

SAC AND FOX NATION
ATTORNEY GENERAL

Gregory H. Bigler
Attorney General



FILED
IN THE DISTRICT COURT

2011 SEP 29 P 1:31

SAC AND FOX NATION
CHARLOTTE CARTWRIGHT, COURT CLERK

July 26, 2011

FILED
DATE 9-29-11
SECRETARY
SAC & FOX NATION
Judith K. Williams

SFN AG Rules _____ DEPUTY

General SORNA Regulations Pursuant to Title 11 SF Codes §801-101(b).

The Attorney General's Office is assigned by Title 11 SF Codes §801-101(b), the authority to issue guidelines and regulations regarding the Sexual Offender Registration and Notification Act (SORNA), Sac and Fox Code of Laws Title 11, chapter 8, the Sac and Fox SORNA.

Pursuant to that authority, the Sac and Fox Attorney General hereby promulgates the attached regulations, effective upon filing with the Sac and Fox Nation Tribal Secretary, subject to the Business Committee's advice and consent.

This RULE is effective immediately, subject to the Business Committee's advice and consent.



Gregory Bigler
Attorney General
Sac and Fox Nation

cc: Court Clerk
SFN Tribal Secretary
file

FILED
IN THE DISTRICT COURT
2011 SEP 29 P 1:32

**ATTORNEY GENERAL REGULATIONS:
SEXUAL OFFENDER REGISTRATION AND NOTIFICATION ACT**

SAC AND FOX NATION
CHARLOTTE CARTWRIGHT, COURT CLERK

**Rules for Compliance by Offender and Law Enforcement
with the Sac and Fox Nation SORNA**

FILED
DATE 9-29-11
SECRETARY
SAC & FOX NATION
Judith K. Williams

ADOPTED BY SFN ATTORNEY GENERAL: JULY 26, 2011

Rule 01. Purpose

These Regulations and Rules are adopted by the Sac and Fox Nation Attorney General pursuant to Title XI Sac and Fox Nation Codes (SFNC), Sec. 801-101(b), in order to carry out the Nation's responsibilities under the Sac and Fox Nation Sexual Offender Registration and Notification Act (SFN SORNA), Title XI of the Sac and Fox Codes, Chapter 8 and also under requirements of Federal Title I of the Adam Walsh Child Protection and Safety Act of 2006, Sexual Offender Registration and Notification Act (SORNA). Whenever any ambiguity arises as to interpretation of these rules they are to be interpreted in a manner that complies with the requirements and guidance found in the Federal and Sac and Fox SORNAs.

CHAPTER 1 - IMMEDIATE TRANSFER OF INFORMATION

Rule 100.

Whenever a sex offender initially registers or updates their registration information with the Sac and Fox Nation, the Nation shall immediately notify any other jurisdiction where the sex offender resides, is an employee, or is a student and each jurisdiction from or to which a change of residence, employment, or student status occurs. This includes notification to any relevant SORNA-registration jurisdiction, including states, territories, tribes, and the District of Columbia.

Rule 101. "Department" in these Rules, unless otherwise meant from the context of these Rules, means the Sac and Fox Police Department or such or department or agency of the Nation assigned responsibility for registering and tracking Sex offenders under the SFN SORNA.

Rule 102. 'Immediate' and 'immediately' as used in these regulations or referenced in the Sac and Fox Nation SORNA are defined as 'within 3 business days, Except that as used in XI SFNC §801-102(a)(2)(B)&(C) "immediately" shall mean within 2 hours.

Rule 105. Initial registration and/or updated information is immediately sent to any required SORNA-registration jurisdiction, including: states; District of Columbia; the five principal U.S. Territories (Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, and the U.S. Virgin Islands); any tribe operating as a SORNA registration jurisdiction; NCIC/NSOR; the jurisdiction's public sex offender registry website.

CHAPTER 2 - RESERVED

CHAPTER 3 - RESERVED

CHAPTER 4 - REQUIRED REGISTRATION INFORMATION

Rule 400.

The Department responsible for registering Sex Offenders shall also be primarily responsible for maintaining the Nation's SORNA website and all information concerning or gathered from Offenders registering with the Nation. The information received pursuant to this Chapter shall be kept in digital format in order to assist in speedy transmission to jurisdictions or authorities needing such information, unless prohibited by federal law or regulation.

Rule 401. Birthdate

Sex Offender's must in addition to giving their actual date of birth, must also supply any purported birth date that they have either used, claimed or asserted.

Rule 402. DNA

DNA samples taken by the Department for purposes of registering or tracking offenders shall be analyzed and submitted for entry into the Combined DNA Index System (CODIS).

Rule 405. Fingerprints

Fingerprints of Offenders shall be submitted to IAFIS.

Rule 410. Internet Identifiers.

Information, identifiers, names, addresses or other designations used for identification by or for an offender, including but not limited to: e-mail addresses; instant message, text, twitter, or any other designations or monikers used for self-identification in Internet communications or posting; all designations used by sex offenders for purposes of routing or self- identification in Internet communications or postings.

Rule 415. Passports and Immigration Documents

Digitized copies of passports and digitized copies of immigration documents shall be input to the SORNA website.

Rule 420. Telephone numbers

Telephone numbers and any other designations used by offenders for purposes of routing or self-identification in telephonic communications including: land line telephone numbers; cell phone numbers; text messaging numbers if not otherwise associated with land or cell phones.

Rule 425. Physical Description

(Reserved)

Rule 430. Professional or Trade licensing.

Information concerning all licensing of the Offender that authorizes the registrant to engage in an occupation or carry out a trade or business including but not limited to: licensing number; name and location of licensing authority; trade or association; copy of license; nature of trade, profession or occupation.

Rule 435. Registration Forms.

Forms signed by sex offenders acknowledging that they were advised of their registration obligations shall be kept in digital format.

Rule 440. Addresses

The offender shall give the address, or location if no address is known, within the jurisdiction that he or she does or will reside, stay, live, lodge or visit. The Offender shall also inform the Department of any address or location that he or she intends to visit or be at pursuant to registration requirements under Title XI SFNC, Section 801-102(a).

Rule 445. Social Security Numbers

Social Security Numbers to be supplied by an Offender are deemed to include both actual and purported, false or mistaken Social Security numbers used by or identified with the Offender.

Rule 450. Vehicles

(a) "Vehicle" as used in Section 800-114(a)(8) shall include any land vehicles (such as cars, trucks, atv's, suv's, etc), any aircraft and water-craft. The Offender shall provide any

registration number for the vehicle or such other identifying information used to either register the vehicle or sufficient to clearly i.d. the vehicle.

(b) The Offender shall provide information on where the vehicle(s) are stored, kept, garaged, hangered, docked or located, whether on a permanent, regular or frequent basis.

CHAPTER 5 - RESERVED

CHAPTER 6 - INITIAL REGISTRATION - NOTICE

Rule 600. Imprisonment

“Imprisonment” refers to incarceration pursuant to a conviction, regardless of the nature of the institution in which the offender serves the sentence.

Rule 605. Duty to Notify

(a) The Department’s duty to Notify Sex Offenders of Registration Requirements and to Register under Section 801-117 shall include not only newly sentenced or released Offenders but also any initially registering Offenders.

(b) Failure of the Department to comply with Rule 605 or Section 801-117 shall not excuse the Offender from complying with any other requirement under the law of the Nation.

CHAPTER 7 - RESERVED

CHAPTER 8 - KEEPING REGISTRATION CURRENT

Rule 800. Update of change in Registration Information

Any information that an Offender supplied or was required to supply that changes after the initial registration shall be updated by the Offender by supplying the changed information to the Department within three (3) days of the change.

Rule 801. In Person Update

The Offender shall appear in person to update the change of any registration information regarding employment or education/schooling within the Nation's jurisdiction.

Rule 802. Notification of Other Jurisdictions

Upon receipt of information required under **Rules 800** or **801**, the Department must immediately notify the jurisdiction in which the offender will be temporarily staying, attending school or working within.

Rule 805. Relocation to Another Country

When an offender intends to relocate to another country the Department shall:

- (a) Immediately notify any other jurisdiction where the sex offender is either registered, or is required to register, of that updated information.
- (b) Immediately notify the U.S. Marshals Service
- (c) Immediately update NCIC/NSOR information

Rule 806. International Travel - Offender Duties

When an offender intends to travel to another country the Offender must report that intent 21 days in advance of travel.

Rule 807. International Travel - Department Duties

Upon being informed that an Offender intends to travel to another country, the Department shall:

- (a) immediately notify any other jurisdiction where the sex offender is either registered, or is required to register, of that updated information;
- (b) immediately notify the U.S. Marshals Service;
- (c) immediately update NCIC/NSOR Information.

CHAPTER 9 - RESERVED

CHAPTER 10 - REGISTRY WEBSITE

Rule 1000 - 1009. Reserved.

Rule 1010. Mandatory Exemptions of Disclosure on SFN SORNA Website

In addition to the other information prohibited from disclosure found in 20 SFN 801-118(b), the following shall also be exempt from disclosure on the Nation's SORNA website until otherwise allowed by federal law:

- (a) travel and immigration document numbers;
- (b) internet identifiers.

CHAPTER 11 - COMMUNITY NOTIFICATION

Rule 1100 Law Enforcement Notification.

Whenever a sex offender initially registers in the Nation, or updates their registration information, the Department must immediately notify the specific agencies and monitor the SORNA Exchange Portal for inter-jurisdictional changes specifically including residence, employment or student status, and:

- (a) notify each jurisdiction where the sex offender resides, is an employee, or is a

student, and each jurisdiction from or to which a change of residence, employment, or student status occurs;

(b) update NCIC/NSOR;

(c) notify police departments, sheriffs' offices, prosecutor's offices, probation agencies, and any other agencies with criminal investigation, prosecution, or sex offender supervision functions;

(d) notify 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);

(e) notify any other entity or person previously notified or requesting notification under XI SFNC 801-119.

Rule 1105. Community Notification

Any initial registration, and any changes in a sex offender's registration information, shall be posted to the Nation's public registry website within three business days

CHAPTER 12 - RESERVED

CHAPTER 13 - FAILURE TO REGISTER

Rule 1300. Failure of Offender to Appear

When the Department is notified that a sex offender intends to reside, be employed, or attend school with in the Nation, and that offender fails to appear for registration as required, the Department must Inform the jurisdiction that provided the notification (that the offender was to commence employment, residence, and/or school in the Nation) that the sex offender failed to appear for registration.

CHAPTER 14 - ABSCONDING OFFENDERS

Rule 1400. Information That a Sex Offender May Have Absconded

When the Department has information that a sex offender may have absconded, the Department must take the following actions:

- (a) an effort must be made to determine whether the sex offender has actually absconded;
- (b) if no determination can be made, then a law enforcement agency with jurisdiction to investigate the matter must be notified;
- (c) if the information indicating the possible absconding came through notice from another jurisdiction or federal authorities, the authorities that provided the notification must be informed that the sex offender has failed to appear and register;

Rule 1401. Absconding Offender Not Located.

If an absconded sex offender cannot be located, then the Department must take the following steps:

- (a) the information in the registry must be revised to reflect that the sex offender is an absconder or unlocatable;
- (b) a request for a warrant must be sought from the Attorney General's Office for the sex offender's arrest, if the legal requirements for doing so are satisfied;
- (c) the United States Marshals Service, which is the lead federal agency for investigating sex offender registration violations, must be notified;
- (d) the Department must update NCIC/NSOR to reflect the sex offender's status as an absconder or unlocatable;
- (e) the Department must enter the sex offender into the National Crime Information Center Wanted Person File (assuming issuance of a warrant meeting the requirement for entry into that file).

Gregory H. Bigler
Attorney General

SAC AND FOX NATION
ATTORNEY GENERAL



July 7, 2010

FILED
IN THE DISTRICT COURT
2010 JUL -7 P 2:05
SAC AND FOX NATION
CHARLOTTE DISTRICT COURT CLERK

BY: _____ DEPUTY

SFN AG Rule 11.8.102. In the Matter of Registration Pursuant to Title 11 SF Codes §801-102(d)

The Attorney General's Office is assigned by Title 11 SF Codes §801-102(d), the authority to specify the applicability of the requirements of the Sexual Offender Registration and Notification Act (SORNA), Sac and Fox Code of Laws Title 11, chapter 8, to sex offenders convicted before the enactment of the Sac and Fox SORNA.

Pursuant to that authority, the Sac and Fox Attorney General hereby specifies that anyone convicted of a crime that qualifies as a sex offense under Title 11, chapter 8 shall be required to comply with the registration provisions of the Sac and Fox Nation regardless of the date of conviction, regardless of whether the conviction was after or prior to enactment of the Sac and Fox Sexual Offender Registration and Notification Act.

This RULE is effective immediately.



Gregory Bigler
Attorney General
Sac and Fox Nation

cc: Court Clerk
SFN Tribal Secretary
file