

LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA INDIANS

TRIBAL CODE OF LAW

**CHAPTER 75 – SEX OFFENDER REGISTRATION AND COMMUNITY
NOTIFICATION CODE**

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History Notes:

Adopted May 11, 2026, Resolution No. 138A(26)

SUBCHAPTER 75.1 – INTRODUCTION

§ 75.101 Title

1. This ordinance shall be known as the “Lac du Flambeau Sex Offender Registration and Community Notification Code.”

§ 75.102 Purpose

1. The purpose of this Code is to protect the health, safety, and welfare of the community, establish a uniform system for sex offender registration, provide for community notification, implement federal SORNA standards, and incorporate relevant Wisconsin law.

§ 75.103 Findings.

1. Tribal sovereignty and community values support a balanced approach that promotes accountability, healing, rehabilitation, and public safety.
2. Sex offenses cause serious harm and present recidivism risks.
3. Effective registration and notification require cooperation among authorities.

§ 75.104 Authority

1. This Code is enacted pursuant to the inherent sovereign authority of the Lac du Flambeau Band, the Tribal Constitution, and the Tribe’s police powers.
2. Article VI(a)(n) of the Lac du Flambeau Tribal Constitution authorizes the Tribal Council to promulgate codes and ordinances intended to safeguard the general welfare of tribal members and governing conduct and promote peace through law and order and the administration of justice.

§ 75.105 Construction

1. This Code shall be liberally construed to effectuate its protective purposes and ensure substantial compliance with SORNA and applicable law.
2. No waiver of sovereign immunity except as expressly stated.

§ 75.106 Sovereign Immunity

1. Nothing herein shall be construed as a waiver of the Tribe’s sovereign immunity from suit, which may only be waived by express resolution of the Tribal Council.

SUBCHAPTER 75.2 – JURISDICTION AND APPLICABILITY

§ 75.201 Jurisdiction

1. This Code applies to: any person who is required under federal or state law to register as a “sex offender” and:
 - a. resides,
 - b. is domiciled,
 - c. works,
 - d. carries on a vocation,
 - e. or is a student within the Reservation, or
 - f. who enters the Reservation for 3 or more consecutive days or an aggregate of 7 days in a 12-month period.
2. This section applies to registration, verification, notification, enforcement, and related proceedings within the Reservation and Tribal lands, and to off-reservation activities as authorized by law or agreement.

§ 75.202 Applicability to Employees and Contractors

1. This Code applies to all Tribal government employees, elected or appointed officials of the tribe, contracted consultants and/or contractors performing work on Tribal property or for Tribal programs.
2. Any person under § 75.202(1) of this section must disclose reportable convictions and complete background checks to their employer and the Lac du Flambeau Police Department.
3. Certain employment positions with the tribal government or tribal entities are restricted from employing such person unless expressly authorized by the Tribal Council after a risk assessment is satisfactorily completed and a tribal legal review has been received by the Tribal Council.

SUBCHAPTER 75.3 – DEFINITIONS

§ 75.301 General Definitions.

1. Definitions include:
 - a. Adult: Person 18 or older, or emancipated minor.
 - b. Abscond: the act of secretly or suddenly running away and hiding to avoid legal proceedings, arrest, or the terms of probation/parole.
 - c. Child: Person under 18, not emancipated.
 - d. Tribal member: enrolled member of the Tribe or other federally recognized tribe located in the United States.
 - e. Covered offense/Sex offense: Any offense defined by SORNA, Tribal law, or state (Wisconsin or others) law as a sex offense, including attempts, solicitations, conspiracies, and certain juvenile adjudications.
 - f. Delinquent: Under this code means a juvenile who has been convicted of a crime which requires registration under this code.
 - g. Direct Contact: a legal term refers to any immediate, personal interaction initiated by one person toward a protected individual, bypassing any intermediary. Includes professional or social interactions. Not to be confused with incidental contact.

- h. Tribal Employee: Includes all persons performing services for, or on behalf of, Tribal entities.
- i. Residence: Any place where a person habitually lives, sleeps, or receives mail.
- j. Reservation: The Lac du Flambeau Reservation or lands under the jurisdiction of the Tribe, pursuant to the 1854 Treaty or other government acts recognizing ownership and authority of the tribe.
- k. Transient: Person without a fixed address who habitually stays within the Reservation.
- l. Tribal Police Department: Lac du Flambeau Police Department
- m. Tribal Prosecutor: Lac du Flambeau appointed Prosecutor for the Tribal Court.
- n. Tribal Court: Lac du Flambeau Tribal Court.
- o. Tier I, II, III: As defined by SORNA and federal guidelines.

SUBCHAPTER 75.4 – TIERING AND COVERED OFFENSES

§ 75.401 Tier Assignment

1. The Tribal Police Department, in consultation with the Tribal Prosecutor, assigns each registrant a Tier (I, II, or III) consistent with SORNA.
2. Tier assignment may be appealed to the Tribal Court.

§ 75.402 Covered Offenses

1. Covered offenses under Wisconsin Statutes, but are not limited to,
 - 940.225(1): First degree sexual assault
 - 940.225(2): Second degree sexual assault
 - 940.225(3): Third degree sexual assault
 - 940.22(2): Sexual exploitation by therapist
 - 940.30: False imprisonment (if the victim was a minor and not the offender's child)
 - 940.302(2): Human trafficking (if 940.302(2)(a)1b applies)
 - 940.31: Kidnapping (if the victim was under 18 and not the victim's parent)
 - 944.06: Incest
 - 948.02(1): First degree sexual assault of a child
 - 948.02(2): Second degree sexual assault of a child
 - 948.025: Repeated act of sexual assault—same child
 - 948.05: Sexual exploitation of a child
 - 948.051: Trafficking of a child
 - 948.055: Forced viewing of sexual activity
 - 948.06: Incest with a child
 - 948.07(1)-(4): Child enticement
 - 948.075: Use of a computer to facilitate a child sex crime
 - 948.08: Soliciting a child for prostitution
 - 948.085: Sexual assault of a child placed in substitute care
 - 948.095: Sexual assault of a student by school staff

948.11(2)(a) or (am): Exposing a child to harmful materials (felony sections only)
948.12: Possession of child pornography
948.13: Convicted child sex offender working with children
948.30: Abduction of another's child
971.17: Not guilty by reason of mental disease of a listed sex offense
975.06: Sex crimes law commitment
980.01: Sexually violent person commitment
944.01: Rape (old statute)
944.10: Sexual intercourse with a child (old statute)
944.11: Indecent behavior with a child (old statute)
944.12: Enticing a child for immoral purposes (old statute)

943.01 to 943.15: Certain crimes against property if the court determines the underlying conduct was sexually motivated, and in the best interest of public safety (discretionary)

942.08: Invasion of privacy (Peeping Tom) if the court determines the underlying conduct was sexually motivated, and in the best interest of public safety (discretionary)

Chapter 940: Crimes against life and bodily security if the court determines the underlying conduct was sexually motivated, and in the best interest of public safety (discretionary)

Chapter 944: Crimes against sexual morality if the court determines the underlying conduct was sexually motivated, and in the best interest of public safety (discretionary)

Chapter 948: Crimes against children if the court determines the underlying conduct was sexually motivated, and in the best interest of public safety (discretionary)

2. Covered offenses under United States Codes (USC or federal statutes), but are not limited to:

18 U.S.C. § 1591: Sex trafficking of children
18 U.S.C. § 1801: Video voyeurism of a minor
18 U.S.C. § 2241: Aggravated sexual abuse
18 U.S.C. § 2242: Sexual abuse
18 U.S.C. § 2243: Sexual abuse of a minor or ward
18 U.S.C. § 2244: Abusive sexual contact
18 U.S.C. § 2245: Offenses resulting in death
18 U.S.C. § 2251: Sexual exploitation of children
18 U.S.C. § 2251A: Selling or buying of children
18 U.S.C. § 2252: Material involving the sexual exploitation of a minor
18 U.S.C. § 2252A: Material containing child pornography
18 U.S.C. § 2252B: Misleading domain names on the Internet
18 U.S.C. § 2252C: Misleading words or digital images on the Internet
18 U.S.C. § 2260: Production of sexually explicit depictions of a minor for import into the United States
18 U.S.C. § 2421: Transportation of a minor for illegal sexual activity

18 U.S.C. § 2422: Coercion and enticement of a minor for illegal sexual activity
18 U.S.C. § 2423: Mann Act (transporting a minor to engage in illicit conduct)
18 U.S.C. § 2424: Failure to file factual statement about an alien individual
18 U.S.C. § 2425: Transmitting information about a minor to further criminal sexual conduct

3. Covered offenses under other jurisdictions, but are not limited to,

- a) Tribal offenses as defined by the Lac du Flambeau Tribal Code
- b) Military offenses specified by the United States Department of Defense
- c) Any Juvenile adjudications available under public record disclosure for aggravated sexual abuse at age 14 or older.

§ 75.403 Substantial Equivalency

1. A sexual crime, or offense, deemed to be criminal in nature, under the authority of another jurisdiction, is effective under this code if its elements of the conviction are substantially similar to a registrable offense under SORNA, Tribal law, Federal or State law.

SUBCHAPTER 75.5 – REGISTRATION REQUIREMENTS

§ 75.501 Persons Required to Register

1. Any person convicted, adjudicated delinquent (where applicable), found not guilty by reason of insanity, or found incompetent to stand trial for a covered offense who resides, works, on the Reservation or for the tribal entity must register with the Lac du Flambeau Police Department.

§ 75.502 Timing of Registration

1. Such persons must register in person with the Tribal Police Department within 3 business days of release from custody or arrival on the Reservation, or within 3 business days of commencing residence, employment, or student status.

§ 75.503 Duration of Registration

1. Tier I: 15 years (may be reduced to 10 with proof of compliance and no further violations)
2. Tier II: 25 years
3. Tier III: Lifetime
4. Multiple convictions or aggravators may result in lifetime registration.

§ 75.504 Failure to Register

1. Any person who is required to register under this code and fails to properly and completely register shall be subject to sanctions up to and including banishment from the reservation.

§ 75.505 Absconding or Avoiding Registration

1. Any person who is registered under this code and fails to maintain contact and compliance with the Tribal Police Department under this code (abscond) shall be subject to sanctions up to and including banishment from the reservation.

§ 75.506 Retroactivity

1. Registration is required to the fullest extent permitted by law for offenders with pre-enactment or pre-arrival convictions who meet the jurisdictional criteria.

§ 75.507 Location of Registration

1. The Lac du Flambeau Tribal Police Department shall be authorized to receive and maintain all required registrations, records, and other information required under this ordinance.

SUBCHAPTER 75.6 – REGISTRATION INFORMATION AND VERIFICATION

§ 75.601 Required Information

1. Registrants must provide all information required by SORNA, federal law, and state law, including:
 - a. Criminal history
 - b. Date of birth
 - c. DNA sample
 - d. Driver's licenses, IDs, passports, immigration documents
 - e. Employment and school information
 - f. Fingerprints and palm prints
 - g. Internet identifiers
 - h. Names, aliases, tribal names
 - i. Phone numbers
 - j. Photograph
 - k. Physical description and identifying marks
 - l. Professional licenses
 - m. Residence address
 - n. Social security numbers
 - o. Temporary lodging and travel abroad
 - p. Offense information
 - q. Vehicle information

§ 75.602 Updates and Reporting

1. Registrants must report any changes to residency, employment, or conditions related to their registry to the Tribal Police Department within 3 business days.
2. Transient registrants must report to the Tribal Police Department every 30 days, or the 3rd day of every month they are located with the reservation boundaries.
3. Any extended travel by a registrant under this code outside the reservation boundaries must be reported at least 21 days in advance and such report should include an expected date of return to the reservation.

§ 75.603 Periodic Verification

1. Tier I: Annually
2. Tier II: Every 6 months
3. Tier III: Every 3 months
4. Verification includes updated photographs, proof residency, employment records and confirmation of all required registration information.

§ 75.604 Documentation

1. The Tribal Police Department may require documentation to verify updates.

SUBCHAPTER 75.7 – REGISTRY MANAGEMENT AND NOTIFICATION

§ 75.701 Registry Management

1. The Tribal Police Department shall maintain a secure, searchable Sex Offender Registry consistent with this Code, SORNA, and federal and state standards.
2. The Tribal Police reserves the right to randomly verify and require documentation of all registrants under his code.

§ 75.702 Public Website

1. The Tribal Council shall appoint a department to maintain or participate in a public sex offender registry website consistent with SORNA requirements, excluding protected data.

§ 75.703 Law Enforcement Access

1. Full registry information shall be available to Tribal law enforcement and, as permitted, to other agencies and the National Sex Offender Registry.

§ 75.704 Community Notification

1. The Tribal Police Department shall have the responsibility to disseminate relevant information to the community, provide notification to necessary parties of significant

changes in the registry, and notify victims or guardians of changes in registrant status, as permitted by law.

2. The Tribal Police Department's duty to notify the community:
 - a. Tier 1: discretionary notification to affected parties or otherwise ordered by the Court
 - b. Tier 2: Required Community Notification, including schools, public areas with child populations, other locations and affected parties, and other areas subject to court ordered conditions.
 - c. Tier 3: Mandatory Community Notification.
3. The ability of the Tribal Police Department notification responsibilities is contingent on the supervising jurisdiction ability to convey information and the compliance of the registrant.

§ 75.705 Records Retention and Expungement

1. Records shall be retained per federal standards and Tribal law.
2. If a conviction is overturned or vacated, records shall be updated or removed.

§ 75.706 Confidentiality and Data Security

1. The Tribe shall implement safeguards to protect confidential registry information and personally identifiable information.
2. The tribe recognizes the rights of all citizens in the collection, maintenance, and dissemination of all information under this code.

SUBCHAPTER 75.8 – SPECIAL POPULATIONS AND RESTRICTIONS

§ 75.801 Minors and Vulnerable Adults

1. Registrants must comply with court-ordered restrictions regarding contact with victims, minors, or vulnerable adults, and any Tribal Court conditions.

§ 75.802 Tribal Government Employment and Placement

1. No registrant may be employed or placed in positions involving direct contact with minors or vulnerable adults, access to victim records, or unsupervised access to certain facilities, unless a limited exception is granted by the Tribal Council prior to the start date of employment.
2. Any limited exception requests shall be presented to the Tribal Council in a regularly scheduled meeting, subject to tribal regulations for public meetings.

§ 75.803 Housing Restrictions

1. The Tribal Court may impose individualized housing restrictions for registrants as necessary for victim safety and community protection.

SUBCHAPTER 75.9 – DUTIES OF THE TRIBAL POLICE DEPARTMENT

§ 75.901 Registration and Verification

1. The Tribal Police Department shall register and verify offenders, collect and maintain data, and ensure timely updates to national systems.

§ 75.902 Notice to Registrants

1. The Department shall provide written notice of duties, deadlines, and verification schedules at registration and upon significant changes.

§ 75.903 Compliance Reviews and Reports

1. The Tribal Police Department may perform quarterly compliance reviews of all person who have registered with the Police Department under this code.
2. Such reports of compliance shall be recorded and maintained by the Tribal Police Department and may be available for review by written requests of the tribal membership.
3. Such compliance reports may be presented to the Tribal Council annually.

§ 75.904 Compliance Tracking

1. The Department shall issue reminders for periodic verification and track compliance.

§ 75.905 Interjurisdictional Notification

1. The Department shall notify other jurisdictions and agencies when a registrant relocates or changes status, and respond to inquiries from Tribal Council, local communities and other agencies as permitted by law.

§ 75.906 Record Correction

1. The Department shall maintain procedures to promptly correct errors and update records following court orders.

§ 75.907 Community Awareness and Training

1. The Tribal Police Department shall provide annual training on the requirements of this Code for all Tribal Police Officers.
 - a. Training shall include updates, protocols and a review prior year compliance report.
2. The Tribal Police can provide training on this Code for mandated reporters as defined under Tribal state and federal law, as funding permits.
 - a. This includes tribal employees who work in areas where children are present such as Indian Child Welfare, Education Programs, and other tribal programs as may be determined by the Tribal Council.

3. Any Training shall be subject to funding availability.

SUBCHAPTER 75.10 – JUVENILE OFFENDERS

§ 75.1001 Applicability

1. This section applies to adjudicated delinquent juveniles for covered offenses where federal law requires registration, and as ordered by the Tribal Court.

§ 75.1002 Confidentiality

1. Juvenile registry information is confidential and not posted on the public website unless required by law or ordered by the Tribal Court.

§ 75.1003 Duration and Verification

1. Juvenile registration and verification periods follow the applicable Tier durations, subject to clean record reductions.

§ 75.1004 Rehabilitation Focus

1. The Tribal Court shall consider treatment, family and cultural support, and educational engagement in tailoring conditions and considering relief.

SUBCHAPTER 75.11 – RELIEF AND PETITIONS

§ 75.1101 Clean Record Reductions

1. Tier I registrants may petition for reduction of the registration period consistent with SORNA clean record criteria.

§ 75.1102 Relief Mechanisms

1. The Tribal Court may grant relief from registration for reversed, vacated, or pardoned convictions, or for juveniles demonstrating rehabilitation.

§ 75.1103 Denial and Re-Petition

1. If relief is denied, the Tribal Court shall set a reasonable waiting period before re-petitioning, generally not less than 24 months.

SUBCHAPTER 75.12 – COMPLIANCE, VIOLATIONS, AND PENALTIES

§ 75.1201 Offenses

1. The following actions will be considered violations of this ordinance as it applies to registered sex offenders:
 - a. Failure to register, update, verify, or provide required information with the Tribal Police Department;
 - b. Providing false information, or misleading information to tribal officials, including schools, police, and courts.
 - c. Failure to Disclose required information when requested;
 - d. Breach of limitations under this code, including employment, school attendance, proximity to child-sponsored event.
 - e. Failure to comply with instructions from law enforcement
 - f. Obstruction with the lawful exercise of tribal officials under this code.

§ 75.1202 Enforcement and Prosecution

1. Violations are enforceable in Tribal Court and may be referred to federal or state authorities where concurrent jurisdiction exists.

§ 75.1203 Penalties

1. Penalties may include imprisonment, banishment, fines, probation, community service, electronic monitoring, civil penalties, exclusion, employment consequences, and each day of noncompliance may constitute a separate offense.
2. Chapter 80 of the Lac du Flambeau Tribal Code shall provide guidance in court procedures and implementation.

§ 75.1204 Sex Offender Protection

1. Any registered sex offender under this code, who is complaint under all sections of this code, shall be protected against harassment, intimidate, or other actions as determined by the Tribal Police Department and the Tribal Court.
2. Violations of this section shall be cited by the Tribal Police and heard in Tribal Court.
3. The Tribal Court shall use Chapter 70 and Chapter 80 to address any allegations or violations under this code.

SUBCHAPTER 75.13 – DUE PROCESS AND PROCEDURES

§ 75.1301 Notice

1. The Tribal Police Department shall provide written notice of registration obligations and verification schedules.

§ 75.1302 Hearings

1. The Tribal Court shall provide timely hearings upon petition to contest Tier assignment, compliance findings, or sanctions, with rights to counsel.
2. The Tribal Court shall use Chapter 80 shall provide for procedures under this ordinance.

§ 75.1303 Evidence

1. The Tribal Court may consider reliable hearsay and documentary evidence, provided the opposing party has a fair opportunity to challenge.
2. The Tribal Court shall use Chapter 80 for all procedure and processes under this ordinance.

SUBCHAPTER 75.14 – INTERGOVERNMENTAL COOPERATION

§ 75.1401 Information Sharing

1. The Tribe shall cooperate with federal, state, and local agencies for data submission, extradition, supervision, and notifications.

§ 75.1402 Agreements

1. The Tribal Council and Police Department may enter intergovernmental agreements to implement this Code, provided protections are not diminished.

SUBCHAPTER 75.15 – BACKGROUND CHECKS AND SCREENING

§ 75.1501 Pre-Employment and Ongoing Screening

1. All tribal departments shall conduct background checks for any tribal government employment positions involving direct services to minors or vulnerable adults, access to protected identifiable information, unsupervised access to residential units, or law enforcement functions.

§ 75.1502 Disqualification and Review

1. A reportable conviction is disqualifying for such positions, absent a Tribal Council exception.
2. All Tribal Government Programs shall coordinate with the Human Resources Department and consult with the Police Department and Tribal Attorney for suitability determinations.
3. All Tribal Commercial entities shall coordinate with the appropriate Human Resources Department and consult with the Tribal Police Department and Legal Counsel for suitability determinations.

SUBCHAPTER 75.16 – RECORDS, AUDITS, AND REPORTING

§ 75.1601 Records

1. The Tribal Police Department shall maintain registration records, audit logs, compliance reports, and dissemination records per federal standards and Tribal records and confidentiality policy.

§ 75.1602 Audits

1. Periodic internal audits shall verify timely registrations, updates, and notifications, and identify corrective actions.

§ 75.1603 Reporting

1. The Tribal Police Department shall, upon request, provide compliance reports to the Tribal Council.

SUBCHAPTER 75.17 – GENERAL PROVISIONS

§ 75.1701 Severability

1. If any provision of this Code is held invalid, the remainder shall not be affected.

§ 75.1702 Conflicts of Law

1. Where a conflict exists, this Code controls with respect to sex offender registration and notification. The provision affording greater public protection prevails where legally permissible.

§ 75.1703 Repeal

1. Any prior Tribal ordinances or codes inconsistent with this Chapter are repealed to the extent of the inconsistency.

§ 75.1704 Rulemaking and Policies

1. The Tribal Council may promulgate rules or guidelines to implement and administer this Code, consistent with this Chapter and applicable law.

§ 75.1705 Effective Date and Transition

1. This Code shall take effect on [Effective Date]. Existing registrants must comply with updated requirements as of the Effective Date.

§ 75.1706 Definitions by Reference and Updates

1. References to federal standards and Wisconsin law incorporate subsequent amendments unless the Tribal Council provides otherwise.

§ 75.1707 Cultural and Victim-Centered Practices

1. Victims shall be offered timely information and referrals. The Tribal Court and Tribal Police Department may incorporate culturally appropriate and restorative practices were consistent with public safety and federal compliance, subject to review and approval of the Tribal Council.