

**CHAPTER 179D - REGISTRATION OF SEX OFFENDERS AND OFFENDERS  
CONVICTED OF A CRIME AGAINST A CHILD**

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## GENERAL PROVISIONS

**SECTION 179D.010 Definitions.** As used in this chapter, unless the context otherwise requires, the words and terms defined in [SECTION 179D.015](#) to [179D.120](#), inclusive, have the meanings ascribed to them in those sections.

**SECTION 179D.020 “Central Repository” defined.** “Central Repository” means the Central Repository for the Ely Shoshone Tribe Sex Offender Registry.

**SECTION 179D.030 “Community notification” defined.** “Community notification” means notification of a community pursuant to the provisions of [SECTION 179D.475](#).

**SECTION 179D.035 “Convicted” defined.** 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. “Convicted” also includes an adjudication of delinquency by a court having jurisdiction over juveniles if:

1. The adjudication of delinquency is for the commission of a sexual offense that is listed in SECTION 179D.177;
2. The offender was 14 years of age or older at the time of the offense.

**SECTION 179.D036 “Foreign Convictions.** A foreign conviction is one obtained outside of the United States.

**Section 179D.040 “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.

**SECTION 179D.041 “Immediate” and “immediately”** mean within 48 hours.

**SECTION 179D.051 “Minor”** means an individual who has not attained the age of 18 years.

**SECTION 179D.052 “Imprisonment” defined.** 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”.

**SECTION 179D.053 “Jurisdiction” defined.** The term “jurisdiction” as used in this code refers to the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, and any Indian Tribe that elected to function as a SORNA registration and notification jurisdiction pursuant to PL 109-248 Section 127 (42 USC § 16927).

**SECTION 179D.054 “Jurisdiction Offenses” defined.** Any criminal offense committed in any jurisdiction, including this tribe that involves:

1. Any conduct that by its nature is a sex offense against a minor,
2. Any type or degree of genital, oral, or anal penetration,
3. Any sexual touching of or sexual contact with a person’s body, either directly or through the clothing,

4. Criminal sexual conduct that involves physical contact with a minor or the use of the internet to facilitate or attempt such conduct. This includes offenses whose elements involve the use of other persons in prostitution, such as pandering, procuring, or pimping in cases where the victim was a minor at the time of the offense.
5. False imprisonment of a minor,
6. Kidnapping of a minor
7. Possession, production, or distribution of child pornography,
8. Solicitation of a minor to practice prostitution
9. Solicitation to engage a minor in sexual conduct understood broadly to include any direction, request, enticement, persuasion, or encouragement of a minor to engage in sexual conduct,
10. Use of a minor in a sexual performance
11. Any offense similar to those outlined in:
  - A. 18 U.S.C. §1591 (sex trafficking by force, fraud, or coercion),
  - B. 18 U.S.C. §1801 (video voyeurism of a minor),
  - C. 18 U.S.C. §2241 (aggravated sexual abuse),
  - D. 18 U.S.C. §2242 (sexual abuse),
  - E. 18 U.S.C. §2244 (abusive sexual contact),
  - F. 18 U.S.C. §2422(b)(coercing a minor to engage in prostitution), or
  - G. 18 U.S.C. §2423(a) (transporting a minor to engage in illicit conduct).

**SECTION 179D.0557 “Nonresident offender or sex offender who is a student or worker within this State or EST Indian Reservation and “nonresident offender or sex offender” defined.** “Nonresident offender or sex offender who is a student or worker within this State, or ELY SHOSHONE TRIBAL RESERVATION or “nonresident offender or sex offender” means an offender or sex offender who is a student or worker within this State, or Reservation, but who is not otherwise deemed a resident offender or sex offender pursuant to subsection 2 or 3 of SECTION 179D.460.

**SECTION 179D.065 “Primary address” defined.** “Primary address” means the address at which:

1. A student primarily attends any course of academic or vocational instruction within this state.
2. A worker primarily engages in any type of occupation, employment, work or volunteer service within this state.

**SECTION 179D.070 “Record of registration” defined.** “Record of registration” means a record of registration that contains the information required by SECTION 179D.151.

**SECTION 179D.075 “Resident” or “Residence” defined.** For the purposes of this Chapter, a sex offender is deemed to be a resident of the Ely Shoshone Indian Reservation and subject to its terms if the sex offender has a home, habitually lives,

or is otherwise present for 48 hours or more on lands subject to the jurisdiction of the Ely Shoshone Tribe.

**SECTION 179D.080 “Release” defined.** “Release” means release from incarceration or confinement. The term includes, but is not limited to:

1. Release on probation, parole or any other type of supervised release.
2. Release after a term of incarceration expires.
3. Release from confinement in a school, hospital, mental facility or other institution.

**SECTION 179D.090 “Resides” defined.** “Resides” means the place where an offender resides or, if the offender is incarcerated or confined, the place where the offender will reside upon release.

**SECTION 179D.095 “Sex offender” defined.**

1. “Sex offender” means a person who, after July 1, 1956, is or has been:
  - (a) Convicted of a sexual offense listed in SECTION 179D.097; or
  - (b) Adjudicated delinquent by a court having jurisdiction over juveniles of a sexual offense listed in SECTION 179D.117 if the offender was 14 years of age or older at the time of the offense.

**SECTION 179D.097 “Sexual offense” defined.**

1. A conviction for, or a conviction for an attempt or conspiracy to commit an offense contained in 42 U.S.C. 16911(5) (as amended), including but not limited to:
  - a. A criminal offense that has an element involving a sexual act or sexual contact with another;
  - b. A criminal offense that is a “specified offense against a minor”. The term “specified offense against a minor” means an offense against a minor that involves any of the following:
    - (a) An offense (unless committed by a parent or guardian) involving kidnapping.
    - (b) An offense (unless committed by a parent or guardian) involving false imprisonment.
    - (c) Solicitation to engage in sexual conduct.
    - (d) Use in a sexual performance.
    - (e) Solicitation to practice prostitution.
    - (f) Video voyeurism as described in 18 U.S.C. §1801.
    - (g) Possession, production, or distribution of child pornography.
    - (h) Criminal sexual conduct involving a minor, or the use of the Internet to facilitate or attempt such conduct.

- (i) Any conduct that by its nature is a sex offense against a minor;
  - c. 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;
  - (d) 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).
2. Offenses involving Consensual Sexual Conduct. An offense involving consensual sexual conduct is not a sex offense for the purposes of this SECTION 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.
  3. Foreign Offenses. A foreign conviction is not a sex offense for the purposes of this code/ordinance unless it was either:
    - (a) Obtained under the laws of Canada, the United Kingdom, Australia, New Zealand, or;
    - (b) Under the laws of any foreign country when the United States State Department in its Country Reports on Human Rights Practices has concluded that an independent judiciary generally or vigorously enforced the right to a fair trial in that country during the year in which the conviction occurred.
  4. Any “jurisdiction offense” as defined in 179D.054.
  5. “Sexual Offense” also means a conviction for, or a conviction for an attempt or conspiracy to commit any of the following offenses as listed in either the Ely Shoshone Tribal Code or Nevada Revised Statutes:
    - (a) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of SECTION 200.030.
    - (b) Sexual assault pursuant to SECTION 200.366.
    - (c) Statutory sexual seduction pursuant to SECTION 200.368.
    - (d) Battery with intent to commit sexual assault pursuant to subsection 4 of SECTION 200.400.

- (e) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a **Category A Offense or Felony** pursuant to SECTION 200.405, if the **Category A Offense or Felony** is an offense listed in this section.
- (f) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to SECTION 200.408, if the crime of violence is an offense listed in this section.
- (g) Abuse of a child pursuant to SECTION 200.508, if the abuse involved sexual abuse or sexual exploitation.
- (h) An offense involving pornography and a minor pursuant to SECTION 200.710 to 200.730, inclusive.
- (i) Incest pursuant to SECTION 201.180.
- (j) Solicitation of a minor to engage in acts constituting the Infamous crime against nature pursuant to SECTION 201.195.
- (k) Open or gross lewdness pursuant to SECTION 201.210.
- (l) Indecent or obscene exposure pursuant to SECTION 201.220.
- (m) Lewdness with a child pursuant to SECTION 201.230.
- (n) Sexual penetration of a dead human body pursuant to SECTION 201.450.
- (o) Luring a child or a person with mental illness pursuant to SECTION 201.560, if punished as a **Category A Offense or Felony**.
- (p) Any other offense that has an element involving a sexual act or sexual conduct with another.
- (q) An attempt or conspiracy to commit an offense listed in paragraphs (a) to (p), inclusive.
- (r) An offense that is determined to be sexually motivated pursuant to SECTION 175.547 or 207.193.
- (s) An offense committed in another jurisdiction that, if committed in this State, or Ely Shoshone Indian Reservation, would be an offense listed in this section. This subsection includes, without limitation, an offense prosecuted in:
  - (1) A tribal court.
  - (2) A court of the United States or the Armed Forces of the United States.
- (t) An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense.

This subsection includes, without limitation, an offense prosecuted in:

- (1) A tribal court.
  - (2) A court of the United States or the Armed Forces of the United States.
  - (3) A court having jurisdiction over juveniles.
- (u) Any conviction of an offense under the Nevada Revised Statutes which would require registration as a sex offender under Chapter 179D of the Nevada Revised Statutes if the person resided, worked, or attended school in the State of Nevada.

#### **SECTION 179D.100 “Penetration” and “Sexual acts” defined.**

1. “Sexual penetration” means cunnilingus, fellatio or any intrusion, however slight, of any part of the victim’s body or any object manipulated or inserted by a person into the genital or anal openings of the body of the victim. The term includes, but is not limited to, anal intercourse and sexual intercourse in what would be its ordinary meaning.
2. Sexual Act. The term “sexual act” means:
  - a. 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;
  - b. contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;
  - c. 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
  - d. 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.

#### **SECTION 179D.105 “Sexual Contact “ defined.**

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 any person.

**SECTION 179D.110 “Student” defined.** “Student” means a person who is enrolled in and attends, on a full-time or part-time basis within the Ely Shoshone Indian Reservation, any course of academic or vocational instruction conducted by a public or private educational institution or school, including, but not limited to, any of the following institutions or schools:



1. An institution of higher education.
2. A trade school or vocational school.
3. A secondary school.

**SECTION 179D.113** “Tier I Sex Offender”. A “tier I sex offender”, or a “sex offender” designated as “tier I”, is one that has been convicted of a “tier I” sex offense, which is defined as follows:

1. Sex Offenses. A “Tier I” offense includes any sex offense, for which a person has been convicted, or an attempt or conspiracy to commit such an offense that is not a “Tier II” or “Tier III” offense.
2. Offenses Involving Minors. A “Tier I” offense also includes any offense for which a person has been convicted by any jurisdiction, local government, or qualifying foreign country pursuant to Section 179D.097 (3) that involves the false imprisonment of a minor, video voyeurism of a minor, or possession or receipt of child pornography.
3. Generally. Any sex offense covered by this act where punishment was limited to one year in jail shall be considered a “Tier I” sex offense
4. Certain Federal Offenses. Conviction for any of the following federal offenses or an attempt or conspiracy to commit such an offense shall be considered a conviction for a “Tier I” offense:
  - a. 18 U.S.C. §1801 (video voyeurism of a minor),
  - b. 18 U.S.C. §2252 (receipt or possession of child pornography),
  - c. 18 U.S.C. §2252A (receipt or possession of child pornography),
  - d. 18 U.S.C. §2252B (misleading domain names on the internet),
  - e. 18 U.S.C. §2252C (misleading words or digital images on the internet),
  - f. 18 U.S.C. §2422(a) (coercion to engage in prostitution),
  - g. 18 U.S.C. §2423(b) (travel with the intent to engage in illicit conduct),
  - h. 18 U.S.C. §2423(c) (engaging in illicit conduct in foreign places),
  - i. 18 U.S.C. §2423(d) (arranging, inducing procuring or facilitating the travel in interstate commerce of an adult for the purpose of engaging in illicit conduct for financial gain),
  - j. 18 U.S.C. §2424 (failure to file factual statement about an alien individual), or
  - k. 18 U.S.C. §2425 (transmitting information about a minor to further criminal sexual conduct).
5. 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 179D.113(1)-(4), shall be considered a “Tier I” offense.

**SECTION 179D.115** ”Tier II Sex Offender”. A “tier II sex offender”, or a “sex offender” designated as “tier II”, is one that has been either convicted of a “tier II” sex offense, which is defined as follows:

1. Tier II Offenses Recidivism and Felonies. Unless otherwise covered by 179D.117, any sex offense that is not the first sex offense for which a person has been convicted or an attempt or conspiracy to commit such an offense and that is punishable by more than one year in jail is considered a “Tier II” offense.
  
2. Offenses Involving Minors. A “Tier II” offense includes any sex offense against a minor for which a person has been convicted, or an attempt or conspiracy to commit such an offense that involves:
  - (a) The use of minors in prostitution, including solicitations,
  - (b) Enticing a minor to engage in criminal sexual activity,
  - (c) A non-forcible Sexual Act with a minor 16 or 17 years old,
  - (d) 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,
  - (e) The use of a minor in a sexual performance, or
  - (f) The production or distribution of child pornography.
  
3. Certain Federal Offenses. Conviction for any of the following federal offenses or an attempt or conspiracy to commit such an offense shall be considered a conviction for a “Tier II” offense.
  - (a) 18 U.S.C. §1591 (sex trafficking by force, fraud, or coercion),
  - (b) 18 U.S.C. §2244 (Abusive sexual contact, where the victim is 13 years of age or older),
  - (c) 18 U.S.C. §2251 (sexual exploitation of children),
  - (d) 18 U.S.C. §2251A (selling or buying of children),
  - (e) 18 U.S.C. §2252 (material involving the sexual exploitation of a minor),
  - (f) 18 U.S.C. §2252A (production or distribution of material containing child pornography),
  - (g) 18 U.S.C. §2260 (production of sexually explicit depictions of a minor for import into the United States),
  - (h) 18 U.S.C. §2421 (transportation of a minor for illegal sexual activity),
  - (i) 18 U.S.C. §2422(b) (coercing a minor to engage in prostitution),
  - (j) 18 U.S.C. §2423(a) (transporting a minor to engage in illicit conduct).
  - (k) 18 U.S.C. §2423(d) (arranging, inducing procuring or facilitating the travel in interstate commerce of a minor for the purpose of engaging in illicit conduct for financial gain),

4. 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 179D.115 shall be considered a “Tier II” offense.

**SECTION 179D.117** “Tier III Sex Offender”. A “tier III sex offender”, or a “sex offender” designated as “tier III”, is one that has been either convicted of a “tier III” sex offense, which is defined as follow:

1. Tier III Offenses: 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 or an attempt or conspiracy to commit such an offense for a Tier II sex offense, or has previously become a Tier II sex offender, is a “Tier III” offense.
2. General Offenses. A “Tier III” offense includes any sex offense, for which a person has been convicted, or an attempt or conspiracy to commit such an offense that involves:
  - (a) Non-parental kidnapping of a minor,
  - (b) A sexual act with another by force or threat,
  - (c) 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
  - (d) 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.
3. Certain Federal Offenses. Conviction for any of the following federal offenses shall be considered conviction for a “Tier III” offense:
  - (a) 18 U.S.C. §2241 (aggravated sexual abuse),
  - (b) 18 U.S.C. §2242 (sexual abuse),
  - (c) 18 U.S.C. §2243 (sexual abuse of a minor or ward),
  - (d) Where the victim is 12 years of age or younger, 18 U.S.C. §2244 (abusive sexual contact).
4. 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 179D.117 (1)-(3) shall be considered a “Tier III” offense.

**SECTION 179D.120 “Worker” defined.** “Worker” means a person who is self-employed or who engages in or who knows or reasonably should know that he or she will engage in any type of occupation, employment, work or volunteer service,

whether or not the person engages in or will engage in the occupation, employment, work or volunteer service for compensation.

## **RECORD OF REGISTRATION, GENERAL AND REQUIRED INFORMATION**

**SECTION 179D.151 Duties.** A sex offender covered by this code who is required to register with the tribe under SECTION 179D.155, shall provide all of the information detailed in this section to the Ely Shoshone Tribal Police Department, and the Ely Shoshone Tribal Police Department shall obtain all of the information detailed in this section from the covered sex offenders who are required to register with the tribe in accordance with this code and shall implement any relevant policies and procedures.

- (a) Digitization. All information obtained under this code shall be at minimum, maintained by the Ely Shoshone Tribal Police Department in a digitized format.
- (b) Electronic database. A sex offender registry shall be maintained in an electronic database by the Ely Shoshone Tribal Police Department and shall be in a form capable of electronic transmissions

1. NAME INFORMATION: identifying the offender or sex offender, including, but not limited to:

- (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.

2. DATE OF BIRTH: The Ely Shoshone Tribal Police Department or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offenders' date of birth.

- (a) The sex offender's actual date of birth, and
- (b) Any other date of birth used by the sex offender

3. CRIMINAL HISTORY: The Ely Shoshone 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 arrest
- (b) The date of all convictions, including court in which the sex offender was convicted, name in which the sex offender was convicted, and
- (c) The name and location of each penal institution, school, hospital, mental facility or other institution to which the sex offender was committed.
- (d) The specific location the offense was committed.
- (e) The age, gender, race and a general physical description of the victim; and

- (f) The method of operation that was used to commit the offense, including, but not limited to:
  - (1) Specific sexual acts committed against the victim
  - (2) The method used to obtain access to the victim, such as the use of enticements, threats, forced entry or violence against the victim.
  - (3) The type of injuries inflicted on the victim,
  - (4) The types of instruments, weapons or objects used.
  - (5) The type of property taken.
  - (6) Any other distinctive characteristic of the behavior or personality of the sex offender.
  - (7) Any other information required by law.
- (g) The sex offender's status of parole, probation, or supervised release.
- (h) The sex offender's registration status, and
- (i) Any outstanding warrants

#### 4. DNA SAMPLE:

- (a) If the sex offender's DNA is not already contained in the Combined DNS index System (CODIS), the sex offender shall provide the Ely Shoshone Tribal Police Department or designee a sample of their DNA.
- (b) CODIS: Any DNA sample obtained from the sex offender shall be submitted either to the Federal Bureau of Investigations (FBI).

#### 5. DRIVER LICENSE, IDENTIFICATION CARDS, PASSPORT AND IMMIGRATION DOCUMENTS:

- (a) DRIVERS LICENSE, a covered sex offender shall provide all of the sex offender's valid driver's license issued by any jurisdiction and the Ely Shoshone Tribal Police Department or designee shall make a photocopy of any such license.
- (b) IDENTIFICATION CARDS, a covered sex offender shall provide all of the sex offenders identification cards including the sex offenders tribal enrollment card issued by any jurisdiction and the Ely Shoshone Tribal Police Department or designee shall make a photocopy of any such identifications cards.
- (c) Passports, a covered sex offender shall provide any passports used by the sex offender, and the Ely Shoshone Tribal Police Department or designee shall make a photocopy of any such passports.
- (d) Immigration Department, a covered sex offender shall provide any and all immigration documents used by the sex offender , and the Ely

Shoshone Tribal Police Department or designee shall make a photocopy of such documents.

6. FINGER PRINTS & PALM PRINTS:

- (a) The Ely Shoshone Tribal Police Department or designee shall obtain two hand rolled fingerprints and palm prints, and a covered sex offender shall provide, both finger prints and palm prints.
- (b) The fingerprints will be submitted by the Ely Shoshone Tribal Police Department to IAFIS and the palm prints will then be submitted by the Ely Shoshone tribal Police Department to the FBI Next Generation Identification Program.

7. PHYSICAL DESCRIPTION: The Ely Shoshone Tribal Police Department or designee shall obtain, and a covered sex offender shall provide, an accurate description of the 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, scars, moles, birthmarks, or tattoos.

8. PHOTOGRAPHS: A covered sex offender shall permit their photograph to be taken by the Ely Shoshone Tribal Police Department or designee;

- (a) At the time of original registration.
- (b) Every 90 days for tier III sex offenders
- (c) Every 180 days for tier II sex offenders; and
- (d) Every year for tier I sex offenders; and
- (e) Update Requirements; Unless the appearance of a sex offender has not changed significantly a digitized photograph shall be collected at each appearance.

9. PHONE NUMBERS, The Ely Shoshone Tribal Police Department or designee shall obtain and a covered sex offender shall provide, any and all telephone numbers and any other designations used by the sex offender for purposes of routing or self-identification in telephonic communications but not limited to:

- (a) Any and all cellular telephone numbers
- (b) Any and all land line telephone numbers
- (c) Any and all voice over IP (VOIP) telephone numbers

10. RESIDENCE ADDRESS: The Ely Shoshone 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 address, temporary shelter, cross streets, intersections and identifiable landmarks.

11. SCHOOL LOCATION: The Ely Shoshone 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 the sex offender is or will be a student.
- (c) The sex offender is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination at such institution.

12. SOCIAL SECURITY: The Ely Shoshone 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.

13. TEMPORARY LODGING:

- (a) The EST Police Department or designee shall obtain, and a covered sex offender shall provide, the following information then the sex offender will be absent from his residence for two (2) day's or more,
- (b) Identifying information of the temporary lodging location including addresses and names, and
- (c) The dates the sex offender will be staying at each temporary lodging location.
- (d) The registered sex offender shall provide the information in Section 179D.151 (13) no later than seven (7) days before his scheduled travel. This information will be provided in person.

14. INTERNATIONAL TRAVEL: The Ely Shoshone Tribal Police Department or designee shall obtain, and a resident sex offender shall provide notice to the Ely Shoshone Tribal Police Department at least 21 days in advance if they intend to travel outside of the United States, and the offender shall provide any requested information about their intended travel. The Ely Shoshone Tribal Police Department will immediately notify the U.S. Marshals Service utilizing the International Travel Form and also immediately notify any other jurisdiction where the sex offender is

either registered, or is required to register, of that of that update information. Update also will be immediately made to NCIC/NSOR.

15. OFFENSE INFORMATION: The EST 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.

16. VEHICLE INFORMATION: The EST 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 to include color, model, and year,
- (d) Any permanent or frequent location where any covered vehicle is kept.

17. EMPLOYMENT INFORMATION: The EST Tribal Police Department or designee shall obtain, and a covered sex offender shall provide the following information related to the sex offenders 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 if the sex offender's employer,
- (c) Similar information related to any transient or day labor employment.
- (d) Termination of employment,

18. PROFESSIONAL LICENSING INFORMATION, the EST 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.

19. INTERNET IDENTIFIERS: Internet Names, the Ely Shoshone 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, including but not limited to social network identifications, twitter accounts, video posting site identifications such as You Tube, etc.



20. **ADDITIONAL INFORMATION.** The Ely Shoshone Tribal Police Department or designee shall obtain, and a covered sex offender shall provide, any other information that now or hereafter is required by federal law.

## **SECTION 179D.155 REGISTRATION:**

### **A. Where Registration is Required**

1. **Jurisdiction of Conviction:** A sex offender must initially register with the Ely Shoshone Tribal Police Department 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.
2. **Jurisdiction of Incarceration.** A sex offender must register with the Ely Shoshone Tribal Police Department 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.
3. **Jurisdiction of Residence.** A sex offender must register with the ELY Shoshone Tribal Police Department if the sex offender resides within lands subject to the jurisdiction of the tribe.
4. **Jurisdiction of Employment.** A sex offender must register with the Ely Shoshone Tribal Police Department if he or she is employed by the tribe in any capacity or otherwise is employed within lands subject to the jurisdiction of the tribe.
5. **Jurisdiction of School Attendance.** A sex offender must register with the Ely Shoshone Tribal Police Department if the sex offender is a student in any capacity within lands subject to the jurisdiction of the tribe.

### **B. TIMING OF Registration:**

A sex offender required to register with the tribe under this code shall do so in the following timeframe:

- a. If convicted by for a covered sex offense and incarcerated, the sex offender must register before being released from incarceration;
- b. If convicted by Ely Shoshone Tribal Court but not incarcerated, within 48 hours of sentencing for the registration offense, and
- c. Within 48 hours of establishing a residence, commencing employment, or becoming a student on lands subject to the jurisdiction of the tribe a sex offender must appear in person to register with Ely Shoshone Tribal Police Department.

**C. DUTIES OF THE ELY SHOSHONE TRIBAL POLICE DEPARTMENT:** The Ely Shoshone Tribal Police Department 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 added to the public website if applicable 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.
5. That all information is entered and updated in NCIC/NSOR.

### **REGISTRATION REQUIRED**

**SECTION 179D.441 Duty to register and to keep registration current.** Each sex offender shall:

1. Register initially with the local law enforcement agency of the jurisdiction in which the offender or sex offender was convicted as required pursuant to SECTION 179D.155;
2. Register with the appropriate law enforcement agency as required pursuant to SECTION 179D.460 and 179D.480; and
3. Keep the registration current as required pursuant to SECTION 179D.447.

**SECTION 179D.447 Duty to update information after change of name, residence, employment or student status; duty of local law enforcement agency.**

1. All sex offenders who reside in lands subject to the jurisdiction of the Ely Shoshone Tribe who are required to register in this jurisdiction shall immediately appear in person at the Ely Shoshone Tribal Police Department to update any changes in their name, residence (including of residence), employment, or school attendance. All sex offenders offender's required to register in this jurisdiction shall immediately inform the Ely Shoshone Tribal Police Department in person any changes to their temporary lodging information, phone numbers, vehicle information, internet identifiers.

2. The Ely Shoshone Tribal Department shall immediately update the administrative registry and public sex offender registry website with any information provided pursuant to subsection 1 and shall immediately provide such updated information to all other jurisdictions in which the sex offender is required to register.

**SECTION 179D.460 Registration with local law enforcement agency within 48 hours; duties of offender or sex offender and procedure; local law enforcement agency to inform offender or sex offender of duties after registration; duties of local law enforcement agency when notified of certain information about offender or sex offender who enrolls in or works at institution of higher education.**

1. For each initial registration, change of information, or in-person verification:
  - A. the sex offender shall:
    - 1) In-person Appearance. Appear in person at the Ely Shoshone Tribal Police Department;
    - 2) Photographs. Permit the Ely Shoshone Tribal Police Department to take a photograph of the offender; and
    - 3) Review of information. Review existing information for accuracy.
  - B. Notification. If any new information or change in information is obtained, the Ely Shoshone Tribal Police Department shall immediately notify all other jurisdictions in which the sex offender is required to register of the information or change in information.
  - C. If any new information or change in information is obtained at an in person verification, the Ely Shoshone Tribal Police Department shall immediately update the administrative database, the public website, if applicable, and update information NCIC/NSOR.
2. Notice. The sex offender shall read, or have read to them, and sign a form stating that the duty to register has been explained to them by the Ely Shoshone Tribal Police Department and that the sex offender understands the registration requirements.
  1. The form shall be signed and dated by the Ely Shoshone Tribal Police Department personnel registering the sex offender.
  2. The Ely Shoshone Tribal Police Department shall immediately upload the acknowledgement form into the Ely Shoshone Tribal Police Department sex offender registry.

**SECTION 179D.470 When a Sex offender has no Fixed Address**

In addition to any other requirement pursuant to this section and upon notification of the requirements of this subsection, any sex offender who has no fixed residence shall at least every 30 days notify the Ely Shoshone Tribal Police Department if there are any changes in the address of any dwelling that is providing the sex offender temporary shelter or any changes in location where the sex offender habitually sleeps.

**SECTION 179D.475 Community notification.**

A. Law Enforcement Notification. Whenever a sex offender registers or updates his or her information with the tribe, the Ely Shoshone Tribe shall:

- 1 Monitor and utilize the SORNA Exchange Portal for inter-jurisdictional change or residence, employment or student status.
- 2 Immediately update NCIC/NSOR,
- 3 Immediately notify any agency, department, or program within the tribe that is responsible for criminal investigations, prosecution, child welfare or sex offender supervision functions, including but not limited to police, whether BIA, tribal, or FBI, tribal prosecutors, and tribal probation.
- 4 Immediately notify and all other registration jurisdictions where the sex offender is registered due to the sex offender's residency, school attendance, or employment.
- 5 Immediately notify National Child Protection Act agencies, which includes any agency responsible for conducting employment-related background checks under section 3 of the National Child Protection Act of 1993 (42 U.S.C. 5119a) when a sex offender registers or updates registration.
- 6 Enter or update information posted on the public website.

B. Community Notification. The Ely Shoshone tribal Police Department 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 e-mail notice shall include the sex offender's identity so that the public can access the public registry for the new information.

C. Website. The Ely Shoshone Tribal Police Department shall use and maintain a public sex offender registry website.

1. Links. The Ely Shoshone Tribal Police Department shall include links to sex offender safety and education resources.
2. Instructions. The Ely Shoshone Tribal Police Department shall include instructions on how a person can correct information that the individual contends is erroneous.
3. Warnings. The Ely Shoshone Tribal Police Department 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 address and that any such action could result in civil or criminal penalties.
4. Search Capabilities. The Ely Shoshone Tribal Police Department shall have the capability of conducting searches by (1) name; (2) county, city, and/or town, and, (3) zip code and/or geographic radius.
5. Dru Sjodin National Sex Offender Public Website. The tribe shall include in the design of its registry 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.
6. Required Information. The following information shall be made available to the public on the sex offender registry website:
  - a. Notice that an offender is in violation of their registration requirements or cannot be located if the sex offender has absconded.
  - b. All sex offenders for which the sex offender has been convicted.
  - c. All sex offense(s) for which the offender is currently registered.
  - d. The address of the sex offender's employer(s).
  - e. The name of the sex offender including all aliases.
  - f. A current photograph of the sex offender.
  - g. A physical description of the sex offender.
  - h. The residential address and, if relevant, a description of a habitual residence of the sex offender.
  - i. All addresses of schools attended by sex offender, and

- j. The sex offender's vehicle license plate number along with a description of the vehicle.
7. Prohibited Information. The following information shall not be available to the public on sex offender registry website:
- a. Any arrest that did not result in conviction.
  - b. The sex offender's social security number.
  - c. Any travel and immigration documents.
  - d. The identity of the victim, and
  - e. Internet identifiers (as defined in 42 U.S.C. 16911).
8. Witness Protection. For sex offenders who are under a witness protection program, the tribal police may honor the request of the United States Marshals Services 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 179D.480 When offender or sex offender is required to appear in person and provide certain information to local law enforcement agency; duties of Central Repository if offender or sex offender fails to comply.**

1. Except as otherwise provided in subsection 3, a sex offender shall appear in person at the Ely Shoshone Tribal Police Department:
- (a) Not less frequently than annually, if the sex offender is a Tier I offender;
  - (b) Not less frequently than every 180 days, if the sex offender is a Tier II offender; or
  - (c) Not less frequently than every 90 days, if the sex offender is a Tier III offender,
2. Failure to Appear. In the event a sex offender fails to register with the tribe as required by this code, the Ely Shoshone 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 tribe that the sex offender failed to appear for registration.
3. Absconded Sex Offenders. If the Ely Shoshone Tribal Police Department or designee receives information that a sex offender has absconded the Ely Shoshone

Tribal Police Department shall make an effort to determine if the sex offender has actually absconded.

a. In the event no determination can be made, the Ely Shoshone Tribal Police Department or designee shall ensure the tribal police and any other appropriate law enforcement agency is notified.

b. 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.

c. If an absconded sex offender cannot be located then the Ely Shoshone Tribal Police Department shall take the following steps:

1) Update the registry/public website to reflect the sex offender has absconded or is otherwise not capable of being located.

2) Notify the U.S. Marshals Services.

3) Seek a warrant for the sex offender's arrest. The U.S. Marshals Services or FBI may be contacted in an attempt to obtain a federal warrant for the sex offender's arrest,

4) Update the NCIC/NSOR to reflect the sex offender's status as an absconder, or is otherwise not capable of being located, and

5) ENTER THE SEX OFFENDER INTO THE National Crime Information Center Wanted Person File.

4. 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 Ely Shoshone Tribal Police Department shall take all appropriate follow-up measures including those outlined in Section 179D.480(3). The Ely Shoshone Tribal Police Department shall first make an effort to determine if the sex offender is actually resides, is employed or attending school in lands subject to the tribe's jurisdiction.

5. An offender or sex offender is not required to comply with the provisions of subsection 1 during any period in which the offender or sex offender is incarcerated or confined.

6. If the Ely Shoshone Tribal Police Department receives a notice from another law enforcement agency or registration agency that a sex offender intends to relocate their residence, employment, or school attendance to the Ely Shoshone Indian Reservation, and said individual does not report to the Ely Shoshone Tribal Police Department as expected, the Ely Shoshone Tribal Police department shall immediately contact the notifying agency or officials of the offender's failure to appear.

**SECTION 179D.490 Duration of duty to register; termination of duty; procedure; exceptions.**

1. A sex offender shall comply with the provisions of this Chapter for as long as the sex offender resides or is present within Ely Shoshone Tribe Reservation, or is a nonresident sex offender who is a student or worker within Ely Shoshone Tribe Reservation, unless the period of time during which the offender or sex offender has the duty to register is limited or reduced pursuant to the provisions of this section.

2. Duration & Frequency. A sex offender who is required to register shall, at a minimum, appear in person at the Ely Shoshone Tribal Police Department for purposes of verification and keeping their registration current in accordance with the following time frames:

1. For "Tier I" offenders, once every year for 15 years, from the time of release from custody for a 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 II" offenders, once every 180 days for 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 sex offender who is not incarcerated for the registration offense.

3. For "Tier III" offenders, once every 90 days for the rest of their lives.

3. Clean Record Reductions

A. Reduction of Registration Periods. A sex offender may have their period of registration reduced as follows:

1. A Tier I offender may have his or her period of registration reduced to 10 years if he or she has maintained a clean record for 10 consecutive years;

2. A Tier III may have his or her period of registration reduced to 25 years if he or she was adjudicated delinquent of an offense as a juvenile that required Tier 3 registration and he or she has maintained a clean record for 25 consecutive years.

B. Clean Record. For purposes of 179D.490(3)(A) a person has a clean record if:

1. He or she has not been convicted of any offense, for which imprisonment for more than 1 year may be imposed,



2. He or she has not been convicted of any sex offense,
3. he or she has successfully completed, without revocation, any period of supervised release, probation, or parole, and,

He or she has successfully completed and appropriate sex offender treatment program certified by the tribe, another jurisdiction, or by the Attorney General of the United States.

4. If the offender or sex offender satisfies the requirements of subsection 3 (B), the Ely Shoshone Tribal Court shall hold a hearing on the petition at which the sex offender and any other interested person may present witnesses and other evidence. If the Ely Shoshone Tribal Court determines from the evidence presented at the hearing that the sex offender satisfies the requirements of subsection 3(B), the Ely Shoshone Tribal Court shall:

(a) If the sex offender is a Tier I offender, reduce the period of time during which the offender or sex offender is required to register by 5 years; and

(b) If the sex offender is a Tier III offender adjudicated delinquent for the offense which required registration as an offender or sex offender, reduce the period of time during which the offender or sex offender is required to register from the life of the offender or sex offender to that period of time for which the offender or sex offender meets the requirements of subsection 3(B).

**SECTION 179D.495 Duty of Central Repository to determine whether person is required to register as a Tier I, Tier II or Tier III offender.** If a person who is required to register pursuant to this code has been convicted of an offense which is not specifically tiered in 179D.113 179D.115, or 179D.117, the Ely Shoshone Tribal Police Department shall determine whether the person is required to register as a Tier I offender, Tier II offender or Tier III offender.

## **SECTION 179D.500 Retroactive Registration**

**A. Retroactive Registration.** The Ely Shoshone 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 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, and
3. Sex offenders reentering the justice system due to conviction for any crime.

**B. Timing of Recapture.** The Ely Shoshone Tribal Police Department shall ensure recapture of the sex offenders mentioned in § 179D.500(A) within the following time frame to be calculated from the date of passage of this code:

1. For Tier I sex offenders, 1 year,
2. For Tier II sex offenders, 180 days, and
3. For Tier III sex offenders, 90 days

**SECTION 179D.550 Prohibited acts; penalties; duties of local law enforcement agency.**

1. Except as otherwise provided in subsection 2, a sex offender who:

- (a) Fails to register with a local law enforcement agency;
- (b) Fails to notify the local law enforcement agency of a change of name, residence, employment or student status as required pursuant to SECTION 179D.447;
- (c) Provides false or misleading information to the Central Repository or a local law enforcement agency; or
- (d) Otherwise violates the provisions of SECTION 179D.010 to 179D.550, inclusive, is guilty of a **Category A Offense or Felony** and shall be punished as provided in SECTION 193.130.

2. An offender or sex offender who commits a second or subsequent violation of subsection 1 within 7 years after the first violation is guilty of a **Category A Offense or Felony** and shall be punished as provided in SECTION 193.130. A court shall not grant probation to or suspend the sentence of a person convicted pursuant to this subsection.

3. If a local law enforcement agency is aware that an offender or sex offender in its jurisdiction has failed to comply with a provision of SECTION 179D.010 to 179D.550, inclusive, the local law enforcement agency must take any appropriate action to ensure compliance.

**LIMITATIONS ON LIABILITY AND THE DISCLOSURE OF INFORMATION**

**SECTION 179D.850 Name of victim not to be disclosed; immunity from liability for certain entities and their officers and employees for act or omission relating to information obtained, maintained or disclosed.**

1. Information that is disclosed pursuant to the provisions of this chapter must not reveal the name of an individual victim of an offense.

2. A law enforcement agency and its officers and employees, the Central Repository and its officers and employees, and a campus police department and its

officers and employees are immune from criminal or civil liability for an act or omission relating to information obtained, maintained or disclosed pursuant to the provisions of this chapter, including, but not limited to, an act or omission relating to:

- (a) The accuracy of information in a record of registration; or
- (b) The disclosure of or the failure to disclose information pursuant to the provisions of this chapter.