

JANUARY 2013 CROW TRIBAL LEGISLATURE

BILL NO. 13-01

**INTRODUCED BY DARRIN OLD COYOTE, CHAIRMAN
CROW TRIBAL EXECUTIVE BRANCH**

A BILL FOR AN ACT ENTITLED:

**“AN ACT TO AMEND PORTIONS OF THE CROW TRIBE SEX OFFENDER
REGISTRATION ORDINANCE REQUIRED FOR COMPLIANCE WITH THE
ADAM WALSH CHILD PROTECTION AND SAFETY ACT”**

WHEREAS, the United States Congress enacted the Adam Walsh Child Protection and Safety Act in 2006; and

WHEREAS, the stated purpose of the Adam Walsh Child Protection and Safety Act is to protect children from sexual exploitation and violent crime, to promote Internet safety, and to honor the memory of child victims such as Adam Walsh; and

WHEREAS, Title I of the Adam Walsh Act is known as the Sex Offender Registration and Notification Act (SORNA); and

WHEREAS, the federal government has mandated that the states shall have the obligation to participate in a national sex offender registration program meeting the requirements of SORNA on behalf of tribal governments located within a particular state unless the tribal government elects to participate in the national registration program and to meet the requirements of SORNA; and

WHEREAS, the Crow Tribe elected to participate in the national sex offender registration program and to function as a registration jurisdiction in order to maintain its sovereign right to manage its law enforcement programs without interference or direction by the State of Montana through CLB 07-12, which was signed into law on July 19, 2007; and

WHEREAS, the Crow Tribe is required by the terms of Title I of the Adam Walsh Act to adopt legislation to fully comply with the requirements therein; and

WHEREAS, the Crow Tribal Legislature passed the Crow Tribe Sex Offender Registration Ordinance, CLB09-05, unanimously in July 2009 in order to comply with the requirements of SORNA; and

WHEREAS, the current Crow Tribe Sex Offender Registration Ordinance must be amended in order to comply with the updated requirements of SORNA by January 31, 2013 to avoid delegating the Crow Tribe's election to participate in SORNA to the State of Montana;

NOW, THEREFORE, BE IT ENACTED BY THE CROW TRIBAL LEGISLATURE:

Section 1. That the Amendments attached hereto and incorporated herein by reference, are approved and shall be codified in the Crow Law and Order Code under Title 8D, Crow Tribe Sex Offender Registration Ordinance.

Section 2. These Amendments shall become effective immediately upon enactment by the Crow Tribal Legislature and approval by the Chairman of the Executive Branch.

Amendments to the Crow Tribe Sex Offender Registration Ordinance

Section 1. Chapter 4 of the Crow Tribe Sex Offender Registration Ordinance is hereby amended by adding the following as Section 4.18 and renumbering the current Sections 4.18 through 4.21 as Sections 4.19 through 4.22:

SECTION 4.18 INTERNATIONAL TRAVEL

- A. Travel Abroad. Sex offenders must inform their residence jurisdictions 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.

Section 2. Chapter 4 of the Crow Tribe Sex Offender Registration Ordinance is hereby amended by adding the following as Section 4.23:

SECTION 4.23 SEX OFFENDER ACKNOWLEDGEMENT FORM

- A. The sex offender shall read, or have read to them, and sign a form stating that the duty to register has been explained to them by the Crow Tribe Sex Offender Registry and that the sex offender understands the registration requirement.
1. The form shall be signed and dated by the Crow Tribe Sex Offender Registry personnel registering the sex offender.
- B. The acknowledgement form shall be immediately uploaded into the Crow Tribe Sex Offender Registry.

Section 3. Chapter 3 of the Crow Tribe Sex Offender Registration Ordinance is hereby amended by adding an additional Tier I offense under Section 3.01 D. (subsection 9. below). Accordingly, the following shall replace the current Section 3.01 D.:

- D. Certain 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 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. §2423(d) (arranging, inducing procuring or facilitating the travel in interstate commerce of an adult for the purpose of engaging in illicit conduct for financial gain),
10. 18 U.S.C. §2424 (failure to file factual statement about an alien individual), or
11. 18 U.S.C. §2425 (transmitting information about a minor to further criminal sexual conduct).

Section 4. Chapter 3 of the Crow Tribe Sex Offender Registration Ordinance is hereby amended by adding an additional Tier II offense under Section 3.02 B. (subsection 3. below). Accordingly, the following shall replace the current Section 3.02 B.:

- 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.

Section 5. Chapter 3 of the Crow Tribe Sex Offender Registration Ordinance is hereby amended by adding an additional Tier II offense under Section 3.02 C. (subsection 2. below). Accordingly, the following shall replace the current Section 3.02 C.:

- C. Certain 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. §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),
 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).

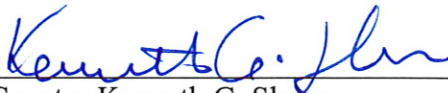
Section 6. Chapter 3 of the Crow Tribe Sex Offender Registration Ordinance is hereby amended by reclassifying a Tier II offense as a Tier III offense under Section 3.03 C. (subsection 3. below). Accordingly, the following shall replace the current Section 3.03 C.:

C. Certain 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. Where the victim is 12 years of age or younger, 18 U.S.C. §2244 (abusive sexual contact).


CERTIFICATION

I hereby certify that this Bill: "AN ACT TO AMEND PORTIONS OF THE CROW TRIBE SEX OFFENDER REGISTRATION ORDINANCE REQUIRED FOR COMPLIANCE WITH THE ADAM WALSH CHILD PROTECTION AND SAFETY ACT," was duly passed by the Crow Tribal Legislature with a vote of 13 in favor, 0 opposed, and 0 abstained and that a quorum was present on this 15th day of January, 2013.


Senator Kenneth G. Shane
Speaker, Crow Tribal Legislature



ATTEST:


Senator R. Knute Old Crow, Sr.
Secretary, Crow Tribal Legislature

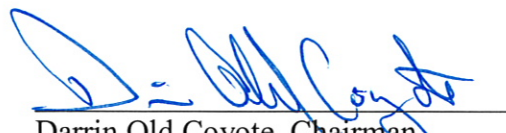
EXECUTIVE ACTION

I hereby

X approve

_____ veto

this bill for an act entitled: "AN ACT TO AMEND PORTIONS OF THE CROW TRIBE SEX OFFENDER REGISTRATION ORDINANCE REQUIRED FOR COMPLIANCE WITH THE ADAM WALSH CHILD PROTECTION AND SAFETY ACT" pursuant to the authority vested in the Chairman of the Crow Tribe by Article V, Section 8 of the Constitution and Bylaws of the Crow Tribe of Indians, on this 15th day of January, 2013.


Darrin Old Coyote, Chairman
Crow Tribal Executive Branch



A BILL FOR AN ACT ENTITLED:
 "AN ACT TO AMEND PORTIONS OF THE CROW TRIBE SEX OFFENDER REGISTRATION ORDINANCE
 REQUIRED FOR COMPLIANCE WITH THE ADAM WALSH CHILD PROTECTION AND SAFETY ACT"

Bill or Resolution: CLB13-01 Introduced by: Chairman Darrin Old Coyote Date of Vote: 1/15/2013
 Number

<u>Representative:</u>	<u>Yes</u>	<u>No</u>	<u>Abstained</u>
H. Two Leggins	_____	_____	_____
V. Pretty Paint	<u>X</u>	_____	_____
C. J. Stewart	<u>X</u>	_____	_____
(Vacant)	_____	_____	_____
A.Coyote-Runs, Sr.	_____	_____	_____
L. Not Afraid.	<u>X</u>	_____	_____
Covers Up, Sr.	<u>X</u>	_____	_____
P. Alden, Jr.	<u>X</u>	_____	_____
M. Not Afraid	<u>X</u>	_____	_____
V. Crooked Arm	<u>X</u>	_____	_____
L. DeCrane	<u>X</u>	_____	_____
C. Goes Ahead	_____	_____	_____
B. Hugs	<u>X</u>	_____	_____
G. Real Bird, Jr.	<u>X</u>	_____	_____
M. Backbone	<u>X</u>	_____	_____
(Vacant)	_____	_____	_____
R. K. Old Crow, Sr. <i>Secretary of the House</i>	<u>X</u>	_____	_____
K. Shane <i>Speaker of the House</i>	<u>X</u>	_____	_____
Totals:	<u>13</u>	<u>0</u>	<u>0</u>


Result of Vote:

Passed

Not Passed

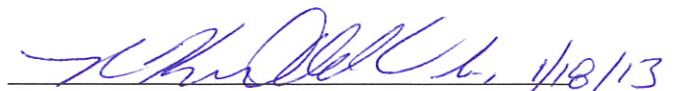
Tabled

Veto-Override



Senator Kenneth G. Shane
 Speaker of the House

Date



Senator R. Knute Old Crow, Sr.
 Secretary of the House

Date