

TITLE XI - CRIMINAL PROCEDURE

CHAPTER EIGHT SEXUAL OFFENDER REGISTRATION AND NOTIFICATION

Sec. 801-1. Short Title

This Chapter may be cited as the Sac and Fox Nation “Sexual Offender Registration and Notification Act” (SFN SORNA).

Sec. 801-2. Purpose

In order to protect the Indian and non-Indian public within the Sac and Fox jurisdiction from sex offenders and offenders against children, and in response to vicious attacks by violent predators and the historical duty and protection owed to children by the Nation, and in attempting to comply with the federally enacted Adam Walsh Child Protection and Safety Act of 2006, the Sac and Fox Nation hereby establishes a tribal registration system for those offenders that impact children, adults, health, and peace within the Nation or enter the Nation’s jurisdiction.

The Business Committee finds that sex offenders who commit other predatory acts against children and persons who prey on others pose a high risk of re-offending after release from custody. The Business Committee further finds that the privacy interest of persons adjudicated guilty of these crimes is less important than the Nation's interest in public safety. The Business Committee additionally finds that a system of registration will permit law enforcement officials to identify and alert the public, and allow the public to be aware of potential threats, all as necessary for the public’s safety.

Sec. 801-3. Definitions

In this title the following definitions apply:

(a) “Convicted”

(1) refers to a person that has been convicted, whether upon a verdict, plea of guilty, a plea of nolo contendere, a suspended or deferred sentence, received any probationary term, is currently serving a sentence or any form of probation or parole for a crime or an attempt to commit a crime, with respect to a sex offense.

(2) includes juveniles adjudicated delinquent, 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 section 231 of Sac and Fox Codes, Title 10), or was an attempt or conspiracy to commit such an offense.

(3) is without regard to prior lapse of government supervision regarding the conviction, expungement of the conviction due to complying with the terms of the sentence or sealing of the criminal record. *Provided*, any conviction that has been overturned or reversed upon final judicial appeal shall not be considered a conviction for purposes of this Act.

(b) "Criminal Offense" means a Tribal, State, local, foreign, or military offense (to the extent specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (10 U.S.C. 951 note)).

(c) "Employee" includes an individual who is self-employed or works for any other entity, whether compensated or not.

(d) "Jurisdiction " - means any of the following:

- (1) a federally recognized Indian tribe;
- (2) the District of Columbia;
- (3) the Commonwealth of Puerto Rico;
- (4) Guam;
- (5) American Samoa;
- (6) the Northern Mariana Islands;
- (7) the United States Virgin Islands;
- (8) a State

(e) "Minor" means an individual who has not attained the age of 18 years.

(f) "Resides" means, with respect to an individual, the location of the individual's home or other place where the individual habitually lives.

(g) "Sex Offender" - means an individual who was convicted of a sex offense within the Sac and Fox Nation or by any court of another Indian tribe, state court, federal or military court or any other jurisdiction.

(h) "Sex Offense" -

(1) Except as limited by sub-paragraph (2) or (3), "sex offense" means--

(A) a criminal offense that has an element involving a sexual act or sexual

contact with another;

(B) a criminal offense that is a specified offense against a minor;

(C) a Federal offense (including an offense prosecuted under section 1152 or 1153 of title 18, United States Code) under section 1591, or chapter 109A, 110 (other than section 2257, 2257A, or 2258), or 117, of title 18, United States Code;

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

(E) a crime for which the offender is required by another jurisdiction to register under that jurisdiction's sexual offender registration act pursuant to or under compliance with the Federal Sexual Offender Registration and Notification Act 42 U.S.C. Sec. 16901, et seq.

(F) an attempt or conspiracy to commit an offense described in clauses (A) through (E).

(2) Foreign Convictions.--A foreign conviction is not a sex offense for the purposes of this title if it was not obtained with sufficient safeguards for fundamental fairness and due process for the accused.

(3) Offenses Involving Consensual Sexual Conduct.--An offense involving consensual sexual conduct is not a sex offense for the purposes of this Act 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 13 years old and the offender was not more than 4 years older than the victim.

(i) "Sex Offender Registry" - means the Sac and Fox Nation's registry of sex offenders and a notification program.

(j) "Specified Offense Against a Minor" – means an offense against a minor that involves any of the following:

(1) An offense (unless committed by a parent or guardian) involving kidnapping.

(2) An offense (unless committed by a parent or guardian) involving false imprisonment.

(3) Solicitation to engage in sexual conduct.

(4) Use in a sexual performance.

(5) Solicitation to practice prostitution.

(6) Video voyeurism as described in section 1801 of title 18, United States Code.

(7) Possession, production, or distribution of child pornography.

(8) Criminal sexual conduct involving a minor, or the use of the Internet to facilitate or attempt such conduct.

(9) Any conduct that by its nature is a sex offense against a minor.

(k) "Student" means an individual who enrolls in or attends an educational institution, including (whether public or private) a secondary school, trade or professional school, and institution of higher education.

(l) "Tier I Sex Offender" - means a sex offender other than a tier II or tier III sex offender or

(1) is comparable to or more severe than the following offenses, when committed against a minor, or an attempt or conspiracy to commit such an offense against a minor:

(A) indecent proposal to a minor (as described in §238 of Title 10, Sac and Fox Codes);

(B) sexual communication with a minor (as described in §239 of Title 10, Sac and Fox Codes).

(m) "Tier II Sex Offender" - means a sex offender other than a tier I or tier III sex offender and -

(1) is comparable to or more severe than the following offenses, when committed against a minor, or an attempt or conspiracy to commit such an offense against a minor:

(A) sex trafficking (as described in §235 of Title 10, Sac and Fox Codes);

(B) coercion and enticement (as described in §236(b) of Title 10, Sac and Fox Codes);

(C) transportation with intent to engage in criminal sexual activity (as described in §237(a) of Title 10, Sac and Fox Codes);

(D) abusive sexual contact (as described in §234 of Title 10, Sac and Fox Codes);

(E) sexual battery of a minor (as described in §240 of Title 10, Sac and Fox Codes);

(2) involves--

(A) use of a minor in a sexual performance;

(B) solicitation of a minor to practice prostitution; or

(C) production or distribution of child pornography; or

(3) occurs after the offender becomes a tier I sex offender.

(n) “Tier III Sex Offender” - means a sex offender whose offense -

(1) is comparable to or more severe than the following offenses, or an attempt or conspiracy to commit such an offense:

(A) aggravated sexual abuse or sexual abuse (as described in §§231 and 232 of Title 10, Sac and Fox Codes); or

(B) abusive sexual contact (as described in §234 of Title 10, Sac and Fox Codes) against a minor who has not attained the age of 13 years;

(2) involves kidnaping of a minor (unless committed by a parent or guardian); or

(3) occurs after the offender becomes a tier II sex offender.

(o) “Attorney General” means the Attorney General of the Sac and Fox Nation.

(p) “Department” unless otherwise indicated from the context, means the Sac and Fox Nation Police Department or other Sac and Fox agency, department or office as may be assigned responsibility for registrations under of this Act.

Sec. 801-101. Registry Established

(a) The Sac and Fox Nation shall maintain a sex offender registry conforming to the requirements of the federal Sex Offender Registration and Notification Act, 42 USC 16901 et seq, as amended.

(b) The Attorney General may issue guidelines and regulations, with the advice and consent of the Business Committee, to interpret and implement this Act.

Sec. 801-102. Registry Requirements for Sex Offenders

(a) A sex offender shall register with the Sac and Fox Nation, and keep the registration current, whenever the offender

(1) resides, is an employee, and/or is a student within the Sac and Fox jurisdiction.

(2) (A) they are within the Nation for, but not limited to, medical care, pow-wow, cultural or religious activities or sponsored events, or government assistance or functions.

(B) For purposes of this Act, within means when the person enters and intends to be in the jurisdiction for one day or longer for any purpose, including but not limited to any type of full or part-time employment (with or without compensation), appears for or seeks medical treatment, government assistance or attends religious, ceremonial, funeral or other such activities, within this Nation. Such registration is required immediately upon entering the Nation;

(C) When within the Nation a sex offender shall immediately present themselves to the Department to inform the Department of their intent of being present at the Nation, the reason for and duration of the visit. The Department may place such restrictions or requirements upon the Offender, including but not limited to clear identification of their status as a sex offender, as deemed appropriate for the safety of the Nation and the general public for the duration of the offender's visit.

(D) A day under this section shall mean any part of one calendar day, regardless of duration;

(3) is convicted by the Sac and Fox Nation regardless of residence.

(b) Initial Registration.--The sex offender shall initially register:

(1) before completing a sentence of imprisonment with respect to the offense giving rise to the registration requirement; or

(2) not later than 3 business days after being sentenced for that offense, if the sex offender is not sentenced to a term of imprisonment.

(3) upon the first appearance within the Sac and Fox Jurisdiction.

(c) Keeping the Registration Current. A sex offender shall, not later than 3 business days after each change of name, residence, employment, or student status, or Sac and Fox jurisdiction visitation status, appear in person pursuant to subsection (a) and inform the Nation of all changes in the information required for that offender in the sex offender registry. The Nation shall immediately provide that information to all other jurisdictions in which the offender is required to register. The requirement for in person appearance by the offender is waived if the offender appears in person in another jurisdiction where the offender is required to register and informs that jurisdiction of the change in status pursuant to requirements under the federal SORNA (42 U.S.C. §16901, et seq.) section 113.

(d) Initial Registration of Sex Offenders Unable to Comply with Subsection (b). The Attorney General shall have the authority to specify the applicability of the requirements of this title to sex offenders convicted before the enactment of this Act and to prescribe rules for the registration of any such sex offenders and for other categories of sex offenders who are unable to comply with subsection (b).

Sec. 801-114. Information Required in Registration

(a) Provided by the Offender. The sex offender shall provide the following information in a form approved by the Department to the appropriate official for inclusion in the sex offender registry:

(1) The name of the sex offender and all aliases used or under which the person has been known.

(2) The Social Security number of the sex offender.

(3) The address of each residence at which the sex offender resides or will reside, how long the person has resided there, how long the person expects to reside there, and how long the person expects to remain in the Sac and Fox Nation.

(4) A description of all occupants residing with the person registering, including, but not limited to, name, date of birth, gender, relation to the person registering, and how long the occupant has resided there; and

(5) The name and address of any place where the sex offender is an employee or will be an employee.

(6) The name and address of any place where the sex offender is a student or will

be a student.

(7) The name and address of any relatives that reside with in the Nation where the sex offender regularly visits or stays.

(8) The license plate number and a description of any vehicle owned or operated by the sex offender.

(9) The offenses listed in Section 3(a), (b), (h), (j), (m) and (n) of this Act for which the person has been convicted or the person received a suspended sentence or any form of probation, where the offense was committed, where the person was convicted or received the suspended sentence or any form of probation, and the name under which the person was convicted or received the suspended sentence or probation;

(10) The name and location of each hospital or penal institution to which the person was committed for each offense listed in Section 3(a), (b), (h), (j), (m) and (n) of this Act;

(11) Any other information required by the Attorney General.

(b) The Nation shall ensure that the following information is included in the registry for the sex offender:

(1) The full name of the person and alias, a physical description of the sex offender including date of birth, sex, race, height, weight, eye color, tattoos and other distinctive marks or features;

(2) The text of the provision of law defining the criminal offense for which the sex offender is registered;

(3) The criminal history of the sex offender, including the date of all arrests and convictions; the status of parole, probation, or supervised release; registration status; and the existence of any outstanding arrest warrants for the sex offender;

(4) A current photograph of the sex offender;

(5) A set of fingerprints and palm prints of the sex offender;

(6) A DNA sample of the sex offender;

(7) A photocopy of a valid driver's license or identification card issued to the sex offender by a jurisdiction;

(8) The name and location of each hospital or penal institution to which the person was committed for each offense listed in Section 3(a), (b), (h), (j), (m) and (n) of this Act;

and

(9) Any other information required by the Attorney General.

Sec. 801-115. Duration of Registration Requirement

(a) Full Registration Period. A sex offender shall keep the registration current for the full registration period (excluding any time the sex offender is in custody or civilly committed) unless the offender is allowed a reduction under subsection (b). The full registration period is

- (1) 15 years, if the offender is a tier I sex offender;
- (2) 25 years, if the offender is a tier II sex offender; and
- (3) the life of the offender, if the offender is a tier III sex offender.

(b) Reduced Period for Clean Record.

(1) Clean Record. The full registration period shall be reduced as described in paragraph (3) for a sex offender who maintains a clean record for the period described in paragraph (2) by

(A) not being convicted of any federal or state offense for which imprisonment for more than 1 year may be imposed. Any tribal conviction shall be reviewed for its seriousness, effect upon the possible safety of the public and correspondence to crimes if committed in a jurisdiction allowed to impose sentences in excess of one year;

(B) not being convicted of any sex offense;

(C) successfully completing any periods of supervised release, probation, and parole; and

(D) successfully completing of an appropriate sex offender treatment program certified by a sentencing jurisdiction or by the Sac and Fox Attorney General.

(2) Period. In the case of

(A) a tier I sex offender, the period during which the clean record shall be maintained is 10 years; and

(B) a tier III sex offender adjudicated delinquent for the offense which required registration in a sex registry under this title, the period during which the

clean record shall be maintained is 25 years.

(3) Reduction. In the case of

(A) a tier I sex offender, the reduction is 5 years;

(B) a tier III sex offender adjudicated delinquent, the reduction is from life to that period for which the clean record under paragraph (2) is maintained.

Sec. 801-116. Periodic in Person Verification

A sex offender shall appear in person, allow the Department to take a current photograph and verify the information in the registry not less frequently than

- (1) each year, if the offender is a tier I sex offender;
- (2) every 6 months, if the offender is a tier II sex offender; and
- (3) every 3 months, if the offender is a tier III sex offender.

Sec. 801-117. Duty to Notify Sex Offenders of Registration Requirements and to Register

The Department shall, shortly before release of the sex offender from custody, or, if the sex offender is not in custody, immediately after the sentencing of the sex offender, for the offense giving rise to the duty to register:

- (a) inform the sex offender of the duties of a sex offender under this Chapter;
- (b) require the sex offender to read and sign a form stating that the duty to register has been explained and that the sex offender understands the registration requirement;
- (c) obtain the address at which the sex offender will reside; and
- (d) ensure that the sex offender is registered.

Sec. 801-118. Public Access to Sex Offender Information Through the Internet

(a) In General. Except as provided in this section, the Nation shall make available on the Internet, in a manner that is readily accessible to all jurisdictions and to the public, all information about each sex offender in the registry. The Nation shall maintain the Internet site in a manner that will permit the public to obtain relevant information for each sex offender by a single query for any given zip code or geographic radius set by the user. The Nation shall also include in the

design of its Internet site 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 United States Attorney General.

(b) Mandatory Exemptions. The Nation shall exempt from disclosure

(1) the identity of any victim of a sex offense;

(2) the Social Security number of the sex offender;

(3) any reference to arrests of the sex offender that did not result in conviction;
and

(4) any other information exempted from disclosure by the federal law or regulation.

(c) Optional Exemptions. The Nation may exempt from disclosure--

(1) any information about a tier I sex offender convicted of an offense other than a specified offense against a minor;

(2) the name of an employer of the sex offender;

(3) the name of an educational institution where the sex offender is a student; and

(4) any other information exempted from disclosure by the Attorney General.

(d) Correction of Errors.--The site shall include instructions on how to seek correction of information that an individual contends is erroneous.

(e) Warning.--The site shall include a warning that information on the site 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. The warning shall note that any such action could result in civil or criminal penalties.

Sec. 801-119. Notification of Public

(a) The Department is authorized to copy and shall distribute information from the sex offender registry to school districts and individual public and private schools within or adjacent to the Sac and Fox Nation reservation boundaries with a notice using the following or similar language: "A person whose name appears on this registry has been convicted of a sex offense. Continuing to employ a person whose name appears on this registry may result in civil liability for the employer or criminal prosecution pursuant to Tribal or State law."

(b) The Department is authorized to distribute information from the sex offender registry to any nursing home or long-term care facility within or adjacent to the Sac and Fox Nation reservation boundaries. Nothing in this subsection shall be deemed to impose any liability upon or give rise to a cause of action against any person, agency, organization, or company for failing to release information in accordance with the Sex Offenders Registration Act.

(c) When the Department sends a copy of or otherwise makes the sex offender registry available to any public or private school offering any combination of pre-kindergarten through twelfth grade classes or child care facility, the Department shall provide a notice using the following or similar language: “A person whose name appears on this registry has been convicted of a sex offense. Continuing to employ a person whose name appears on this registry may result in civil liability for the employer or criminal prosecution pursuant to Tribal or State law”

(d) Upon registration of any person designated as a Tier II or Tier III sex offender, pursuant to this Act, the Department shall notify, by any method of communication it deems appropriate, anyone that law enforcement determines appropriate, including, but not limited to:

(1) the family of the habitual or aggravated sex offender,

(2) any prior victim of the habitual or aggravated sex offender,

(3) residential neighbors and churches, community parks, schools, convenience stores, businesses and other places that children or other potential victims may frequent, and

(4) a nursing facility, a specialized facility, a residential care home, a continuum-of-care facility, an assisted living center, and an adult day care facility.

(e) The notification may include, but is not limited to, the following information:

(1) the name and physical address of the habitual or aggravated sex offender,

(2) a physical description of the habitual or aggravated sex offender, including, but not limited to, age, height, weight and eye and hair color,

(3) a description of the vehicle that the habitual or aggravated sex offender is known to drive,

(4) any conditions or restrictions upon the probation, parole or conditional release of the habitual or aggravated sex offender,

(5) a description of the primary and secondary targets of the habitual or aggravated sex offender,

(6) a description of the method of offense of the habitual or aggravated sex

offender,

(7) a current photograph of the habitual or aggravated sex offender,

(8) the name and telephone number of the probation or parole officer of the habitual or aggravated sex offender; and

(9) the risk level of the person.

Sec. 801-120. Official immunity

Nothing herein shall be deemed to have waived in any form the sovereign immunity of the Sac and Fox Nation, its officials, employees, departments or agencies. Such entities and individuals are immune from civil liability for good faith conduct under any provision of the Sex Offenders Registration Act.

(a) Nothing in the Sex Offenders Registration Act shall be deemed to impose any liability upon or to give rise to a cause of action against any Sac and Fox official, employee, department or agency for releasing information to the public or for failing to release information in accordance with the Sex Offenders Registration Act.

(b) Nothing in this section shall be construed to prevent law enforcement officers from notifying members of the public of any persons that pose a danger under circumstances that are not enumerated in the Sex Offenders Registration and Notification Act.

Sec. 801-201. Prohibited Offender Employment

(a) It is unlawful for any person required to be registered pursuant to the Sex Offenders Registration and Notification Act to work with or provide services to children or to work on school premises, or for any person or business which contracts for work to be performed on school premises to knowingly and willfully allow any employee to work with children or to work on school premises who is registered pursuant to the SORNA.

(b) (1) A person or business who offers or provides services to children shall ensure compliance with subsection A of this section by conducting a name search of employees at least annually against the registries maintained pursuant to SORNA while such person is working with or serving children. All persons working with or providing services to children shall be required to sign a statement declaring that he or she is not currently required to register under the provisions of SORNA. Compliance with the signed statement shall be mandatory for all persons working with or providing services to children, and there shall be no liability or obligation placed upon any person or business to ascertain the truthfulness of the affidavit.

(2) Failure of any person or business who works with or provides services to children to conduct the annual name search of each person employed shall be a civil violation of this Section. Refusal of any person who is employed to work with or provide services to children to sign a statement declaring they have no requirement to register as provided in this section shall be a civil violation of this Section, and the person shall be immediately terminated from employment. Any person discovering an employment or registration violation as required by any provision of law for any person currently employed to work with or provide services to children has a duty to and shall immediately report such findings to the Department.

(c) It is unlawful for anyone to work as or be authorized to act as a peace officer or criminal investigator who has received a verdict of guilty or pled guilty or nolo contendere to any offense required to register pursuant to the Sex Offenders Registration and Notification Act, including those receiving a verdict of guilt, pleading guilty or nolo contendere as part of a deferred judgment or other provision of law authorizing a delayed or suspended judgment or sentence. Every person receiving a verdict of guilty or pleading guilty or nolo contendere to any offense required to register pursuant to SORNA shall be prohibited from being a peace officer, private investigator, or security guard, and if at the time of the verdict or plea such person has been previously certified as such, the certification shall be revoked or null and void within the Sac and Fox Nation.

(d) A registered sex offender who is convicted of an Offender Employment Violation shall be guilty of a crime punishable by a fine not to exceed One Thousand Dollars (\$1,000.00), incarceration for a period of not more than Six (6) months, or banishment for not more than Five (5) years or a combination of fines, incarceration or banishment.

(e)(1) Notwithstanding any criminal penalties which may be imposed, violators of this section may have a civil penalty imposed not to exceed \$2,500 per day for each day of non-compliance.

(2) The determination of the amount of civil penalty shall include, but not be limited to, the consideration of such factors as the nature, circumstances and gravity of the violation or violations, the economic benefit, if any, resulting to the respondent from the violation, the history of such violations and respondent's degree of culpability and good faith compliance efforts. For purposes of this section, each day, or part of a day, upon which such violation occurs shall constitute a separate violation.

(3) The Department may, pursuant to the Sac and Fox Rules of Civil Procedure, seek an ex parte Court order enforcing the prohibition on employment provisions of this Section.

Sec. 801-202. Residency restriction

(a) It is unlawful for any person registered pursuant to the Sex Offenders Registration Act

to reside, either temporarily or permanently, within a two-thousand-foot radius of any public or private school site, educational facility or institution, a playground or park that is established, operated or supported in whole or in part by the Nation, or any city, county, state, federal or tribal government, or child care center. Establishment of a day care center or park in the vicinity of the residence of a registered sex offender will not require the relocation of the sex offender or the sale of the property. On the effective date of this Act, the distance indicated in this section shall be measured from the nearest property line of the residence of the person to the nearest property line of the public or private school site, educational institution, playground, park, or licensed child care facility; provided, any nonprofit organization established and housing sex offenders prior to the effective date of this provision shall be allowed to continue its operation.

(b) Nothing in this provision shall require any person to sell or otherwise dispose of any real estate or home acquired or owned prior to the conviction of the person as a sex offender.

(c) The provisions of this section shall not apply to any registered sex offender residing in a hospital or other facility certified or licensed by the Nation or the State of Oklahoma to provide medical services.

(d) Any person willfully violating the provisions of this section by intentionally moving into any neighborhood or to any real estate or home within the prohibited distance shall, upon conviction, be guilty of a crime punishable by a fine not to exceed Three Thousand Dollars (\$3,000.00), or by imprisonment for not less than ninety (90) days nor more than one (1) year, or banishment from the tribal jurisdiction for a period of not more than five years, or by a combination of such fine, imprisonment and banishment. Any person convicted of a second or subsequent violation of this section shall be punished by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by imprisonment for a term of not less than six (6) months, or banishment from the tribal jurisdiction for a period of not more than ten years, or by a combination of such fine, imprisonment and banishment.

(e) Notwithstanding any criminal penalties which may be imposed, violators of this section may have a civil penalty imposed by the Department not to exceed \$1,000 per day for each day of non-compliance.

Sec. 801-203. Individual Dwelling Residency Restrictions - Two or More Sex Offenders

(a) It is unlawful for two or more persons required to register as sex offenders to reside together in any individual dwelling during the term of registration as a sex offender. Every person violating this provision shall be guilty, upon conviction, of a crime punishable by imprisonment in the jail for a term not more than six (6) months and a fine in an amount not to exceed One Thousand Dollars (\$1,000.00). Every person convicted of a second or subsequent violation of this section shall be punishable by imprisonment for a term not more than one (1) year and a fine in an amount not to exceed Two Thousand Five Hundred Dollars (\$2,500.00).

(b) The provisions of paragraph 1 of this subsection shall not be construed to prohibit a

registered sex offender from residing in any properly zoned and established boarding house, apartment building or other multi-unit structure; provided the individual dwellings are separate for each registered person. Nothing in this subsection shall prohibit the sharing of living quarters, jail or prison space, or any multi-person or dormitory-style housing of sex offenders in the custody of any jail or correctional facility or any properly zoned facility under contract with a jail or correctional agency for the purpose of housing prisoners, or any properly established treatment or nonprofit facility located in a commercial zoned area and housing persons for purposes of sex offender services and treatment. Nothing in this subsection shall prohibit married persons, both of whom are required to register as sex offenders, or two or more blood relatives who are required to register as sex offenders, from residing in any individual dwelling during the term of registration as a sex offender.

(c) For purposes of this subsection, “individual dwelling” means:

(1) a private residential property, whether owned, leased or rented, including all real property zoned as single-family residential property or zoned as multi-family residential property due to any adjacent, detached or separate living quarters of any kind on such property,

(2) any room available within any boarding house or group home as such term is defined by subsection (4) of this section,

(3) any single apartment for rent or lease within an apartment building, or

(4) any separate residential unit made available for sale, rent or lease within a multi-unit structure, including a condominium, duplex, triplex, quadriplex or any unit that is constructed together with other separate units into one structure.

Sec. 801-204. Zone of Safety - Schools, Child Care Centers, Playgrounds and Parks

(a) A zone of safety is hereby created around elementary, junior high, and high schools, child care centers, playgrounds, and parks. A person is prohibited from loitering within three hundred (300) feet of any elementary, junior high, or high school, child care facility, playground, or park if the person has been convicted of a crime that requires the person to register pursuant to the Sex Offenders Registration and Notification Act or the person has been convicted of an offense in another jurisdiction, which offense if committed or attempted in this jurisdiction, would have been punishable as one or more of the offenses listed in Title 10, Sac and Fox Codes, Subchapter 2a.

(b) A person convicted of a violation of subsection (a) of this section shall be guilty of a crime punishable by a fine not exceeding Two Thousand Five Hundred Dollars (\$2,500.00), or by imprisonment in the tribal jail for a term of not more than Six Months (6) months, or by both such fine and imprisonment. Any person convicted of a second or subsequent violation of subsection (a) of this section shall be punished by a fine not exceeding Five Thousand Dollars (\$5,000.00), or

by imprisonment a term of not less than three (3) months, or by both such fine and imprisonment. This proscription of conduct shall not modify or remove any restrictions currently applicable to the person by court order, conditions of probation or as provided by other provision of law.

(c) (1). A person shall be exempt from the prohibition of this section regarding a school or a licensed child care facility only under the following circumstances:

(A) the person is the custodial parent or legal guardian of a child who is an enrolled student at the school or child care facility, and

(B) the person is enrolling, delivering or retrieving such child at the school or child care facility during regular school or facility hours or for school-sanctioned or child-care-facility-sanctioned extracurricular activities.

(2) This exception shall not be construed to modify or remove any restrictions applicable to the person by court order, conditions of probation, or as provided by other provision of law.

(d) The provisions of subsection (a) of this section shall not apply to any person receiving medical treatment at a hospital or other facility certified or licensed by the Sac and Fox Nation or the State of Oklahoma to provide medical services. As used in this subsection, “medical treatment” shall not include any form of psychological, social or rehabilitative counseling services or treatment programs for sex offenders.

(e) Nothing in this section shall prohibit a person, who is registered as a sex offender pursuant to the Sex Offenders Registration Act, from attending a recognized church or religious ceremony for worship, ceremonies, feasts or similar religious activities; provided, the person has notified the religious leader(s) of his or her status as a registered sex offender and the person has been granted written permission by the religious leader(s) and otherwise complies with the registration and notification requirements of this Act.

Sec. 801-301. False or misleading registration information

No person subject to the provisions of this Act, shall furnish any false or misleading information in the registration required by said Act.

Sec. 801-302. Failure to Comply - Crime

Except where otherwise stated, failure of a sex offender to comply with the requirements of this Act shall be a crime punishable by a fine of not more than \$5000, imprisonment of not more than 1 year, banishment from the tribal jurisdiction of not more than 10 years or a combination of a fine, imprisonment or banishment.

Sec. 801-303. Failure to Comply - Civil Enforcement

In addition to any criminal penalties for failure of a sex offender to comply with the requirements of this title, except where otherwise stated, failure to comply with the provisions of this Act shall subject the non-complying offender to a civil penalty of not more than \$5000 per incident. Each day wherein the offender fails to come into compliance shall be a separate violation. Any vehicle, tool, implement, cash, security, property real or personal, or other item that assists the offender to come to, visit, appear, or stay in the Nation in violation of this Act shall be subject to seizure and forfeiture. Such fine and seizure shall be issued by the Department. The Attorney General shall be authorized to assist in enforcement of this section.