A Federal offense (including an offense prosecuted under section 1152 or 1153 of Title 18 of the United States Code) under section 1591, or chapter 109A, 110 (other than section 2257, 2257A, or 2258), or 117, of Title 18 of the United States Code;
 4. A military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (10 U.S.C. 951 note); or
 5. An attempt or conspiracy to commit an offense described in clauses (1) through (4) above.
 6. Offenses involving Consensual Sexual Conduct. An offense involving consensual sexual conduct is not a sex offense for the purposes of this Code if the victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense, or if the victim was at least thirteen (13) years old and the offender was not more than four (4) years older than the victim.
 7. Foreign Offenses. A foreign conviction is not a sex offense for the purposes of this Code unless it was either:
 - a. Obtained under the laws of Canada, the United Kingdom, Australia, New Zealand, or
 - b. Under the laws of any foreign country when the United States State Department in its *Country Reports on Human Rights Practices* has concluded that an independent judiciary generally or vigorously enforced the right to a fair trial in that country during the year in which the conviction occurred.
- N. *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.
- O. *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, arouse, or gratify the sexual desire of any person; or
 4. The intentional touching, not through the clothing, of the genitalia of another person that has not attained the age of 18 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.
- P. *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.
- Q. *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.
- R. *Student*. A “student” is a person who enrolls in or attends either a private or public education institution, including a secondary school, trade or professional school, or an institution of higher education.
- S. “*Tier I Sex Offender*”. A Tier I sex offender, or a “sex offender” designated as Tier I, is one that has been convicted of a Tier I sex offense as defined in section 3.01.
- T. “*Tier II Sex Offender*”. A Tier II sex offender, or a “sex offender” designated as Tier II, is one that has been either convicted of a Tier II sex offense as defined in section 3.02, or who is subject to the recidivist provisions of 3.02(B).
- U. “*Tier III Sex Offender*”. A Tier III sex offender, or a “sex offender” designated as Tier III, is one that has been either convicted of a Tier III sex offense as defined in section 3.03, or who is subject to the recidivist provisions of 3.03(B).
- V. *Visitor*. Any person entering the jurisdictional boundaries of any residential community of the Yavapai-Apache Nation who is required to register as a sex offender in any other jurisdiction shall notify the Yavapai-Apache Nation Police Department within seventy-two (72) hours of entering and remaining within the jurisdictional boundaries of any Yavapai-Apache Nation residential community.
- W *Nation*. Yavapai-Apache Nation

SECTION 2.02 REGISTRABLE OFFENSES

Individuals who reside, are employed or attend school within the jurisdictional boundaries of the Yavapai-Apache Nation as defined in the Nation’s Constitution, regardless of location, that have been convicted of any of the following offenses, or an attempt or conspiracy to commit any of the following offenses listed below in Sections A-F are subject to the requirements of this Code.

- A. Yavapai-Apache Nation Offenses. A conviction, for or a conviction for an attempt or conspiracy to commit any of the following and any other offense

hereafter included in the definition of “sex offense” pursuant to and as amended in the Yavapai-Apache Nation Title 5 Criminal Code:

1. Section 611 (Sexual Assault)
 2. Section 612 (Sexual Abuse)
 3. Section 613 (Statutory Rape)
 4. Section 1002 (Sexual Conduct with a Child)
 5. Section 1003 (Molestation of a Child)
 6. Section 1007 (Exploitation of Minor)
 7. Section 1204 (Child Prostitution)
 8. Section 1206 (Indecent Exposure)
- B. Federal Offenses. A conviction, for or a conviction for an attempt or conspiracy to commit any of the following, and any other offense hereafter included in the definition of “sex offense” at 42 U.S.C. §16911(5): Including any offenses prosecuted under the Assimilative Crimes Act (18 USC §1152 or § 1153).
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),
 19. 18 U.S.C. §2425 (transmitting information about a minor to further criminal sexual conduct).
- C. *Foreign Offenses*. Any conviction for a sex offense involving any conduct listed in 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. *Military Offenses*. Any military offense specified by the Secretary of Defense under section (a) (8) (C) (i) of Public Law 105-119 (codified at 10 U.S.C. 951 note).
- E. *Juvenile Offenses or Adjudications*. Any sex offense, or attempt or conspiracy to commit a sex offense, that is comparable to or more severe than the federal crime of aggravated sexual abuse (as codified in 18 U.S.C. §2241(a) and (b)) and committed by a minor who is 14 years of age or older at the time of the offense. This includes engaging in a sexual act with another by force or the threat of serious violence; or engaging in a sexual act with another by rendering unconscious or involuntarily drugging the victim.
- F. *Jurisdiction Offenses*. Any sex offense committed in any jurisdiction, including the Yavapai-Apache Nation which involves:
1. Any conduct that by its nature is a sex offense against a minor,
 2. Any type or degree of genital, oral, or anal penetration,
 3. Any sexual touching of or sexual contact with a person's body, either directly or through the clothing,
 4. Criminal sexual conduct that involves physical contact with a minor or the use of the internet to facilitate or attempt such conduct. This includes offenses whose elements involve the use of other persons in prostitution, such as pandering, procuring, or pimping in cases where the victim was a minor at the time of the offense,
 5. False imprisonment of a minor,
 6. Kidnapping of a minor,
 7. Possession, production, or distribution of child pornography,
 8. Solicitation of a minor to practice prostitution,
 9. Solicitation to engage a minor in sexual conduct understood broadly to include any direction, request, enticement, persuasion, or encouragement of a minor to engage in sexual conduct,
 10. Use of a minor in a sexual performance,

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).

CHAPTER 3 TIERING OF OFFENSES

SECTION 3.01 TIER I OFFENSES

- A. Sex Offenses. A Tier I offense includes any sex offense, for which a person has been convicted, or an attempt or conspiracy to commit such an offense that is not a Tier II or Tier III offense.
- B. Offenses Involving Minors. A Tier I offense includes any offense for which a person has been convicted by any jurisdiction, local government, or qualifying foreign country pursuant to Section 2.02(C) that involves the false imprisonment of a minor, video voyeurism of a minor, or possession or receipt of child pornography.
- C. Yavapai-Apache Nation Offenses. Conviction of any of the following Yavapai-Apache Nation offenses or any attempt or conspiracy to commit such an offense shall be considered a conviction for a Tier I sex offense.
1. Section 1007 (Exploitation of Minor)
 2. Section 1206 (Indecent Exposure; but only if the person intended to arouse or gratify the sexual desire of another person)
- D. Certain Federal Offenses. Conviction for any of the following federal offenses or an attempt or conspiracy to commit such an offense shall be considered a conviction for a Tier II offense:
1. 18 U.S.C. §1801 (video voyeurism of a minor),
 2. 18 U.S.C. §2252 (receipt or possession of child pornography),
 3. 18 U.S.C. §2252A (receipt or possession of child pornography),
 4. 18 U.S.C. §2252B (misleading domain names on the internet),
 5. 18 U.S.C. §2252C (misleading words or digital images on the internet),
 6. 18 U.S.C. §2422(a) (coercion to engage in prostitution),
 7. 18 U.S.C. §2423(b) (travel with the intent to engage in illicit conduct),

8. 18 U.S.C. §2423(c) (engaging in illicit conduct in foreign places),
 9. 18 U.S.C. §2423(d) (arranging, inducing, procuring or facilitating the travel in interstate commerce of an adult for the purpose of engaging in illicit conduct for financial gain),
 10. 18 U.S.C. §2424 (failure to file factual statement about an alien individual), or,
 11. 18 U.S.C. §2425 (transmitting information about a minor to further criminal sexual conduct).
- E. Certain Military Offenses. Any military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (codified at 10 U.S.C. §951 note) that is similar to those offenses outlined in Section 3.01(A), (B), or (C) shall be considered a "Tier I" offense.

SECTION 3.02 TIER II OFFENSES

- A. Recidivism and Felonies. Unless otherwise covered by Section 3.03, any sex offense that is not the first sex offense for which a person has been convicted or an attempt or conspiracy to commit such an offense and that is punishable by more than one year in jail or any Tribal Court sex offense conviction subject to this Code where the covered sex offender has at least one prior sex offense conviction from any jurisdiction or an attempt or conspiracy to commit such an offense for a Tier II sex offense, is considered a Tier II sex offense.
- B. Offenses Involving Minors. A Tier II offense includes any sex offense against a minor for which a person has been convicted, or an attempt or conspiracy to commit such an offense that involves:
1. The use of minors in prostitution, including solicitations,
 2. Enticing a minor to engage in criminal sexual activity,
 3. A non-forcible Sexual Act with a minor 16 or 17 years old,
 4. Sexual contact with a minor 13 years of age or older, whether directly or indirectly through the clothing that involves the intimate parts of the body,
 5. The use of a minor in a sexual performance, or,
 6. The production or distribution of child pornography.
- C. Yavapai-Apache Nation Offenses. Conviction of any of the following Yavapai-Apache Nation offenses or an attempt or conspiracy to commit such an offense shall be considered a conviction for a Tier II sex offense.
1. Section 611 (Sexual Assault of child 13 years of age or older)
 2. Section 612 (Sexual Abuse of child 13 years of age or older)
 3. Section 613 (Statutory Rape)
 4. Section 1002 (Sexual Conduct with a child 13 years of age or older but under 15 year of age)

5. Section 1003 (Molestation of a child 13 years of age or older but under 15 years of age)
 6. Section 1204 (Child Prostitution)
- D. Certain Federal Offenses. Conviction for any of the following federal offenses or an attempt or conspiracy to commit such an offense shall be considered a conviction for a Tier II offense:
1. 18 U.S.C. §1591 (sex trafficking by force, fraud, or coercion),
 2. 18 U.S.C. §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),
 3. 18 U.S.C. §2244 (Abusive sexual contact, where the victim is 13 years of age or older),
 4. 18 U.S.C. §2251 (sexual exploitation of children),
 5. 18 U.S.C. §2251A (selling or buying of children),
 6. 18 U.S.C. §2252 (material involving the sexual exploitation of a minor),
 7. 18 U.S.C. §2252A (production or distribution of material containing child pornography),
 8. 18 U.S.C. §2260 (production of sexually explicit depictions of a minor for import into the United States),
 9. 18 U.S.C. §2421 (transportation of a minor for illegal sexual activity),
 10. 18 U.S.C. §2422(b) (coercing a minor to engage in prostitution),
 11. 18 U.S.C. §2423(a) (transporting a minor to engage in illicit conduct).
- E. Certain Military Offenses. Any military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (codified at 10 U.S.C. §951 note) that is similar to those offenses outlined in Section 3.02(A),(B), or (C) shall be considered a Tier II offense.

SECTION 3.03 TIER III OFFENSES

- A. Recidivism and Felonies. Any sex offense that is punishable by more than one year in jail or any Tribal Court sex offense conviction subject to this Code where the covered sex offender has at least one prior sex offense conviction from any jurisdiction or an attempt or conspiracy to commit such an offense for a Tier II sex offense, or has previously become a Tier II sex offender, is a Tier III offense.
- B. General Offenses. A Tier III offense includes any sex offense, for which a person has been convicted, or an attempt or conspiracy to commit such an offense that involves:
1. Non-parental kidnapping of a minor,
 2. A sexual act with another by force or threat,

3. A sexual act with another who has been rendered unconscious or involuntarily drugged, or who is otherwise incapable of appraising the nature of the conduct or declining to participate, or,
 4. Sexual contact with a minor 12 years of age or younger, including offenses that cover sexual touching or contact with the intimate parts of the body, either directly or through the clothing.
- C. Yavapai-Apache Nation Offenses. Conviction of any of the following Yavapai-Apache Nation offenses or an attempt or conspiracy to commit such an offense shall be considered a conviction for a Tier III offense.
1. Section 611 (Sexual Assault with a child 12 years of age or younger)
 2. Section 612 (Sexual Abuse with a child 12 year of age or younger)
 3. Section 1002 (Sexual conduct with a child 12 years of age or younger)
 4. Section 1003 (Molestation of a child 12 years of age or younger)
- D. Certain Federal Offenses. Conviction for any of the following federal offenses shall be considered conviction for a Tier III offense:
1. 18 U.S.C. §2241 (aggravated sexual abuse),
 2. 18 U.S.C. §2242 (sexual abuse),
 3. 18 U.S.C. §2243 (sexual abuse of a minor or ward),
 4. Where the victim is 12 years of age or younger, 18 U.S.C. §2244 (abusive sexual contact).
- E. Certain Military Offenses. Any military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (codified at 10 U.S.C. §951 note) that is similar to those offenses outlined in Section 3.03(A),(B), or (C) shall be considered a Tier III offense.

CHAPTER 4 REQUIRED INFORMATION

SECTION 4.01 GENERAL REQUIREMENTS

- A. Duties. A covered sex offender who is required to register with the Yavapai-Apache Nation pursuant to this Code shall provide all of the information detailed in this chapter to the YAPD and the YAPD shall obtain all the information from the covered sex offender in accordance with the policies and procedures implemented pursuant to this Code. Any information obtained under this chapter shall be maintained pursuant to SORNA.
- B. Digitization. All information obtained under this Code shall be, at a minimum, maintained by the YAPD in a digitized format.
- C. Electronic Database. A sex offender registry shall be maintained in an electronic database by the YAPD and shall be in a form capable of electronic transmission.

SECTION 4.02 CRIMINAL HISTORY

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

SECTION 4.03 DATE OF BIRTH

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

SECTION 4.04 DNA SAMPLE

- A. DNA. If the covered sex offender's DNA is not already contained in the Combined DNA Index System (CODIS), the covered sex offender shall provide the YAPD a sample of their DNA.
- B. CODIS. Any DNA sample obtained from the covered sex offender shall be submitted to the Federal Bureau of Investigations Laboratory for submission in CODIS. All DNA submitted to the FBI shall conform to their requirements and standards.

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

- A. Driver's License. A covered sex offender shall produce the original of any valid driver's licenses issued by any jurisdiction and the YAPD shall make a photocopy of any such licenses.
- B. Identification Cards. A covered sex offender shall produce the original of any valid identification cards issued by any jurisdiction including the covered sex offender's tribal enrollment card and the YAPD shall make a photocopy of any such identification cards. A covered sex offender shall produce the original of any passports used by the covered sex offender, and the YAPD or designee shall make a photocopy of any such passports.

- C. Immigration Documents. A covered sex offender shall produce any and all original immigration documents used by the covered sex offender, and the YAPD or designee shall make a photocopy of any such documents.

SECTION 4.06 EMPLOYMENT INFORMATION

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

SECTION 4.07 FINGER AND PALM PRINTS

- A. Finger and Palm Prints. The YAPD shall obtain, and a covered sex offender shall provide, full finger prints and palm prints which shall be submitted to the FBI (Next Generation Identification Program).

SECTION 4.08 INTERNET IDENTIFIERS

- A. Internet Names. The YAPD shall obtain, and a covered sex offender shall provide, the following information related to the covered sex offender's internet related activity:
1. Any and all email addresses used by the covered 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 covered sex offender for the purpose of routing or including, but not limited to social network identifications, twitter accounts, video posting site identifications such as You Tube.

SECTION 4.09 NAME

- A. Name. The YAPD shall obtain, and a covered sex offender shall provide, the following information related to the covered sex offender's name:
1. The covered sex offender's full legal 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 covered sex offender is commonly known. This shall not include any religious or sacred names not otherwise commonly known.

SECTION 4.10 PHONE NUMBERS

- A. Phone Numbers. The YAPD shall obtain, and a covered sex offender shall provide, any and all telephone numbers and any other designations used by the covered sex offender for purposes of routing or self-identification in telephonic communications including but not limited to:
 1. Any and all cellular telephone numbers,
 2. Any and all land line telephone numbers,
 3. Any and all Voice over IP (VOIP) telephone numbers.

SECTION 4.11 PICTURES

- A. Photograph. A covered sex offender shall permit their photograph to be taken by the YAPD including all scars, moles, birthmarks, tattoos or any other identifying features:
 1. Every 90 days for Tier III sex offenders,
 2. Every 180 days for Tier II sex offenders, and
 3. Every year for Tier I sex offenders.
- B. Update Requirements: Unless the appearance of a covered sex offender has not changed significantly a digitized photograph shall be collected at each appearance indicated in Section 4.11 A.

SECTION 4.12 PHYSICAL DESCRIPTIONS

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

SECTION 4.13 PROFESSIONAL LICENSING INFORMATION

- A. Professional Licenses. The YAPD shall obtain, and a covered sex offender shall provide, all licensing of the covered sex offender that authorizes the covered sex offender to engage in an occupation or carry out a trade or business.

SECTION 4.14 RESIDENCE ADDRESS

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

SECTION 4.15 SCHOOLS

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

SECTION 4.16 SOCIAL SECURITY NUMBER

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

SECTION 4.17 TEMPORARY LODGING

- A. Lodging Information. The YAPD shall obtain, and a covered sex offender residing within the jurisdictional boundaries of the Yavapai-Apache Nation shall provide, the following information when the covered sex offender will be absent from their residence for seven (7) days or more:
1. Identifying information of the temporary lodging locations including addresses and names, and
 2. The dates the covered sex offender will be staying at each temporary lodging location.

3. The covered sex offender shall provide the information in Section 4.17 (1) and (2) no later than ten (10) business days before their scheduled travel. The information shall be provided in person.
4. The YAPD shall immediately notify any other jurisdiction where the covered sex offender will be temporarily lodging.

SECTION 4.18 INTERNATIONAL TRAVEL

- A. Travel Abroad. Covered Sex offenders must inform their residence jurisdictions twenty-one (21) days in advance if they intend to travel outside of the United States. The residence jurisdictions must notify the U.S. Marshals Service and immediately notify any other jurisdiction where the covered sex offender is either registered, or is required to register, of that updated information. Updates shall be made to the National Crime Information Center ("NCIC") and NSOR if access is available to the Yavapai-Apache Nation.

SECTION 4.19 OFFENSE INFORMATION

- A. Offense Information. The YAPD shall obtain the text of each sex crime defining the criminal offense (s) for which the covered sex offender is registered.

SECTION 4.20 VEHICLE INFORMATION

- A. Detailed Information. The YAPD shall obtain, and a covered sex offender shall provide, the following information related to all vehicles owned or operated by the covered 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 the vehicle is kept.

SECTION 4.21 FREQUENCIES, DURATION AND REDUCTION

- A. Frequency. A covered sex offender who is required to register shall, at a minimum, appear in person at the YAPD for purposes of verification and keeping their registration current in accordance with the following time frames:
 1. For Tier I offenders, once every year for 15 years from the time of release from custody for a covered sex offender who is incarcerated for the registration offense or from the date of sentencing for a covered sex offender who is not incarcerated for the registration offense.

2. For Tier II offenders, once every 180 days for 25 years from the time of release from custody for a covered sex offender who is incarcerated for the registration offense or from the date of sentencing for a covered sex offender who is not incarcerated for the registration offense.
 3. For Tier III offenders, once every 90 days for the rest of their lives.
- B. Reduction of Registration Periods. A covered sex offender may have their period of registration reduced as follows:
1. A Tier I offender may have their period of registration reduced to 10 years if they have maintained a clean record for 10 consecutive years;
 2. A Tier III offender may have their period of registration reduced to 25 years if they were adjudicated delinquent of an offense as a juvenile that required Tier III registration and they have maintained a clean record for 25 consecutive years.
- C. Clean Record. For purposes of Chapter 4.21(B) a person has a clean record if:
1. They have not been convicted of any offense, for which imprisonment for more than 1 year may be imposed, or have not been convicted of a Class 1 offense under the Yavapai-Apache Nation Title 5 Criminal Code.
 2. They have not been convicted of any sex offense,
 3. They have successfully completed, without revocation, any period of supervised release, probation, or parole, and
 4. They have successfully completed an appropriate covered sex offender treatment program certified by the Nation, another jurisdiction, or by the Attorney General of the United States.

SECTION 4.22 REQUIREMENTS FOR IN PERSON APPEARANCES

- A. Photographs. At each in person verification, the covered sex offender shall permit the YAPD to take a photograph of the covered sex offender, including all scars, tattoos and any other identifying features which were not present during the covered sex offenders' initial registration.
- B. Review of Information. At each in person verification the covered 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 YAPD shall immediately notify all other jurisdictions in which the covered sex offender is required to register with the information or change in information.
- D. If any new information or change in information is obtained at an in person verification, the YAPD shall immediately update the public website, if applicable, and update information in NSOR and NCIC, if access is available to the Yavapai-Apache Nation.

SECTION 4.23 SEX OFFENDER REGISTRATION REQUIREMENT FORM

- A. The covered sex offender shall read, or have read to them, the Sex Offender Registration Requirement form stating that the duty to register has been explained to them by the YAPD and that the covered sex offender understands the registration requirement.
- B. The form shall then be signed and dated by the covered sex offender and the registering official of the YAPD.
- C. The YAPD shall immediately within (3) business days upload the Sex Offender Registration Requirement form into the Yavapai-Apache Nation Sex Offender Public Registry.

CHAPTER 5 REGISTRATION

SECTION 5.01 WHERE REGISTRATION IS REQUIRED

- A. Jurisdiction of Conviction. A covered sex offender must initially register with the YAPD if the covered sex offender was convicted by the Yavapai-Apache Nation Tribal Court of a covered sex offense regardless of the covered sex offender's actual or intended residency.
- B. Jurisdiction of Incarceration. A covered sex offender must register with the YAPD if the covered sex offender is incarcerated by the Yavapai-Apache Nation while completing any sentence for a covered sex offense, regardless of whether it is the same jurisdiction as the jurisdiction of conviction or residence.
- C. Jurisdiction of Residence. A covered sex offender must register with the YAPD if the covered sex offender resides within lands subject to the jurisdiction of the Yavapai-Apache Nation.
- D. Jurisdiction of Employment. A covered sex offender must register with the YAPD if they are employed by the Yavapai-Apache Nation in any capacity within lands subject to the jurisdiction of the Yavapai-Apache Nation.
- E. Jurisdiction of School Attendance. A covered sex offender must register with the YAPD if the covered sex offender is a student in any capacity attending school within lands subject to the jurisdiction of the Yavapai-Apache Nation.
- F. Jurisdiction of Visitors. A covered sex offender must register with the YAPD if the covered sex offender has entered and will remain within the jurisdictional boundaries of any residential community of the Yavapai-Apache Nation for seventy-two (72) hours or more. Any covered sex offender who has entered the jurisdictional boundaries of any residential community of the Yavapai-Apache Nation and who will remain for less than seventy-two (72) hours shall notify the YAPD of their presence.

SECTION 5.02 TIMING OF REGISTRATION

- A. Timing. A covered sex offender required to register with the Yavapai-Apache Nation under this Code shall do so in the following timeframe:
 - 1. If convicted by the Yavapai-Apache Nation Court for a covered sex offense and incarcerated, the covered sex offender must register before being released from incarceration;

2. If convicted by the Yavapai-Apache Nation but not incarcerated, within 3 business days of sentencing for the registration offense, and
 3. Within 3 business days of establishing a residence, commencing employment, or becoming a student on lands subject to the jurisdiction of the Yavapai-Apache Nation.
- B. Duties of the YAPD. The YAPD shall have policies and procedures in place to ensure the following:
1. That any covered sex offender incarcerated or sentenced by the Yavapai-Apache Nation for a covered sex offense completes their initial registration with the Yavapai-Apache Nation,
 2. The covered sex offender reads, or has read to them, and signs a form stating the duty to register has been explained to them and the covered sex offender understands the registration requirement,
 3. The covered sex offender is registered, and added to the public website if applicable and
 4. Upon entry of the covered sex offender's information into the registry, all information is immediately forwarded to all other jurisdictions in which the covered sex offender is required to register due to the covered sex offender's residency, employment, or student status.
 5. All information is entered and updated in NSOR and NCIC, if access is available to the Yavapai-Apache Nation.

SECTION 5.03 RETROACTIVE REGISTRATION

- A. Retroactive Registration. The YAPD shall have in place policies and procedures to ensure the following three categories of sex offenders who are subject to the jurisdiction of the Nation and requirements of this Code are identified and registered pursuant to this Code.
1. Sex offenders incarcerated or under the supervision of the Yavapai-Apache Nation, whether for a covered sex offense or another crime,
 2. Sex offenders already registered or subject to a pre-existing covered sex offender registration requirement, and
 3. Sex offenders re-entering the justice system due to conviction for any crime.
- B. Timing of Recapture. The YAPD shall ensure recapture of the covered sex offenders mentioned in Section 5.03(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.

SECTION 5.04 KEEPING REGISTRATION CURRENT

- A. Jurisdiction of Residency. All covered sex offenders who reside on lands subject to the jurisdiction of the Yavapai-Apache Nation who are required to register, shall immediately appear in person at the YAPD to update any changes to their name, residence (including termination of residency), temporary lodging information, vehicle, internet identifiers, or telephone numbers. In the event a covered sex offender residing on the Nation will stay in temporary lodging for seven (7) days or more, the covered sex offender shall immediately notify the YAPD and the YAPD shall notify the jurisdiction in which the covered sex offender will be temporarily staying.
- B. Jurisdiction of School Attendance. Any covered sex offender who is a student in any capacity attending school within lands subject to the jurisdiction of the Yavapai-Apache Nation regardless of location that change their school, or otherwise terminate their schooling, shall immediately appear in person at the YAPD to update that information. The YAPD shall ensure that each jurisdiction in which the covered offender is required to register or was required to register prior to the updated information being given, are immediately notified of the changes.
- C. Jurisdiction of Employment. Any covered sex offender, who is employed by the Yavapai-Apache Nation in any capacity or otherwise is employed within lands subject to the jurisdiction of the Yavapai-Apache Nation regardless of location that change their employment, or otherwise terminate their employment, shall immediately appear in person at the YAPD to update that information. The YAPD shall ensure that each jurisdiction in which the covered sex offender is required to register, or was required to register prior to the updated information being given, are immediately notified of the changes.

SECTION 5.05 FAILURE TO APPEAR FOR REGISTRATION AND ABSCONDING

- A. Failure to Appear. In the event a covered sex offender fails to register with the Yavapai-Apache Nation as required by this Code, the YAPD shall immediately inform the jurisdiction that provided notification that the covered sex offender was to commence residency, employment, or school attendance and failed to appear for registration.
- B. Absconded Sex Offenders. If the YAPD or designee receives information that a covered sex offender absconded, the YAPD shall make an effort to determine if the covered sex offender has actually absconded by any and all reasonable means.
 - 1. In the event no determination can be made, the YAPD Department shall ensure any other appropriate law enforcement agency is notified.
 - 2. If the information indicating the possible absconding came through notice from another jurisdiction or federal authorities, they shall be informed that the covered sex offender has failed to appear and register.
 - 3. If an absconded covered sex offender cannot be located, the YAPD shall take the following steps:
 - a. Update the registry/public website to reflect the covered 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 covered sex offender's arrest. The U.S. Marshals Service or FBI may be contacted in an attempt to obtain a federal warrant for the covered sex offender's arrest,
 - d. Update the NSOR to reflect the covered sex offender's status as an absconder, or is otherwise not capable of being located if access to NSOR is available to the Nation, and
 - e. Enter the covered sex offender into the NCIC if access is available to the Yavapai-Apache Nation.
- C. Failure to Register. In the event a covered sex offender who is required to register due to their residence, employment or school attendance status fails to do so or violates a registration requirement of this Code, the YAPD shall take all appropriate follow-up measures including those outlined in Section 5.05(B). The YAPD shall first make an effort to determine if the covered sex offender actually resides, is employed or attending school on lands subject to the jurisdiction of the Yavapai-Apache Nation.

CHAPTER 6 YAVAPAI-APACHE NATION SEX OFFENDER PUBLIC REGISTRY

SECTION 6.01 YAVAPAI-APACHE NATION SEX OFFENDER PUBLIC REGISTRY

- A. Website. The YAPD shall use and maintain a public sex offender registry.
- B. Links. The Yavapai-Apache Nation Sex Offender Public Registry shall include links to sex offender safety and education resources.
- C. Instructions. The Yavapai-Apache Nation Sex Offender Public Registry shall include instructions on how a person can seek correction of information that the individual contends is erroneous.
- D. Warnings. The Yavapai-Apache Nation Sex Offender Public Registry shall include a warning that the information contained in the Registry is prohibited from being 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 Yavapai-Apache Nation Sex Offender Public Registry 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 Yavapai-Apache Nation shall include in the design of its registry all field search capabilities needed for full participation in the Dru Sjodin National Sex Offender Public Website and shall participate in that website as provided by the Attorney General of the United States.

SECTION 6.02 REQUIRED AND PROHIBITED INFORMATION

- A. Required Information. The following information on the Yavapai-Apache Nation Sex Offender Public Registry shall be made available to the public:

1. Notice that a covered sex offender is in violation of their registration requirements or cannot be located if the covered sex offender has absconded,
 2. All sex offenses for which the covered sex offender has been convicted,
 3. The sex offense(s) for which the covered sex offender is currently registered,
 4. The name of the covered sex offender including all aliases,
 5. A current photograph of the covered sex offender,
 6. A physical description of the covered sex offender,
 7. The residential address and, if relevant, a description of a habitual residence of the covered sex offender,
 8. The covered sex offender's vehicle license plate number along with a description of the vehicle.
 9. The address of the covered sex offender's employer, and
 10. All addresses of schools attended by the covered sex offender.
- B. Prohibited Information. The following information shall not be available to the public on the sex offender registry website:
1. Any arrest that did not result in conviction,
 2. The covered 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),
 6. The name of the covered sex offender's employer, and
 7. The names of schools attended by the covered sex offender.
- C. Witness Protection. For covered sex offenders who are under a witness protection program, the YAPD may honor the request of the United States Marshals Service or other agency responsible for witness protection by not including the original identity of the offender on the publicly accessible sex offender registry website.

SECTION 6.03 COMMUNITY NOTIFICATIONS

- A. Law Enforcement Notification. Whenever a covered sex offender registers or updates their information with the Yavapai-Apache Nation, the YAPD shall:
1. Monitor and utilize the SORNA Exchange Portal for inter-jurisdictional change of residence, employment or student status.
 2. Immediately update NSOR and NCIC if access is available to the Yavapai-Apache Nation.

3. Immediately notify any agency, department, or program within the Yavapai-Apache Nation that is responsible for criminal investigation, prosecution, child welfare or covered sex offender supervision functions, including but not limited to, police, tribal prosecutors, and Yavapai-Apache Nation's Probation Department.
 4. Immediately notify any and all other registration jurisdictions where the covered sex offender is registered due to the covered sex offender's residency, school attendance, or employment.
 5. 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).
 6. Enter or update information posted on the public website.
- B. Community Notification. The YAPD shall ensure there is an automated community notification process in place that ensures the following:
1. Upon a covered sex offender's registration or update of information with the YAPD, the Yavapai Apache Nation's Public Sex Offender Registry is immediately updated,
 2. The Yavapai-Apache Nation'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 covered sex offender commences residence, employment, or school attendance with the Yavapai-Apache Nation, within a specified zip code, or within a certain geographic radius. This email notice shall include the covered sex offender's identity so the public can access the public registry for new information.
 3. The YAPD shall disseminate community notification fliers for Tier I, Tier II and Tier III covered sex offenders who reside within the jurisdictional boundaries of the Nation within the immediate neighborhood where the covered sex offender resides including public locations, business departments within the Yavapai-Apache Nation, schools, daycare facilities, head start programs, districts offices and public areas of interest.
 4. The YAPD shall maintain and make available to the public, community notification fliers for all Tier I, Tier II, and Tier III sex offenders registered with the Nation in the lobby of the police department and all sub-stations.

CHAPTER 7 IMMUNITY

- A. No Waiver of Immunity. Nothing under this Code shall be construed to constitute a waiver, or reduce or modify whatsoever the sovereign immunity of the Yavapai-Apache Nation, its departments, agencies, employees, or agents.
- B. Good Faith. A law enforcement officer shall have immunity from criminal or civil liability in exercising any authority granted under this Code if the law enforcement officer has acted in good faith and has not exceeded any authority granted under this Code.

CHAPTER 8 CRIMINAL AND CIVIL SANCTIONS

- A. Criminal Penalty. A knowingly violation of any applicable provision of this Code by a covered sex offender who is an Indian shall be considered a crime for which the punishment shall be a Class 1 offense pursuant to Section 302 of the Nation's Title 5 Criminal Code.
- B. Civil Penalty. A knowingly violation of any applicable provision of this Code by a covered sex offender who is not an Indian shall be considered a civil violation subject to enforcement by any means not prohibited by federal law, including, but not limited to the issuance of up to \$5,000.00 in fines, forfeitures and civil contempt.
- C. Banishment/Exclusion. Any person who is not an enrolled member of the Yavapai-Apache Nation and who is required to register under this Code shall be subject to permanent Exclusion for failing to register as required under this Code, pursuant to the Yavapai-Apache Constitution, Article 5, Sections (a), (t), (u), (v) and (w).
- D. Hindrance of covered sex offender registration.
 - 1. A person is guilty of the offense of Obstruction of Justice under Title 5 of the Nation's Criminal Code if they:
 - a. Knowingly harbor, attempt to harbor, or assist another person in harboring or attempting to harbor a covered sex offender who is in violation of this Code;
 - b. Knowingly assists a covered sex offender in eluding a law enforcement agency that is seeking to find the covered sex offender to question the covered sex offender about, or to arrest the covered sex offender for, noncompliance with the requirements of this Code; or
 - c. Provide information to law enforcement agency regarding a covered sex offender which the person knows to be false.