



# **TITLE IX – SEX OFFENDER REGISTRATION AND NOTIFICATION CODE**

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## **Alabama-Coushatta Tribe of Texas Comprehensive Codes of Justice**

**Adopted to supersede the Sex Offender Registration and Notification Guidelines approved July 25, 2011, by ACITC Resolution #2011-48 and Codified as Title IX - Sex Offender Registration and Notification Code of the A-C, C.C.J. on November 10, 2015, by Tribal Council Resolution #2015-62**

*Title IX- Sex Offender Registration and Notification Code is comprised of all Tribal statutes relevant to the Registration and Notification of convicted Sex Offenders as applicable within the jurisdiction of Alabama-Coushatta Tribe of Texas and SORNA compliant.*

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**Title IX– Sex Offender Registration and Notification Code/C.C.J.****CHAPTER 1                    GENERAL PROVISIONS****Sec. 101        Title**

The provisions contained herein shall be known as the Alabama-Coushatta Tribe of Texas (hereinafter referred to as the “Tribe”) “Sex Offender Registration and Notification Code.”

**Sec. 102    Purpose**

The intent of this Code is to establish guidelines for the registration of sex offenders who reside, work, go to school and/or visit the Tribe. Further, this Code is intended to ensure compliance with the federal Sex Offender Registration and Notification Act. (“SORNA”) (Title 1 of Public Law 109-248) (42 U.S.C. 16901 et seq.).

**Sec. 103        Declaration**

Tribal nations are disproportionately affected by violent crime and sex offenses in particular from both 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 subsistence of tribal communities. Historically, sex offenders residing, working, attending school and/or visiting within the Tribe’s jurisdiction have not been tracked. With the creation of the Alabama-Coushatta Tribal Court, the Tribe has taken the necessary steps to protect tribal members from sex offenders living, employed, and/or visiting the Tribe’s Reservation Lands.

**Sec. 104        Sex Offender Registry**

The Tribe has developed the Alabama-Coushatta Sex Offender Registry Program (“ACSOR Program”), through the Tribe’s utilization of the Territory Sex Offender Registry System (“TTSORS”) as provided by the U.S. Department of Justice and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (“SMART”). ACSOR will be managed and updated by the Alabama-Coushatta Police Department located on the Tribe’s Reservation at 571 State Park Road 56, Livingston, TX 77351, (936) 563-1200. Pursuant to its use of TTSORS, the Tribe will also be a participant with the Dru Sjodin National Sex Offender Public Website (“NSOPW”).

**CHAPTER 2                    TERMINOLOGY AND REGISTERABLE OFFENSES****Sec. 201        Definitions**

The definitions contained herein shall only be for the purpose of Sex Offender Registration and Notification Code unless specified otherwise.

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**(A)** Convicted – an Adult Sex Offender is “convicted” for the purposes of this Code if he/she has been subjected to penal consequences based on the conviction, however the conviction may be styled.

**(B)** A Juvenile Offender is “convicted” for purposes of these policies if he/she is either:

**(1)** Prosecuted and found guilty as an adult for a sex offense; or

**(2)** Is adjudicated delinquent as a juvenile for a sex offense, but only if the offender is 14 years of age or older at the time of the offense and the offense adjudicated was comparable to or more severe than aggravated sexual abuse as provided within the A-C, C.C.J. and/or 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 Conviction – A foreign conviction is one obtained outside the United States.

**(D)** Employee – The term “employee” as used herein includes, but is not limited to, an individual who is employed by the Tribe, self-employed or works for any other entity, regardless of compensation within the jurisdiction of the Tribe. Volunteers with the Tribe or an entity of the Tribe are included within the definition of employee for registration purposes.

**(E)** Immediate – “Immediate” and “Immediately” means within three (3) business 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 tribal or local “jail”, private or contract facility, state “prison” as well as in a federal, military, foreign, or BIA facility. Persons under “house arrest” following conviction of a covered sex offense are required to register pursuant to the provisions of this Code during their period of “house arrest.”

**(G)** Jurisdiction – The term “jurisdiction” as used herein refers to the jurisdiction of the Alabama-Coushatta Tribe of Texas with regards to registration and notification and the 50 States, any other Native American Tribe, the District of Columbia, the five principal U. S. territories i.e., the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Marian Islands, and the United States Virgin Islands.

**(H)** Minor – The term “minor” means an individual who has not attained the age of eighteen (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. For the purpose of this section “Visitors” visiting or intending to visit the

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Reservation for a period exceeding seven (7) calendar days shall be deemed to “reside” for purposes of registration and notification.

**(J)** Reservation Lands – The term “Reservation Lands” as used in this Code refers to all land identified in 25 U.S.C. Section 731 (3)(A), (B) and (C).

**(K)** Sex Offense – The term “sex offense” as used in this code includes offenses requiring registration under Tribal law as contained within the A-C, C.C.J., offenses within 42 U.S.C. § 16911 (5) (as amended) and those federal offenses enumerated herein. An offense involving consensual sexual conduct is not a sex offense for the purposes of registration and notification 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.

**(L)** Sex Offender – A person convicted of a sex offense is a “sex offender.”

**(M)** 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 the 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, or 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 eighteen (18) years with an intent to abuse, humiliate, harass, degrade, arouse or gratify the sexual desire of any person.

**(N)** 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 any person.

**(O)** Student – A “student” is a person who enrolls in or attends either a private or public education institution, including a secondary school, trade or professional school, or an institution of higher education.

**(P)** SORNA – The Sex Offender Registration and Notification Act (Title 1 of the Adam Walsh Child Protection and Safety Act of 2006 P.L. 109-248), 42 U.S.C. § 16911 et seq., as amended.

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**(Q)** Alabama-Coushatta Sex Offender Registry Program (“ACSOR”) – The term “sex offender registry” means the registry of sex offenders, and notification program, maintained by the Alabama-Coushatta Police Department.

**(R)** National Sex Offender Registry (“NSOR”) – The national database maintained by the Federal Bureau of Investigation pursuant to 42 U.S.C. § 16919.

**(S)** 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 42 U.S.C. § 16945.

**(T)** 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.

**(U)** “Tier I Sex Offender” – A “Tier I sex offender”, or a “sex offender” designated as “Tier I”, is one that has been convicted of a “Tier I” sex offense as defined herein.

**(V)** “Tier II Sex Offender” – A “Tier II sex offender”, or a “sex offender” designated as “Tier II”, is one that has been either convicted of a “Tier II” sex offense or is subject to the recidivist provisions contained herein.

**(W)** “Tier III Sex Offender” – A “Tier III sex offender”, or a “sex offender” designated as “Tier III”, is one that has been either convicted of a Tier III” sex offense or is subject to the recidivist provisions contained herein.

### **Sec. 202     Registerable Offenses**

Individuals who reside within the exterior boundaries of the reservation or otherwise reside on property owned by the Tribe in fee or trust regardless of location, are employed within the exterior boundaries of the reservation or on property owned by the Tribe in fee or trust regardless of location, or who attend school within the exterior boundaries of the reservation or on property owned by the Tribe in fee or trust regardless of location, or individuals visiting or intending to visit the reservation for a period exceeding seven (7) calendar days, that have been convicted of any of the following offenses, or convicted of an attempt or conspiracy to commit any of the following offenses, are subject to the registration and notification requirements contained herein:

**(A)** Tribal Offenses – Any and all offenses designated as being subject to registration and notification hereafter adopted and codified by the Tribe in Title VIII – Criminal Offenses and Violations, A-C, C.C.J. including Sec. 110 - Sexual Assault.

**(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),

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- (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 children),
- (10) 18 U.S.C. § 2252 (material involving the sexual exploitation of a minor),
- (11) 18 U.S.C. § 2552A (material containing child pornography),
- (12) 18 U.S.C. § 2552B (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 Adjudication – 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) and (b), and committed by a minor who is 14 years of age or older at the time of the offense. This includes engaging in a



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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 any sexual offense committed on the Reservation Lands of the Tribe, that involves:

- (1)** Any conduct that by its nature is a sex offense against a minor,
- (2)** Any type or degree of genital, oral, or anal penetration,
- (3)** Any sexual touching of or sexual contact with a person’s body, either directly or through the clothing,
- (4)** Criminal sexual conduct that involves physical contact with a minor or the use of the internet to facilitate or attempt such conduct. This includes offenses whose elements involve the use of other persons in prostitution, such as pandering, procuring, or pimping in cases where the victim was a minor at the time of the offense,
- (5)** False imprisonment of a minor,
- (6)** Kidnapping of a minor,
- (7)** Possession, production, or distribution of child pornography,
- (8)** Solicitation of a minor to practice prostitution,
- (9)** Solicitation to engage a minor in sexual conduct understood broadly to include any direction, request, enticement, persuasion, or encouragement of a minor to engage in sexual conduct,
- (10)** Use of a minor in a sexual performance,
- (11)** Any offense similar to those outlined in:
  - (a)** 18 U.S.C. § 1591 (sex trafficking by force, fraud, or coercion),
  - (b)** 18 U.S.C. § 1801 (video voyeurism of a minor),
  - (c)** 18 U.S.C. § 2241 (aggravated sexual abuse),
  - (d)** 18 U.S.C. § 2242 (sexual abuse),
  - (e)** 18 U.S.C. § 2244 (abusive sexual contact),
  - (f)** 18 U.S.C. § 2422 (b) (coercing a minor to engage in prostitution), or
  - (g)** 18 U.S.C. § 2423 (a) (transporting a minor to engage in illicit conduct).

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**(A)** Sex Offenses – A “Tier I” offense includes any sex offense, or an attempt or conspiracy to commit such an offense for which a person has been convicted, that is not a “Tier II” or “Tier III” offense.

**(B)** Offenses Involving a Minor – A “Tier I” offense also includes any offense for which a person has been convicted by any jurisdiction, local government, or qualifying foreign country pursuant to Section 202(c) that involves the false imprisonment of a minor, video voyeurism of a minor, or possession or receipt of child pornography.

**(C)** Tribal Offenses – Any sex offense or an attempt or conspiracy to commit such an offense pursuant to Tribal Law adopted and codified in Title VIII – Criminal Offenses and Violations of the A-C, C.C.J. hereafter, subject to the registration and notification provisions contained herein and punishable within the one year limitations shall be considered a “Tier I” offense.

**(D)** Federal Offenses – Conviction for any of the following federal offenses or an attempt or conspiracy to commit such an offense shall be considered a conviction for a “Tier I” offense:

- (1)** 18 U.S.C. § 1801 (video voyeurism of a minor),
- (2)** 18 U.S.C. § 2252 (receipt or possession of child pornography),
- (3)** 18 U.S.C. § 2252A (receipt or possession of materials of child pornography),
- (4)** 18 U.S.C. § 2252B (misleading domain names on the internet),
- (5)** 18 U.S.C. § 2252C (misleading words or digital images on the internet),
- (6)** 18 U.S.C. § 2422(a) (coercion to engage in prostitution),
- (7)** 18 U.S.C. § 2423(b) (travel with the intent to engage in illicit conduct),
- (8)** 18 U.S.C. § 2423(c) (engaging in illicit conduct in foreign places),
- (9)** 18 U.S.C. § 2424 (failure to file factual statement about an alien individual), or
- (10)** 18 U.S.C. § 2425 (transmitting information about a minor to further criminal sexual conduct), and

**(E)** 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 301(A),(B), or (C) shall be considered a “Tier I” offense.

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**(A)**    Recidivism and Felonies – Unless otherwise covered by Section 303, any sex offense that is not the first sex offense for which a person has been convicted by any jurisdiction, local government, or qualifying foreign country or an attempt or conspiracy to commit such an offense that is punishable by more than one year in jail is considered a “Tier II” offense.

**(B)**    Offenses Involving Minors – A “Tier II” offense includes any sex offense against a minor for which a person has been convicted, or an attempt or conspiracy to commit such an offense that involves:

- (1)**    The use of minors in prostitution, including solicitations,
- (2)**    Enticing a minor to engage in criminal sexual activity,
- (3)**    A non-forcible sexual act with a minor 16 or 17 years old,
- (4)**    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,
- (5)**    The use of a minor in a sexual performance, or
- (6)**    The production or distribution of child pornography.

**(C)**    Federal Offenses – Conviction for any of the following federal offenses or an attempt or conspiracy to commit such an offense shall be considered a conviction for a “Tier II” offense:

- (1)**    18 U.S.C. § 1591 (sex trafficking by force, fraud, or coercion)
- (2)**    18 U.S.C. § 2243 (sexual abuse of a minor or ward)
- (3)**    18 U.S.C. § 2244 (abusive sexual contact, where the victim is 13 years of age or older)
- (4)**    18 U.S.C. § 2251 (sexual exploitation of children),
- (5)**    18 U.S.C. § 2251A (selling or buying of children),
- (6)**    18 U.S.C. § 2252 (material involving the sexual exploitation of a minor),
- (7)**    18 U.S.C. § 2252A (production or distribution of material containing child pornography),
- (8)**    18 U.S.C. § 2260 (production of sexually explicit depictions of a minor for import into the United States),
- (9)**    18 U.S.C. § 2421 (transportation of a minor for illegal sexual activity),
- (10)**   18 U.S.C. § 2422(b) (coercing a minor to engage in prostitution),
- (11)**   18 U.S.C. § 2423(a) (transporting a minor to engage in illicit conduct),
- (12)**   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).

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**(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) that is similar to those offenses outlined in Section 302(A),(B), or (C) shall be considered a “Tier II” offense.

**Sec. 303     Tier III Offenses**

**(A)** Recidivism and Felonies – Any sex offense that is punishable by more than one year in jail where the offender has at least one prior conviction for a Tier II sex offense, or has previously become a Tier II sex offender, is a “Tier III” offense.

**(B)** General Offenses – A “Tier III” offense includes any sex offense, for which a person has been convicted, or an attempt or conspiracy to commit such an offense that involves:

- (1)** Non-parental kidnapping of a minor,
- (2)** A sexual act with another by force or threat,
- (3)** A sexual act with another who has been rendered unconscious or involuntarily drugged, or who is otherwise incapable of appraising the nature of the conduct or declining to participate, or
- (4)** Sexual contact with a minor twelve (12) years of age or younger, including offenses that cover sexual touching of or contact with the intimate parts of the body, either directly or through the clothing.

**(C)** Federal Offenses – Conviction for any of the following federal offenses shall be considered conviction for a “Tier III” offense:

- (1)** 18 U.S.C. § 2241 (aggravated sexual abuse),
- (2)** 18 U.S.C. § 2242 (sexual abuse),
- (3)** 18 U.S.C. § 2243 (sexual abuse of a minor or ward)
- (4)** 18 U.S.C. § 2244 (abusive sexual contact, victim under 13),
- (5)** Where the victim is 12 years of age or younger, 18 U.S.C. § 2244 (abusive sexual contact).

**(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) that is similar to those offenses outlined in Section 303(A),(B), or (C) shall be considered a “Tier III” offense.

**CHAPTER 4           REQUIRED INFORMATION****Sec. 401     General Requirements**

**(A)** Duties – A sex offender who is required to register with the Tribe pursuant to this Code, shall provide all of the information detailed in this chapter to the Alabama-Coushatta Police Department. The Police Department employee(s) assigned the ACSOR

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Program shall obtain all of the required information from the sex offender subject to this Code and shall implement any relevant policies and procedures to ensure compliance with Tribal law and SORNA.

**(B)** Digitization – All information obtained in accordance with this Code shall be, at a minimum, maintained by the Alabama-Coushatta Police Department in a digitized format.

**(C)** Electronic Database – A sex offender registry shall be maintained in an electronic database by the Alabama-Coushatta Police Department and shall be in a form capable of electronic transmission.

### **Sec. 402      Criminal History**

**(A)** Criminal History – The Alabama-Coushatta Police Department shall obtain, and a covered sex offender shall provide, the following information related to his/her criminal history:

- (1)** The date of all arrests,
- (2)** The date of all convictions,
- (3)** Their status of parole, probation, or supervised release,
- (4)** Their registration status, and
- (5)** Any outstanding arrest warrants.

### **Sec. 403      Date of Birth**

**(A)** Date of Birth – The Alabama-Coushatta Police Department shall obtain, and a covered sex offender shall provide, the following information related to his/her date of birth:

- (1)** The sex offender’s actual date of birth, and
- (2)** Any other date of birth used by the sex offender.

### **Sec. 404      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 Alabama-Coushatta Police Department a sample of his/her DNA.

**(B)** CODIS – Any DNA sample obtained from the sex offender shall be submitted to the appropriate lab for analysis and entry of resulting DNA profile into CODIS.

### **Sec. 405      Driver’s Licenses, Identification Cards, Passports, and Immigration Documents**

Any and all sex offenders subject to registration as it relates to this Code shall provide the Alabama-Coushatta Police Department with the following information for photocopying.

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- (A) Driver’s License – All valid driver’s licenses issued by any jurisdiction to him/her,
- (B) Identification Cards – All identification cards including their tribal enrollment card issued by any jurisdiction to him/her,
- (C) Passports – Any passports used by him/her, and
- (D) Immigration Documents – Any and all immigration documents used by him/her.

**Sec. 406      Employment Information**

(A) Employment – The Alabama-Coushatta Police Department shall obtain, and a covered sex offender shall provide, the following information related to the sex offender’s employment, which includes any and all places where the sex offender is employed in any means including volunteer and unpaid positions:

- (1) The name of the sex offender’s employer,
- (2) The address of the sex offender’s employer, and
- (3) Similar information related to any transient or day labor employment.

**Sec. 407      Finger and Palms Prints**

(A) Finger and Palm Prints – The Alabama-Coushatta Police Department shall obtain, and a covered sex offender shall provide, both finger prints for submission to IAFIS and palm prints for submission to the FBI Next Generation Identification Program.

**Sec. 408      Internet Identifiers**

(A) Internet Names – The Alabama-Coushatta Police Department shall obtain, and a covered sex offender shall provide, the following information related to the sex offender’s internet activity:

- (1) Any and all email addresses used by the sex offender,
- (2) Any and all Instant Message addresses and identifiers,
- (3) Any and all other designations or monikers used for self-identification in internet communications or postings, and
- (4) Any and all designations used by the sex offender for the purpose of routing or self-identification in internet communications or postings, including but not limited to social network identifications, such as Face Book, twitter accounts, Instagram, Snap Chat, Vine, and video posting site identifications such as YouTube, Vimeo, Meta Cafe, Flickr and Break.

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(A) Name - The Alabama-Coushatta Police Department shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's name:

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

**Sec. 410     Phone Numbers**

(A) Phone Numbers – The Alabama-Coushatta Police Department shall obtain, and a covered sex offender shall provide, the following information related to any and all telephone numbers and any other designations used by him/her for purposes of routing or self-identification in telephonic communications including by not limited to:

- (1) Any and all cellular telephone numbers,
- (2) Any and all land line telephone numbers,
- (3) Any and all Voice over IP (VOIP) telephone numbers,
- (4) Any and all google telephone numbers.

**Sec. 411     Picture**

(A) Photograph – Any and all sex offenders subject to this Code shall permit his/her photograph to be taken by the Alabama-Coushatta Police Department as follows:

- (1) Every ninety (90) days for Tier III sex offenders,
- (2) Every one hundred eighty (180) days for Tier II sex offenders, and
- (3) Every year for Tier I sex offenders.

(B) Update Requirements – Unless the appearance of a sex offender has not changed significantly a digitized photograph shall be collected at each appearance indicated in Section 411(A).

(C) Photographs will include a sex offender's general appearance, as well as any identifying marks as described in Section 412(A)(3).

**Sec. 412     Physical Description**

(A) Physical Description – The Alabama-Coushatta Police Department shall obtain, and a covered sex offender shall provide, an accurate description of himself/herself as follows:

- (1) A physical description,

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(2) A general description of his/her physical appearance or characteristics, and

(3) Any identifying marks, such as, but not limited to, scars, moles, birthmarks, or tattoos.

**Sec. 413 Professional Licensing Information**

(A) Professional Licenses – The Alabama-Coushatta Police Department shall obtain, and a covered sex offender shall provide, all licensing that authorizes the sex offender to engage in an occupation or carry out a trade or business.

**Sec. 414 Residence Address**

(A) Address – The Alabama-Coushatta Police Department shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's residence:

(1) The address of each residence at which he/she resides or will reside, and,

(2) Any location or description that identifies where he/she habitually resides regardless of whether it pertains to a permanent residence or location otherwise identifiable by a street or address.

**Sec. 415 School**

(A) School Location – The Alabama-Coushatta Police Department shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's school:

(1) The address of each school where he/she is or will be a student, and

(2) The name of each school where he/she is or will be a student.

**Sec. 416 Social Security Number**

(A) Social Security – The Alabama-Coushatta Police Department shall obtain, and a covered sex offender shall provide, the following information:

(1) A valid social security number for him/her, and

(2) Any social security number he/she has used in the past, valid or otherwise.

**Sec. 417 Temporary Lodging**

(A) Lodging Information – The Alabama-Coushatta Police Department shall obtain, and a covered sex offender shall provide, the following information in person when he/she will be absent from his/her residence for seven (7) days or more:

(1) Identifying information of the temporary lodging locations including addresses and names, and,



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(2) The dates he/she will be staying at each temporary lodging location,

(3) The registered sex offender shall provide the information in Section 417 (1) and (2) no later than seven (7) days before his/her scheduled travel. The information shall be provided in person.

**Sec. 418 International Travel**

(A) Travel Abroad – Sex offenders must inform their residence jurisdictions twenty-one (21) days in advance if they intend to travel outside of the United States. Jurisdictions 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.

**Sec. 419 Offense Information**

(A) Offense Information – The Alabama-Coushatta Police Department shall obtain the text of each provision of law defining the criminal offense(s) for which the sex offender is registered.

**Sec. 420 Vehicle Information**

(A) Detailed Information – The Alabama-Coushatta Police Department 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:

(1) License plate number,

(2) Registration numbers or identifiers,

(3) General description of the vehicle to include color, make, model, and year, and,

(4) Any permanent or frequent location where any covered vehicle is kept.

**Sec. 421 Frequency, Duration and Reduction**

(A) Frequency – A sex offender who is required to register shall, at a minimum, appear in person at the Alabama-Coushatta Police Department for purposes of verification and keeping their registration current in accordance with the following time frames:

(1) For “Tier I” offenders, once every year for fifteen (15) years from the time of release from custody for a sex offender who is incarcerated for the registration offense or from the date of sentencing for a sex offender who is not incarcerated for the registration offense.

(2) For “Tier II” offenders, once every one hundred eighty (180) days for twenty-five (25) years from the time of release from custody for a sex

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offender who is incarcerated for the registration offense or from the date of sentencing for a sex offender who is not incarcerated for the registration offense.

**(3)** For “Tier III” offenders, once every ninety (90) days for the rest of their lives.

**(B)** Reduction of Registration Periods – A sex offender may request a reduction of their period of registration based upon the following:

**(1)** A “Tier I” offender may request that his/her period of registration be reduced to ten (10) years if he/she has maintained a clean record for ten (10) consecutive years;

**(2)** A “Tier III” offender may request that his/her period of registration be reduced to twenty-five (25) years if he/she was adjudicated delinquent of an offense as a juvenile that required “Tier III” registration and he or she has maintained a clean record for twenty-five (25) consecutive years.

**(C)** Clean Record – For purposes of Section 421(B), the Reduction of Registration Period, a person has a clean record if:

**(1)** He/She has not been convicted of any offense, for which imprisonment for more than one(1) year may be imposed with the exception of Felonious Tribal Offenses,

**(2)** He/She has not been convicted of any sex offense,

**(3)** He/She has successfully completed, without revocation, any period of supervised release, probation, or parole, and

**(4)** He/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.

**Sec. 422 Requirements for In Person Appearances**

**(A)** Photographs – At each in person verification, the sex offender shall permit the Alabama-Coushatta Police Department to take a photograph of him/her.

**(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 Alabama-Coushatta Police Department shall immediately notify all other jurisdictions in which the sex offender is required to register of the information or change in information.

**(D)** If any new information or change in information is obtained at an in person verification, the Alabama-Coushatta Police Department shall immediately update the public website, if applicable, and update information in NCIC/NSOR.



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agent within three (3) business days of sentencing for the registration offense, and

(3) Within three (3) business days of establishing a residence, commencing employment, or becoming a student on the Reservation Lands subject to the jurisdiction of the Tribe any and all sex offenders subject to the provisions herein must appear in person to register with the Alabama-Coushatta Police Department.

(B) Duties of the Alabama-Coushatta Police Department – The Alabama-Coushatta Police Department shall have policies and procedures in place to ensure the following:

(1) That any sex offender incarcerated or sentenced by the Tribe for a covered sex offense completes their initial registration with the Tribe,

(2) That the sex offender reads, or has read to him/her, and signs a form stating that the duty to register has been explained to him/her and that he/she understands the registration requirements,

(3) That the sex offender is registered, and added to the public website if applicable,

(4) That upon entry of the sex offender’s information into the registry, that information is immediately forwarded to all other jurisdictions in which the sex offender is required to register due to the sex offender’s residency, employment, or student status, and

(5) That all information is entered and updated in NCIC/NSOR.

**Sec. 503 Retroactive Registration**

(A) Retroactive Registration – The Alabama-Coushatta Police Department shall have in place policies and procedures to ensure the following three categories of sex offenders are subject to the registration and updating requirements of this Code:

(1) Sex offenders incarcerated or under the supervision of the Tribe, whether for a covered sex offense or other crime,

(2) Sex offenders already registered or subject to a pre-existing sex offender registration requirement, and

(3) Sex offenders reentering the justice system due to conviction for any crime.

(B) Timing of Recapture – The Alabama-Coushatta Police Department shall ensure recapture of the sex offenders mentioned in Section 503 (A) within the following timeframe to be calculated from the date of passage of this Code:

(1) For Tier I sex offenders, 1 year,

(2) For Tier II sex offenders, 180 days, and

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(3) For Tier III sex offenders, 90 days.

**Sec. 504 Keeping Registration Current**

(A) Jurisdiction of Residency – Any and all sex offenders who reside in lands subject to the jurisdiction of the Tribe who are required to register in this jurisdiction shall immediately appear in person and notify the Alabama-Coushatta Police Department of the following:

- (1) Any changes of their name, residence (including termination of residency), employment, or school attendance,
- (2) Any changes to their temporary lodging information, and /or
- (3) Any changes to their vehicle information, internet identifiers, or telephone numbers.

In the event of a change in temporary lodging of over seven (7) days the sex offender shall immediately notify the designated registering agent for the Tribe and they in turn shall notify the jurisdiction in which the sex offender will be temporarily staying.

(B) Jurisdiction of School Attendance – Any sex offender who is a student in any capacity, within lands subject to the jurisdiction of the Tribe regardless of location that change their school, or otherwise terminate their schooling, shall immediately appear in person before the Alabama-Coushatta Police Department to update that information. The Alabama-Coushatta Police Department in turn 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 employed within lands subject to the jurisdiction of the Tribe regardless of location that change their employment, or otherwise terminate their employment, shall immediately appear in person before the Alabama-Coushatta Police Department to update that information. The Alabama-Coushatta Police Department in turn 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.

**Sec. 505 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 herein, the Alabama-Coushatta Police Department 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.

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**(B)** Absconded Sex Offenders – If the Alabama-Coushatta Police Department receives information that a sex offender has absconded they shall make an effort to determine if the sex offender has actually absconded.

**(1)** In the event no determination can be made, the Alabama-Coushatta Police Department shall ensure that all appropriate law enforcement agencies are 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 following steps should be taken by the Alabama-Coushatta Police Department:

**(a)** Update the registry/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 subject to the guidelines herein, fails to register or otherwise violates a registration requirement, the Alabama-Coushatta Police Department shall take all appropriate follow-up measures including those outlined in Section 505(B) an effort should be made to determine if the sex offender actually resides, is employed, or attending school in the Reservation Lands subject to the Tribe’s jurisdiction.

**CHAPTER 6****PUBLIC SEX OFFENDER REGISTRY WEBSITE****Sec. 601**     **Website**

**(A)** Website – The Alabama-Coushatta Tribe of Texas Sex Offender Registry (“ACSOR”) website shall be used and maintained by Alabama-Coushatta Police Department. The Tribe has chosen to utilize the Territory Sex Offender Registry System (“TTSORS”) software in development and operation of same.

**(B)** Links – The ACSOR website shall include links to sex offender safety and education resources.

**(C)** Instructions – The ACSOR shall include instructions on how a person can seek correction of information that the individual contends is erroneous.

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**(D)** Warnings – The ACSOR shall include a warning that the information contained on the website should not be used to unlawfully injure, harass, or commit a crime against any individual named in the registry or residing or working at any reported addresses and that any such action could result in civil and/or criminal penalties.

**(E)** Search Capabilities – The ACSOR 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)** Dru Sjodin National Sex Offender Public Website – The Tribe shall include in the design of its registry website all field search capabilities needed for full participation in the Dru Sjodin National Sex Offender Public Website and shall participate in that website as provided by the Attorney General of the United States.

**Sec. 602      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 he/she has absconded,
- (2)** All sex offense(s) for which the sex offender has been convicted,
- (3)** The sex offense(s) for which the sex offender is currently registered,
- (4)** The address of his/her employer(s),
- (5)** The sex offender’s name 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 Alabama-Coushatta Police Department may honor the request of the United

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States Marshals Service or other agency responsible for witness protection by not including the original identity of the offender on the publicly accessible sex offender registry website.

**Sec. 603      Community Notifications**

**(A)** Law Enforcement Notification – Whenever a sex offender registers or updates his/her information with the Tribe, the Alabama-Coushatta 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,
- (3)** Immediately notify any agency, department, or program within the Tribe that is responsible for criminal investigation, prosecution, child welfare, or sex offender supervision functions, including but not limited to, the police, whether BIA, Tribal, or FBI, Tribal prosecutors, and Tribal probation,
- (4)** Immediately notify any and all other registration jurisdictions where the sex offender is registered due to the sex offender’s residency, school attendance, or employment,
- (5)** Immediately notify National Child Protection Act agencies, which includes any agency responsible for conducting employment-related background checks under Section 3 of the National Child Protection Act of 1993 (42 U.S.C. 5119a) when a sex offender registers or updates registration,
- (6)** Enter or update information posted on the public website.

**(B)** Community Notification – The TTSORS software utilized for the Alabama-Coushatta Sex Offender Registry website serves is the automated community notification process for the Tribe, that ensures the following:

- (1)** Upon a sex offender’s registration or update of information with the Tribe, the Tribe’s public sex offender registry website is immediately updated,
- (2)** The Tribe’s public sex offender registry has a function that enables the general public to request an email 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 email notice shall include the sex offender’s identity so that the public can access the public registry for the new information.



**Title IX– Sex Offender Registration and Notification Code/C.C.J.****CHAPTER 7 IMMUNITY****Sec. 701 No Waiver of Immunity, Good Faith**

**(A)** No waiver of immunity – Nothing under this chapter shall be construed as a waiver of sovereign immunity for the Alabama-Coushatta Tribe of Texas, its departments, agencies, employees, or agents.

**(B)** Good faith – Any person acting under good faith of this Code shall be immune from any civil liability arising out of such actions.

**CHAPTER 8 CRIMINAL SANCTIONS****Sec. 801 Enforcement of the Code**

**(A)** Criminal penalty – Each violation of a provision contained herein by a sex offender shall be guilty of a Class A misdemeanor, which carries up to one (1) year in prison or a fine of up to \$5,000, or both.