

THE UNITED KEETOOWAH BAND OF CHEROKEE  
INDIANS IN OKLAHOMA

KEETOOWAH CHEROKEE TRIBAL SEX  
OFFENSES AND SEX OFFENDER  
REGISTRATION CODE of 2022

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## CHAPTER 1

### GENERAL PROVISIONS

#### Section 101. Title

This Code shall be known as the Keetoowah Cherokee Tribal Sex Offenses and Sex Offender Registration Code.

#### Section 102. Purpose

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

#### Section 103. Need

Violent crime in Indian Country is more than twice the national average. On some reservations it is twenty times the national average. An astounding thirty percent of American Indian and Alaska Native women will be raped in their lifetimes. Tribal nations are disproportionately affected by violent crime and sex offenses in particular from both Indian and non-Indian perpetrators; consequently, the conduct and presence of convicted sex offenders in Indian Country threatens the political integrity, economic security, health and welfare of tribal nations even to the point of imperiling the subsistence of tribal communities.

#### Section 104. Creation of Registries

(a) Sex Offender Registry. There is hereby established a sex offender registry, which the Keetoowah Cherokee Lighthorse shall maintain and operate pursuant to the provisions of this code, as amended.

(b) Public Sex Offender Registry Website. There is hereby established a public sex offender registry website, which the Keetoowah Cherokee Lighthorse shall maintain and operate pursuant to the provisions of this code, as amended.

## CHAPTER 2

### TERMINOLOGY AND COVERED OFFENSES

#### Section 201. Definitions

The Definitions below apply to this code only.

(a) “Cherokee Reservation” shall mean all land within the exterior boundaries of an area that was set aside by treaties with the federal government for the Cherokee people, including the predecessors of those Cherokees who Congress would later recognize as a separate tribe called the “Keetoowah Indians of the Cherokee Nation of Oklahoma,” and which would organize as the United Keetoowah Band of Cherokee Indians in Oklahoma, which includes all, or a portion, of fourteen counties in today’s eastern Oklahoma.

(b) 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 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 sex offense; or
- (2) Is adjudicated delinquent as a juvenile for a sex offense, but only if the offender is fourteen (14) years of age or older at the time of the offense and the offense adjudicated was comparable to or more severe than aggravated sexual abuse (as described in either (a) or (b) of Section 2241 of Title 18, United States Code), or was an attempt or conspiracy to commit such an offense.

(c) Foreign Convictions. A foreign conviction is one obtained outside of the United States.

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

(e) Immediate. “Immediate” and “immediately” mean within three (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.

(h) Minor. The term “minor” means an individual who has not attained the age of 18 years.

(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. "Reside" or "reside" may also include a visitor to a residence within the tribe's jurisdiction, a vacation home or hunting cabin, which includes but is not limited to the lakes and/or rivers situate within the tribe's jurisdiction.

(j) Sex Offense. The term "sex offense" as used in this code includes those offenses contained in 42 U.S.C. §16911(5) and those offenses enumerated in Section 202 of this Code or any other covered offense under tribal law.

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.

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:
  - (i) An offense (unless committed by a parent or guardian) involving kidnapping,
  - (ii) An offense (unless committed by a parent or guardian) involving false imprisonment,
  - (iii) An offense (unless committed by a parent or guardian) involving kidnapping,
  - (iv) An offense (unless committed by a parent or guardian) involving false imprisonment,
  - (v) Solicitation to engage in sexual conduct,
  - (vi) Use in a sexual performance,
  - (vii) Solicitation to practice prostitution,
  - (viii) Video voyeurism as described in 18 U.S.C. §1801,
  - (ix) Possession, production, or distribution of child pornography,
  - (x) Criminal sexual conduct involving a minor, or the use of the Internet to facilitate or attempt such conduct,
  - (xi) 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).
- (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/ordinance unless it was either:
  - (i) obtained under the laws of Canada, the United Kingdom, Australia, New Zealand, or
  - (ii) 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.

(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 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 “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. “Student” may also include interns, externs, and apprentices in this definition.

(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. The term “sex offender registry” means the registry of sex offenders, and a notification program, maintained by Keetoowah Cherokee Lighthouse.

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

(r) 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.

(s) 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.

(t) “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 301.

(u) “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 302, or who is subject to the recidivist provisions of Section 302(b).

(v) “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 303, or who is subject to the recidivist provisions of Section 303(b).

## Section 202. Covered Offenses

Individuals who reside within the exterior boundaries of the tribe’s jurisdiction, lands otherwise reside on property owned by the tribe in fee or trust regardless of location, are employed within the exterior boundaries of the tribe’s jurisdiction, or on property owned by the tribe in fee or trust regardless of location, or who attend school within the exterior boundaries of the tribe’s jurisdiction or on property owned by the tribe in fee or trust regardless of location, that have been convicted of any of the following offenses, or convicted of an attempt or conspiracy to commit any of the following offenses, are subject to the requirements of this code:

- (1) Tribal offenses. A conviction for any of the following:
- (2) Criminal Sexual Penetration in the First Degree,
- (3) Criminal Sexual Penetration in the Second Degree,

- (4) Criminal Sexual Contact,
- (5) Unlawful Distribution of an Intimate Image,
- (6) Communication with Minor for Immoral Purposes,
- (7) Luring with Sexual Motivation,
- (8) Indecent Exposure,
- (9) Voyeurism,
- (10) Sexual Exploitation of a Minor, Developmentally Delayed Adult, or Vulnerable Adult,
- (11) Possessing, Sending, Bringing, Receiving or Viewing Depictions of a Minor Engaged in Sexually Explicit Conduct, and
- (12) Incest.

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

- (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 (Mann Act),
- (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).

(b) 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.

(c) 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).

(d) Juvenile Offenses or Adjudications. Any sex offense, or attempt or conspiracy to commit a sex offense, that is comparable to or more severe than the federal crime of aggravated sexual abuse (as codified in 18 U.S.C. §2241) and committed by a minor who is fourteen (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.

(e) Jurisdiction Offenses. Any sex offense committed in any jurisdiction, including this 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 minor,
- (4) False imprisonment of a minor,
- (5) Solicitation to engage a minor in sexual conduct understood broadly to include any direction, request, enticement, persuasion, or encouragement of a minor to engage in sexual conduct,
- (6) Use of a minor in a sexual performance,
- (7) Solicitation of a minor to practice prostitution,

- (8) Possession, production, or distribution of child pornography,
- (9) Criminal sexual conduct that involves physical contact with a minor or the use of the internet to facilitate or attempt such conduct. This includes offenses whose elements involve the use of a victim who was a minor at the time of the offense,
- (10) Any conduct that by its nature is a sex offense against a minor, or
- (11) Any offense similar to those outlined in:
  - (i) 18 U.S.C. §1591 (sex trafficking by force, fraud, or coercion),
  - (ii) 18 U.S.C. §1801 (video voyeurism of a minor)
  - (iii) 18 U.S.C. §2241 (aggravated sexual abuse),
  - (iv) 18 U.S.C. §2242 (sexual abuse),
  - (v) 18 U.S.C. §2244 (abusive sexual contact),
  - (vi) 18 U.S.C. §2422(b) (coercing a minor to engage in prostitution), or
  - (vii) 18 U.S.C. §2423(a) (transporting a minor to engage in illicit conduct).

Section 203. Tier 1 Offenses

(a) Sex Offenses. A “Tier 1” offense includes any sex offense for which a person has been convicted, or an attempt or conspiracy to commit such an offense, that is not a “Tier 2” or “Tier 3” offense.

(b) Offenses Involving Minors. A “Tier 1” offense also includes any offense for which a person has been convicted by any jurisdiction, local government, or qualifying foreign country pursuant to Section 202(c) that involves the false imprisonment of a minor, video voyeurism of a minor, or possession or receipt of child pornography.

(c) Tribal Offenses. Any sex offense covered by this act where punishment was limited to one year in jail shall be considered a “Tier 1” sex offense.

(d) Certain Federal Offenses. Conviction for any of the following federal offenses shall be considered 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. §2423(b) (travel with the intent to engage in illicit conduct),
- (8) 18 U.S.C. §2423(c) (engaging in illicit conduct in foreign places),
- (9) 18 U.S.C. §2424 (failure to file factual statement about an alien individual), or
- (10) 18 U.S.C. §2425 (transmitting information about a minor to further criminal sexual conduct).

(e) **Certain Military Offenses.** Any military offense specified by the Secretary of Defense under Section 115(a)(8)(C)(i) of Public Law 105-119 (codified at 10 U.S.C. §951 note) that is similar to those offenses outlined in Section 301(a), (b), or (c) shall be considered a “Tier 1” offense.

Section 204. Tier 2 Offenses

(a) **Recidivism and Felonies.** Unless otherwise covered by Section 303, 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 year in jail is considered a “Tier 2” offense.

(b) **Offenses Involving Minors.** A “Tier 2” 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) 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,
- (4) The use of a minor in a sexual performance, or
- (5) The production or distribution of child pornography.

(c) **Certain Federal Offenses.** Conviction for any of the following 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. §2243 (sexual abuse of a minor or ward),
- (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).

(d) 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 302 (a), (b), or (c) shall be considered a “Tier 2” offense.

Section 206. Tier 3 Offenses

(a) Recidivism and Felonies. Any sex offense that is punishable by more than one year in jail where the offender has at least one prior conviction for a Tier 2 sex offense, or has previously become a Tier 2 sex offender, is a “Tier 3” offense.

(b) General Offenses. A “Tier 3” offense includes any sex offense for which a person has been convicted, or an attempt or conspiracy to commit such an offense, that involves:

- (1) Non-parental kidnapping of a minor,
- (2) A sexual act with another by force or threat,
- (3) A sexual act with another who has been rendered unconscious or involuntarily drugged, or who is otherwise incapable of appraising the nature of the conduct or declining to participate, or
- (4) Sexual contact with a minor 12 years of age or younger, including offenses that cover sexual touching of or contact with the intimate parts of the body, either directly or through the clothing.

(c) Certain Federal Offenses. Conviction for any of the following federal offenses shall be considered conviction for a “Tier 3” offense:

- (1) 18 U.S.C. §2241 (a) and (b) (aggravated sexual abuse),
- (2) 18 U.S.C. §2242 (sexual abuse), or
- (3) Where the victim is 12 years of age or younger, 18 U.S.C. §2244 (abusive sexual contact).

(d) Certain Military Offenses. Any military offense specified by the Secretary of Defense under Section 115(a)(8)(C)(i) of Public Law 105-119 (codified at 10 U.S.C. §951 note) that is similar to those offenses outlined in Section 303(a), (b), or (c) shall be considered a “Tier 3” offense.

## CHAPTER 3

### REQUIRED INFORMATION

#### Section 301. General Requirements

(a) Duties. A sex offender covered by this code who is required to register with the tribe pursuant to Chapter 5 shall provide all of the information detailed in this chapter to the Keetoowah Cherokee Lighthouse and the Keetoowah Cherokee Lighthouse shall obtain all of the information detailed in this chapter from covered sex offenders who are required to register with the tribe in accordance with this code and shall implement any relevant policies and procedures.

(b) Digitization. All information obtained under this code shall be, at a minimum, maintained by the Keetoowah Cherokee Lighthouse in a digitized format.

(c) Electronic Database. A sex offender registry shall be maintained in an electronic database by the Keetoowah Cherokee Lighthouse and shall be in a form capable of electronic transmission.

#### Section 302. Criminal History

Criminal History. The Keetoowah Cherokee Lighthouse or designee shall obtain, and a covered 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.

#### Section 303. Date of Birth

Date of Birth. The Keetoowah Cherokee Lighthouse or designee shall obtain, and a covered 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.

#### Section 304. 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 Keetoowah Cherokee Lighthouse or designee a sample of their 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.

### Section 305. Driver's Licenses, Identification Cards, Passports, And Immigration Documents

(a) Driver's License. The Keetoowah Cherokee Lighthorse or designee shall obtain, and a covered sex offender shall provide, a photocopy of all of the sex offender's valid driver's licenses issued by any jurisdiction.

(b) Identification Cards. The Keetoowah Cherokee Lighthorse or designee shall obtain, and a covered sex offender shall provide, a photocopy of any identification card including the sex offender's tribal enrollment card issued by any jurisdiction.

(c) Passports. The Keetoowah Cherokee Lighthorse or designee shall obtain, and a covered sex offender shall provide, a photocopy of any passports used by the sex offender.

(d) Immigration Documents. The Keetoowah Cherokee Lighthorse or designee shall obtain, and a covered sex offender shall provide, a photocopy of any and all immigration documents.

### Section 306. Employment Information

Employment. The Keetoowah Cherokee Lighthorse or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's employment, to include any and all places where the sex offender is employed in any means including volunteer and unpaid positions:

- (1) The name of the sex offender's employer,
- (2) The address of the sex offender's employer, and
- (3) Similar information related to any transient or day labor employment.

### Section 307. Finger And Palm Prints

Finger and Palm Prints. The Keetoowah Cherokee Lighthorse or designee shall obtain, and a covered sex offender shall provide, both fingerprints and palm prints of the sex offender in a digitized format.

### Section 308. Internet Identifiers

Internet Names. The Keetoowah Cherokee Lighthorse designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's internet related activity:

- (1) Any and all email addresses used by the sex offender,
- (2) Any and all Instant Message addresses and identifiers,
- (3) Any and all other designations or monikers used for self-identification in internet communications or postings, and
- (4) Any and all designations used by the sex offender for the purpose of routing or self-identification in internet communications or postings.

### Section 309. Name

Name. The Keetoowah Cherokee Lighthorse or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's name:

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

### Section 310. Phone Numbers

Phone Numbers. The Keetoowah Cherokee Lighthorse or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's telephone numbers:

- (1) Any and all land line telephone numbers, and
- (2) Any and all cellular telephone numbers.

### Section 311. Picture

(a) Photograph. The Keetoowah Cherokee Lighthorse or designee shall obtain, and a covered sex offender shall provide, a current photograph of the sex offender.

(b) Update Requirements. Unless the appearance of a sex offender has not changed significantly, a digitized photograph shall be collected:

- (1) Every 90 days for Tier 3 sex offenders,
- (2) Every 180 days for Tier 2 sex offenders, and
- (3) Every year for Tier 1 sex offenders.

### Section 312. Physical Description

Physical Description. The Keetoowah Cherokee Lighthorse or designee shall obtain, and a covered sex offender shall provide, an accurate description of the sex offender as follows:

- (1) A physical description,
- (2) A general description of the sex offender's physical appearance or characteristics, and
- (3) Any identifying marks, such as, but not limited to, scars, moles, birthmarks, or tattoos.

### Section 313. Professional Licensing Information

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

### Section 314. Residence Address

Address. The Keetoowah Cherokee Lighthorse or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's residence:

- (1) The address of each residence at which the sex offender resides or will reside, and
- (2) Any location or description that identifies where the sex offender habitually resides regardless of whether it pertains to a permanent residence or location otherwise identifiable by a street or address.

### Section 315. School

School Location. The Keetoowah Cherokee Lighthorse or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's school:

- (1) The address of each school where the sex offender is or will be a student, and
- (2) The name of each school the sex offender is or will be a student.

### Section 316. Social Security Number

Social Security. The Keetoowah Cherokee Lighthorse or designee shall obtain, and a covered sex offender shall provide, the following information:

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

### Section 317. Temporary Lodging

Lodging Information. The Keetoowah Cherokee Lighthorse or designee shall obtain, and a covered sex offender shall provide, the following information when the sex offender will be absent from their residence for 7 days or more:

- (1) Identifying information of the temporary lodging locations including addresses and names, and
- (2) The dates the sex offender will be staying at each temporary lodging location.
- (3) Travel Abroad. In the event the sex offender will be traveling outside of the United States for more than seven (7) days, the Keetoowah Cherokee Lighthorse or designee shall immediately provide this information to INTERPOL.

### Section 318. Offense Information

Offense Information. The Keetoowah Cherokee Lighthorse or designee shall obtain the text of each provision of law defining the criminal offense(s) for which the sex offender is registered.

### Section 319. Vehicle Information

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

- (1) License plate numbers,
- (2) Registration numbers or identifiers,
- (3) General description of the vehicle to include color, make, model, and year, and
- (4) Any permanent or frequent location where any covered vehicle is kept.

### Section 320. Frequency, Duration, and Reduction

Frequency. A sex offender who is required to register shall, at a minimum, appear in person at the Keetoowah Cherokee Lighthorse 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 fifteen (15) years from the time of release from custody for a sex offender who is incarcerated for the registration offense or from the date of sentencing for a sex offender who is not incarcerated for the registration offense.
- (2) For “Tier 2” offenders, once every one hundred eighty (180) days for twenty five (25) years from the time of release from custody for a sex offender who is incarcerated for the registration offense or from the date of sentencing for a sex offender who is not incarcerated for the registration offense.
- (3) For “Tier 3” offenders, once every ninety (90) days for the rest of their lives.

### Section 321. Requirements for In Person Appearances

(a) Photographs. At each in person verification, the sex offender shall permit the Keetoowah Cherokee Lighthorse 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 Keetoowah Cherokee Lighthorse shall immediately notify all other jurisdictions in which the sex offender is required to register of the information or change in information.

## CHAPTER 4

### REGISTRATION

#### Section 401. Where Registration is Required

(a) Jurisdiction of Conviction. A sex offender must initially register with the Keetoowah Cherokee Lighthorse of United Keetoowah Band of Cherokee Indians in Oklahoma if the sex offender was convicted by the Tribal Court of a covered sex offense regardless of the sex offender's actual or intended residency.

(b) Jurisdiction of Incarceration. A sex offender must register with the Keetoowah Cherokee Lighthorse of the United Keetoowah Band of Cherokee Indians in Oklahoma if the sex offender is incarcerated by the tribe while completing any sentence for a covered sex offense, regardless of whether it is the same jurisdiction as the jurisdiction of conviction or residence.

(c) Jurisdiction of Residence. A sex offender must register with the Keetoowah Cherokee Lighthorse of the United Keetoowah Band of Cherokee Indians in Oklahoma if the sex offender resides within lands subject to the jurisdiction of the tribe, or resides on property owned by the tribe in fee or trust regardless of location.

(d) Jurisdiction of Employment. A sex offender must register with the Keetoowah Cherokee Lighthorse of the United Keetoowah Band of Cherokee Indians in Oklahoma if they are employed by the tribe in any capacity or otherwise is employed within lands subject to the jurisdiction of the tribe, lands otherwise reside on property owned by the tribe in fee or trust regardless of location.

(e) Jurisdiction of School Attendance. A sex offender must register with the Keetoowah Cherokee Lighthorse of the United Keetoowah Band of Cherokee Indians in Oklahoma if the sex offender is a student in any capacity within lands subject to the jurisdiction of the tribe, lands otherwise reside on property owned by the tribe in fee or trust regardless of location.

#### Section 402. Timing of Registration

(a) Timing. A sex offender required to register with the tribe under this code shall do so in the following timeframe:

- (1) If convicted by the United Keetoowah Band of Cherokee Indians in Oklahoma for a covered sex offense and incarcerated, the sex offender must register before being released from incarceration;
- (2) If convicted by the United Keetoowah Band of Cherokee Indians in Oklahoma but not incarcerated, within three (3) business days of sentencing for the registration offense, and
- (3) Within three (3) business days of establishing a residence, commencing employment, or becoming a student on lands subject to the jurisdiction of the tribe, on property owned by the tribe in fee or trust regardless of location a sex offender must appear in person to register with Keetoowah Cherokee Lighthorse.

(b) Duties of Keetoowah Cherokee Lighthorse. The Keetoowah Cherokee Lighthorse shall have policies and procedures in place to ensure the following:

- (1) That any sex offender incarcerated or sentenced by the tribe for a covered 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 into the registry, that information is immediately forwarded to all other jurisdictions in which the sex offender is required to register due to the sex offender's residency, employment, or student status.

#### Section 403. Retroactive Registration

(a) Retroactive Registration. The Keetoowah Cherokee Lighthorse shall have in place policies and procedures to ensure the following three categories of sex offenders are subject to the registration and updating requirements of this code:

- (1) Sex offenders incarcerated or under the supervision of the tribe, whether for a covered sex offense or other crime,
- (2) Sex offenders already registered or subject to a pre-existing sex offender registration requirement under the tribe's laws, and
- (3) Sex offenders reentering the justice system due to conviction for any crime.

(b) Timing of Recapture. The Keetoowah Cherokee Lighthorse shall ensure recapture of the sex offenders mentioned in Section 503(a) within the following timeframe to be calculated from the date of passage of this code:

- (1) For Tier 1 sex offenders, one (1) year,
- (2) For Tier 2 sex offenders, one hundred eighty (180) days, and
- (3) For Tier 3 sex offenders, ninety (90) days.

#### Section 404. Keeping Registration Current

(a) Jurisdiction of Residency. All sex offenders required to register in this jurisdiction shall immediately appear in person at the Offices of the Keetoowah Cherokee Lighthorse to update any changes to their name, residence (including termination of residency), employment, or school attendance. All sex offenders required to register in this jurisdiction shall immediately inform Keetoowah Cherokee Lighthorse via certified mail or in person of any changes to their temporary lodging information, vehicle information, internet identifiers, or telephone numbers. In the event of a change in temporary lodging, the

sex offender and Keetoowah Cherokee Lighthorse 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, on property owned by the tribe in fee or trust regardless of location that change their school, or otherwise terminate their schooling, shall immediately appear in person at the Keetoowah Cherokee Lighthorse to update that information. The Keetoowah Cherokee Lighthorse 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, on property owned by the tribe in fee or trust regardless of location, that change their employment, or otherwise terminate their employment, shall immediately appear in person at the Keetoowah Cherokee Lighthorse to update that information. The Keetoowah Cherokee Lighthorse 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 Keetoowah Cherokee Lighthorse. With regard to changes in a sex offender's registration information, the Keetoowah Cherokee Lighthorse or designee shall immediately notify:

- (1) All jurisdictions where a sex offender intends to reside, work, or attend school,
- (2) Any jurisdiction where the sex offender is either registered or required to register, and
- (3) Specifically with respect to information relating to a sex offender's intent to commence residence, school, or employment outside of the United States, any jurisdiction where the sex offender is either registered or required to register, and the U.S. Marshals Service. The tribal police shall also ensure this information is immediately updated on NSOR.

#### Section 405. Failure to Appear for Registration and Absconding

(a) Failure to Appear. In the event a sex offender fails to register with the tribe as required by this code, the Keetoowah Cherokee Lighthorse or designee 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 Keetoowah Cherokee Lighthorse or designee receives information that a sex offender has absconded the Keetoowah Cherokee Lighthorse shall make an effort to determine if the sex offender has actually absconded.

- (1) In the event no determination can be made, the Keetoowah Cherokee Lighthorse or designee shall ensure the tribal police 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, they shall be informed that the sex

offender has failed to appear and register.

- (3) If an absconded sex offender cannot be located then the tribal police shall take the following steps:
  - (i) Update the registry to reflect the sex offender has absconded or is otherwise not capable of being located,
  - (ii) Notify the U.S. Marshals Service,
  - (iii) Seek a warrant for the sex offender's arrest. The U.S. Marshals Service or FBI may be contacted in an attempt to obtain a federal warrant for the sex offender's arrest,
  - (iv) Update the NSOR to reflect the sex offender's status as an absconder, or is otherwise not capable of being located, and
  - (v) Enter the sex offender into the National Crime Information Center Wanted Person File.

(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 code, the Keetoowah Cherokee Lighthorse shall take all appropriate follow-up measures including those outlined in Section 505(b). The Keetoowah Cherokee Lighthorse 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.

## CHAPTER 5

### PUBLIC SEX OFFENDER REGISTRY WEBSITE

#### Section 501. Website

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

#### Section 502. Required and Prohibited Information

- (a) Required Information. The following information shall be made available to the public on the sex offender registry website:
- (1) Notice that an offender is in violation of their registration requirements or cannot be located if the sex offender has absconded,
  - (2) All sex offenses for which the sex offender has been convicted,
  - (3) The sex offense(s) for which the offender is currently registered,
  - (4) The address of the sex offender's employer(s),
  - (5) The name of the sex offender including all aliases,
  - (6) A current photograph of the sex offender,
  - (7) A physical description of the sex offender,
  - (8) The residential address and, if relevant, a description of a habitual residence of the 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 sex offender registry website:

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

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

#### Section 503. Community Notification

(a) Law Enforcement Notification. Whenever a sex offender registers or updates their information with the tribe, the Keetoowah Cherokee Lighthorse 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, police, 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.
- (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 Keetoowah Cherokee Lighthorse shall ensure there is an automated community notification process in place that ensures the following:

- (1) Upon a sex offender's registration or update of information with the tribe, the tribe's public sex offender registry website is immediately updated,
- (2) The tribe's public sex offender registry has a function that enables the general public to request an 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.
- (3) This information may also be published in the monthly tribal newspaper.

## CHAPTER 6

### SOVEREIGN IMMUNITY

#### Section 601. No Waiver of Immunity

No waiver of immunity. Nothing under this chapter shall be construed as a waiver of sovereign immunity for the United Keetoowah Band of Cherokee Indians in Oklahoma, its departments, agencies, employees, or agents.

#### Section 602. Good Faith

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