

TITLE 8D
SEX OFFENDER REGISTRATION

1. PURPOSE

- a. The Crow Indian Tribe of Montana recognizes that sex offenders pose an ongoing risk for recidivism and may commit additional sex offenses even after being released from incarceration or commitment and that protection of the public from sex offenders is of paramount governmental interest. Persons found to have committed a sexual offense have a reduced expectation of privacy because of the community's interest in public safety and in the effective operation of government. Registration, while on supervision and following discharge from sentence, serves as a means for monitoring and tracking the whereabouts of sex offenders in the community.
- b. The Crow Indian Reservation will not be a place where convicted sex offenders can avoid accountability for their behavior. Sex offenders will not be allowed to reside within the exterior boundaries of the Crow Indian Reservation if they do not comply with tribal and federal laws regarding sex offender registration. The Crow Indian Reservation desires a mechanism to track sex offenders who may attempt to avoid detection and registration because of complex jurisdictional issues.
- c. The Crow Tribe recognizes that children are their most precious resource and that they are the future of the Crow Tribe. It is the intent of the Tribe to protect the interests of children and to prevent harm to them by promoting community safety. By enacting sex offender registration on the Crow Indian Reservation, the Crow Tribe is taking steps to prevent the sexual abuse of children.
- d. Sex offender registration and the release of relevant offender information about sexual offenders to law enforcement, public/private entities and the general public will further the Tribal interest of public safety and enhance strategies for crime detection and prevention.

2. MANDATORY REGISTRATION

Any adult residing on the Crow Indian Reservation who has been convicted of any sex offense enumerated within this ordinance shall register as a sex offender with the BIA Police Department in Crow Agency, MT. This shall include adults, probationers, parolees, adult offenders entering the Crow Indian Reservation from another state or tribe, sex crime commitments, mental health commitments, sexually violent person commitments. This ordinance shall be retroactive to include all prior convictions, beginning January 1, 1975, for sexual offenses in tribal, state or federal court.

Juvenile sex offenders shall not be required to register unless they are specifically ordered to do so by the court of jurisdiction at the time of sentencing. Requirements for juvenile offenders to register shall end when the juvenile discharges his sentence for sexual offending.

- a. Conviction of, adjudicated or committed for a violation, solicitation, conspiracy or attempt to commit a violation of the following Crow Tribal Codes:

8-5-508: Sexual Assault--A person who knowingly subjects another not his spouse to any sexual contact without consent commits the offense of sexual assault.
8-5-509: Sexual Intercourse Without Consent--A person who knowingly has sexual intercourse without consent with a person of the opposite sex not his spouse commits the offense of sexual intercourse without consent.
A person convicted, as defined by § 8-2-201(9) of this offense shall suffer the maximum penalty of a \$500 fine and be imprisoned in the Crow Tribal Jail for six months. Further, this person shall not be eligible for parole, but must serve the entire six months.

8-5-510 Indecent Exposure--A person who, for the purpose of arousing or gratifying sexual desire of himself or of any person other than his spouse, exposes his genitals under circumstances in which he knows his conduct is likely to cause affront or alarm commits the offense of indecent exposure.

8-5-511 Deviate Sexual Conduct--A person who knowingly engages in deviate sexual relations or who causes another to engage in deviate sexual relations commits the offense of deviate sexual conduct.

8-5-514 Incest--A person commits the offense of incest if he knowingly marries or cohabits or has sexual intercourse with an ancestor, a descendant, a brother or sister of the whole or half blood. "Cohabit" means to live together under the representation of being married. The relationships referred to herein include blood relationships without regard to legitimacy, and relationships of parent and child by adoption.

Definitions for Tribal Codes:

a. As used in 8-5-508 and 8-5-509 the term "Without Consent" means:

- (1) The victim is compelled to submit by force or by threat or imminent death, bodily injury, or kidnapping to be inflicted on any one; or
- (2) The victim is incapable of consent because he is:
 - (a) mentally defective or incapacitated;
 - (b) physically helpless; or
 - (c) less than 16 years old.

b. Any conviction of, adjudication or committed for a violation, solicitation, conspiracy or attempt to commit a violation of the following Montana Codes:

MCA. 45-5-502: Sexual Assault—(1) A person who knowingly subjects another person to any sexual contact without consent commits the offense of sexual assault.

(2) A person convicted of sexual assault shall be fined not to exceed \$500 or be imprisoned in the

MCA. 45-5-502: Sexual Assault—(1) A person who knowingly subjects another person to any sexual contact without consent commits the offense of sexual assault.

(2) A person convicted of sexual assault shall be fined not to exceed \$500 or be imprisoned in the county jail for a term not to exceed 6 months, or both.

(3) If the victim is less than sixteen (16) years old and the offender is three (3) or more years older than the victim or if the offender inflicts bodily injury upon anyone in the course of committing sexual assault, the offender shall be punished by life imprisonment or by imprisonment in the state prison for a term of not less than 2 years or more than 100 years and may be fined not more than \$50,000.

(4) An act "in the course of committing sexual assault" includes an attempt to commit the offense or flight after the attempt or commission.

(5) Consent is ineffective under this section if the victim is less than 14 years old and offender is 3 or more years older than the victim.

MCA. 45-5-503: Sexual Intercourse Without Consent—

(1) A person who knowingly has sexual intercourse

without consent with another person commits the offense of sexual intercourse without consent. A person may not be convicted under this section based on the age of the person's spouse, as provided in 45_5_501(1)(b)(iii).

(2) A person convicted of sexual intercourse without consent shall be punished by life imprisonment or by imprisonment in the state prison for a term of not less than 2 years or more than 100 years and may be fined not more than \$50,000, except as provided in 46-18-219 and 46-18-222. (3) (a) If a victim is less than 16 years old and the offender is 3 or more years older than the victim or if the offender inflicts bodily injury upon anyone in the course of committing sexual intercourse without consent, the offender shall be punished by life imprisonment or by imprisonment in the state prison for a term of not less than 4 years or more than 100 years and may be fined not more than \$50,000, except as provided in 46-18-219 and 46-18-222. (b) if two or more persons are convicted of sexual intercourse without consent with the same victim in county jail for a term not to exceed 6 months, or both.

(4) An act "in the course of committing sexual assault" includes an attempt to commit the offense or flight after the attempt or commission.

(5) Consent is ineffective under this section if the victim is less than 14 years old and offender is 3 or more years older than the victim.

MCA. 45-5-503: Sexual Intercourse Without Consent--(l) A person who knowingly has sexual intercourse without consent with another person commits the offense of sexual intercourse without consent. A person may not be convicted under this section based on the age of the person's spouse, as provided in 45_5-501(1)(b)(iii).

(2) A person convicted of sexual intercourse without consent shall be punished by life imprisonment or by imprisonment in the state prison for a term of not less than 2 years or more than 100 years and may be fined not more than \$50,000, except as provided in 46-18-219 and 46-18-222. (3) (a) If a victim is less than 16 years old and the offender is 3 or more years older than the victim or if the offender inflicts bodily injury upon anyone in the course of committing sexual intercourse without consent, the offender shall be punished by life imprisonment or by imprisonment in the state prison for a term of not less than 4 years or more than 100 years and may be fined not more than \$50,000, except as provided in 46-18-219 and 46-18-222. (b) if two or more persons are convicted of sexual intercourse without consent with the same victim in an incident in which each offender was present at the location where another offender's offense occurred during a time period in which each offender could have reasonably know of the other's offense, each offender shall be punished by life imprisonment or by imprisonment in the state prison for a term of not less than 5 years or more than 100 years and may be fined not more than \$50,000 except as provided in 46-18-219 and 46-18-222. (4) In addition to any sentence imposed under subsection (2) or (3), after determining the financial resources and future ability of the offender to pay restitution as required by 46-18-242, the Court shall require the offender, if able, to pay the victim's reasonable medical and counseling costs that result from the offense. The amount, method, and time of payment must be determined in the same manner as provided for in 46-18-244.

(5) As used in subsection (3), an act "in the course of committing sexual intercourse without consent" includes an attempt to commit the offense or flight after the attempt or commission.

MCA 45-5-504: Indecent Exposure--(l) A person who, for the purpose of arousing or gratifying the person's own sexual desire or the sexual desire of any person, exposes the person's genitals under circumstances in which the person knows the conduct is likely to cause affront or alarm commits the offense of indecent exposure.

(2) (a) A person convicted of the offense of indecent exposure shall be fined an amount not to exceed \$500 or be imprisoned in the county jail for a term of not more than 6 months, or both.

(b) On a second conviction, the person shall be fined an amount not to exceed \$1,000 or be imprisoned in the county jail for a term of not more than 1 years, or both.

(c) On a third or subsequent conviction, the person shall be punished by life imprisonment or by imprisonment in the state prison for a term of not

an incident in which each offender was present at the location where another offender's offense occurred during a time period in which each offender could have reasonably know of the other's offense, each offender shall be punished by life imprisonment or by imprisonment in the state prison for a term of not less than 5 years or more than 100 years and may be fined not more than \$50,000 except as provided in 46-18-219 and 46-18-222. (4) In addition to any sentence imposed under subsection (2) or (3), after determining the financial resources and future ability of the offender to pay restitution as required by 46-18-242, the Court shall require the offender, if able, to pay the victim's reasonable medical and counseling costs that result from the offense. The amount, method, and time of payment must be determined in the same manner as provided for in 46-18-244.

(5) As used in subsection (3), an act "in the course of committing sexual intercourse without consent" includes an attempt to commit the offense or flight after the attempt or commission.

MCA 45-5-504: Indecent Exposure--(1) A person who, for the purpose of arousing or gratifying the person's own sexual desire or the sexual desire of any person, exposes the person's genitals under circumstances in which the person knows the conduct is likely to cause affront or alarm commits the offense of indecent exposure.

(2) (a) A person convicted of the offense of indecent exposure shall be fined an amount not to exceed \$500 or be imprisoned in the county jail for a term of not more than 6 months, or both.

(b) On a second conviction, the person shall be fined an amount not to exceed \$1,000 or be imprisoned in the county jail for a term of not more than 1 years, or both.

(c) On a third or subsequent conviction, the person shall be punished by life imprisonment or by imprisonment in the state prison for a term of not less than 5 years or more than 100 years and may be fined not more than \$10,000.

MCA. 45.5-505 Deviate Sexual Conduct--(1) A person who knowingly engages in deviate sexual relations or who causes another to engage in deviate sexual relations commits the offense of deviate sexual conduct.

(2) A person convicted of the offense of deviate sexual conduct shall be imprisoned in the state prison for any term not to exceed 10 years or be fined an amount not to exceed \$50,000, or both.

(3) The fact that a person seeks testing or receives treatment for the HIV-related virus or another sexually transmitted disease may not be used as a basis for a prosecution under this section and is not admissible in evidence in a prosecution under this section.

MCA. 45-5-507 Incest--(1) A person commits the offense of incest if the person knowingly marries, cohabits with, has sexual intercourse with, or has sexual contact, as defined in 45-2-101, with an ancestor, a descendant, a brother or sister of the whole or half blood, or any stepson or stepdaughter. The relationships referred to in this subsection include blood relationships without regard to legitimacy, relationships of parent and child by adoption, and relationships involving a stepson or stepdaughter.(2) Consent is a defense under this section to incest with or upon a stepson or stepdaughter, but consent is ineffective if the victim is less than 18 years old. (3) A person convicted of incest shall be punished by life imprisonment or by imprisonment in the state prison for a term not to exceed 100 years or be fined an amount not to exceed \$50,000. If the victim is under 16 years of age and the offender is 3 or more years older than the victim or if the offender inflicts bodily injury upon anyone in the course of committing incest, the offender shall be punished by life imprisonment of by less than 5 years or more than 100 years and may be fined not more than \$10,000.

MCA. 45-5-625 Sexual Abuse of Children--(1) A person commits the offense of sexual abuse of children if the person: (a) knowingly employs, uses, or permits the employment or use of a child in an exhibition of sexual conduct, actual or simulated;(b) knowingly photographs, films, videotapes, develops or duplicates the photographs, films, or videotapes, or records a child engaging in sexual conduct, or actual or simulated; (c) knowingly persuades, entices, counsels, or procures a child to engage in sexual conduct, actual or simulated, for use as designated in subsection (1)(a), (1)(b), or (1)(d); (d) knowingly processes, develops, prints, publishes, transports, distributes, sells, exhibits, or advertises any visual or print medium in which children are engaged in sexual conduct, actual or simulated;(e) knowingly possess any visual or print medium in which children are engaged in sexual conduct, actual or simulated; (f) finances any of the activities described in subsections (1)(a) through (1)(d) and (1)(g), knowing that the activity is of the nature described in those subsections; or (g) possess with intent to sell any visual or print medium in which children are engaged in sexual conduct, actual or simulated. Imprisonment in the state prison for a term of not less than 4 years or more than 100 years and may be fined not more than \$50,000.

(5) In addition to any sentence imposed under subsection (3) or (4), after determining the financial resources and future ability of the offender to pay restitution as required by 46-18-242, the Court shall require the offender, if able, to pay the victim's reasonable medical and counseling costs that result from the offense. The amount, method, and time of payment must be determined in the same manner as provided for in 46-18-244.

Definitions for State Codes:

(1) "Mental abnormality" means a congenital or acquired condition that affects the mental, emotional, or volitional capacity of a person in a manner that predisposes the person to the commission of one or more sexual offenses to a degree that makes the person a menace to the health and safety of other persons.

(2) "Personality disorder" means a personality disorder as defined in the fourth edition of the Diagnostic and Statistical Manual of Mental Disorders adopted by the American psychiatric association.

(3) "Predatory sexual offense" means a sexual offense committed against a stranger or against a person with whom a relationship has been established or furthered for the primary purpose of victimization.

(4) "Sexual offender evaluator" means a person qualified under rules established by the department to conduct sexual offender and sexual violent predator evaluations.

(5) "Sexual offense" means:

(a) any violation of a attempt, solicitation, or conspiracy to commit a violation of 45-5-502, 45-5-503, 45-5-504, 45-5-507 (unless the act occurred between two consenting persons 16 years of age or older), or 45-5-625; or

(b) any violation of a law of another state or the federal government equivalent to a violation listed in subsection (5)(a).

(6) "Sexual or violent offender" means a person who has been convicted of a sexual or violent offense.

(7) "Sexually violent predator" means a person who has been convicted of a sexual offense and who suffers from a mental abnormality or a personality disorder that makes the person likely to engage in predatory sexual offense.

c. Any conviction of, adjudication or committed for a violation, solicitation, conspiracy or attempt to commit a violation of the following Federal Codes:

- i. 18 U.S.C. § 2241: Aggravated Sexual Abuse
- ii. 18 U.S.C. § 2242: Sexual Abuse
- iii. 18 U.S.C. § 2243: Sexual Abuse of a Minor or Ward
- iv. 18 U.S.C. § 2244: Abusive Sexual Contact
- v. 18 U.S.C. § 2251: Sexual Exploitation of Children
- vi. 18 U.S.C. § 2252: Certain Activities Relating to Material Involving the Sexual Exploitation of Minors
- vii. 18 U.S.C. § 2252A: Certain Activities Relating to Material Constituting or Containing Child Pornography
- viii. 18 U.S.C. § 2260: Production of Sexually Explicit Depictions of a Minor for Importation into the United States

Definitions for Federal Codes 18 U.S.C. S 2241 through 18 U.S.C. § 2244:

(1) "Sexual Act" means

(A) contact between the penis and the vulva or the penis and the anus, and for purposes of this subparagraph 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;

(D) the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;

(2) The term "sexual contact" means 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 desire of any person;

(3) The term "serious bodily injury" means bodily injury that involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss of impairment of the function of a bodily member, organ, or mental faculty.

Definitions for Federal Codes 18 U.S.C. S 2251 through 18 U.S.C. S 2260:

- (1) "Minor" means any person under the age of eighteen years
- (2) "Sexually Explicit Conduct" means actual or simulated--

- (A) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;
- (B) bestiality;
- (C) masturbation;
- (D) sadistic or masochistic abuse; or
- (E) lascivious exhibition of the genitals or pubic area of any person;
- (3) "producing" means producing, directing, manufacturing, issuing, publishing, or advertising;
- (4) "organization" means a person other than an individual;
- (5) "visual depiction" includes undeveloped film and videotape, and data stored on computer disk or by electronic means which is capable of conversion into a visual image;
- (6) "computer" has the meaning given that term in section 1030 of title 18 U.S. Codes
- (7) "custody or control" includes temporary supervision over or responsibility for a minor whether legally or illegally obtained;
- (8) "child pornography" means any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where—
- (A) The production of such visual depiction involves the use of a minor engaging in sexually explicit conduct;
- (B) Such visual depiction is, or appears to be, of a minor engaging in sexually explicit conduct;
- (C) Such visual depiction has been created, adapted, or modified to appear than an identifiable minor is engaging in sexually explicit conduct; or
- (D) Such visual depiction is advertised, promoted, presented, described, or distributed in such a manner that conveys the impression the material is or contains a visual depiction of a minor engaging in sexual explicit conduct; and
- (9) "identifiable minor" means a personal (I)(I) who was a minor at the time the visual depiction was created, adapted, or modified; or
- (II) whose image as a minor was used in creating, adapting, or modifying the visual depiction; and
- (ii) who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birth mark or other recognizable feature; and (B) shall not be construed to require proof of the actual identity of the identifiable minor.

d. Any conviction in a federal, state, or other tribal court that under the laws of the (row Tribe of Montana or the laws of the convicting jurisdiction that would be comparable to a sex offense as defined in this section.

e. Any person convicted by any federal, state or tribal court, for treatment after being found not guilty or not responsible by reason of mental disease or defect for any of the sex offenses defined in this ordinance.

3. INFORMATION TO BE MAINTAINED IN THE SEX OFFENDER REGISTRY

a. Registry Data: At a minimum the following are the registry data items that will be maintained and updated on all sex offenders in the registry.

i. Descriptive information:

- (I) Registrant name and aliases
- (2) Date of birth
- (3) Gender
- (4) Race

ii. Offense information:

- (1) Conviction statute(s)
- (2) Date of conviction or commitment
- (3) County of conviction
- (4) State of conviction
- (5) Tribal court of conviction
- (6) U.S. District court of conviction
 - (7) Date placed on supervision
- (8) Date released from supervision
- (9) Date released from confinement
- (10) Date entered onto the Crow Indian Reservation
- (11) Date discharged from sentence or commitment
- (12) Sex Offender Treatment Received
(Treatment while incarcerated, outpatient treatment, or none)

iii. Locating information:

- (1) Registrant home address, including physical address and direction to the residence
- (2) Name and address of employer, including immediate supervisor
- (3) Name and address of school enrolled in, if applicable
- (4) Make, model, and license number of vehicle(s)
- (5) Supervision agency, Probation Officer, and phone number
- (6) Date information last updated

4. REGISTRATION PROCESS

a. Time Periods When Offenders Are Required to Register:

i. Persons are required to register with the Crow BIA Police Department within 10 calendar days of placement or release to community supervision, probation or parole, or entry on the Crow Indian Reservation. Registration will become part of the initial intake process for these cases. The 10 day time frame is required in order to comply with Federal laws related to sex offender registration programs.

ii. Offenders residing or entering institutional custody (correctional facility or mental health facility) who are required to register will be recorded into the Registry database as a way to create an initial data record. Institutional cases, however, will not be formally registered until their release to the community or discharge from sentence.

b. Complete, Verified, and Compliant Registration

i. An offender's registration status is considered fully complete and accurate when:

(I) The Crow Sex Offender Registration Form is completed, signed by the registrant, signed by the person completing the form, and photographs and fingerprints have been taken.

(2) The Registrant form is forwarded to the Crow BIA Police Department and information is entered into the sex offender registry.

(3) The registration information is in "Verified and Compliant" status--this refers to the verification process, whereby information in the registration will be periodically and randomly checked to determine if it is true and valid at any point in time.

(4) Verify that the offender has registered with the Big Horn County Sheriffs Office, unless the offender was convicted of a sex offense in Crow Tribal Court.

(5) Verify that the offender's sexual offense conviction has been entered into NCIC.

- c. Incomplete, Non-verified and Non-compliant Registration
 - i. An offender's registration information is considered incomplete or nonverified when:
 - ii. When any of the items on the Crow Sex Offender Registration Form have been omitted or not properly filled out.
 - iii. Incomplete or partial completion of the registration form will result in establishing a Registration Record in the registry, but will not be considered a complete registration of the offender.
 - iv. There will be no limit to the way information can be verified if not provided by the individual offender. The Police Department, Federal Probation, State Probation, Social Services, Crow Tribal Court, and other entities may assist in verifying the accuracy of information.
 - v. If an offender violates the conditions of the registry by re-offending; living around children when he/she is required not to; failing to abide by sex offender conditions imposed by the court of jurisdiction, the offender's biographical information; offense of conviction; conditions of supervision; and picture, may be posted in any public location for any period of time.

5. LENGTH OF REGISTRATION

- a. Time limited
 - (i) While on supervision and 25 years following discharge from sentence or commitment
- b. Life Registration
 - i. While on supervision and for life for sex offenders who meet the definition of the Montana Codes for either of the following:
 - (1) Sexually violent offenders; or
 - (2) Predatory offenders.
 - (3) Final designation that a case requires Life Registration will be determined by the Crow Bureau of Indian Affairs Police Department.

6., UPDATING REGISTRY INFORMATION

- a. Overview:
 - i. At a minimum, each registrant will be required to update information on the registry on an annual basis throughout the required period of registration.
 - ii. Sexually violent persons that are under supervised release will be required to verify the information in the registry, at a minimum, every 90 days.
 - iii. All registrants will be required to provide updated information whenever there is a change in residence, school, employment, use of vehicle and/or change in name. This update must occur within no later than ten (10) calendar days after the change has occurred. Post office addresses are not acceptable for a registrant's address.

iv. Registrant's who are planning to move off the Crow Indian Reservation are required to notify the Crow BIA Police Department sex offender registry program within ten (10) days prior to their scheduled move.

v. Death of a registrant while off supervision will be verified by the Crow BIA Police Department by obtaining a copy of the death certificate.

vi. The Crow BIA Police Department Chief of Police or his/her designee shall publish or distribute the registration information received pursuant to this ordinance except 1) that the identity of the victim of the offense is withheld; and 2) the release of any information on juvenile offenders beyond law enforcement and correction officials is prohibited. The registration information shall be available to the public at the Crow BIA Police Department, the Crow Tribal Offices, the Crow Tribal Community Centers, the Crow Tribal Housing Department and all schools on or near the Crow Indian Reservation. The Chief of Police is authorized to share registration information with any law enforcement agency.

b. Definitions

i. "Residence" is defined as any permanent or temporary dwelling where the offender is residing not less than ten (10) consecutive days. With this definition, some offenders will need to register multiple residences. Temporary living arrangements need to be included on the registry – such as an offender who will be living in a hotel pending placement in a halfway house. The move to the halfway house would constitute a change in status, and subsequently require an update on the registry. Additionally, placement in a county jail for an extended period of time would constitute a temporary residence.

ii. "Employment" includes any full or part-time work activities performed by the offender. Only while on supervision, and at the agent's discretion, this may include volunteer activities where the offender may be spending a good deal of time, and that registering the address, or changes in volunteer activities, would be in the best interests of protecting the public.

iii. "School" includes enrollment in any full or part-time instructional/educational activities. This does not include involvement in periodic educational sessions, such as attending conferences or short-term training sessions.

i. Sexually violent persons, under supervised release will be required to verify information in the registry, at a minimum, every 90 days.

ii. All registrants will be required to provide updated information whenever there is any change in residence, school, employment, use of vehicle and/or change of name. This update must be received no later than ten (10) calendar days after the change occurred.

8. VERIFICATION AND MONITORING PROGRAM

a. The registration verification and monitoring program is designed to ensure information contained in the registry is accurate, and to track the registrant compliance with the registry requirements while on supervision and following discharge from supervision.

b. While on Supervision: at a minimum, each registrant will be required to update information on the registry on an annual basis throughout their required period of registration.

i. Sexually violent persons, under supervised release will be required to verify information in the registry, at a minimum, every 90 days.

ii. All registrants will be required to provide updated information whenever there is any change in residence, school, employment, use of vehicle and/or change of name. This update must be received no later than ten (10) calendar days after the change occurred.

c. In an effort to verify information contained in the registry, and confirm information provided by the registrant, the following methods of verification will take place:

i. Verification of registration information: upon receiving a completed Crow Sex Offender Registration form, the Crow BIA Police Department staff will:

(I) immediately date and enter the information into the registry

(II) initiate an automated letter to be mailed to the reported address of the registrant requiring him/her to forward a confirmation receipt to the Crow BIA Police Department within ten (10) calendar days (when this occurs, the registrant record in the database will reflect "Non-Verified" until full validation of the information is complete):

(a) Completed and returned confirmation receipts will be noted in the registry and the record will become "Verified."

(b) Confirmation receipts not received within the required time-frame, or those marked "Return to Sender," will generate a certified letter to the registrant, requiring him/her to forward a confirmation receipt to the Crow BIA Police Department within 72 hours. This letter will include a formal notice to the registrant that failure to respond may result in further prosecution and will constitute a violation of supervision. A copy of any certified mailing to a registrant will be mailed to the supervising agent.

(c) Completed and returned confirmation receipts of the certified mailing will be noted in the registry and the record will become "Verified."

(d) Confirmation receipts of the certified mailings not received within the required time-frames will generate a notice to the Tribal Prosecutors Office. A copy of this notice will be forwarded to the Crow BIA Police Department, the Crow Tribal Probation Officer or Federal Probation Officer, if the offender is on such supervision.

(e) The registry will reflect that the current information is "Non-Verified" and the registrant is in "Non-Compliance" of the registry requirements.

(f) Warrants for arrest may be issued for noncompliance by registrant.

ii Mandated Annual and 90 day verification - Each registrant will be required to update information on the registry on an annual basis through out their required period of registration. Individuals under supervised release will be required to verify information in the registry every 90 days. The process will include:

(1) An automated verification letter will be mailed to the last reported address of the registrant, requiring him/her to forward a confirmation receipt to the Crow BIA Police Department within ten (10) calendar days. This letter will be generated by the Crow BIA Police Department on the anniversary date of the registrant's initial release/placement on supervision, or every 90 days for sexually violent offenders.

(2) Any changes in the registrant's information will be immediately entered into the registry.

(3) Verification process, as described in section (i) above, will take place.

iii. Verification of updated information: All registrants will be required to provide information whenever there is any change in residence, school, employment, use of vehicle and/or change of name. This update must be received no later than ten (10) calendar days after the change has occurred.

iv. Random verification: In addition to the above verification processes, the Crow BIA Police Department will manage a random verification process whereby periodic, automated verification letters will be forwarded to the last reported address of the registrant. This will initiate the verification process, as described above.

v. When off supervision: At a minimum, registrants will need to comply with the registration requirements for 25 years or life following their discharge from sentence or commitment. Given the Department will no longer be responsible for supervising the registrant, a post-supervision verification process is established, whereby a Crow BIA Police Department registration specialist is responsible for tracking and verifying information provided by these registrants. Information may also be verified by other law enforcement officers, Federal Probation Officers, State Probation Officers, the Crow Tribal Court, Social Services, and other entities working on the Crow Indian Reservation.

9. SANCTIONS FOR NON-COMPLIANCE AND PROVIDING FALSE INFORMATION

a. In cases involving non-Indian offenders, the Crow Tribe may order banishment from the Crow Reservation and refer to the District Court in Big Horn County for violation of state sex offender registration laws. Indian offenders who intentionally fail to comply with any requirement to provide information may be prosecuted in Crow Tribal Court and fined not more than \$5,000 or imprisoned for a period of time not to exceed one (1) year, or both. Additionally, the Court may order the offender to be banished from the Crow Reservation, if the Court finds the offender is unlikely to comply with the registration process and is a danger to the community.

b. A registrant who intentionally offers false information on the Crow Sex Offender Registration form may be fined not more than \$5,000 or imprisoned for a period of time not to exceed one (1) year, or both. Additionally, the Court may order the offender to be banished from the Crow Reservation, if the Court finds the offender is unlikely to comply with the registration process and is a danger to the community.

10. REMOVAL FROM REGISTRY

a. Period of Registration Completed

i. Registrants who have completed their required term of registration, 25 years following discharge from sentence, will have their records made "inactive" in the registry. These individuals will receive a "notice of termination" from their obligations to register with the Crow BIA Police Department.

b. Record Expungement

i. Registrants may request expungement of all pertinent information in the registry on the grounds that his/her conviction, delinquency adjudication or commitment has been reversed, set aside or vacated. The Crow BIA Police Department must purge all information in the registry concerning an individual when the Crow BIA Police Department receives the certified copy of the order reversing, setting aside, or vacating the conviction, adjudication or commitment.