

CHAPTER 36
SEX OFFENDER REGISTRATION CODE

Sec. 36.1 Title. This code shall be known as the Yavapai-Prescott Indian Tribe Sex Offender Registration Code.

Sec. 36.2 Purpose. The intent of this code is to implement the federal Sex Offender Registration and Notification Act (SORNA) and shall be interpreted to comply with the terms and conditions of that act as presently written or hereafter amended.

Sec. 36.3 Definitions.

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 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 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.

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. This includes volunteers, interns, externs, and apprentices.

B. **Immediate.** “Immediate” and “immediately” mean within 3 business days.

C. **Imprisonment.** The term “imprisonment” refers to incarceration pursuant to a conviction, regardless of the nature of the institution in which the offender serves the sentence. The term is to be interpreted broadly to include, for example, confinement in a state “prison” as well as in a local or tribal “jail.”

D. **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 P.L. 109-248 Section 127 (42 U.S.C. Section 16927). This includes the Yavapai-Prescott Indian Tribe reservation.

E. **Minor.** The term “minor” means an individual who has not attained the age of 18 years.

- F. 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.
- G. Sex Offense. The term “sex offense” as used in this code is limited to those offenses contained in 42 U.S.C. section 16911(5) and those offenses enumerated in Section 36.4 of this code or any other covered offense under the laws of the Yavapai-Prescott Indian Tribe.
- H. Sex Offender. A person convicted of a sex offense is a “sex offender.”
- I. 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.
- J. SORNA (Sex Offender Registration and Notification Act). SORNA means Title I of the Adam Walsh Child Protection and Safety Act of 2006. P.L. 109-248. 42 U.S.C. section 16911 *et seq.*, as amended.

Sec. 36.4 Covered Offenses. Individuals who reside, are employed, or attend school, within the jurisdiction of the Yavapai-Prescott Indian Tribe, as described in Section 36.27, and who have been convicted of the following offenses are subject to the requirements of this code:

- A. Attempts and Conspiracies. Any attempt or conspiracy to commit any sex offense.
- B. Federal Offenses. A conviction for any of the following, and any other offense hereafter included within SORNA:
 - 1. 18 U.S.C. §1591 (sex trafficking of children),
 - 2. 18 U.S.C. §1801 (video voyeurism of a minor),
 - 3. 18 U.S.C. §2241 (aggravated sexual abuse),
 - 4. 18 U.S.C. §2242 (sexual abuse),
 - 5. 18 U.S.C. §2243 (sexual abuse of a minor or ward),
 - 6. 18 U.S.C. §2244 (abusive sexual contact),
 - 7. 18 U.S.C. §2245 (offenses resulting in death),
 - 8. 18 U.S.C. §2251 (sexual exploitation of children),
 - 9. 18 U.S.C. §2251A (selling or buying of children),
 - 10. 18 U.S.C. §2252 (material involving the sexual exploitation of a minor),
 - 11. 18 U.S.C. §2252A (material containing child pornography),

12. 18 U.S.C. §2252B (misleading domain names on the internet),
 13. 18 U.S.C. §2252C (misleading words or digital images on the internet),
 14. 18 U.S.C. §2260 (production of sexually explicit depictions of a minor for import into the 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, etc.),
 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 Section 36.4 which 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 115(a)(8)(C)(i) of Public Law 105-119 (codified at 10 U.S.C. §951 note) and 10 U.S.C. §920 *et seq.*
- 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 (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-Prescott Indian 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 other persons in prostitution, such as pandering, procuring, or pimping in cases where the victim was a minor at the time of the offense,
10. Any conduct that by its nature is a sex offense against a minor, or
11. Any offense similar to those outlined in:
 - a. 18 U.S.C. §1591 (sex trafficking by force, fraud, or coercion),
 - b. 18 U.S.C. §1801 (video voyeurism of a minor),
 - c. 18 U.S.C. §2241 (aggravated sexual abuse),
 - d. 18 U.S.C. §2242 (sexual abuse),
 - e. 18 U.S.C. §2244 (abusive sexual contact),
 - f. 18 U.S.C. §2422(b) (coercing a minor to engage in prostitution),
 - g. 18 U.S.C. §2423(a) (transporting a minor to engage in illicit conduct).

Sec. 36.5 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 36.4(C), that involves the false imprisonment of a minor, video voyeurism of a minor, or possession or receipt of child pornography.
- C. 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).

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) and 10 U.S.C §920 *et seq.* that is similar to those offenses outlined in Section 36.5(A),(B), or (C) shall be considered a “Tier 1” offense.

Sec. 36.6 Tier 2 Offenses.

- A. Recidivism and Felonies. Unless otherwise covered by Section 36.7, 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. In the case of subsequent convictions from any tribal court, the offense shall be treated as if it is punishable by more than one year in jail if a substantially similar Arizona State or federal offense is punishable by more than one year.
- 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),
23. 18 U.S.C. §2244 (abusive sexual contact with a person 13 years of age or older),
34. 18 U.S.C. §2251 (sexual exploitation of children),
45. 18 U.S.C. §2251A (selling or buying of children),
56. 18 U.S.C. §2252 (material involving the sexual exploitation of a minor),
67. 18 U.S.C. §2252A (production or distribution of material containing child pornography),
78. 18 U.S.C. §2260 (production of sexually explicit depictions of a minor for import into the United States),
89. 18 U.S.C. §2421 (transportation of a minor for illegal sexual activity),
910. 18 U.S.C. §2422(b) (coercing a minor to engage in prostitution), or
1011. 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) and 10 U.S.C §920 *et seq.* that is similar to those offenses outlined in Section 36.6 (A),(B), or (C) shall be considered a “Tier 2” offense.

Sec. 36.7 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. In the case of subsequent convictions from any tribal court, the offense shall be treated as if it is punishable by more than one year in jail if a substantially similar Arizona State or federal offense is punishable by more than one year.

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, by any jurisdiction, local government, or qualifying foreign country pursuant to Section 36.4(C), 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 (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), or.
 4. 18 U.S.C. §2243 (sexual abuse of a minor or ward).
- 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) and 10 U.S.C §920 *et seq.* that is similar to those offenses outlined in Section 36.7(A),(B), or (C) shall be considered a “Tier 3” offense.

Sec. 36.8 General Requirements.

- A. Duties. A sex offender covered by this code who is required to register with the Yavapai-Prescott Indian Tribe pursuant to Section 36.27 through Section 36.33 shall provide all of the information detailed in this chapter to the Yavapai-Prescott Tribal Police Department or designee, and the Yavapai-Prescott Tribal Police Department or designee shall obtain all of the information detailed in this chapter from covered sex offenders who are required to register with the Yavapai-Prescott Indian Tribe according to 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 Yavapai-Prescott Tribal Police Department or designee in a digitized format.
- C. Electronic Database. A sex offender registry shall be maintained in an electronic database by the Yavapai-Prescott Tribal Police Department or designee and shall be in a form capable of electronic transmission.

Sec. 36.9 Criminal History. The Yavapai-Prescott Tribal Police Department or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender’s criminal history:

- A. The date of all arrests,

- B. The date of all convictions,
- C. The sex offender's status of parole, probation, or supervised release,
- D. The sex offender's registration status, and
- E. Any outstanding arrest warrants.

Sec. 36.10 Date of Birth. The Yavapai-Prescott Tribal Police Department or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's date of birth:

- A. The sex offender's actual date of birth, and
- B. Any other date of birth used by the sex offender.

Sec. 36.11 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 Yavapai-Prescott Tribal Police Department or designee a sample of his or her DNA.
- B. CODIS. Any DNA sample obtained from a sex offender shall be submitted to an appropriate laboratory for analysis and entry of the resulting DNA profile into CODIS, according to the Yavapai-Prescott Indian Tribe Sex Offender Registration and Notification Policy and Procedure Manual.

Sec. 36.12 Driver's Licenses, Identification Cards, Passports, and Immigration Documents.

- A. Driver's License. The Yavapai-Prescott Tribal Police Department 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 Yavapai-Prescott Tribal Police Department 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 Yavapai-Prescott Tribal Police Department 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 Yavapai-Prescott Tribal Police Department or designee shall obtain, and a covered sex offender shall provide, a photocopy of any and all immigration documents.

Sec. 36.13 Employment Information. The Yavapai-Prescott Tribal Police Department 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:

- A. The name of the sex offender's employer,
- B. The address of the sex offender's employer, and
- C. Similar information related to any transient or day labor employment.

Sec. 36.14 Finger and Palm Prints. The Yavapai-Prescott Tribal Police Department or designee shall obtain, and a covered sex offender shall provide, both finger prints and palm prints of the sex offender in a digitized format.

Sec. 36.15 Internet Identifiers. The Yavapai-Prescott Tribal Police Department or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's internet related activity:

- A. Any and all email addresses used by the sex offender,
- B. Any and all Instant Message addresses and identifiers,
- C. Any and all other designations or monikers used for self-identification in internet communications or postings, and
- D. Any and all designations used by the sex offender for the purpose of routing or self-identification in internet communications or postings.

Sec. 36.16 Names. The Yavapai-Prescott Tribal Police Department or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's name:

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

Sec. 36.17 Phone Numbers. The Yavapai-Prescott Tribal Police Department or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's telephone numbers:

- A. Any and all land line telephone numbers, and
- B. Any and all cellular telephone numbers, and
- C. Any and all Voice Over Internet Protocol (VOIP) numbers.

Sec. 36.18 Picture.

- A. Photograph. The Yavapai-Prescott Tribal Police Department 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.

Sec. 36.19 Physical Description. The Yavapai-Prescott Tribal Police Department or designee shall obtain, and a covered sex offender shall provide, an accurate description of the sex offender as follows:

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

Sec. 36.20 Professional Licensing Information. The Yavapai-Prescott Tribal Police Department 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.

Sec. 36.21 Residence Address. The Yavapai-Prescott Tribal Police Department or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's residence:

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

Sec. 36.22 School. The Yavapai-Prescott Tribal Police Department or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's school:

- A. The address of each school where the sex offender is or will be a student, and
- B. The name of each school where the sex offender is or will be a student.

Sec. 36.23 Social Security Number. The Yavapai-Prescott Tribal Police Department or designee shall obtain, and a covered sex offender shall provide, the following information:

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

Sec. 36.24 Temporary Lodging and International Travel.

A. Temporary Lodging. The Yavapai-Prescott Tribal Police Department or designee shall obtain, and a covered sex offender shall provide in person no less than 7 days before the absence commences, the following information when the sex offender will be absent from his residence for 7 days or more:

- 1A. Identifying information of the temporary lodging locations including addresses and names, and
- 2B. The dates the sex offender will be staying at each temporary lodging location.

B. International Travel. Sex offenders must inform their residence jurisdictions 21 days in advance if they intend to travel outside of the United States. The Yavapai-Prescott Tribal Police Department shall notify the U.S. Marshals Service and immediately notify any other jurisdiction where the sex offender is either registered, or is required to register, of that updated information. Update also must be made to NCIC/NSOR.

Sec. 36.25 Offense Information. The Yavapai-Prescott Tribal Police Department or designee shall obtain the text of each provision of law defining the criminal offense(s) for which the sex offender is registered.

Sec. 36.26 Vehicle Information. The Yavapai-Prescott Tribal Police Department 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:

- A. License plate numbers,
- B. Registration numbers or identifiers,
- C. General description of the vehicle including color, make, model, and year, and
- D. Any permanent or frequent location where any covered vehicle is kept.

Sec. 36.27 When Registration Is Required.

- A. Conviction. A sex offender must initially register if they were convicted of a covered sex offense in the Yavapai-Prescott Indian Tribe's court regardless of the sex offender's actual or intended residency.
- B. Incarceration. A sex offender must register if they are incarcerated by the Yavapai-Prescott Indian 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. Residence. A sex offender must register if they reside within lands subject to the jurisdiction of the Yavapai-Prescott Indian Tribe.
- D. Employment. A sex offender must register if they are employed by the Yavapai-Prescott Indian Tribe in any capacity or otherwise employed within any lands subject to the jurisdiction of the Yavapai-Prescott Indian Tribe.
- E. School Attendance. A sex offender must register if they are a student within lands subject to the jurisdiction of the Yavapai-Prescott Indian Tribe.

Sec. 36.28 Initial Registration.

- A. Timing. A sex offender required to register with the Yavapai-Prescott Indian Tribe under this code shall do so in the following timeframe:
 - 1. If convicted by the Yavapai-Prescott Indian Tribe for a covered sex offense and incarcerated, before release from incarceration for the registration offense,
 - 2. If convicted by the Yavapai-Prescott Indian Tribe for a covered sex offense but not incarcerated, within 3 business days of sentencing for the registration offense, or
 - 3. Within 3 business days of establishing a residence, commencing employment, or becoming a student on lands subject to the jurisdiction of the Yavapai-Prescott Indian Tribe.
- B. Duties of the Yavapai-Prescott Tribal Police Department. The Yavapai-Prescott Tribal Police Department shall have policies and procedures in place to ensure the following:
 - 1. That any sex offender incarcerated or sentenced by the Yavapai-Prescott Indian Tribe for a covered sex offense completes their initial registration with the Yavapai-Prescott Indian 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 added to the public website if applicable, and
 - 4. That upon entry of the sex offender's information in to the registry, that information is immediately forwarded to all other jurisdictions in which the sex offender is required to register due to the sex offender's residency, employment, or student status, and.
 - 5. That all information is entered and updated in NCIC/NSOR.

Sec. 36.29 Retroactive Registration.

- A. **Retroactive Registration.** The Yavapai-Prescott Tribal Police Department shall have in place policies and procedures to ensure the following three categories of sex offenders are subject to the registration and updating requirements of this code:
1. Sex offenders incarcerated or under the supervision of the Yavapai-Prescott Indian 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 Yavapai-Prescott Indian Tribe's laws, and
 3. Sex offenders reentering the justice system due to conviction for any crime.
- B. **Timing of retroactive registration.** The Yavapai-Prescott Tribal Police Department shall ensure registration of the sex offenders stated in Section 36.29(A) within the following timeframe to be calculated from the effective date of this code:
1. For Tier 1 sex offenders, 1 year,
 2. For Tier 2 sex offenders, 180 days, and
 3. For Tier 3 sex offenders, 90 days.

Sec. 36.30 Updating Registration Information.

- A. **Duty of Offender to Update.** All sex offenders required to register with the Yavapai-Prescott Indian Tribe shall immediately appear in person at the Yavapai-Prescott Tribal Police Department in person to update any changes to the information required in Sections 36.9 through 36.26. In the event of update in temporary lodging, a covered sex offender shall provide the updated information no less than 7 days before the lodging commences, according to Section 36.24. In the event of international travel, the covered sex offender shall provide, in person, the updated information no less than 21 days before the travel commences, according to Section 36.24. In the event of a change in temporary lodging, the sex offender and the Yavapai-Prescott Tribal Police Department shall immediately notify the jurisdiction in which the sex offender will be temporarily staying.
- B. **Duties of the Yavapai-Prescott Tribal Police Department.** With regard to changes in a sex offender's registration information, the Yavapai-Prescott Tribal Police Department 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.

4. The Yavapai-Prescott Tribal Police Department shall also ensure this information is immediately updated in National Sex Offender Registry (NSOR) and National Crime Information Center (NCIC) and the Yavapai-Prescott Indian Tribe Sex Offender Public Website identified in Section 36.34 through Section 36.36.

Sec. 36.31 Failure To Appear For Registration and Absconding.

- A. Failure to Appear. In the event a sex offender fails to register with the Yavapai-Prescott Indian Tribe as required by this code, the Yavapai-Prescott Tribal Police Department or designee shall immediately inform the jurisdiction that provided notification that the sex offender was to commence residency, employment, or school attendance with the Yavapai-Prescott Indian Tribe that the sex offender failed to appear for registration.
- B. Absconded Sex Offenders. If the Yavapai-Prescott Tribal Police Department or designee receives information that a sex offender has absconded, the Yavapai-Prescott Tribal Police Department shall make an effort to determine if the sex offender has actually absconded.
 1. In the event no determination can be made, the Yavapai-Prescott Tribal Police Department or designee shall ensure the Yavapai-Prescott Tribal Police Department 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, the Yavapai-Prescott Tribal Police Department shall take the following steps:
 - a. Update the Yavapai-Prescott Indian Tribe Sex Offender Public Website to reflect the sex offender has absconded or is otherwise not capable of being located,
 - b. Seek a warrant for the sex offender's arrest. The U.S. Marshals Service or FBI may be contacted in an attempt to obtain a federal warrant for the sex offender's arrest,
 - c. Notify the U.S. Marshals Service,
 - d. Update the NCIC/NSOR to reflect the sex offender's status as an absconder, or is otherwise not capable of being located, and
 - e. Enter the sex offender into the NCIC Wanted Person File.

- C. Failure to Register. In the event a sex offender who is required to register due to their residence, employment or school attendance status fails to do so or otherwise violates a registration requirement of this code, the Yavapai-Prescott Tribal Police Department or designee shall take all appropriate follow-up measures including those outlined in Section 36.31(B). The Yavapai-Prescott Tribal Police Department or designee shall first make an effort to determine if the sex offender actually resides, is employed or is attending school on lands subject to the Yavapai-Prescott Indian Tribe's jurisdiction.

Sec. 36.32 Verification and Appearance Requirements. A sex offender who is required to register shall, at a minimum, appear in person at the Yavapai-Prescott Tribal Police Department for purposes of verification and keeping their registration current according to the following time frames:

- A. For "Tier 1" offenders, once every year for 15 years from the date of sentencing or if incarcerated from the date of release,
- B. For "Tier 2" offenders, once every 180 days for 25 years from the date of sentencing or if incarcerated from the date of release,
- C. For "Tier 3" offenders, once every 90 days for the rest of their lives.

Sec. 36.33 Requirements for In Person Appearances.

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

Sec. 36.34 Public Sex Offender Registry Website.

- A. Website. The Yavapai-Prescott Tribal Police Department shall use and maintain a public sex offender registry website. The website shall be called the Yavapai-Prescott Indian Tribe Sex Offender Public 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 name, county, city, and/or town, zip code and geographic radius.
- F. Dru Sjodin National Sex Offender Public Website. The Yavapai-Prescott Indian 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.

Sec. 36.35 Required and Prohibited Information.

A. Required Information. The following information shall be made available to the public on the sex offender registry website:

- 1. Notice that an offender is in violation of their registration requirements or cannot be located if the sex offender has absconded,
- 2. All sex offenses for which the sex offender has been convicted,
- 3. The sex offense(s) for which the offender is currently registered,
- 4. The address of the sex offender's employer(s),
- 5. The name of the sex offender including all aliases,
- 6. A current photograph of the sex offender,
- 7. A physical description of the sex offender,
- 8. The residential address and, if relevant, a description of a habitual residence of the sex offender,
- 9. All 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.
- C. Witness Protection. For sex offenders who are under a witness protection program, the Yavapai-Prescott Tribal Police Department may honor the request of the United States Marshals Service or other agency responsible for witness protection by not including the original identity of the offender on the publicly accessible sex offender registry website.

Sec. 36.36 Law Enforcement and Community Notification.

- A. Law Enforcement Notification. Whenever a sex offender registers or updates his or her information with the Yavapai-Prescott Indian Tribe, the Yavapai-Prescott Tribal Police Department or designee shall:
1. Immediately notify the FBI or other federal agency as designated by the Attorney General and ensure the information is updated on NCIC/NSOR,
 2. Immediately notify any agency, department, or program within the Yavapai-Prescott Indian 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 due to the sex offender's residency, school attendance, or employment, and
 4. Immediately notify National Child Protection Act agencies, which include any agency responsible for conducting employment-related background checks under Section 3 of the National Child Protection Act of 1993.
- B. Community Notification. The Yavapai-Prescott Tribal Police Department or designee 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 Yavapai-Prescott Indian Tribe, the Yavapai-Prescott Indian Tribe's public sex offender registry website is immediately updated.
 2. Email notice is available to the general public to notify them when a sex offender commences residence, employment, or school attendance with the Yavapai-Prescott Indian Tribe, within a specified zip code, or within a certain geographic radius. This email notice shall include the sex offender's identity so the public can access the public registry for the new information.

Sec. 36.37 Sanctions.

- A. Crime. Any violation of a provision of this code by an Indian is a class 1 misdemeanor pursuant to Section 5.10 of the Yavapai-Prescott Indian Tribe Law and Order Code.

- B. Civil Penalty. Any violation of a provision of this code by a person 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 fines, forfeitures, civil contempt, and exclusion or removal pursuant to Chapters 8 or 21 of the Yavapai-Prescott Indian Tribe Law and Order Code.

Sec. 36.38 Other Crimes. An Indian is guilty of a class 1 misdemeanor pursuant to Section 5.10 of the Yavapai-Prescott Indian Tribe Law and Order Code if they:

- A. Knowingly harbor, attempt to harbor, or assist another in harboring or attempting to harbor a sex offender who is in violation of this code. "Harbor" means to give shelter or refuge to, or to conceal or hide;
- B. Knowingly assist a sex offender in eluding a law enforcement agency that is seeking to find the sex offender to question them about, or to arrest them for, noncompliance with the requirements of this code; or
- C. Knowingly provide false information to a law enforcement agency regarding a sex offender.

Sec. 36.39 No Waiver of Immunity. Nothing under this code shall be construed as a waiver of sovereign immunity of the Yavapai-Prescott Indian Tribe, its departments, agencies, employees, or agents.

Sec. 36.40 Good Faith Immunity. Any person acting under good faith of this code shall be immune from any civil liability arising out of such actions.