

WHITE EARTH NATION

TITLE 20: REGISTRATION OF PREDATORY OFFENDERS CODE

CHAPTER 1. SHORT TITLE, FINDINGS, PURPOSE AND DEFINITIONS

Section 1. Short Title

Title 20 shall be entitled and may be referred to as the "Registration of Predatory Offenders Code"

Section 2. Findings

- (a) The White Earth Tribal Council hereby finds and determines that it is in the best interest of the White Earth Nation to make laws which govern the registration of predatory offenders.
- (b) The White Earth Tribal Council hereby finds and determines that it is in the best interests of the White Earth Nation to provide a forum which is fair, accessible and culturally appropriate to which all persons may bring disputes involving registration of predatory offenders and criminal matters.
- (c) The White Earth Tribal Council hereby finds and determines that it is in the best interests of the White Earth Nation to adjudicate all cases in the White Earth Tribal Court.
- (d) The White Earth Tribal Council hereby finds and determines that the White Earth Nation has never waived any sovereign immunity with regard to the registration of predatory offenders under jurisdiction of the White Earth Nation.

Section 3. Purpose

This Code shall be liberally construed and applied to carry out its purpose and intent and the Code shall:

- (a) Protect, enhance and exercise the inherent sovereignty of the White Earth Nation;
and
- (b) Simplify, clarify, modernize and revise the law governing the registration of predatory offenders; and
- (c) Preserve the peace, harmony and safety of the people of the White Nation and those who enter or reside within the exterior boundaries of the White Earth Reservation; and

(d) To establish laws and procedures which are necessary to register and prosecute predatory offenders.

Section 5. Definitions

(a) "Code" means the White Earth Nation Registration of Predatory Offenders Code.

(b) "Dwelling" means the building where the person lives under a formal or informal agreement to do so.

(c) "Law Enforcement Authority" means the White Earth Police Department or any other agency with law enforcement authority within the exterior boundaries of the White Earth Reservation.

(d) "Motor Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

(e) "Predatory Crime" means murder in the first, second or third degree; manslaughter in the first or second degree; assault in the first, second or third degree; simple robbery; aggravated robbery; kidnapping; false imprisonment; criminal sexual conduct in the first, second, third, or fourth degree; incest; tampering with a witness; arson in the first degree; or burglary in the first degree as defined by White Earth tribal statutes or the statutes of any other jurisdiction with substantially similar elements.

(f) "Primary Address" means the mailing address of the person's dwelling. If the mailing address is different from the actual location of the dwelling, primary address also includes the physical location of the dwelling described with as much specificity as possible.

(g) "Primary Residence" means any place where the person resides longer than fourteen (14) days or that is deemed a primary residence by the law enforcement authority.

(h) "School" means any public or private educational institution, including any secondary school, trade or professional institution, or institution of higher education, that the person is enrolled in on a full-time or part-time basis.

(i) "Secondary Address" means the mailing address of any place where the person regularly or occasionally stays overnight when not staying at the person's primary address. If the mailing address is different from the actual location of the place, secondary address also includes the physical location of the place described with as much specificity as possible.

(j) "Secondary Residence" means any place where the person regularly stays overnight when not staying at the person's primary residence, and includes, but is not limited to:

(i) the person's parent's home if the person is a student and stays at the home at times when the person is not staying at school, including during the summer;

(ii) the home of someone with whom the person has a minor child in common where the child's custody is shared.

(iii) a chemical dependency treatment facility, hospital, nursing home, halfway house, or any other similar facility.

(k) "Treatment Facility" means a residential facility and residential chemical dependency treatment program and halfway houses, but not limited to those facilities directly or indirectly assisted by any department or agency of the United States.

(l) "Work" means employment that is a full-time or part-time for a period of time exceeding fourteen (14) days or for an aggregate period of time exceeding thirty (30) days during any calendar year, whether financially compensated, volunteered, or for the purpose of government or educational benefit.

CHAPTER 2. REGISTRATION REQUIRED

Section 1.

A person shall register under this Code if:

(a) The person was charged with or petitioned for a felony violation of or attempt to violate, or aiding, abetting, or conspiracy to commit any of the following, and convicted or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances:

(i) Murder under any jurisdiction or another crime with substantially similar elements; or

(ii) Kidnapping under any jurisdiction or another crime with substantially similar elements; or

(iii) Criminal sexual conduct under any jurisdiction or another crime with substantially similar elements; or

(iv) Indecent exposure under any jurisdiction or another crime with substantially similar elements; or

(b) The person was charged with or petitioned for a violation of, or attempt to violate, or aiding, abetting, or conspiracy in any jurisdiction for any of the following crimes or another crime with substantially similar elements: falsely imprisoning a minor; soliciting a minor to engage in prostitution; soliciting a minor to engage in sexual conduct; using a minor in a sexual performance; possessing pornographic work involving a minor; and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances; or

(c) the person was convicted of a predatory crime under any jurisdiction or another crime with substantially similar elements and the offender was sentenced as a patterned sex offender or the court found on its own motion or that of the prosecutor that the crime was part of a predatory pattern of behavior that had criminal sexual conduct as its goal; or

(d) The person was convicted of or adjudicated delinquent for, including pursuant to a court martial, violating a law of the United States, including the Uniform Code of Military Justice, similar to the offenses described in Subsection (a), (b), or (c).

Section 2.

A person shall register under this Section if:

(a) the person was convicted of or adjudicated delinquent in any Tribal Court, Federal Court, State Court, or the Court of any other jurisdiction for any offense under Section 1; or

(b) the person enters the reservation to reside, or to work or attend school, or enters the reservation and remains for fourteen (14) days or longer; and

(c) ten years have not elapsed since the person was released from confinement or, if the person was not confined, since the person was convicted of or adjudicated delinquent for the offense that triggers registration, unless the person is subject to lifetime registration, in which case the person must register for life regardless of when the person was released from confinement, convicted, or adjudicated delinquent.

Section 3.

A person also shall register under this Chapter if the person was committed pursuant to a court commitment, because they were mentally ill and dangerous to the public, in any jurisdiction regardless of whether the person was convicted of any offense.

Section 4.

A person also shall register under this section if:

- (a) the person was charged with or petitioned for a felony violation or attempt to violate any of the offenses listed in Section 1(a), or another crime with substantially similar elements, or the person was charged with or petitioned for a violation of any of the offenses listed in Section 1(b) or another crime with substantially similar elements;
- (b) the person was found not guilty by reason of mental illness or mental deficiency after a trial for that offense, or found guilty but mentally ill after a trial for that offense, in any other jurisdictions with a guilty but mentally ill verdict; and
- (c) the person was committed pursuant to a court commitment order.

CHAPTER 2. NOTICE

Section 1.

When law enforcement authority learns that a person is required to register, the law enforcement authority shall tell the person of the duty to register under this section and that, if the person fails to comply with the registration requirements, information about the offender may be made available to the public through electronic, computerized, or other accessible means.

Section 2.

The court may not modify the person's duty to register in the pronounced sentence or disposition order.

Section 3.

The law enforcement authority shall require the person to read and sign a form stating that the duty of the person to register under this section has been explained.

Section 4.

The court shall forward the signed sex offender registration form, the complaint, and sentencing documents to the White Earth Police Department.

Section 5.

If a person required to register under Chapter 2, Section 1, was not notified by the court of the registration requirement at the time of sentencing or disposition, the assigned corrections agent shall notify the person of the requirements of this section.

Section 6.

When a person who is required to register under Chapter 2, Section 3 or 4, is released from commitment, the treatment facility shall notify the person of the requirements of this section. The treatment facility shall also obtain the registration information required under this section and forward it to the White Earth Police Department and the Minnesota Bureau of Criminal Apprehension.

CHAPTER 3. REGISTRATION PROCEDURE

Section 1.

A person required to register under this Code shall register with the corrections agent as soon as the agent is assigned to the person. If the person does not have an assigned corrections agent or is unable to locate the assigned corrections agent, the person shall register with the law enforcement agency that has jurisdiction in the area of the person's residence.

Section 2.

At least five days before the person starts living at a new primary address, including living in another state, the person shall give written notice of the new primary living address to the law enforcement authority with which the person currently is registered.

Section 3.

If the person will be living in a new state and that state has a registration requirement, the person shall also give written notice of the new address to the designated registration agency in the new state.

Section 4.

A person required to register under this Code shall also give written notice to the law enforcement authority that has jurisdiction in the area of the person's residence that the

person is no longer living or staying at an address, immediately after the person is no longer living or staying at that address.

Section 5.

The law enforcement authority shall, within two (2) business days after receipt of this information, forward it to the White Earth Police Department. The White Earth Police Department shall, if it has not already been done, notify the law enforcement authority having primary jurisdiction in the community where the person will live of the new address.

Section 6.

If the person is leaving the jurisdiction, the White Earth Police Department shall notify the registration authority in the new jurisdiction of the new address.

Section 7.

If the person's obligation to register arose under Chapter 2, Section 2, the person's registration requirements under this Code terminate when the person begins living in the new jurisdiction.

Section 8.

A person required to register under Chapter 2, Section 2, because the person is working or attending school in Minnesota shall register with the law enforcement agency that has jurisdiction in the area where the person works or attends school. In addition to other information required by this Code, the person shall provide the address of the school or of the location where the person is employed. A person must comply with this Code within five (5) days of beginning employment or school. A person's obligation to register under this paragraph terminates when the person is no longer working or attending school.

Section 9.

A person required to register under this Code who works or attends school outside of this jurisdiction shall register as a predatory offender in the jurisdiction where the person works or attends school. The law enforcement authority that has jurisdiction in the area of the person's residence shall notify the person of this requirement.

CHAPTER 4. REGISTRATION PROCEDURE WHEN PERSON LACKS PRIMARY ADDRESS

Section 1.

- (a) If a person leaves a primary address and does not have a new primary address, the person shall register with the White Earth Police Department within twenty-four (24) hours of the time the person no longer has a primary address.
- (b) Each time a person who lacks a primary address moves without acquiring a new primary address, the person shall register with the White Earth Police Department within twenty-four (24) hours.

Section 2.

A person who is required to register, but does not have a primary address, shall provide the White Earth Police Department with all of the information required under Chapter 5; however the person shall provide a description of the location where the person is staying with as much specificity as possible instead of reporting their primary address.

Section 3.

- (a) Except as otherwise provided in Section 4, if a person continues to lack a primary address, the person shall report in person on a weekly basis to the White Earth Police Department.
- (b) The person required to register is not required to provide the registration information under Chapter 5 each time the person reports to the White Earth Police Department, but shall inform the White Earth Police Department of changes to any of the information provided under this Code.

Section 4.

- (a) If the White Earth Police Department determines that it is impractical, due to the person's unique circumstances, to require a person lacking a primary address to report weekly and in person as required in Section 3, the White Earth Police Department may authorize the person to follow an alternative reporting procedure.
- (b) Alternate reporting procedures authorized under Subsection (a) shall:
 - (i) document in the person's registration record specific reasons why the weekly in-person reporting process is impractical for the person to follow;

- (ii) require the person required to register to report in person at least one a month to the White Earth Police Department;
- (iii) require the person to report any changes to the registration information provided under Chapter 5 and to comply with the periodic registration requirements specified under Section 5;
- (iv) require the person to comply with the requirement of Chapter 3 if the person moves to a primary address.

Section 5.

If a person continues to lack a primary address and continues to report to the White Earth Police Department, the person shall provide the White Earth Police Department with all of the information required under this Code at least annually.

Section 6.

For the purpose of this Code, a person who fails to report a primary address will be deemed to be a person who lacks a primary address, and the person shall comply with the requirements for a person who lacks a primary address.

CHAPTER 5. CONTENTS OF REGISTRATION

Section 1.

The registration provided to the law enforcement authority, must consist of a statement in writing signed by the person, giving information required by the White Earth Police Department, a fingerprint card, and photograph of the person taken at the time of the person's release from incarceration or, if the person was not incarcerated, at the time the person initially registered under this section. The registration information also must include a written consent form signed by the person allowing a treatment facility to release information to a law enforcement officer about the person's admission to, or residence in, a treatment facility. Registration information on adults and juveniles may be maintained together.

Section 2.

For persons required to register under Chapter 2, Section 3, following commitment pursuant to a court commitment or a similar law of another jurisdiction, in addition to other information required by this Code, the registration provided to the law enforcement authority must include the person's offense history and documentation of treatment received during the person's commitment. This documentation shall be limited to a statement of how far the

person progressed in treatment during commitment.

Section 3.

Within three (3) days of receipt, the corrections agent or law enforcement authority shall forward the registration information to the White Earth Police. The department shall ascertain whether the person has registered with the law enforcement authority where the person resides. If the person has not registered with the law enforcement authority, the department shall send one (1) copy to that authority.

Section 4.

The law enforcement authority may require that a person required to register under this Code appear before the authority to be photographed.

Section 5.

During the period a person is required to register under this Code, the following shall apply:

- (a) The White Earth Police Department shall mail a verification form to the last reported address of the person's residence. This verification form shall provide notice to the offender that, if the offender does not return the verification form as required, information about the offender may be made available to the public through electronic, computerized, or other accessible means.
- (b) The person shall mail the signed verification form back to the White Earth Police Department within ten (10) days after receipt of the form, stating on the form the current and last address of the person's residence and the other information required under Chapter 5, Section 1.
- (c) If the person fails to mail the completed and signed verification form to the White Earth Police Department within ten (10) days after receipt of the form or if the person fails to report to the law enforcement authority during the month of the person's birth date, the person shall be in violation of this Code.
- (d) For persons required to register under Chapter 2, Section 3, following commitment pursuant to a court commitment or a similar law of another jurisdiction, the Department shall comply with Subsection (a) at least four (4) times each year.
- (e) For persons who are assigned to the highest risk level and who are not longer under correctional supervision for a registration offense or a failure to register offense, the law enforcement authority shall comply with subsection (a) at least two (2) times each year.

(f) Except for person covered under subsection (d) or (e), all other persons required to register under this Code, the Department shall comply with Subsection (a) each year within thirty (30) days of the anniversary date of the person's initial registration.

Section 6.

When sending out a verification form, the White Earth Police Department must determine whether the person to whom the verification form is being sent has signed a written consent form as provided for in Chapter 2, Section 1. If the person has not signed such a consent form, the White Earth Police Department must send a written consent form to the person along with the verification form. A person who receives this written consent form must sign and return it to the White Earth Police Department at the same time as the verification form.

Section 7.

In addition to the requirements listed in this Code, a person who is assigned to a high risk level and who is no longer under correctional supervision for a registration offense, or a failure to register offense, but who resides, works, or attends school on the reservation, shall have an annual in-person contact with a law enforcement authority as provided in this Code/ During the month of the person's birth date, the person shall report to the authority to verify the accuracy of the registration information and to be photographed. Within three (3) days of this contact, the authority shall send such information and an updated photograph of the person to the appropriate predatory registration unit.

Section 8.

For any person who fails to mail the completed and signed verification form to the law enforcement authority within ten (10) days after receipt of the form and who has been determined to be at the highest risk level, the law enforcement authority shall immediately investigate to ensure compliance with this Code

CHAPTER 6. INFORMATION REQUIRED TO BE PROVIDED

Section 1.

A person required to register under this Code shall provide to the corrections agent or law enforcement authority the following information:

- (a) the address of the person's primary residence;

- (b) the addresses of all of the person's secondary residences in, including all addresses used for residential or recreational purposes;
- (c) the addresses of all property owned, leased, or rented by the person;
- (d) the addresses of all locations where the person is employed;
- (e) the addresses of all residences where the person resides while attending school;
- and
- (f) the year, model, make, license plate number, and color of all motor vehicles owned or regularly driven by the person.

Section 2.

The person shall report to the law enforcement authority the information required to be provided under Section 1, Subsections (b) to (f), within five (5) days of the date the Section becomes applicable. If because of a change in circumstances any information reported under Section 1, Subsection (a) to (f), no longer applies, the person shall immediately inform the agent or authority that the information is no longer valid. If the person leaves a primary address and does not have a new primary address, the person shall register as provided under Chapter 4.

CHAPTER 7. CRIMINAL PENALTY

Section 1.

A person required to register under this Code who knowingly violates any of its provisions or intentionally provides false information to the White Earth Police Department is guilty of a misdemeanor and may be sentenced to imprisonment for not more than one (1) year or to payment of a fine of not more than \$5,000, or both.

Section 2.

Except as provided in Section 3, a person convicted of violating Section 1 shall be committed to the custody of the White Earth Department of Public Safety for not more than one (1) year or to payment of a fine of not more than \$5,000, or both.

Section 3.

- (a) A person convicted of violating Section 1, who has previously been convicted of or adjudicated delinquent for violating this section, shall be committed to the custody

of the White Earth Department of Public Safety for no more than one (1) year or to payment of a fine of not more than \$5,000, or both.

(b) Each thirty (30) day period shall be considered a separate offense and each sentence shall be run consecutively.

Section 4.

A person convicted and sentenced as required by this Chapter is not eligible for probation, parole, discharge, work release, or supervised release, until that person has served the full term of imprisonment as provided by law.

Section 5.

A person convicted and sentenced under this Chapter may have the following tribal benefits revoked:

- (a) any housing benefits or programs available through the White Earth Housing Authority;
- (b) Hunting and fishing licenses;
- (c) Tribal Scholarship programs or benefits;
- (d) All tribal license plates may be revoked and removed from all vehicles and recreational devices.

CHAPTER 8. REGISTRATION PERIOD

Section 1.

Except as provided in Section 2, 3, and 4, a person required to register under this Code shall continue to comply with this Code until ten (10) years have elapsed since the person initially registered in connection with the offense, or until the probation, supervised release, or conditional release period expires, whichever occurs later. For a person required to register under this Code who is committed as being mentally ill and dangerous to the public or as being with a sexually psychopathic personality and sexually dangerous person, the ten-year registration period does not include the period of commitment.

Section 2.

If a person required to register under this Code fails to register following a change in residence, the Director of Public Safety may require the person to continue to register for an

additional period of five (5) years. This five-year period is added to the end of the offender's registration period.

Section 3.

If a person required to register under this Code is subsequently incarcerated following a revocation of probation, supervised release, or conditional release for that offense, or a conviction for any new offense, the person shall continue to register until ten (10) years have elapsed since the person was last released from incarceration or until the person's probation, supervised release, or conditional release period expires, whichever occurs later.

Section 4.

A person shall continue to comply with this Code for the life of that person:

- (a) if the person is convicted of or adjudicated delinquent for any offense for which registration is required under Chapter 2, or any offense from another jurisdiction similar to the offenses described in Chapter 2, and the person has a prior conviction or adjudication for an offense for which registration was or would have been required under Chapter 2, or an offense from another jurisdiction similar to an offense described in Chapter 2;
- (b) if the person is required to register based upon a conviction or delinquency adjudication for the offense of murder in the first degree or a similar statute from another jurisdiction.
- (c) if the person is required to register based upon a conviction for criminal sexual conduct in the first, second, third, or fourth degree.
- (d) if the person is required to register under Chapter 2, Section 3, following commitment pursuant to a court commitment.

CHAPTER 9. USE OF INFORMATION

Except as otherwise provided in Chapter 10 or other relevant provisions, the information provided under this Code is private data on individuals which is not accessible to the public, but is accessible to the subject of the data. The information may be used only for law enforcement purposes. The White Earth Police Department may share the data with other tribal, local, federal, or state law enforcement authorities.

**CHAPTER 10. AVAILABILITY OF INFORMATION ON OFFENDERS
WHO ARE OUT OF COMPLIANCE WITH REGISTRATION LAW**

Section 1.

The White Earth Police Department may make information available to the public about offenders who are sixteen (16) years of age or older and who are out of compliance with this section for thirty (30) days or longer for failure to provide the address of the offenders' primary or secondary residences. This information may be made available to the public through electronic, computerized, or other accessible means. The amount and type of information made available shall be limited to the information necessary for the public to assist law enforcement in locating the offender.

Section 2.

An offender who comes into compliance with this Code after the White Earth Police Department discloses information about the offender to the public may send a written request to the department requesting the department to treat information about the offender as private data, consistent with Chapter 9. The department shall review the request and promptly take reasonable action to treat the data as private, if the offender has complied with the requirement that the offender provide the addresses of the offender's primary and secondary residences, or promptly notify the offender that the information will continue to be treated as public information and the reasons for the department's decision.

Section 3.

If an offender believes the information made public about the offender is inaccurate or incomplete, the offender may challenge the data by petitioning the White Earth Tribal Court.

Section 4.

The White Earth Police Department is immune from any civil or criminal liability that might otherwise arise, based on the accuracy or completeness of any information made public under this subdivision, if the department acts in good faith.

CHAPTER 11. OFFENDERS FROM OTHER JURISDICTIONS

When the White Earth Police Department accepts an offender from another jurisdiction under a reciprocal agreement or under any authorized agreement, the acceptance is conditional on

the offender agreeing to register under this Code when the offender is living within the exterior boundaries of the White Earth Reservation.

CHAPTER 12. VENUE

A violation of this Code may be prosecuted in Tribal Court.

CHAPTER 13. CERTIFIED COPIES AS EVIDENCE

Certified copies of predatory offender registration records are admissible as substantive evidence when necessary to prove the commission of a violation of this Code.

CHAPTER 14. EFFECTIVE DATE

Except as otherwise provided, the provisions of this Code are effective the day following final enactment and apply to persons subject to predatory offender registration on or after that date.