

**PUEBLO OF ACOMA LAWS 2003 (2012 SUPPLEMENT)**

**TITLE 18  
PUEBLO OF ACOMA SEX OFFENDER REGISTRATION AND  
NOTIFICATION LAW**

This Supplement includes laws enacted since the Pueblo of Acoma Laws 2003 pursuant to Tribal Council Resolutions dated January 1, 2011 through March 31, 2012.

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These laws may be cited by Title, Chapter, Section and Year  
as "Section or § \_-\_- Pueblo of Acoma Laws 2003 (2012 Supplement)"

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**TITLE 18**  
**PUEBLO OF ACOMA SEX OFFENDER REGISTRATION AND NOTIFICATION LAW**

TABLE OF CONTENTS

<u>Chapter</u>		<u>Page</u>
1.	General Matters.....	18-1
	18-1-1 Title .....	18-1
	18-1-2 Purpose.....	18-1
	18-1-3 Need .....	18-2
	18-1-4 Creation of Registries.....	18-2
	18-1-5 Sex Offender Registry .....	18-2
	18-1-6 Public Sex Offender Registry Website .....	18-2
2.	Terminology and Covered Offenses .....	18-3
	18-2-1 Definitions .....	18-3
	A. Convicted .....	18-3
	B. Juvenile Offender .....	18-3
	C. Foreign Convictions.....	18-3
	D. Employee .....	18-3
	E. Immediate.....	18-3
	F. Imprisonment.....	18-3
	G. Jurisdiction .....	18-4
	H. Minor .....	18-4
	I. Resides .....	18-4
	J. Sex Offense.....	18-4
	K. Sex Offender .....	18-5
	L. Sexual Act .....	18-5
	M. Sexual Contact .....	18-6
	N. Student.....	18-6
	O. SORNA.....	18-6
	P. Sex Offender Registry .....	18-6
	Q. National Sex Offender Registry (NSOR) .....	18-6
	R. SMART Office .....	18-6
	S. Dru Sjodin National Sex Offender Public Website (NSOPW) .....	18-7
	T. Tiers .....	18-7
	U. Tier 1 Sex Offender .....	18-7
	V. Tier 2 Sex Offender .....	18-7
	W. Tier 3 Sex Offender .....	18-7
	18-2-2 Covered Offenses .....	18-7
3.	Tiered Offenses .....	18-10
	18-3-1 Tiered Offenses.....	18-11

	A.	Tier 1 Offenses .....	18-11
	B.	Tier 2 Offenses .....	18-12
	C.	Tier 3 Offenses .....	18-13
4.		Required Registration Information .....	18-15
	18-4-1	General Requirements .....	18-15
	18-4-2	Duties .....	18-15
	18-4-3	Digitization .....	18-15
	18-4-4	Electronic Database .....	18-15
	18-4-5	Name .....	18-15
	18-4-6	Criminal History .....	18-16
	18-4-7	Date of Birth .....	18-16
	18-4-8	DNA Sample .....	18-16
	18-4-9	Driver's License, Identification Cards, Passports and Immigration Documents .....	18-16
	18-4-10	Employment Information .....	18-17
	18-4-11	[Reserved] .....	18-17
	18-4-12	Finger and Palm Prints .....	18-17
	18-4-13	Internet Identifiers/Internet Names .....	18-17
	18-4-14	Phone Numbers .....	18-18
	18-4-15	Photograph .....	18-18
	18-4-16	Physical Description .....	18-18
	18-4-17	Professional Licensing Information .....	18-18
	18-4-18	Residence Address .....	18-18
	18-4-19	School/School Location .....	18-19
	18-4-20	Social Security Number .....	18-19
	18-4-21	Temporary Lodging Information .....	18-19
	18-4-22	Vehicle Information .....	18-19
	18-4-23	Offense Information .....	18-20
	18-4-24	International Travel .....	18-20
	18-4-25	Frequency, Duration and Reduction .....	18-20
	18-4-26	Requirements for In Person Appearances .....	18-21
5.		Registration .....	18-22
	18-5-1	Where Registration is Required .....	18-22
	18-5-2	Timing of Registration .....	18-22
	18-5-3	Retroactive Registration .....	18-24
	18-5-4	Keeping Registration Current .....	18-24
	18-5-5	Failure to Appear for Registration and Absconding .....	18-25
6.		Public Sex Offender Registry Website .....	18-27
	18-6-1	General Information .....	18-27
	18-6-2	Required and Prohibited Information .....	18-28
	18-6-3	Community Notification .....	18-29
7.		Immunity .....	18-30

18-7-1	No Waiver of Immunity .....	18-30
18-7-2	Good Faith .....	18-30
8.	Crimes and Civil Sanctions.....	18-31
18-8-1	Criminal Penalty .....	18-31
18-8-2	Civil Penalty .....	18-31
18-8-3	Customs and Traditions .....	18-31
18-8-4	Exclusion.....	18-31
18-8-5	Hindrance of Sex Offender Registration.....	18-31

# PUEBLO OF ACOMA LAWS 2003 (2012 Supplement)

## TITLE 18

### PUEBLO OF ACOMA SEX OFFENDER REGISTRATION AND NOTIFICATION LAW

**Origins:** Enacted by Tribal Council Resolution No. TC-MAR-08-12-VIb.

**Annotations:** In 2007, pursuant to Tribal Council Resolution No. TC-JUN-28-07-Va, the Pueblo of Acoma Tribal Council elected to participate in the National Sex Offender Registry System as a Sex Offender Registration Jurisdiction under the Adam Walsh Child Protection and Safety Act of 2006. Federal law required all registration jurisdictions to enact a sex offender registration law.

#### Chapter 1. GENERAL MATTERS

18-1-1 Title. This Law shall be known as the Pueblo of Acoma Sex Offender Registration and Notification Law.

18-1-2 Purpose. The intent of this Law is to implement the federal Sex Offender Registration and Notification Act, (SORNA), (Title 1 of Public Law 109-248; 42 U.S.C. 16901 et seq.), and shall be interpreted literally to comply with the terms and conditions of that Act as presently written or hereafter amended.

- A. The Pueblo of Acoma 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 tribal 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; and
- B. The Pueblo of Acoma will not be a place where convicted sex offenders can avoid accountability for their behavior. Sex Offenders will not be allowed to reside, work or go to school within the exterior boundaries of the Pueblo of Acoma if they do not comply with tribal and federal laws regarding sex offender registration. The Pueblo of Acoma desires a mechanism to track sex offenders who may attempt to avoid detection and registration because of complex jurisdictional issues; and
- C. The Pueblo of Acoma recognizes that their people are their most precious resource and that they are the future of the Pueblo of Acoma. It is the intent of the Tribe to protect the interest of its people and to prevent harm to them by promoting community safety. By enacting

this Law, the Tribe is taking steps to prevent the sexual abuse of its people and those at risk from sexual violence; and

- D. Sex offender registration and notification 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.

18-1-3 Need. Violent crime in Indian Country is more than twice the national average. Tribal nations are disproportionately affected by violent crime and sex offenses in particular from Indian and non-Indian perpetrators; consequently, the conduct and presence of convicted sex offenders in Indian Country threatens the political integrity, economic security, health and welfare of tribal nations even to the point of imperiling the continuation of tribal communities.

- A. Currently there are 18 known sex offenders residing within the exterior boundaries of the Pueblo;
- B. Until the passage of SORNA, the Pueblo had no way of monitoring and registering sex offenders as their only obligation was to report and register with the county sheriff's office in which they reside;
- C. The Pueblo recognizes that its people are their most precious resource and they are the future of the Pueblo;
- D. It is the intent of the Pueblo to protect the interest of children, elder and those at risk from such behavior, to prevent harm to them by promoting community safety;
- E. By enacting this Law the Pueblo is taking steps to prevent the sexual abuse of children, elders and those at risk from such behavior.

18-1-4 CREATION OF REGISTRIES

18-1-5 Sex Offender Registry. There is hereby established a sex offender registry which the Pueblo of Acoma Tribal Police Department shall maintain and operate to the provisions of this Law, as amended.

18-1-6 Public Sex Offender Registry Website. There is hereby established a public sex offender registry website ("the Pueblo of Acoma Sex Offender Website" or "registry website") provided by the U.S. Department of Justice's Tribal and Territory Sex Offender Registry System ("TTSORS") which the Pueblo of Acoma Tribal Police Department shall maintain and operate pursuant to the provisions of this law, as amended. The Pueblo of

Acoma has also partnered with the State of New Mexico Department of Public Safety and utilizes their website in a manner consistent with the Memorandum of Agreement entered into for those purposes.

## Chapter 2. TERMINOLOGY and COVERED OFFENSES

18-2-1 Definitions. The definitions below apply to this Law Only.

- A. Convicted. An adult sex offender is “convicted” for the purposes of this Law if the sex offender has been subject to penal consequences based on the conviction, however the conviction may be styled. This includes convictions of a juvenile offender.
- B. Juvenile Offender. A juvenile offender is “convicted” for purposes of this Law if the juvenile offender is:
1. Prosecuted and found guilty as an adult for a sex offense; or
  2. Is adjudicated delinquent as a juvenile for a sex offense, but only if the offender is 14 years of age or older at the time of the offense and the offense adjudicated was comparable to or more severe than aggravated sexual abuse (as described in either (a) or (b) of section 2241 of Title 18, United States Code), or was an attempt or conspiracy to commit such an offense.
- C. Foreign Convictions. A foreign conviction is one obtained outside of the United States.
- D. Employee. The term “employee” includes, but is not limited to, an individual who is self-employed or works for any other entity, regardless of compensation including but not limited to volunteers, interns, apprentices, contractors and subcontractors as well as those that participate in performances or activities are included within the definition of employee for registration purposes.
- E. Immediate. “Immediate” and “immediately” means within 3 days.
- F. Imprisonment. The term “imprisonment” refers to incarceration pursuant to a conviction, regardless of the nature of the institution in which the offender serves the sentence. The term is to be interpreted broadly to include, for example, confinement in a state “prison” as well as in a 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 law during their period of “House Arrest.”



- G. Jurisdiction. The term “jurisdiction” as used in this law 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, including the Pueblo of Acoma.
- H. Minor. The term “minor” means an individual who has not attained the age of 18 years.
- I. Resides. The term “reside” or “resides” means, with respect to an individual, the location of the individual’s home or other place where the individual habitually lives or sleeps. This includes sex offenders who visit the Pueblo of Acoma for a period of 3 days or more. Visitors that participate in any event hosted by the Pueblo or Sky City Casino, such as Big Game Hunts and wrestling matches, concerts, or that plan on residing at the Sky City Casino Hotel or RV Park for more than 3 days are subject to registration.
- J. Sex Offense. Except as limited by clauses six or seven of this definition, the term “sex offense” means:
1. A criminal offense that has an element involving a sexual act or sexual contact with another;
  2. 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 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.
  - 3. 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.
  - 4. 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); or
  - 5. An attempt or conspiracy to commit an offense described in clauses (1) through (4),
  - 6. Offenses involving Consensual Sexual Conduct. An offense involving consensual sexual conduct is not a sex offense for the purposes of this Law 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.
  - 7. Foreign Offenses. A foreign conviction is not a sex offense for the purposes of this Law 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.
- K. Sex Offender. A person convicted of a sex offense as listed in this Law.
- L. Sexual Act. The term “sexual act” means:

1. 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;
  2. Contact between the mouth and the penis, the mouth and vulva or the mouth and the anus;
  3. 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, arouse or gratify the sexual desire of any person; or
  4. 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, arouse or gratify the sexual desire of any person.
- M. Sexual Contact. 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 another person.
- N. Student. A “student” is a person who enrolls in or attends either a private or public educational institution, including a secondary school, trade or professional school, or an institution of higher education. For purposes of this Law “student” also refers to apprentices, externs, interns and volunteers.
- O. SORNA. The Sex Offender Registration and Notification Act (Title I of the Adam Walsh Child Protection and Safety Act of 2006 P.L. 109-248), 42 U.S.C. §16911 et. seq., as amended.
- P. Sex Offender Registry. The term “Sex Offender Registry” means the registry of sex offenders and a notification program maintained by the Pueblo of Acoma Tribal Police Department.
- Q. National Sex Offender Registry (NSOR). The national database maintained by the Attorney General of the United States pursuant to 42 U.S.C. §16919.
- R. SMART Office. The Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking, which was established within the United States Department of Justice under the general authority of the Attorney General of the United States pursuant to U.S.C. §16945.

- S. Dru Sjodin National Sex Offender Public Website (NSOPW). The public website maintained by the Attorney General of the United States pursuant to 42 U.S.C. § 16920.
- T. Tiers. Any sex offense for which a person has been convicted or an attempt or conspiracy to commit such an offense occurs is categorized as a Tier based on the severity or nature of the crime committed.
- U. Tier 1 Sex Offender. A “tier 1 sex offender” of a “sex offender” designated as “tier 1” is one that has been convicted of a “tier 1” sex offense as defined in section 18-3-1(A) of the Law.
- V. Tier 2 Sex Offender. A “tier 2 sex offender” or a “sex offender” designated as “tier 2” is one that has been convicted of a “tier 2” sex offense as defined in section 18-3-1(B) of the Law.
- W. Tier 3 Sex Offender. A “tier 1 sex offender” or “sex offender” designated as “tier 1” is one that has been convicted of a “tier 1” sex offense as defined in section 18-3-1(C), or who is subject to the recidivist provisions of Section 18-3-1(C)(1) of the Law.

18-2-2

Covered Offenses. Offenders who reside, employed, or attend school within the exterior boundaries of the Pueblo of Acoma, or offenders who visit the Pueblo for a period of 3 days or more, that have been convicted of any of the offenses listed in this section, or convicted of an attempt or conspiracy to commit any of the offenses listed in this section, are subject to the requirements of this Law. In addition, any person convicted of, or convicted of an attempt or conspiracy, a sex offense as defined in section 18-2-1(J) of the Law, is subject to the requirements of this Law.

- A. Tribal Offenses. A conviction under Title 6 of the Pueblo of Acoma Law and Order Code, for any of the following and any other hereafter included offenses:
  1. § 6-4-1 (Indecent Exposure),
  2. § 6-4-2 (Public Sexual Indecency; Classification),
  3. § 6-4-3 (Sexual Abuse; Classification),
  4. § 6-4-4 (Sexual Conduct with a Minor, Classifications),
  5. § 6-4-5 (Sexual Assault),
  6. § 6-4-9 (Molestation of a Child),

7. § 6-4-11 (Lewd and Lascivious Acts),
8. § 6-4-14 (Indecent Exposure; Classification),
9. §§6-3-3 and 6 (Kidnapping involving a minor), and
10. §6-3-5 (Unlawful Imprisonment involving a minor).

B. Federal Offenses. A conviction for, or a conviction for an attempt or conspiracy to commit, any of the following, and any other offense hereafter included in the definition of “sex offense” at 42 U.S.C. §16911(5), including any offenses prosecuted under the Assimilative Crimes Act (18 U.S.C. §1152 or §1153):

1. 18 U.S.C §1591 (Sex trafficking of children),
2. 18 U.S.C §1801 (Video voyeurism of a minor),
3. 18 U.S.C. §2241 (Aggravated sexual abuse),
4. 18 U.S.C. §2242 (Sexual abuse),
5. 18 U.S.C. §2243 (Sexual abuse of a minor or ward),
6. 18 U.S.C. §2244 (Abusive sexual contact),
7. 18 U.S.C. §2245 (Offenses resulting in death),
8. 18 U.S.C. §2251 (Sexual exploitation of children),
9. 18 U.S.C. §2251A (Selling or buying of children),
10. 18 U.S.C. §2252 (Material involving the sexual exploitation of a minor),
11. 18 U.S.C. §2252A (Material containing child pornography),
12. 18 U.S.C. §2252B (Misleading domain names on the internet),
13. 18 U.S.C. §2252C (Misleading words or digital images on the internet),
14. 18 U.S.C. §2260 (Production of sexually explicit depictions of a minor for import into the U.S.),

15. 18 U.S.C. §2421 (Transportation of a minor for illegal sexual activity),

16. 18 U.S.C. §2422 (Coercion and enticement of a minor for illegal sexual activity),

17. 18 U.S.C. §2423 (Transportation of Minors for Illegal Sexual Activity, Travel With the Intent to Engage in Illicit Sexual Conduct with a Minor, Engaging in Illicit Sexual Conduct in Foreign Places)

18. 18 U.S.C. §2424 (Failure to file factual statement about an alien individual),

19. 18 U.S.C. §2425 (Transmitting information about a minor to further criminal sexual conduct).

C. Foreign Offenses. Any conviction for a sex offense involving any conduct listed in this Section that was obtained under the laws of Canada, the United Kingdom, Australia, New Zealand, or under the laws of any foreign country when the United States State Department, in its Country reports on Human Rights Practices, has concluded that an independent judiciary generally or vigorously enforced the right to a fair trial in that country during the year in which the conviction occurred.

D. Military Offenses. Any military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (codified at 10 U.S.C. 951 note).

E. Juvenile Offenses or Adjudications. Any sex offense, or attempt or conspiracy to commit a sex offense, that is comparable to or more severe than the federal crime of aggravated sexual abuse (as codified in 18 U.S.C. §2241(a) or (b)) and committed by a minor who is 14 years of age or older at the time of the offense. This includes engaging in a sexual act with another by force or the threat of serious violence; or engaging in a sexual act with another by rendering unconscious or involuntarily drugging the victim.

F. Jurisdiction Offenses. Any sex offense committed in any jurisdiction, including the Pueblo of Acoma, that involves:

1. Any type or degree of genital, oral or anal penetration,
2. Any sexual touching of or contact with a person's body, either directly or through the clothing,

3. Kidnapping of a minor,
4. False imprisonment of a minor,
5. Solicitation to engage a minor in sexual conduct understood broadly to include any direction, request, enticement, persuasion, or encouragement of a minor to engage in sexual conduct,
6. Use of a minor in a sexual performance,
7. Solicitation of a minor to practice prostitution,
8. Possession, production or distribution of child pornography,
9. Criminal sexual conduct that involves physical contact with a minor or the use of the internet to facilitate or attempt such conduct. This includes offenses whose elements involve the use of other persons in prostitution, such as pandering, procuring, or pimping in cases where the victim was a minor at the time of the offense,
10. Any conduct that by its nature is a sex offense against a minor,  
or
11. Any offense similar to those outlined in:
  - a. 18 U.S.C. §1591 (Sex trafficking by force, fraud or coercion),
  - b. 18 U.S.C. §1801 (Video voyeurism of a minor),
  - c. 18 U.S.C. §2241 (Aggravated sexual abuse),
  - d. 18 U.S.C. §2242 (Sex Abuse)
  - e. 18 U.S.C. §2244 (Abusive sexual contact),
  - f. 18 U.S.C. §2422(b) (Coercing a minor to engage in prostitution),
  - g. 18 U.S.C. §2423(a) (Transporting a minor to engage in illicit conduct).

### Chapter 3. TIERED OFFENSES

18-3-1

For purposes of this Law all sex offenders will be required to register with the Pueblo of Acoma Tribal Police Department based on the following tiers:

A. *Tier 1 Offenses*

1. Sex Offenses. A "Tier 1" offense includes any sex offense, for which a person has been convicted, or an attempt or conspiracy to commit such an offense that is not a "Tier 2" or "Tier 3" offense.
2. Offenses Involving Minors. A "Tier 1" offense also includes any offense for which a person has been convicted by any jurisdiction, local government, or qualifying foreign country that involves the false imprisonment of a minor, video voyeurism of a minor, or possession or receipt of child pornography.
3. Pueblo of Acoma Offenses. Any sex offense covered by this law where punishment was limited to one year in jail shall be considered a "Tier 1" 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 1" offense:
  - a. 18 U.S.C. §1801 (Video voyeurism of a minor),
  - b. 18 U.S.C. §111(7)(A)-(B) (False Imprisonment of a Minor),
  - c. 18 U.S.C. §2252 (receipt or possession of child pornography),
  - d. 18 U.S.C. §2252A (receipt or possession of child pornography),
  - e. 18 U.S.C. §2252B (misleading domain names on the internet),
  - f. 18 U.S.C. §2252C (misleading words or digital images on the internet),
  - g. 18 U.S.C. §2422(a) (coercion to engage in prostitution),
  - h. 18 U.S.C. §2423(b) (travel with the intent to engage in illicit conduct),
  - i. 18 U.S.C. §2423(c) (engaging in illicit conduct in foreign places),
  - j. 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),



- k. 18 U.S.C. §2424 (failure to file factual statement about an alien individual), or
- l. 18 U.S.C. §2425 (transmitting information about a minor to further criminal sexual conduct).

**Annotation:** The reference to 18 U.S.C. §111(7)(A)-(B) in subsection 4(b) refers to 42 U.S.C. §169111(7)(A)-(B).

- 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 18-3-1(A)(1),(2) or (3) shall be considered a "Tier 1" offense.

*B. Tier 2 Offenses.*

- 1. **Recidivism and Felonies.** Unless otherwise covered by Section 18-3-1 (C), 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 2" offense.
- 2. **Offenses Involving Minors.** A "Tier 2" offense includes any sex offense against a minor for which a person has been convicted, or an attempt or conspiracy to commit such an offense, which involves:
  - a. The use of minors in prostitution, including solicitations,
  - b. Enticing a minor to engage in criminal sexual activity,
  - c. 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,
  - d. The use of a minor in a sexual performance,
  - e. The production or distribution of child pornography,
  - f. A non-forcible sexual act with a minor 16 or 17 years old.
- 3. **Certain Federal Offenses.** Conviction for any of the following federal offenses shall be considered a conviction for a "Tier 2" offense:
  - a. 18 U.S.C. §1591 (sex trafficking by force, fraud, or coercion),
  - b. 18 U.S.C. §2243 (sexual abuse of a minor)

- c. 18 U.S.C. §2244 (abusive sexual contact, where the victim is 13 years of age or older),
  - d. 18 U.S.C. §2251 (sexual exploitation of children),
  - e. 18 U.S.C. §2251A (selling or buying of children),
  - f. 18 U.S.C. §2252 (material involving the sexual exploitation of a minor),
  - g. 18 U.S.C. § 2252A (production or distribution of material containing child pornography),
  - h. 18 U.S.C. §2260 (production of sexually explicitly depictions of a minor for import into the United States),
  - i. 18 U.S.C. §2421 (transportation of a minor for illegal sexual activity),
  - j. 18 U.S.C. §2422(b) (coercing a minor to engage in prostitution),
  - k. 18 U.S.C. §2423(a) (transporting a minor to engage in illicit conduct),
  - l. 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 Tribal Offenses. Any tribal offense that would be considered sexual assault or would qualify as a "Tier 2" offense under United States Code shall be considered a "Tier 2" offense.
- a. §6-4-3 [Pueblo of Acoma Laws 2003] (Sexual Abuse; Classification)
  - b. §6-4-4 [Pueblo of Acoma Laws 2003] (Sexual Conduct with a Minor; Classification)
  - c. §6-4-14 [Pueblo of Acoma Laws 2003] (Indecent Exposure; Classification)

**Annotation:** Pueblo of Acoma Laws 2003 supply the bracketed information.

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 18-3-1(B)(1), (2), or (3) shall be considered a "Tier 2" offense.

### C. Tier 3 Offenses.

1. Recidivism and Felonies. Any sex offense that is punishable by more than one year in jail where the offender has at least one Pueblo of Acoma Laws 2003 (2012 Supplement)

prior conviction or an attempt or conspiracy to commit such an offense for a Tier 2 offense, or has previously become a Tier 2 sex offender, is a "Tier 3" offense.

2. General Offenses. A "Tier 3" offense includes any sex offense, for which a person has been convicted, or an attempt or conspiracy to commit such an offense which 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 is mentally challenged (retardation).
  - 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 3" 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), or
  - d. Where the victim is 12 years of age or younger, 18 U.S.C. §2244 (abusive sexual contact).
4. Certain Tribal Offenses. Any tribal offense that would be considered sexual assault or would qualify as a "Tier 3" offense under United States Code shall be considered a "Tier 3" offense. Tribal offenses shall include:
  - a. §6-4-5 [Pueblo of Acoma Laws 2003] (Sexual Assault)
  - b. §6-4-9 [Pueblo of Acoma Laws 2003] (Molestation of a Child)
  - c. §6-4-11 [Pueblo of Acoma Laws 2003] (Lewd and Lascivious Acts)
  - d. §6-3-3 and 6-3-6 [Pueblo of Acoma Laws 2003] (Kidnapping Involving a Minor)

e. §6-3-5 [Pueblo of Acoma Laws 2003] (Unlawful Imprisonment involving a Minor)

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 18-3-1(C)(1), (2), or (3) shall be considered a "Tier 3" offense.

Chapter 4. REQUIRED REGISTRATION INFORMATION

- 18-4-1 General Requirements. The general requirements are the required documents or processes used to register a person convicted of a sexual offense.
- 18-4-2 Duties. A sex offender covered by this Law who is required to register with the Pueblo of Acoma pursuant to chapter 5 of this Title shall provide all of the information detailed in this chapter to the Pueblo of Acoma Tribal Police Department or designee and the Pueblo of Acoma Tribal Police Department or designee shall obtain all of the information detailed in this chapter from covered sex offenders who are required to register with the Pueblo in accordance with this Law and shall implement policies and procedures.
- 18-4-3 Digitization. All information obtained under this Law shall be, at a minimum, maintained by the Pueblo of Acoma Tribal Police Department or designee in digitized format.
- 18-4-4 Electronic Database. A sex offender registry shall be maintained in an electronic database by the Pueblo of Acoma Tribal Police Department or designee and shall be in a form capable of electronic transmission, or otherwise electronically accessible by other jurisdictions.
- 18-4-5 Name. The Pueblo of Acoma Tribal Police Department or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's name:
- A. The sex offender's full primary given name,
  - B. Any and all nicknames, aliases and pseudonyms regardless of the context in which it is used, and
  - C. Any and all ethnic or tribal names by which the sex offender is commonly known. This does not include any religious or sacred names not otherwise commonly known.

18-4-6 Criminal History. The Pueblo of Acoma Tribal Police Department or designee shall obtain, and a covered sex offender shall provide the following information related to the sex offender's sex offense criminal history:

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

18-4-7 Date of Birth. The Pueblo of Acoma Tribal Police Department or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's date of birth:

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

18-4-8 DNA Sample.

- A. DNA. If the sex offender's DNA is not already contained in the Combined DNA Index System, (CODIS), the sex offender shall provide the Pueblo of Acoma Tribal Police Department or designee a sample of his/her DNA.
- B. CODIS. Any DNA sample obtained from a sex offender shall be submitted to an appropriate lab for analysis and entry of the resulting DNA profile in to CODIS.

18-4-9 Driver's Licenses, Identification Cards, Passports and Immigration Documents.

- A. Driver's Licenses. The Pueblo of Acoma Tribal Police Department or designee shall obtain, and a covered sex offender shall provide a photocopy of all of the sex offenders' valid driver's licenses issued by any jurisdiction.
- B. Identification Cards. The Pueblo of Acoma Tribal Police Department or designee shall obtain, and a covered sex offender shall provide a

photocopy of any identification card, including the sex offender's tribal enrollment card issued by any jurisdiction.

C. Passports. The Pueblo of Acoma Tribal Police Department or designee shall obtain, and a covered sex offender shall provide, a photocopy of any passports used by the sex offender.

D. Immigration Documents. The Pueblo of Acoma Tribal Police Department or designee shall obtain, and a covered sex offender shall provide, a photocopy of any and all immigration documents used by the sex offender.

18-4-10 Employment Information. The Pueblo of Acoma Tribal Police Department or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's employment, to include any and all places where the sex offender is employed in any means, including volunteer and unpaid positions:

A. The name of the sex offender's employer,

B. The address of the sex offender's employer and

C. Similar information related to any transient or day labor employment.

18-4-11 RESERVED.

18-4-12 Finger and Palm Prints. The Pueblo of Acoma Tribal Police Department or designee shall obtain, and a covered sex offender shall provide, both finger and palm prints. These will be recorded in a digitized format and immediately forwarded to the appropriate national databases housed by the Federal Bureau of Investigation.

18-4-13 Internet Identifiers/Internet Names. The Pueblo of Acoma Tribal Police Department or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offenders' 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 names 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.

18-4-14 Phone Numbers. The Pueblo of Acoma Tribal Police Department or designee, and a covered sex offender shall provide, any and all telephone numbers and any other designations used by sex offenders for purposes of routing or self-identification in telephonic communications including but not limited to:

- A. Any and all land line telephone numbers,
- B. Any and all cellular telephone numbers,
- C. Any and all Voice over IP (VOIP)

18-4-15 Photograph. A covered sex offender shall permit his photograph to be taken by the Pueblo of Acoma Tribal Police Department or designee:

- A. Every 90 days for Tier III sex offenders,
- B. Every 180 days for Tier II sex offenders, and
- C. Every year for Tier I sex offenders.

Unless the appearance of a sex offender has not changed significantly, a digitized photograph shall be collected at each appearance indicated in Section 18-4-15(a) of this Law.

18-4-16 Physical Description. The Pueblo of Acoma Tribal Police Department or designee shall obtain, and a covered sex offender shall provide, an accurate description of the sex offender as follows:

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

18-4-17 Professional Licensing Information. The Pueblo of Acoma 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.

18-4-18 Residence Address. The Pueblo of Acoma Tribal Police Department or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's residence:

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

18-4-19 School/School Location. The Pueblo of Acoma 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.

18-4-20 Social Security Number. The Pueblo of Acoma 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.

18-4-21 Temporary Lodging Information. The Pueblo of Acoma Tribal Police Department or designee shall obtain, and a covered sex offender shall provide, the following information when the sex offender will be absent from his residence for five (5) days or more:

- A. Identifying information of the temporary lodging locations including addresses and names and,
- B. The dates the sex offender will be staying at each temporary lodging location.
- C. The registered sex offender shall provide the information in subsection B and C of this section no later than two days before his scheduled travel. The information shall be provided in person.

18-4-22 Vehicle Information. The Pueblo of Acoma Tribal Police Department or designee shall obtain, and a covered sex offender shall provide, the following information related to all vehicles owned or operated by the sex offender for work or personal use, including land vehicles, aircraft and watercraft:



- A. License plate numbers,
- B. Registration numbers or vehicle identification (VIN) numbers,
- C. General description of the vehicle to include:
  - 1. Color
  - 2. Make
  - 3. Model
  - 4. Year, and
- D. Any permanent or frequent location where any covered vehicle is kept.

18-4-23 Offense Information. The Pueblo of Acoma Tribal Police Department or designee shall obtain the text of each provision of law defining the criminal offense(s) for which the sex offender is registered.

18-4-24 International Travel. Sex offenders must inform the Pueblo of Acoma Tribal Police Department at least 21 days in advance if they intend to travel outside of the United States. The Pueblo of Acoma Tribal Police Department must notify the U.S. Marshals Service and immediately notify any other jurisdiction where the sex offender is either registered, or is required to register, of that updated information. Update also must be made to NCIC/NSOR.

18-4-25 Frequency, Duration and Reduction.

- A. Frequency. A sex offender who is required to register shall, at a minimum appear in person at the Pueblo of Acoma Tribal Police Department for purposes of verification and keeping their registration current in accordance with the following time frames:
  - 1. For Tier 1 offenders: once every year for 15 years from the time of release from custody for a sex offender who is incarcerated for the registered offense, or from the date of sentencing for a sex offender who is not incarcerated for the registered offense.
  - 2. For Tier 2 offenders: once every 180 days for 25 years from the time of release from custody for a sex offender who is incarcerated for the registered offense or from the date of sentencing for a sex offender who is not incarcerated for the registered offense.

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

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

1. A Tier 1 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 2 offender may have his or her period of registration reduced to 15 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 15 consecutive years.

C. Clean Record. For purposes of §18-4-25(B) a person has a clean record if:

1. He or she has not been convicted of any offense,
2. He or she has not been convicted of any offense for which imprisonment for more than one year may be imposed,
3. He or she has not been convicted of any sex offense,
4. He or she has successfully completed, without revocation, any period of supervised release, probation, or parole, and
5. He or she has successfully completed an appropriate sex offender treatment program certified by the tribe, another jurisdiction, or by the Attorney General of the United States.

18-4-26

Requirements For In Person Appearances.

A. Photographs. At each in person verification, the sex offender shall permit the Pueblo of Acoma Tribal Police Department to take a photograph of the offender.

B. Review of Information. At each in person verification the sex offender shall review existing information for accuracy.

C. Notification. If any new information or change in information is obtained at an in person verification, the Pueblo of Acoma 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 and update or cause to update the public website, if applicable, and update information in NCIC/NSOR.

## CHAPTER 5. REGISTRATION

### 18-5-1 Where Registration is Required.

- A. Jurisdiction of Conviction. A sex offender must initially register with the Pueblo of Acoma Tribal Police Department of the Pueblo of Acoma, 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.
- B. Jurisdiction of Incarceration. A sex offender must register with the Pueblo of Acoma Tribal Police Department of the Pueblo of Acoma 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.
- C. Jurisdiction of Residence. A sex offender must register with the Pueblo of Acoma Tribal Police Department of the Pueblo of Acoma if the sex offender resides, intends to reside, within lands subject to the jurisdiction of the tribe.
- D. Jurisdiction of Employment. A sex offender must register with the Pueblo of Acoma Tribal Police Department of the Pueblo of Acoma 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.
- E. Jurisdiction of School Attendance. A sex offender must register with the Pueblo of Acoma Tribal Police Department of the Pueblo of Acoma if the sex offender is a student in any capacity within lands subject to the jurisdiction of the tribe.
- F. Jurisdiction of Tribal Enrollment. A sex offender must register with the Pueblo of Acoma Sex Offender Compliance Officer if the sex offender is an enrolled tribal member with the Pueblo of Acoma.
- G. Jurisdiction of Parole. A sex offender must register with the Pueblo of Acoma Tribal Police Department while he or she is on parole for the violation of a sexual offense.

### 18-5-2 Timing of Registration.

A. Timing. A sex offender required to register with the tribe under this Law shall do so in the following time frame:

1. If convicted by the Pueblo of Acoma for a covered sex offense and incarcerated, the sex offender must register *before* being released from incarceration;
2. If convicted by the Pueblo of Acoma but *not* incarcerated, within 3 days of sentencing for the registration offense, and
3. Within 3 days 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 the Pueblo of Acoma Tribal Police Department.

B. Duties of Pueblo of Acoma Tribal Police Department. The Pueblo of Acoma Tribal Police Department shall have policies and procedures in place to ensure the following:

1. Inform the sex offender of his or her duties to register under SORNA Law,
2. Explain the SORNA duties to the sex offender,
3. That any sex offender incarcerated or sentenced by the tribe for a covered sex offense completes their initial registration with the tribe,
4. 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,
5. That the sex offender is registered, and added to the public website, if applicable,
6. That upon entry of the sex offender's information in to the registry, that information is immediately forwarded to all other jurisdiction in which the sex offender is required to register due to the sex offender's residency, employment or student status,
7. That the forms are signed by the sex offender acknowledging that they were advised as required registration information is included, and
8. That all information is entered and updated in NCIC/NSOR.

18-5-3 Retroactive Registration.

A. Retroactive Registration. The Pueblo of Acoma Tribal Police Department shall have in place policies and procedures to ensure the following categories of sex offenders are subject to the registration and updating requirements of this Law:

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 under the tribe's laws, and
3. Sex offenders reentering the justice system due to conviction for any crime.
4. For a sex crime committed as of 1994 when the Jacob Wetterling Act was enacted, up to the present day a sex offender must register.

B. Timing of Recapture. The Pueblo of Acoma Tribal Police Department shall ensure recapture of sex offenders mentioned in Section 18-5-3(A) within the following time frames to be calculated from the date of passage of this Law:

1. For Tier 1 sex offenders 1 year.
2. For Tier 2 sex offenders, 180 days; and
3. For Tier 3 sex offenders, 90 days.

18-5-4 Keeping Registration Current.

A. Jurisdiction of Residency. All sex offenders who reside on lands subject to the jurisdiction of the Pueblo of Acoma and who are required to register in this jurisdiction shall immediately appear in person at the Pueblo of Acoma Tribal Police Department to update any changes to their name, residence (including termination of residency), employment, or school attendance. All sex offenders required to register in this jurisdiction shall immediately inform the Pueblo of Acoma Tribal Police Department via telephone of any changes to their temporary lodging information, vehicle information, internet identifiers, or telephone numbers. In the event of a change in temporary lodging, the sex offender and Pueblo of Acoma Tribal Police Department shall immediately notify the jurisdiction in which the sex offender will be temporarily staying. With regard to any other changes in a sex

offender's registration information, the Pueblo of Acoma Tribal Police Department or designee shall immediately notify:

1. All jurisdictions where a sex offender intends to reside, work or attend school,
2. Any jurisdiction where the sex offender is either registered or required to register,
3. To the extent possible, ensure that all information is immediately updated on NSOR, and
4. Specifically with respect to information relating to a sex offender's intent to commence residence, school or employment outside of the United States, any jurisdiction where the sex offender is either registered or required to register, and the U.S. Marshals service.
5. Immediate updates to any changes to the following information will be made (an in-person appearance is not required of these following items):
  - Email Addresses
  - Instant Message Addresses
  - Any other designation used in internet communication, postings, or telephone communications
  - Vehicle Information

B. Jurisdiction of School Attendance. Any sex offender who is a student in any capacity within the lands subject to the jurisdiction of the Pueblo of Acoma regardless of location that change their school or otherwise terminate their schooling, shall immediately appear in person at the Pueblo of Acoma Tribal Police Department to update that information. The Pueblo of Acoma Tribal Police Department shall ensure that each jurisdiction in which the sex offender is required to register, or was required to register prior to the updated information being given, are immediately notified of the change.

C. Jurisdiction of Employment. Any sex offender, who is employed by the tribe in any capacity or otherwise is employed within land subject to the jurisdiction of the Pueblo of Acoma regardless of location that change their employment, or otherwise terminate their employment, shall immediately appear in person at the Pueblo of Acoma Tribal Police Department to update that information. The Pueblo of Acoma Tribal Police Department shall ensure that each jurisdiction in which the sex offender is required to register, or was required to register prior to the updated information being given, are immediately notified of the change.

18-5-5

Failure to Appear for Registration and Absconding.

- A. Failure to Appear. In the event a sex offender fails to register with the tribe as required by this Law, the Pueblo of Acoma 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.
- B. Absconded Sex Offenders. If the Pueblo of Acoma Tribal Police Department or designee receives information that a sex offender has absconded the Pueblo of Acoma Tribal Police Department shall make an effort to determine if the sex offender has actually absconded.
1. In the event no determination can be made, the Pueblo of Acoma Tribal Police Department or designee shall ensure that any appropriate law enforcement agency is notified.
  2. If the information indicating the possible absconding came through notice from another jurisdiction or federal authorities, they shall be informed that the sex offender has failed to appear and register.
  3. If an absconded sex offender cannot be located then the Pueblo of Acoma Tribal Police Department shall take the following steps:
    - a. Update the register/public website to reflect the sex offender has absconded or is otherwise not capable of being located,
    - b. Notify the U.S. Marshals Service,
    - c. Seek a warrant for the sex offender's arrest. The U.S. Marshals Service or FBI may be contacted in an attempt to obtain a federal warrant for the sex offender's arrest,
    - d. Update the NCIC/NSOR to reflect the sex offender's status as an absconder, or is otherwise not capable of being located, and
    - e. Enter the sex offender into the National Crime Information Center Wanted Person File.
- C. Failure to Register. In the event a sex offender who is required to register due to their residence, employment or school attendance status fails to do so or otherwise violates a registration requirement of this Law, the Pueblo of Acoma Tribal Police Department shall take all appropriate follow-up measures including those outlined in Section 18-5-5(B). The Pueblo of Acoma Tribal Police Department shall first make an effort to determine if the sex offender actually resides, is employed

or attends school on lands subject to the Pueblo of Acoma's jurisdiction.

## CHAPTER 6. PUBLIC SEX OFFENDER REGISTRY WEBSITE

### 18-6-1 General Information.

- A. Website. The Pueblo of Acoma Tribal Police Department shall use and maintain a public sex offender registry website. The Pueblo of Acoma Tribal Police Department has elected to use the Tribe and Territory Sex Offender Registry System (TTSORS), which qualifies as a public sex offender registry website under this Law, and is referred to as the registry website in this Law.
- B. Links. The registry website shall include links to sex offender safety and education resources.
- C. Instructions. The registry website shall include instruction on how a person can seek correction of information that the individual contends is erroneous.
- D. Warnings. The registry website shall include a warning that the information contained on the website should not be used to unlawfully injure, harass, or commit a crime against any individual named in the registry or residing or working at any reported address and that any such action could result in civil or criminal penalties.
- E. Search Capabilities. The registry website shall have the capability of conducting searches by:
  - 1. Name;
  - 2. County, city, and/or town; and
  - 3. Zip code and/or geographic radius.
- F. New Mexico Department of Public Safety Registry. Any offender posted on the Pueblo of Acoma Sex Offender Website, will also be posted on the State of New Mexico Department of Public Safety's Sex Offender Registry Website.
- G. Dru Sjodin National Sex Offender Public Website. The Pueblo of Acoma Tribal Police Department shall include in the design of its website all field search capabilities needed for full participation in



the Dru Sjodin National Sex Offender Public Website and shall participate in that website as provided by the Attorney General of the United States.

18-6-2 Required and Prohibited Information.

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

1. Notice that an offender is in violation of their registration requirements or cannot be located if the sex offender has absconded,
2. All sex offenses for which the sex offender has been convicted,
3. The sex offense(s) for which the offender is currently registered,
4. The address of the sex offender's employer(s),
5. The name of the sex offender including all aliases,
6. A current photograph of the sex offender,
7. A physical description of the sex offender,
8. The residential address and, if relevant, a description of a habitual residence of the sex offender,
9. All addresses of schools attended by the sex offender, and
10. The sex offender's vehicle license plate number along with a description of the vehicle.

B. Prohibited Information. The following information shall not be available to the public on the sex offender registry website:

1. Any arrest that did not result in conviction,
2. The sex offender's social security number,
3. Any travel and immigration documents,
4. The identity of the victim, and
5. Internet identifiers (as defined in 42 U.S.C. §16911).

C. Witness Protection. For sex offenders who are under a witness protection program, the Pueblo of Acoma Tribal Police Department may honor the request of the United States Marshals Service or other agency responsible for witness protection by not including the original identity of the offender on the publicly accessible sex offender registry website.

18-6-3

Community Notification.

A. Law Enforcement Notification. Whenever a sex offender registers or updates his or her information with the tribe, the Pueblo of Acoma Tribal Police Department shall:

1. Monitor and utilize the SORNA Exchange Portal for inter-jurisdictional change of residence, employment or student status.
2. Immediately update NCIC/NSOR or immediately notify the FBI or other federal agency as designated by the Attorney General in order that the information may be updated on NCIC/NSOR or other relevant databases,
3. Immediately notify any agency, department or program within the tribe that is responsible for criminal investigation, prosecution, child welfare or sex offender supervision function, including but not limited to, police, whether BIA, tribal, FBI, tribal prosecutors and tribal probation,
4. Immediately notify any and all other registration jurisdiction 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 Pueblo of Acoma 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 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,
3. The Pueblo of Acoma Tribal Police Department shall also make available, for public viewing a hard copy of the sex offender's information, this information will be available at the Pueblo of Acoma Tribal Police Department 24-hours a day seven days a week,
4. The Pueblo of Acoma will also have the information posted at the following locations; however the Pueblo of Acoma Tribal Police Department will be the agency responsible for maintaining the information
  - a. Pueblo of Acoma Governor's/Tribal Administration Office,
  - b. Pueblo of Acoma Gaming Commission Office,
  - c. Pueblo of Acoma Haaku Learning Center,
  - d. Pueblo of Acoma Housing Authority,
  - e. Pueblo of Acoma Post Office, and
  - f. Pueblo of Acoma Tribal Court.

## CHAPTER 7. IMMUNITY

- 18-7-1      No waiver of immunity. Nothing in this Law shall be construed as a waiver of sovereign immunity for the Pueblo of Acoma, its departments, agencies, employees or agents.
- 18-7-2      Good faith. Any person acting under good faith under this Law shall be immune from any civil liability arising out of such actions.

## CHAPTER 8. CRIMES and CIVIL SANCTIONS

18-8-1 Criminal Penalty. Each violation of a provision of this Law by a sex offender who is an Indian shall be considered a crime and subject to a period of incarceration of 180 days and fine of \$500.00, or both.

18-8-2 Civil Penalty. Each violation of a provision of this Law by a sex offender who is not an Indian shall be considered a civil violation subject to enforcement by any means not prohibited by federal law, including, but not limited to the issuance of fines, forfeitures and civil contempt.

18-8-3 Customs and traditions. In the absence of criminal jurisdiction over persons to enforce tribal law, the Pueblo has the inherent power to detain and deliver up to other authorities, or to exclude from the Pueblo of Acoma those persons over whom criminal jurisdiction cannot be obtained.

**Annotation:** See Chapter 12 of Title 1 of the Pueblo of Acoma Laws 2003 (2009 Replacement) for Exclusion procedures.

18-8-4 Exclusion. The Pueblo of Acoma Tribal Council has the exclusive power to exclude any person from the Pueblo of Acoma lands pursuant to Title 1 of the Pueblo of Acoma Laws.

**Annotation:** See Chapter 12 of Title 1 of the Pueblo of Acoma Laws 2003 (2009 Replacement) for Exclusion procedures.

18-8-5 Hindrance of sex offender registration. A person is guilty of an offense if they:

- A. Knowingly harbors or knowingly attempts to harbor or knowingly assists another person in harboring or attempting to harbor a sex offender who is in violation of this Law,
- B. Knowingly assists a sex offender in eluding a law enforcement agency that is seeking to find the sex offender to question the sex offender about, or to arrest the sex offender for non-compliance with the requirements of this Law, or
- C. Provides information to law enforcement regarding a sex offender which the person knows to be false.
- D. Any person found guilty of an offense under this Section shall be subject to a period of incarceration of up to 180 days and fine of up to \$500.00, or both.

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