

TRIBAL CODE

CHAPTER 75

SEX OFFENDER REGISTRY CODE

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HISTORY:

Current Ordinance:

Adopted April 24, 2006, Resolution 115(06)

Enacted by referendum May 11, 2006, and effective on that date.

TRIBAL CODE

CHAPTER 75

SEX OFFENDER REGISTRATION

75.100 GENERAL PROVISIONS

75.101 Title.

This chapter shall be known as the “Lac du Flambeau Tribal Sex Offender Registration Code.”

75.102 Purpose.

The purpose of this Code is to enhance public safety and public awareness about sexual offenders within the Lac du Flambeau Community to reduce victimization.

This law in no manner shall waive any immunities or privileges of the Lac du Flambeau Tribe that may exist outside this law.

75.103 Adoption and Amendment.

(1) This law is adopted under the authority of Article VI Section 1 (n) of the Constitution of the Lac du Flambeau Band of Lake Superior Chippewa Indians.

(2) The Tribal Council, acting in accordance with the laws and regulations of the Lac du Flambeau Tribe, may amend this law.

75.104 Applicability.

The requirements of this Code shall apply to all persons convicted of a sex offense or an offense where probable cause existed that a sex offense had been committed and the person was convicted of a lesser offense as part of a plea agreement.

75.105 Prior Inconsistent Laws Repealed.

Any existing laws or enactments which are inconsistent with this Code are specifically repealed.

75.106 Effective Date.

(1) This Code shall be effective ten (10) days after adoption by the Tribal Council and review by the BIA.

(2) These rules shall apply to all criminal proceedings occurring after the effective date of adoption.

75.107 Budgeting of Funds; Allocation of Revenues.

The Tribal Council shall annually budget funds to effectuate the purpose of this Code.

75.200 DEFINITIONS

- (1) “Adult” means a person who is eighteen (18) years of age or older.
- (2) “Child, Youth, or Juvenile” means any unmarried individual who is under the age of eighteen (18) years.
- (3) “Court” means the Lac du Flambeau Tribal Court.
- (4) “Criminal Offense” means any illegal act defined as criminal by law.
- (5) “Offense” means any criminal conduct prohibited by applicable tribal, federal or state law.
- (6) “Person” means every natural person, firm, partnership, association, or corporation and their legal successors.
- (7) “Police Department” means the Lac du Flambeau Tribal Police Department or any county, state, or federal law enforcement officer or other person deputized by the Lac du Flambeau Tribe.
- (8) “Reportable Conviction” means a final conviction of a Sexual Offense, including any delinquency findings or adjudications of minors, or treatment at a mental facility for a sexual offense as defined by the law of the jurisdiction where convicted.
- (9) “School” means any public, private, government, or parochial facility of instruction including a Head Start or kindergarten program, elementary school, or high school and any institution of higher learning, including a college or junior college.
- (10) “Tribal Council” means the Lac du Flambeau Tribal Council.

- (11) "Tribe" means the Lac du Flambeau Tribe.
- (12) "Victim" means a person against whom a criminal offense has been committed or, if the person is killed or incapacitated, the person's spouse, parent, child, or other lawful representative, except if the person is in custody for an offense or is the accused.
- (13) "Vulnerable Adult" means a person who is vulnerable to assault because of the infirmities of aging or mental incompetence.

### 75.300 OFFENSES

#### 75.301 Sex Offenses.

Sex offenses are all conduct as defined sex offenses by the Wisconsin Statutes, as may be amended from time to time, as adopted by the Lac du Flambeau Tribe pursuant to Chapter 70, the Law and Order Ordinance.

Sex offenses include 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-victim was minor and not the offender's child
- 940.31 Kidnaping -victim was minor and not the offender's child
- 944.01 Rape (old statute)
- 944.06 Incest
- 944.10 Sexual Intercourse with a Child (old statute)
- 944.11 Indecent Behavior with a Child (old statute)
- 944.12 Enticing Child for Immoral Purposes (old statute)
- 948.02(1) First Degree Sexual Assault of a Child
- 948.02(2) Second Degree Sexual Assault of a Child
- 948.025 Repeated Acts of Sexual Assault of a Child
- 948.05 Sexual Exploitation of a Child
- 948.055 Causing a child to View or Listen to Sexual Activity
- 948.06 Incest with a Child
- 948.07 Child Enticement
- 948.08 Soliciting a Child for Prostitution
- 948.095 Sexual Assault of a Student by School Instructional Staff
- 948.11(2)(a)-(am) Exposing Child to Harmful Material-felony sections
- 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

75.302 Other Offenses.

The Court has discretion to require, in a court order, that a person register for violating these Wisconsin statutes:

Chapter 940	Crimes Against Life and Bodily Security
Chapter 944	Crimes Against Sexual Morality
Chapter 948	Crimes Against Children
971.17	Not Guilty by Reason of Mental Disease or Defect
943.01-943.15	Certain Crimes Against Property

75.400 REQUIREMENTS

75.401 Registration.

(1) Any person who is a resident of the Lac du Flambeau Band of Lake Superior Chippewa Indians or who enters the reservation for the purpose of residing, employment, or setting up a temporary domicile (thirty (30) days or more), who has a reportable conviction shall register as a sex offender with the Lac du Flambeau Police or Department and the person's probation officer within ten (10) days of release of custody immediately upon entering the reservation.

(2) Any person with one reportable conviction shall register for ten (10) years following a release from custody or parole or probation. Persons with more than one reportable conviction shall be required to register for the remainder of his/her natural life.

(3) Registration shall consist of the following information:

- (a) The person's name and all aliases;
- (b) Information sufficient for accurate identification of the person, including gender, race or ethnicity, height, weight, hair and eye color, and fingerprints;
- (c) The person's driver's license number, social security number and any other government issued identification;
- (d) The type of offense, date of conviction and the sentence imposed;

- (e) The date of placement on probation, supervision or conditional release, and/or the date of termination of the sentence or commitment;
- (f) The address of residence and contact information of the person;
- (g) The date of entering the Reservation;
- (h) The name, address and telephone number of the supervising agency and agent assigned for supervision, if applicable;
- (i) A description of any motor vehicle that the person owns or will be using, including the make, model, license plate number and color;
- (j) The name and address of any employer;
- (k) The name and location of any school the person will be attending;
- (l) The most recent date on which the information in the registry was updated.

(4) Sex offenders shall be required to update the registry annually on the anniversary date of the initial registration, or within three (3) days of a change of address.

(5) Any person who fails to register as a sex offender is guilty of a Class D Misdemeanor.

(6) In addition to any sentence imposed under this section, the Court shall require immediate compliance with the registration requirement of this section.

75.402 Duties of Lac du Flambeau Police Department Regarding Sex Offender Registration.

(1) The Lac du Flambeau Police Department shall maintain the registry and provide offenders notice of the need for an annual update within fifteen (15) days of the anniversary date of the initial registration. The Department shall, at least quarterly, compile a list of all sex offenders having the duty to register under § who have failed to register, or whose address cannot be verified, or who otherwise cannot be located and make reasonable efforts to locate those persons.

(2) The Lac du Flambeau Police Department shall expunge the record of a convicted sex offender from the registry in the event that the offender provides

authenticated court documents proving the conviction was overturned, reversed, or vacated.

(3) If a sex offender moves to another jurisdiction the Lac du Flambeau Police Department shall provide notice to the new jurisdiction of the change of residency.

75.403 Access To Sex Offender Registration.

(1) The Lac du Flambeau Police Department shall make reasonable attempts to provide written notification to victims or a member of the victim's family who have requested to be notified about a person required to register, when there is a change in registry information regarding the offender.

(2) Upon request, the Lac du Flambeau Police Department shall provide access to registry information to the following agencies and organizations other than law enforcement agencies, which are located within a twenty-five (25) mile radius of the reservation:

- (a) A public or private elementary or secondary school.
- (b) A Head Start program.
- (c) A day care provider.
- (d) A child welfare agency.
- (e) A foster home or treatment foster home.
- (f) An agency providing welfare services.
- (g) A state or federal department of justice.
- (h) A department of public instruction.
- (i) A department of health and family services.
- (j) A neighborhood watch program authorized by the law enforcement agency of a city or village.
- (k) An organized unit of Boy Scouts or Girl Scout of America.



(1) Any other community based public, private or nonprofit organization that the Police Department determines should have access to information in the interest of protecting the public.

(3) The Lac du Flambeau Police Department shall provide access to registry information, upon request, to members of the general public, if the Police Department determines that the information is necessary to protect the public.

#### 75.404 Registered Sex Offender Requirements/Prohibitions.

(1) Sex offenders shall observe and obey the following conditions:

(a) Avoid contact with victim(s), children and vulnerable adults.

(b) Maintain any court ordered counseling.

(c) Refrain from the use and abuse of illegal substances.

(d) Engage in Alcoholics Anonymous or Narcotics Anonymous when recommended by health care professionals.

(e) Provide written documentation of maintaining court ordered counseling and attendance at Alcoholics Anonymous or Narcotics Anonymous to the Lac du Flambeau Police Department every six months.

(2) A sex offender is prohibited from obtaining employment where he or she may have contact with victims, children or vulnerable adults.

(3) Any sex offender who fails to observe and obey the conditions set forth in this section shall be guilty of non-compliance with registered sex offender requirements and prohibitions.

#### 75.500 ENFORCEMENT

##### 75.501 Enforcement.

(1) Any law enforcement officer of the Lac du Flambeau Police Department may enforce the provisions of this Code.

(2) Any person authorized to enforce the provisions of this Code may stop and question any person upon a reasonable belief that there is a violation of this Code.

##### 75.502 Procedures.

(1) Jurisdiction is conferred upon the Tribal Court over matters related to enforcement of this Code.

(2) Citations and summons issued hereunder may be served in person or by ordinary mail.

75.503 Court Procedure.

Court procedures are set out in Chapter 70 of the Tribal Code and shall be followed except where provisions of the Indian Civil Rights Act, (ICRA) 25 U.S.C. § 1302 requires a different procedure, in which case the ICRA shall apply.

75.504 Penalties.

(1) Any person who is guilty of non-compliance with registered sex offender requirements and prohibitions may be sentenced to imprisonment for a period not to exceed one year and a fine not to exceed \$5,000.00 or both.

(2) In addition to any sentence and fine imposed under (1) above, the Court may place any other restrictions or condition upon the interests of the Tribe in maintaining the peace and safety of the Tribe and its members.

(3) The defendant may be required to pay court costs and fees.