



**RESOLUTION OF THE GOVERNING BODY
OF THE
THREE AFFILIATED TRIBES
OF THE
FORT BERTHOLD INDIAN RESERVATION**

A Resolution Entitled: “Adoption of a Three Affiliated Tribes Sex Offender’s Registration and Notification Statute.”

- WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having adopted a Constitution and By-laws pursuant to said Act; and
- WHEREAS,** Article III of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; and
- WHEREAS,** The Constitution of the Three Affiliated Tribes authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and
- WHEREAS,** Article VI, Section 5 (l) of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council has the power to adopt resolutions regulating the procedure of the Tribal Business Council and other Tribal agencies and Tribal officials on the Reservation; and
- WHEREAS,** The increase in sexual offenses in the United States and Indian Country by repeat sexual offenders has prompted the United States Congress and the States to enact sex offender registration and notification laws with stricter criminal penalties for violations; and
- WHEREAS,** The Three Affiliated Tribes is a sovereign Nation and therefore the North Dakota sex offenders registration laws do not apply on the Fort Berthold Indian Reservation; and
- WHEREAS,** The United States Congress currently has pending before it a Bill to require that all jurisdictions, including Indian Tribes, adopt sex offender registration laws; and
- WHEREAS,** The Three Affiliated Tribes does not have a sex offenders registration and notification law and Tribal Business Council believes that it is in the best interests of the Tribes and its members to adopt a Tribal Sex Offenders Registration and Notification Statute.
- NOW THEREFORE BE IT RESOLVED,** that the Tribal Business Council of the Three Affiliated Tribes hereby adopts the attached Statute entitled “Three Affiliated Tribes Sex Offenders Registration and Notification Act”; and
- BE IT FURTHER RESOLVED,** that this Statute shall be adopted and codified into the Three Affiliated Tribes Tribal Criminal Code as Chapter 4 (e) of Title III.



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A Resolution Entitled: “*Adoption of a Three Affiliated Tribes Sex Offender’s Registration and Notification Statute.*”

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having adopted a Constitution and By-laws pursuant to said Act; and

WHEREAS, Article III of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; and

WHEREAS, The Constitution of the Three Affiliated Tribes authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and

WHEREAS, Article VI, Section 5 (l) of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council has the power to adopt resolutions regulating the procedure of the Tribal Business Council and other Tribal agencies and Tribal officials on the Reservation; and

WHEREAS, The increase in sexual offenses in the United States and Indian Country by repeat sexual offenders has prompted the United States Congress and the States to enact sex offender registration and notification laws with stricter criminal penalties for violations; and

WHEREAS, The Three Affiliated Tribes is a sovereign Nation and therefore the North Dakota sex offenders registration laws do not apply on the Fort Berthold Indian Reservation; and

WHEREAS, The United States Congress currently has pending before it a Bill to require that all jurisdictions, including Indian Tribes, adopt sex offender registration laws; and

WHEREAS, The Three Affiliated Tribes does not have a sex offenders registration and notification law and Tribal Business Council believes that it is in the best interests of the Tribes and its members to adopt a Tribal Sex Offenders Registration and Notification Statute.

NOW THEREFORE BE IT RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes hereby adopts the attached Statute entitled “Three Affiliated Tribes Sex Offenders Registration and Notification Act”; and

BE IT FURTHER RESOLVED, that this Statute shall be adopted and codified into the Three Affiliated Tribes Tribal Criminal Code as Chapter 4 (e) of Title III.

TITLE III
Chapter 4 (e)

SEX OFFENDERS REGISTRATION AND NOTIFICATION ACT

Section 1. Title. This code shall be cited as the Three Affiliated Tribes “Sex Offender Registration and Notification Act”.

Section 2. Purpose. The purpose of this code is to assist the Tribe and law enforcement in identifying and tracking sex offenders to prevent future sex offenses, especially those against children, and to inform and alert the public when a sex offender is residing or located on the Reservation in the interests of community safety.

Section 3. Definitions. The following definitions shall apply to this code:

- 1) Law enforcement agency: means the law enforcement agency on the Reservation which is authorized to provide law enforcement services to the Three Affiliated Tribes pursuant to federal and tribal law;
- 2) Registry: means the Mandan, Hidatsa and Arikara Nation Sex Offender Registry established pursuant to this code;
- 3) Reservation: means the Fort Berthold Indian Reservation as established by the Act of March 3, 1891 (26 Stat. 1032) and by Executive Order dated June 17, 1892;
- 4) Misdemeanor sex offense: means a sex offense against a minor punishable by imprisonment for not more than one year;
- 5) Serious sex offense: means any of the following:
 - a. A sex offense punishable under the laws of any jurisdiction by imprisonment for more than one year; or
 - b. Any federal offense under chapter 109A, 110, 117 or section 1591 of Title 18, United States Code;
- 6) Sex offender: means an individual who, either before or after enactment of this code, was convicted of, or adjudicated a juvenile delinquent for, an offense (other than an offense involving sexual contact where the victim was at least 13 years of age and offender was not more than 4 years older than the victim and the sexual contact was consensual) whether tribal, federal, state, military, juvenile or other that is:
 - a. A specified offense against a minor;

- b. A serious sex offense;
 - c. A tribal sex offense; or
 - d. A misdemeanor sex offense against a minor.
- 7) Sex offense: means a criminal offense that has an element involving a sexual act or sexual contact with another, or an attempt or conspiracy to commit such an offense;
- 8) Specified offense against a minor: means an offense against a minor that involves any of the following:
- a. Non-parental kidnapping;
 - b. Solicitation to engage in sexual conduct;
 - c. Use in a sexual performance;
 - d. Solicitation for prostitution;
 - e. Possession, production or distribution of child pornography;
 - f. Criminal sexual conduct towards a minor;
 - g. Any conduct that by its nature is a sexual offense against a minor.

Section 4. Tribal sex offender registry. There is hereby established the Mandan, Hidatsa and Arikara Nation Sex Offender Registry which shall consist at a minimum of a database of all registered sex offenders on the Reservation and the information required by Section 6 of this code. The Reservation law enforcement agency shall maintain the Sex Offender Registry.

Section 5. Registration requirement. Any sex offender who currently resides, works or attends school on the Fort Berthold Indian Reservation or who enters upon the Reservation for the purpose of residing, working or attending school shall register as a sex offender with the Reservation law enforcement agency. A sex offender shall initially register before completing a sentence of imprisonment from any tribal, federal or state jurisdiction with respect to the offense giving rise to the registration requirement, or not later than 10 days after being sentenced for an offense, if the sex offender is not sentenced to a term of imprisonment. Sex offenders convicted of a sex offense before the enactment of this code shall be required to register. The Reservation law enforcement agency shall notify all known sex offenders residing on the Reservation of the duty to register. Notification shall be in writing by certified mail. Upon receipt of such notification, the sex offender shall have 10 days to register. Any sex offender who has not previously registered and who enters the Reservation for the purpose of residing, working or attending school shall register within 10 days of entering onto the Reservation.

Section 6. Information required in registration. The sex offender shall provide the following information to the law enforcement agency for inclusion in the sex offender registry:

- 1) The full name of the sex offender including any alias used by the offender;
- 2) The social security number of the sex offender;

- 3) The address and location of the residence at which the sex offender resides or will reside;
- 4) The place which the sex offender is employed or will be employed;
- 5) The place where the sex offender is a student or will be a student;
- 6) The license plate number of any vehicle owned or operated by the sex offender;
- 7) Details regarding the sex offense conviction, including date, location and specific offense;
- 8) A photograph of the sex offender; and
- 9) A set of fingerprints and palm prints of the sex offender, if it is determined that the law enforcement agency does not already have available an accurate set.

The law enforcement agency shall include the following information in the registry for that sex offender:

- 1) A statement of the facts giving rise to the requirement to register under this code;
- 2) The criminal history of the sex offender; and
- 3) Any other information deemed relevant by the law enforcement agency.

Section 7. Semi-annual verification. A sex offender shall appear in person and verify the information in the registry to the Reservation law enforcement agency not less frequently than once every six months.

Section 8. Notification of changes in address or employment. A sex offender shall notify the Reservation law enforcement agency each time the offender moves or changes employment and shall also notify law enforcement when the offender leaves the Reservation permanently.

Section 9. Duration of registration requirement. A sex offender shall keep the registration current as follows:

- 1) For the life of the sex offender, if the offense is specified offense against a minor or a serious sex offense; and
- 2) For a period of 10 years, in any other case.

Section 10. Community notification. The Reservation law enforcement agency shall ensure that the tribal community is adequately notified when a sex offender is added to the registry. The registry shall be made available to the public upon request. The law enforcement agency shall provide a list of all individuals included on the registry on a quarterly basis or upon specific requests to the following:

- 1) All public schools, head start centers, day care centers, and boys and girls clubs on the Reservation;
- 2) All tribal housing entities;

- 3) Any agency on the Reservation required to perform an employment related background investigation pursuant to PL 101-630; and
- 4) Any social service agency on the Reservation;
- 5) Each of the 6 segments on the Reservation through the respective Segment Office.

The Reservation law enforcement agency may publish information regarding sex offenders in local newspapers when it is determined to be in the best interests of the community and the safety of the residents of the Reservation. The registry may also be published on the Mandan, Hidatsa and Arikara Nation website.

Section 11. Failure to comply as a class A misdemeanor. Failure to comply with the registration requirement set out in section 5, the verification requirements set out in section 7 or the notification requirements set out in section 8 of this code is a class A misdemeanor.

Section 12. Civil Enforcement. In the event it is determined that the Tribe does not have jurisdiction to enforce the criminal provisions of this code against an individual who is in violation of any of its requirements, the individual shall be subject to a civil penalty and fine not to exceed \$1000. In addition to the civil penalty provisions of this section, any non-member who is found to be in violation of this code may be permanently excluded or banished from the Reservation.

Section 13. Cooperative agreements with state and local governments. The Tribe or the Reservation law enforcement agency may enter into cooperative agreements with state and local units of government for the express purpose of ensuring that the terms of this code are complied with and enforced and for sharing information regarding convicted sex offenders. Any such agreements entered into shall not in any manner diminish or relinquish the sovereignty or jurisdiction of the Three Affiliated Tribes.

Adopted by the Three Affiliated Tribes Tribal Business Council on April 24th, 2006 pursuant to Resolution No. 06-61 NH dated April 24th, 2006.



CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 6 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 24th day of April 2006; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of members, members opposed, members abstained, members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [] voting. [] not voting.

Dated this 24th day of April 2006.

ATTEST:

Secretary, Nathan Hale
Tribal Business Council

Chairman, Tex G. Hall
Tribal Business Council

TITLE III
Chapter 4 (e)

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Chairman voting. [] not voting.

Dated this 24th day of April 2006.

Secretary, Nathan Hale
Tribal Business Council

ATTEST:

Chairman, Tex G. Hall
Tribal Business Council