

**TITLE 38. SEX OFFENDER REGISTRATION AND NOTIFICATION LAW**

**CHAPTER 1. TITLE, FINDINGS, PURPOSE, DEFINITIONS**

38 M.P.T.L. ch.1 § 1

**§ 1. Title; Authority.**

a. This law shall be known as the "Mashantucket Pequot Sex Offender Registration and Notification Law".

b. This Title is adopted pursuant to the inherent authority of the Mashantucket Pequot Tribal Council, the lawful governing body of the Mashantucket (Western) Pequot Tribe, to regulate conduct of prior convicted Sex Offenders within Tribal Lands. The Tribe has the inherent authority to exclude persons from Tribal Lands and to place conditions on entry and continued presence on Tribal Lands.

38 M.P.T.L. ch.1 § 2

**§ 2. Findings**

a. Violent crime in Indian Country is more than twice the national average. Native American nations are disproportionately affected by violent crime and Sex Offenses in particular from both tribal and non-tribal perpetrators; consequently, the conduct and presence of convicted Sex Offenders in Indian Country threatens the political integrity, economic security, health and welfare of tribal nations even to the point of imperiling the substance of tribal communities.

b. The Mashantucket Pequot Tribal Council finds that Sex Offenders present a serious risk of re-offense and that the efforts of law enforcement to protect the community, conduct investigations and to apprehend those who commit Sex Offenses is impaired by the lack of information available about individuals who have pled to, or have been found guilty of, Sex Offenses.

38 M.P.T.L. ch.1 § 3

**§ 3. Purpose**

The purpose of the Mashantucket Pequot Sex Offender Registration and Notification Law is primarily to protect the public from the risk of re-offense by convicted Sex Offenders through implementation of the Federal Sex Offender Registration and Notification Act (SORNA) (Title I of Public Law 109-248) (Codified at 42 U.S.C. §§ 16901 et seq.). This law shall be interpreted liberally to comply with the terms and conditions of SORNA and any applicable rules or regulations promulgated under SORNA, as presently written or hereafter amended.

**§ 4. Definitions**

a. "Abscond" means failure to register and/or leave, flee or depart quickly and secretly and hide oneself with intent to avoid arrest or prosecution.

b. "Convicted" means subjected to penal consequences based on a conviction, regardless of how the conviction may be styled. This shall include, but not be limited to, convictions and Juvenile adjudications of Minors tried as an adult in tribal, state, and federal courts. A Juvenile offender is "convicted" for the purposes of this law if the juvenile offender is either:

1. Prosecuted and found guilty as an adult for a Sex Offense; or
2. Adjudicated delinquent as a Juvenile for a Sex Offense, but only if the offender is fourteen (14) years of age at the time of the offense and the offense adjudicated was comparable to or more severe than aggravated sexual abuse (as described in either (a) or (b) of section 2241 of Title 18, United States Code), or was an attempt or conspiracy to commit such an offense.

c. "Dru Sjodin National Sex Offender Public Website" means the public website maintained by the Attorney General of the United States pursuant to 42 U.S.C. §16920.

d. "Employee" means any individual who is self-employed or works for another person or entity, including the Tribe, regardless of compensation. Volunteers, interns, externs, apprentices, and those providing community services are included within the definition of Employee for registration purposes.

e. "Employer" means the Tribe and any person or entity that has Employees who work on Tribal Lands.

f. "Employment" means compensated, volunteer, or vocational work or service on behalf of an Employer. "Employment" includes an internship, externship, apprenticeship, and community service. To be "employed" means to have such employment.

g. "Federal Offense" means an offense prosecuted under section 1152 or 1153 of Title 18 of the United States Code or under section 1591, or chapter 109A, 110 (other than section 2257, 2257A, or 2258), or 117, of Title 18 of the United States Code.

h. "Foreign Conviction" means a conviction obtained outside of the United States.

i. "Homeless" means a person who does not have a permanent or temporary Residence, unless it is a homeless shelter.

j. "IAFIS" means the Integrated Automated Fingerprint Identification System, a national fingerprint and history system maintained by the Federal Bureau of Investigation.

k. "Immediate" and "Immediately" means within three (3) business days.

l. "Imprisonment" and "Imprisoned" means incarceration pursuant to a conviction, regardless of the nature of the institution in which the offender serves the sentence. The term is to be interpreted broadly to include, for example, confinement in a state "prison" as well as in a federal, military, foreign, BIA, private or contract facility, or a local tribal "jail". Persons under "house arrest" following conviction of a registerable Sex Offense are required to register pursuant to the provisions of this code during their period of "house arrest".

m. "Indian" means a person who is a member of a federally recognized Indian Tribe.

n. "Jurisdiction" means the 50 states, the District of Colombia, the five principal U.S. territories, i.e., the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, and any Indian tribe that elects to function as a registration jurisdiction under SORNA.

o. "Juvenile" means an individual under the age of eighteen (18).

p. "Loiter" means standing or sitting idly whether in or out of a vehicle, or remaining in or around property, not their own, without permission or a legitimate reason.

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

r. "National Crime Information Center" or "NCIC" means the computerized index of criminal justice information maintained by the Federal Bureau of Investigation.

s. "NSOR" means the National Sex Offender Registry, the national database maintained by the Attorney General of the United States pursuant to 42 U.S.C. §16919.

t. "Playground" means a small or large open space where Minors play or gather with or without dedicated play equipment and/or is a place, often part of a school yard, for outdoor games and recreation, an athletic field, playing field or court.

u. "Primary Address" means the mailing address of the person's dwelling, including physical location of the dwelling described with as much specificity as possible.

v. "Police Department" means the Mashantucket Pequot Tribal Police Department or any sworn officer of that force.

w. "Public Website" means the Mashantucket Pequot Sex Offender Registry Public Website.

x. "Residence" or "Residency" means a place where a person, including Students, temporary Employees, and military personnel on assignment, is living or temporarily staying for longer than thirty (30) consecutive days, such as a shelter or structure that can be located by a street address or landmarks, including, but not limited to, houses, apartment buildings, motels, hotels, homeless shelters, and recreational and other vehicles.

y. "Reside" or "Resides" means with respect to an individual, the location of the individual's home or other place where the individual lives, sleeps, or frequents for more than thirty (30) consecutive days.

z. "School" means a building, facility, or room in a building or facility designated as a place for instruction, education, teaching, learning, or academics and is a public or private daycare, childcare facility, preschool, elementary school, secondary school, trade school, professional school, or institute of higher learning where teaching, training, supervision, recreation, and/or medical services for Minors, for the disabled, or for the elderly, or anytime care given to preschool children or to Minors after school or during school vacation, as at a day care center, or to the elderly as at a social agency. "School" includes, but is not limited to, the Mashantucket Pequot Child Development Center and the Mashantucket Pequot Community Center.

aa. "School Personnel" means teachers, caregivers, volunteers, the principal, or superintendent of Schools, a member of the School board or Employee or any entity working for, or rendering or exchanging any service or performing any act for or on behalf of the Tribe in any capacity full or part time.

bb. "Secondary Address" means a mailing address of any place where the person regularly or occasionally stays overnight, including the physical location of the place described with as much specificity as possible.

cc. "Sexual Act" or "Sexual Activity" means:

1. Contact between the penis and the vulva or the penis and the anus; for purposes of this definition, contact involving the penis occurs upon penetration, however slight.
2. Contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus.
3. The penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or
4. The intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of eighteen (18) years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desires of any person.

dd. "Sexual Contact" means the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with the intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desires of another person.

ee. "Sex Offender" means a person convicted of a Sex Offense in any state, federal, tribal, foreign, or military court.

ff. "Sex Offender Registry" means the registry of Sex Offenders, and a notification program, maintained by the Police Department.

gg. "Sex Offense" means the crimes appearing in SORNA § 111(5) [42 U.S.C. § 16911 (5) as amended], and those offenses enumerated in this Law or any other registerable offense under federal, state, military, foreign, or tribal law, and any criminal offense that has an element involving a Sexual Act or Sexual Contact with another, except:

1. Offenses involving consensual sexual conduct if
  - a. the victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense, or
  - b. the victim was at least thirteen (13) years old and the offender was not more than four (4) years older than the victim.
2. A Foreign Conviction unless it was obtained under the laws of Canada, the United Kingdom, Australia, New Zealand, or under the laws of any foreign country which the U.S. State Department, in its Country Reports on Human Rights Practices, has concluded that an independent judiciary generally or vigorously enforced the right to a fair trial in that country during the year in which the conviction occurred.

hh. "SMART Office" means the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking, which was established within the United States Department of Justice under the general authority of the Attorney General of the United States pursuant to 42 U.S.C. § 16945.

ii. "SORNA" means the Sex Offender Registration and Notification Act (Title I of the Adam Walsh Child Protection and Safety Act of 2006 P.L. 109-248), 42 U.S.C. § 16911 et seq., as amended.

jj. "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 of the 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; or
9. Any conduct that by its nature is a Sex Offense against a Minor.

kk. "State Police" means the Connecticut State Police.

ll. "Student" means a person who enrolls in or attends either a private or public education institution, including a daycare, childcare facility, preschool, secondary school, trade, or professional school, or an institution of higher education. "Student" includes an intern, extern, and apprentice.

mm. "Temporary Lodging" means any place that is not the offender's Primary Address and in which an offender lives, or sleeps or frequents overnight.

nn. "Tier-1 Sex Offender" or a Sex Offender designated as "Tier-1" means a person who has been convicted of a Tier-1 Sex Offense as defined in Chapter 2, Section 3(a) of this Title.

oo. "Tier-2 Sex Offender" or a "Sex Offender" designated as "Tier-2" means a person who has been convicted of a Tier-2 Sex Offense as defined in Chapter 2, Section 3(b) of this Title or who is subject to the recidivist provisions of Chapter 2, Section 2(b) (1).

pp. "Tier-3 Sex Offender" or a "Sex Offender" designated as "Tier-3" means a person who has been convicted of a "Tier-3" Sex Offense as defined in Chapter 2, Section 3 (c) (1) of this Title or who is subject to the recidivist provisions of Chapter 2, Section 3 (c) (1) of this Title.

qq. "Tribal Court" means the Mashantucket Pequot Tribal Court or any court established by the Tribe to adjudicate and enforce the provisions of this Title or violations of other tribal laws.

rr. "Tribal Lands" means the Mashantucket Pequot Reservation as that term is defined in 25 U.S.C. § 1752 (7) together with any land held by the United States government in trust for the Tribe or any other area subject to the Tribe's jurisdiction.

ss. "Tribe" means the Mashantucket (Western) Pequot Tribe, also known as the Mashantucket Pequot Tribal Nation, including, but not limited to, any arm, agency, department, subdivision, enterprise, entity or organization within or wholly owned by the Tribe. "Tribe" does not include any entity created by the Tribe under state laws that is located and operates principally outside of Tribal Lands. "Tribal" refers to this Tribe.

tt. "Visit" means to stay at any Temporary Lodging on Tribal Lands overnight.

uu. "Visitor" means any person staying overnight at any Temporary Lodging on Tribal Lands.

## **CHAPTER 2. REGISTRIES, OFFENSES, TIERS**

38 M.P.T.L. ch.2 § 1

### **§ 1. Creation of Registries**

a. Sex Offender Registry. There is hereby established a sex offender registry program called the Mashantucket Pequot Sex Offender Registry, which the Tribal Police Department shall maintain and operate pursuant to the provisions of this law.

b. Public Sex Offender Registry Website. There is hereby established a public sex offender registry website called the Mashantucket Pequot Sex Offender Registry Public Website, which the Tribal Police Department shall maintain and operate pursuant to the provisions of this law.

38 M.P.T.L. ch.2 § 2

### **§ 2. Registerable Offenses**

Individuals who have been convicted of any of the following offenses and who Reside or are Visitors on property within the exterior boundaries of Tribal Lands, regardless of location; or who are Employees within Tribal Lands; or who attend School on Tribal Lands; are subject to the requirements of this Title:

a. Attempts and conspiracies. Any attempt or conspiracy to commit any Sex Offense, including those enumerated in this Subsection.

b. A criminal offense that is a Specified Offense Against a Minor.

c. Tribal offenses. Any Sex Offenses codified in Title 2 of the Mashantucket Pequot Tribal Laws. Such laws include, but are not limited to, the following:

1. Mash. Pequot Crim. Code § 53-21 (Injury, or risk of injury to, or impairing morals of, children; Sale of children);
2. Mash. Pequot Crim. Code § 53a-70 (sexual assault in the first degree);
3. Mash. Pequot Crim. Code § 53a-70a (aggravated sexual assault in the first degree);
4. Mash. Pequot Crim. Code § 53a-70b (sexual assault in spousal or cohabiting relationship);
5. Mash. Pequot Crim. Code § 53a-70c (aggravated sexual assault of a Minor);
6. Mash. Pequot Crim. Code § 53a-71 (sexual assault in the second degree);
7. Mash. Pequot Crim. Code § 53a-72a (sexual assault in the third degree);
8. Mash. Pequot Crim. Code § 53a-72b (sexual assault in the third degree with a firearm);
9. Mash. Pequot Crim. Code § 53a-73a (sexual assault in the fourth degree);
10. Mash. Pequot Crim. Code §§ 53a-86 through 88 (promoting prostitution);
11. Mash. Pequot Crim. Code § 53a-89 (permitting prostitution);
12. Mash. Pequot Crim. Code § 53a-90a (enticing a Minor);
13. Mash. Pequot Crim. Code § 53a-90b (misrepresenting age to entice a Minor);
14. Mash. Pequot Crim. Code § 53a-92(a)(2) (kidnapping with intent to commit physical or sexual abuse);
15. Mash. Pequot Crim. Code § 53a-92a (kidnapping with firearm when intent is to commit physical or sexual abuse);
16. Mash. Pequot Crim. Code § 53a-189a (voyeurism);
17. Mash. Pequot Crim. Code § 53a-192(a)(1) if the offense involves a Sexual Act or an offense against a Minor (coercion);
18. Mash. Pequot Crim. Code § 53a-194 when it involves a Minor (obscenity);
19. Mash. Pequot Crim. Code § 53a-196 (obscenity as to Minors);
20. Mash. Pequot Crim. Code § 53a-196a (employing a Minor in an obscene performance);
21. Mash. Pequot Crim. Code § 53a-196b (promoting a Minor in an obscene performance);
22. Mash. Pequot Crim. Code § 53a-196c (importing child pornography);
23. Mash. Pequot Crim. Code § 53a-196d (possessing child pornography in the first degree);
24. Mash. Pequot Crim. Code § 53a-196e (possessing child pornography in the second degree);
25. Mash. Pequot Crim. Code § 53a-196f (possessing child pornography in the third degree);
26. Mash. Pequot Crim. Code § 53a-196h (possessing or transmitting child pornography by Minor);
27. Mash. Pequot Crim. Code § 53a-223 (formerly § 53a-110b) (criminal violation of a protective order when involving a sex offense).

d. Federal Offenses. A conviction for any of the following, and any other offense hereafter included in the definition of "Sex Offense" at 42 U.S.C. § 16911(5):

1. 18 U.S.C. § 1591 (sex trafficking of children);
2. 18 U.S.C. § 1801 (video voyeurism of a Minor);

3. 18 U.S.C. § 2241 (aggravated sexual abuse);
4. 18 U.S.C. § 2242 (sexual abuse);
5. 18 U.S.C. § 2243 (sexual abuse of a Minor or ward);
6. 18 U.S.C. § 2244 (abusive Sexual Contact);
7. 18 U.S.C. § 2245 (offenses resulting in death);
8. 18 U.S.C. § 2251 (sexual exploitation of Minors);
9. 18 U.S.C. § 2251A (selling or buying of Minors);
10. 18 U.S.C. § 2252 (material involving the sexual exploitation of a Minor);
11. 18 U.S.C. §2252A (material containing child pornography);
12. 18 U.S.C. §2252B (misleading domain names on the internet);
13. 18 U.S.C. §2252C (misleading words or digital images on the internet);
14. 18 U.S.C. §2260 (production of sexually explicit depictions of a Minor for import into the U.S.);
15. 18 U.S.C. § 2421 (transportation of a Minor for illegal Sexual Activity);
16. 18 U.S.C. §2422 (coercion and enticement of a Minor for illegal Sexual Activity);
17. 18 U.S.C. § 2423 Transportation of Minors for Illegal Sexual Activity, Travel with the Intent to Engage in Illicit Sexual Conduct with a Minor, Engaging in Illicit Sexual Conduct in Foreign Places (Mann Act);
18. 18 U.S.C. §2424 (failure to file factual statement about an alien individual);
19. 18 U.S.C. § 2425 (transmitting information about a Minor to further criminal sexual conduct).

e. Foreign Conviction. A Foreign Conviction is not a Sex Offense for the purposes of this law unless it was either:

1. Obtained under the laws of Canada, the United Kingdom, Australia, or New Zealand; or
2. Under the laws of any foreign country, when the United States State Department, in its Country Reports on Human Rights Practices, has concluded that an independent judiciary generally or vigorously enforced the right to a fair trial, including ensuring sufficient safeguards for fundamental fairness and due process, in that country during the year in which the conviction occurred.

f. Military Offenses. Any military offense specified by the Secretary of Defense under Section 115(a) (8) (C) (i) of Public Law 105-119 (codified at 10 U.S.C. § 951 note 2).

g. Juvenile Offenses or Adjudications. Any Sex Offense, or attempt or conspiracy to commit a Sex Offense, committed by a person who was a Juvenile at the time of the offense and

1. Was prosecuted and convicted as an adult; or
2. Was adjudicated delinquent as a Juvenile for a Sex Offense, but only if:
  - (A) The offender was fourteen (14) years of age or older at the time of the offense, and
  - (B) The offense adjudicated was comparable to or more severe than the federal crime of aggravated sexual abuse (as codified in 18 U.S.C. § 2241(a) or (b)). This includes engaging in a Sexual Act with another by force or the threat of serious violence, or engaging in a Sexual



Act with another by rendering unconscious or involuntarily drugging the victim.

h. Other Registerable Offenses. Any Sex Offense, as defined in this Title, committed in any state, territory, or other tribal Jurisdiction, including the District of Columbia, that led to a conviction.

38 M.P.T.L. ch.2 § 3

§ 3. **Tiered Offenses**

a. Tier-1 Offenses:

1. Sex Offenses. A Tier-1 offense includes any Sex Offense for which a person has been Convicted or an attempt or conspiracy to commit such an offense, which is not a Tier-2 or Tier-3 offense.
2. Offenses involving Minors. A Tier-1 offense also includes any offense, not otherwise classified in Tier-2 or Tier-3 below, for which a person has been Convicted that involves the false imprisonment of a Minor, video voyeurism of a Minor, or possession or receipt of child pornography.
3. Tribal Offenses. Conviction for any of the following Tribal or state offenses shall be considered conviction for a Tier-1 offense:
  - (A) Mash. Pequot Crim. Code § 53a-95 when the victim is a Minor (unlawful restrain - 1<sup>st</sup> degree)
  - (B) Mash. Pequot Crim. Code § 53a-96 when the victim is a Minor (unlawful restraint - 2<sup>nd</sup> degree)
  - (C) Mash. Pequot Crim. Code § 53a-89 (permitting prostitution);
  - (D) Mash. Pequot Crim. Code § 53a-194 when it involves a Minor (obscenity);
  - (E) Mash. Pequot Crim. Code § 53a-196e (possessing child pornography in the second degree);
  - (F) Mash. Pequot Crim. Code § 53a-196f (possessing child pornography in the third degree); or
  - (G) Mash. Pequot Crim. Code § 53a-196h (possessing or transmitting child pornography by minor).
4. Federal Offenses. Conviction for any of the following Federal Offenses shall be considered a conviction for Tier-1 offense:
  - (A) 18 U.S.C. § 1801 (video voyeurism of a Minor);
  - (B) 18 U.S.C. § 2252 (receipt or possession of child pornography);
  - (C) 18 U.S.C. § 2252A (receipt or possession of child pornography);
  - (D) 18 U.S.C. § 2252B (misleading domain names on the internet);
  - (E) 18 U.S.C. § 2252C (misleading words or digital images on the internet);
  - (F) 18 U.S.C. § 2422(a) (coercion to engage in prostitution);
  - (G) 18 U.S.C. § 2423(b) (travel with the intent to engage in illicit conduct);
  - (H) 18 U.S.C. § 2423(c) (engaging in illicit conduct in foreign places);
  - (I) 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),
  - (J) 18 U.S.C. § 2424 (failure to file factual statement about an alien individual); or

- (K) 18 U.S.C. § 2425 (transmitting information about Minor to further criminal sexual conduct).
5. Certain Military Offenses. Any military offense specified by the Secretary of Defense under Section 115(a) (8) (c) (i) of Public Law 105-119 (codified at 10 U.S.C. § 951 note 2) that is similar to those offenses outlined in Subsections (1), (2), (3), or (4) of Chapter 2, Section 3 (a) above [38 M.P.T.L. ch. 2 § 3(a) (1)-(4)] shall be considered a Tier-1 offense.
- b. Tier-2 Offenses. A Tier-2 Offense is any of the following:
1. Recidivism and Felonies. Unless otherwise covered by a Tier-3 offense, any Sex Offense that is not the first Sex Offense for which a person has been Convicted, and that is an offense punishable by more than one (1) year's imprisonment or is an offense punishable by more than six (6) months' imprisonment in a jurisdiction limited to one-year sentencing, is considered a Tier-2 offense.
  2. Offenses involving Minors. A Tier-2 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:
    - (A) The use of Minors in prostitution, including solicitations;
    - (B) Enticing a Minor to engage in criminal Sexual Activity;
    - (C) A non-forcible Sexual Act with a Minor sixteen (16) or seventeen (17) years old;
    - (D) Sexual Contact with a Minor thirteen (13) years of age or older, whether directly or indirectly through the clothing, that involves the intimate parts of the body;
    - (E) The use of a Minor in sexual performance; or,
    - (F) The production or distribution of child pornography.
  3. Certain Tribal Offenses. Conviction for any of the following Tribal or state offenses shall be considered conviction for a Tier-2 offense:
    - (A) Mash. Pequot Crim. Code § 53-21 (Injury, or risk of injury to, or impairing morals of, children; Sale of children);
    - (B) Mash. Pequot Crim. Code § 53a-73a (sexual assault in the fourth degree);
    - (C) Mash. Pequot Crim. Code § 53a-87 through 88 (promoting prostitution in the second and third degrees);
    - (D) Mash. Pequot Crim. Code § 53a-90a (enticing a minor);
    - (E) Mash. Pequot Crim. Code § 53a-90b (misrepresentation of age to entice a Minor);
    - (F) Mash. Pequot Crim. Code § 53a-189a (voyeurism);
    - (G) Mash. Pequot Crim. Code § 53a-192 (a) (1) (coercion, if the offense involves a Sexual Act or a Specified Offense Against a Minor);
    - (H) Mash. Pequot Crim. Code § 53a-196 (obscenity as to Minors);
    - (I) Mash. Pequot Crim. Code § 53a-196d (possessing child pornography in the first degree); or,
    - (J) Mash. Pequot Crim. Code § 53a-223 (formerly § 53a-110b) (criminal violation of a protective order), when involving a sex offense.
  4. Certain Federal Offenses. Conviction for any of the following Federal Offenses shall be considered a conviction for a Tier-2 offense:
    - (A) 18 U.S.C. § 1591 (sex trafficking by force, fraud or coercion);
    - (B) 18 U.S.C. § 2244 (abusive Sexual Contact, where the victim is thirteen (13) years of age or older);
    - (C) 18 U.S.C. § 2251 (sexual exploitation of children);

- (D) 18 U.S.C. § 2251A (selling or buying of children);
- (E) 18 U.S.C. § 2252 (material involving the sexual exploitation of a Minor)
- (F) 18 U.S.C. § 2252A (production or distribution of material containing child pornography);
- (G) 18 U.S.C. § 2260 (production of sexually explicit depictions of a Minor for import into the United States);
- (H) 18 U.S.C. § 2421 (transportation of a Minor for illegal Sexual Activity);
- (I) 18 U.S.C. § 2422(b) (coercing a Minor to engage in prostitution);
- (J) 18 U.S.C. § 2423(a) (transporting a Minor to engage in illicit conduct); or
- (K) 18 U.S.C. § 2423(d) (arranging, inducing, procuring or facilitating travel in interstate commerce of a Minor for the purpose of engaging in illicit conduct for financial gain).

5. Certain Military Offenses. Any military offense specified by the Secretary of Defense under Section 115(a) (8) (C) (i) of Public Law 105-119 (codified at 10 U.S.C. § 951 note 2) that is similar to those offenses outlined in Subsections (1), (2), (3), or (4) of Chapter 2, Section 3 (b) above [38 M.P.T.L. ch. 2 § 3(b) (1)-(4)] shall be considered a Tier-2 offense.

c. Tier-3 Offenses. A Tier-3 Offense is any of the following:

1. Recidivism and Felonies. Any Sex Offense that is punishable by more than one (1) year in jail where the offender has at least one (1) prior conviction for a Tier-2 Sex Offense, or has previously become a Tier-2 Sex Offender, is a Tier-3 Sex Offense.
2. General Offenses. A Tier-3 offense includes any Sex Offense for which a person has been Convicted, or an attempt or conspiracy to commit such an offense, which involves:
  - (A) Non-parental kidnapping of a Minor;
  - (B) A Sexual Act with another by force or threat;
  - (C) A Sexual Act with another who has been rendered unconscious or involuntarily drugged, or who is otherwise incapable of either appraising the nature of the conduct or declining to participate; or
  - (D) Sexual Contact with a Minor twelve (12) years of age or younger, including offenses that cover Sexual Contact with the intimate parts of the body, either directly or through the clothing.
3. Certain Tribal Offenses. Conviction for any of the following Tribal or state offenses shall be considered conviction for a Tier-3 offense:
  - (A) Mash. Pequot Crim. Code § 53-21 (Injury or risk of injury to, or impairing morals of minors, when inclusive with another Sex Offense; Sale of minors);
  - (B) Mash. Pequot Crim. Code § 53a-70 (sexual assault in the first degree);
  - (C) Mash. Pequot Crim. Code § 53a-70a (aggravated sexual assault in the first degree);
  - (D) Mash. Pequot Crim. Code § 53a-70b (sexual assault in spousal or cohabiting relationship);
  - (E) Mash. Pequot Crim. Code § 53a-70c (aggravated sexual assault of a Minor);

- (F) Mash. Pequot Crim. Code § 53a-71 (sexual assault in the second degree);
  - (G) Mash. Pequot Crim. Code § 53a-72a (sexual assault in the third degree);
  - (H) Mash. Pequot Crim. Code § 53a-72b (sexual assault in the third degree with a firearm);
  - (I) Mash. Pequot Crim. Code § 53a-73a when the victim is a Minor (sexual assault in the fourth degree);
  - (J) Mash. Pequot Crim. Code § 53a-86 (promoting prostitution in the first degree);
  - (KJ) Mash. Pequot Crim. Code § 53a-92 (a) (2) (kidnapping with intent to commit physical or sexual abuse);
  - (L) Mash. Pequot Crim. Code § 53a-92a (kidnapping with firearm) when intent is to commit physical or sexual abuse;
  - (M) Mash. Pequot Crim. Code § 53a-94 when the victim is a Minor (kidnapping 2<sup>nd</sup> degree)
  - (N) Mash. Pequot Crim. Code § 53a-94a when the victim is a Minor (kidnapping 2<sup>nd</sup> degree with a firearm)
  - (O) Mash. Pequot Crim. Code § 53a-196a (employing a Minor in an obscene performance);
  - (P) Mash. Pequot Crim. Code § 53a-196b (promoting a Minor in an obscene performance); or,
  - (Q) Mash. Pequot Crim. Code § 53a-196c (importing child pornography).
4. Certain Federal Offenses. Conviction for any of the following Federal Offenses shall be considered conviction for a Tier-3 offense:
- (A) 18 U.S.C. § 2241 (aggravated sexual abuse);
  - (B) 18 U.S.C. § 2242 (sexual abuse);
  - (C) 18 U.S.C. § 2243 (sexual abuse of a Minor or ward);
  - (D) Where the victim is twelve (12) years of age or younger, 18 U.S.C. § 2244 (abusive Sexual Contact).
5. Certain Military Offenses. Any military offense specified by the Secretary of Defense under Section 115 (a) (8) (C) (i) or Public Law 105-119 (codified at 10 U.S.C. § 951 note 2) that is similar to those offenses outlined in Subsections (1), (2), (3), or (4) of Chapter 2, Section 3(c) above [38 M.P.T.L. ch. 2 § 3(c) (1)-(4)] shall be considered a Tier-3 offense.

### **CHAPTER 3. REGISTRATION AND VERIFICATION REQUIREMENTS**

38 M.P.T.L. ch.3 § 1

#### **§ 1. Registration, Verification and In-Person Appearance Requirements.**

- a. General Requirements.
  - 1. Duties. A Sex Offender covered by this Title who is required to register with the Tribe pursuant to this Title shall provide all of the information detailed in this Chapter to the Police Department. The Police Department shall obtain all of the information detailed in this Chapter from registerable Sex Offenders who are required to register

with the Tribe and shall implement any relevant policies and procedures.

2. Digitization. All information obtained under this Chapter shall be, at a minimum, maintained by the Police Department in a digitized format.
3. Electronic Database. A Sex Offender registry shall be maintained in an electronic database by the Police Department and shall be in a form capable of electronic transmission.

b. Where Registration is Required.

1. Jurisdiction of Conviction. A Sex Offender must initially register in the jurisdiction where his or her conviction occurred.
2. Jurisdiction of Incarceration. A Sex Offender must initially register with the Police Department if the Sex Offender is imprisoned by the Tribe while completing any sentence for a registerable Sex Offense, regardless of whether it is the same Jurisdiction as the Jurisdiction of Conviction or Residence.
3. Jurisdiction of Residence. A Sex Offender must register with the Police Department if the Sex Offender Resides or is Homeless within Tribal Lands.
4. Jurisdiction of Employment. A Sex Offender must register with the Police Department if the Sex Offender is an Employee of the Tribe or within Tribal Lands.
5. Jurisdiction of School Attendance. A Sex Offender must register with the Police Department if the Sex Offender is a Student in any capacity within Tribal Lands.
6. Jurisdiction of Visitor. A Sex Offender who is a Visitor under this Chapter shall register with the Police Department.

c. Timing of Registration. A Sex Offender required to register with the Tribe under this Title shall do so in-person and in the following timeframe:

1. If Convicted by the Tribal Court for a registerable Sex Offense and Imprisoned, the Sex Offender must register before being released from Imprisonment.
2. If Convicted by the Tribal Court, but not Imprisoned, Immediately after sentencing for the registerable offense.
3. If a Visitor is Convicted for a registerable Sex Offense by the Tribal Court or any other court enumerated in this Chapter, the Visitor must notify the Police Department at least twenty-four (24) hours prior to such Visit, and register upon entering Tribal Lands.
4. For convictions in any other court, including, but not limited to convictions in state, federal, military, foreign, or tribal courts, a Sex Offender must appear in-person to register with the Police Department, within three (3) business days of establishing a Residence, commencing Employment, or becoming a Student on Tribal Lands.

d. Duties of the Police Department. The Police Department shall have policies and procedures in place to ensure the following:

1. That any Sex Offender Imprisoned or sentenced by the Tribe for a registerable Sex Offense completes their initial registration with the Police Department;
2. That the Connecticut sex offender registry is reviewed regularly to verify that all registerable Sex Offenders have properly registered with the Police Department;
3. That any Sex Offender initially registering with the Tribe is informed of their duties under SORNA and this Title, and that such duties under SORNA and this Title are explained to them;

4. That the Sex Offender reads, or has read to them, and signs an Acknowledgement Form stating that the duty to register has been explained to them and that the Sex Offender understands the registration requirement;
5. That the Sex Offender is registered and added to the Public Website;
6. That upon entry of the Sex Offender's information, including the signed Acknowledgement Form, into the Mashantucket Pequot Sex Offender Registry, that information is Immediately forwarded to all other Jurisdictions in which the Sex Offender is required to register due to the Sex Offender's Residency, Employment, or Student status;
6. That all information is Immediately forwarded to the State Police for entry in NCIC and NSOR; and
7. That the text of each provision of law mentioned in Chapter 3, Section 2(q) (1) (A), below, shall be cross-linked to the Sex Offender Registry.

e. Retroactive Registration and Recapture. The Police Department shall have policies and procedures in place to ensure the following three (3) categories of Sex Offenders are subject to the registration and updating requirements of this Chapter:

1. Sex Offenders Imprisoned or under the supervision of the Tribe, whether for a registerable Sex Offense or other crime;
2. Sex Offenders already registered or subject to a pre-existing Sex Offender registration requirement under the Tribe's laws, and;
3. Sex Offenders reentering the justice system due to conviction for any crime.

f. Timing of Recapture. The Police Department shall ensure recapture of the Sex Offenders mentioned in Chapter 3, Section 1(e), above, within the following timeframe to be calculated from the date of passage of this Chapter:

1. For Tier-1 Sex Offenders, one (1) year;
2. For Tier-2 Sex Offenders, one hundred eighty (180) days;
3. For Tier-3 Sex Offenders, ninety (90) days.

g. Changes in Information/Keeping Registration Current.

1. Jurisdiction of Residency. All Sex Offenders who reside on Tribal Lands or who are required to register in this Jurisdiction shall, within twenty-four (24) hours of a change in any of the information required during registration, appear in person at the Police Department to update this information.

A registerable Sex Offender who will be absent from his or her Residence or Temporary Lodging for seven (7) or more consecutive days shall provide to the Police Department, in-person and no later than seven (7) days before the scheduled domestic travel, or no later than twenty one (21) days before international travel, the following information:

- (A) Identifying information of where the Sex Offender will be Temporarily Lodging, including addresses and names, and;
- (B) The dates the Sex Offender will be staying at each temporary location, and the Police Department shall Immediately notify the Jurisdiction in which the Sex Offender will be temporarily staying.

2. Jurisdiction of School Attendance. Any Sex Offender who is a Student in any capacity within Tribal Lands, regardless of location, that changes his/her School, or otherwise terminates his/her schooling

shall, within twenty four (24) hours of the change, appear in-person at the Police Department to update that information. The Police Department shall ensure that each Jurisdiction in which the Sex Offender is required to register, or was required to register prior to the updated information being given, is Immediately notified of the change.

3. Jurisdiction of Employment. Any Sex Offender who is an Employee within Tribal Lands, regardless of location, who changes or otherwise terminates his/her Employment shall, within twenty four (24) hours of the change, appear in-person at the Police Department to update that information. The Police Department shall ensure that each Jurisdiction in which the Sex Offender is required to register, or was required to register prior to the updated information being given, is immediately notified of the change.
4. Jurisdiction of Visitor. A Sex Offender who is a Visitor must update his or her Temporary Lodging information with the Police Department within twenty-four (24) hours of the change.
5. Duties of the Police Department. With regard to changes in a Sex Offender's registration information, the Police Department, shall update the Public Website and Immediately notify:
  - (A) All Jurisdictions where a Sex Offender intends to Reside, work, or attend School.
  - (B) Any Jurisdiction where the Sex Offender is either registered or required to register.
  - (C) Specifically with respect to information relating to a Sex Offender's intent to commence Residence, School, or Employment outside of the United States, any Jurisdiction where the Sex Offender is either registered or required to register and the U.S. Marshals Service. The Police Department shall also ensure this information is Immediately provided to the Connecticut State Police for update in NCIC or NSOR.
  - (D) The jurisdiction in which the offender will be temporarily staying.

h. Failure to Appear or Register; Absconding.

1. Failure to Appear. In the event another Jurisdiction notifies the Police Department of a registered Sex Offender's proposed commencement of Residency, Employment, or School attendance on Tribal Lands, and that Sex Offender fails to register with the Tribe as required by this Title, the Police Department shall Immediately inform the Jurisdiction that provided notification that the offender failed to appear for registration.
2. Failure to Register. In the event a Sex Offender, who is required to register due to his or her Residence, Employment, or School attendance, fails to do so or otherwise violates a registration requirement of this Chapter, the Police Department shall take all appropriate follow-up measures including those outlined below in Chapter 3, Section 1(h) (3). The Police Department shall first make an effort to determine if the Sex Offender actually Resides, is an Employee or Student in Tribal Lands. In the event another Jurisdiction had notified the Police Department of the Offender's Residence, Employment, or School attendance on Tribal Lands, the Police Department shall Immediately inform the Jurisdiction which provided notification to the Tribe that the Sex Offender failed to register with the Tribe.

3. Absconded Sex Offender. If the Police Department receives information that a Sex Offender has absconded, the Police Department shall make an effort to determine if the Sex Offender has actually absconded.
  - (A) In the event no determination can be made, the Police Department or designee shall ensure the appropriate law enforcement agency is notified.
  - (B) If the information indicating the possible absconding came through notice from another Jurisdiction or federal authorities, the Police Department shall inform them that the Sex Offender failed to appear and register.
  - (C) If an absconded Sex Offender cannot be located, the Police Department shall take the following steps:
    - (i) Update the Sex Offender Registry and Public Website Immediately to reflect the Sex Offender has absconded or is otherwise not capable of being located;
    - (ii) Notify the U.S. Marshals Service;
    - (iii) Seek a warrant for the Sex Offender's arrest from the State of Connecticut. The U.S. Marshals Service or FBI may be contacted in an attempt to obtain a federal warrant for the Sex Offender's arrest, if needed;
    - (iv) Notify the State Police and request that they update the NCIC and NSOR to reflect the Sex Offender's status as an absconder, or is otherwise not capable of being located; and
    - (v) Notify the State Police and request that they enter the Sex Offender into the National Crime Information Center Wanted Person File.

i. Frequency and Duration of In-Person Registration. A Sex Offender who is required to register shall, at a minimum, appear in-person at the Police Department for purposes of verification and keeping their registration current in accordance with the following time frames:

1. Tier-1 Sex Offenders must register once every year for fifteen (15) years from either the time of release from custody if Imprisoned for the registerable offense or from the date of sentencing if not Imprisoned for the registerable offense.
2. Tier-2 Sex Offenders must register once every one hundred eighty (180) days for twenty-five (25) years from either the time of release from custody if Imprisoned for the registerable offense, or from the date of sentencing if not Imprisoned for the registerable offense.
3. Tier-3 Sex Offenders must register once every ninety (90) days for the rest of their lives.

j. Requirements for In-Person Appearances. A Sex Offender who is required to appear in-person shall comply with the following:

1. Photographs. At each in-person verification, the Sex Offender shall permit the Police Department to take a photograph of the Sex Offender.
2. Review of Information. At each in-person verification, the Sex Offender shall review existing information for accuracy.
3. Notification. If any new information or change of information is obtained at an in-person verification, the Police Department shall Immediately notify the State Police of the pertinent information for update in the NCIC and NSOR.



k. Address Verification; Homeless. A Sex Offender who is required to register under this Title shall register at the local Jurisdiction in-person.

1. A Sex Offender who is Homeless shall verify his or her address (city, county, township, and street) daily with the Police Department, even if that address is a temporary abode at the home of a family member or friend or at a shelter or a bench on a specific street or a tent in a particular location or any such place where the Sex Offender frequents or stations himself or herself during the day or sleeps at night.

l. Mandatory Disclosure

1. Employees. A Sex Offender who works or volunteers for an Employer where the Employee will have direct contact with Minors shall notify the Employer of the Sex Offender's conviction at the time of application for Employment, or, at a minimum, upon commencing Employment. Such notification must be in writing to the Employer. The Employer must notify the Police Department of any acceptance of a Sex Offender as an Employee.
2. Disclosure regardless of Conviction Date. Any person required to register under this Title must disclose the information required by this Title regardless of the date of Conviction.

38 M.P.T.L. ch.3 § 2

**§ 2. Required Information**

a. Criminal History. The Police Department shall obtain, and a registerable Sex Offender shall provide, the following information related to the Sex Offender's criminal history:

1. The date of all arrests;
2. The date and place of all convictions;
3. The Sex Offender's status of parole, probation, or supervised release;
4. The Sex Offender's registration status; and
5. Any outstanding arrest warrants.

b. Date of Birth. The Police Department shall obtain, and a registerable Sex Offender shall provide, the following information related to the Sex Offender's date of birth:

1. The Sex Offender's actual date of birth; and
2. Any other date of birth used by the Sex Offender.

c. DNA Sample.

1. DNA. If the Sex Offender's DNA is not already contained in the Combined DNA Index System (CODIS), the Sex Offender shall provide the Police Department a sample of his DNA.
2. CODIS. Any DNA sample obtained from a Sex Offender shall be submitted to an appropriate lab for analysis and entry of the resulting DNA profile into CODIS.

d. Driver's Licenses, Identification Cards, Passports, and Immigration Documents.

1. Driver's License. A Sex Offender shall provide all of the Sex Offender's valid driver's licenses issued by any jurisdiction. The Police Department shall obtain a photocopy of any such licenses.

2. Identification Cards, Passports, and Immigration Documents. A Sex Offender shall provide any passports, immigration documents, and identification cards, including the Sex Offender's tribal enrollment card, issued by any jurisdiction. The Police Department shall make a photocopy of any such identification cards, passports, or immigration documents.

e. Employment Information. The Police Department shall obtain, and a Sex Offender shall provide, the following information related to the Sex Offender's Employment, to include any and all places where the Sex Offender is or will be employed in any means, including volunteer and unpaid positions:

1. The name of the Sex Offender's Employer,
2. The address of the Sex Offender's Employer, and
3. Similar information related to any transient or day labor Employment.

f. Finger and Palm Prints. If the Sex Offender's finger and palm prints have not been captured by another jurisdiction during the Sex Offender's initial registration, the Police Department shall obtain, and a Sex Offender shall provide, both finger prints and palm prints of the Sex Offender in a digitized format. The Police Department shall submit the fingerprints to the IAFIS and the palm prints to the FBI Next Generation Identification Program, or in accordance with 42 U.S.C. §16901 et seq.

g. Internet Identifiers / Internet Names. The Police Department shall obtain, and a Sex Offender shall provide, the following information related to the Sex Offender's internet-related activity:

1. Any and all email addresses used by the Sex Offender;
2. Any and all Instant Message addresses and identifiers;
3. Any and all other designations or monikers used for self-identification in internet communications or postings; and
4. Any and all designations used by the Sex Offender for the purpose of routing or self-identification in internet communications or postings, including but not limited to social network identifications, twitter accounts, Instagram, SnapChat, and video posting site identifications such as YouTube.

h. Name. The Police Department shall obtain, and a Sex Offender shall provide, the following information related to the Sex Offender's name:

1. The Sex Offender's full primary given name;
2. Any and all nicknames, aliases, and pseudonyms regardless of the context in which it is used; and
3. Any and all ethnic or tribal names by which the Sex Offender is commonly known.

i. Phone Numbers. The Police Department shall obtain, and a Sex Offender shall provide, any and all telephone numbers and any other designations used by the Sex Offender for purposes of routing or self-identification in telephonic communication, including but not limited to:

1. Any and all land line telephone numbers,
2. Any and all cellular telephone numbers, and
3. Any and all Voice-Over IP (VOIP) telephone numbers.

j. Picture

1. Photograph. The Police Department shall obtain, and a registerable Sex Offender shall provide, a current photograph of the Sex Offender.
2. Update Requirements. Unless the appearance of a Sex Offender has not changed significantly, a digitized photograph shall be collected:
  - (A) every ninety (90) days for Tier-3 Sex Offenders,
  - (B) every one hundred eighty (180) days for Tier-2 Sex Offenders, and
  - (C) every year for Tier-1 Sex Offenders.
3. A Sex Offender who changes his or her appearance between the registration deadlines of Chapter 3, Section 2(j)(2) above shall, within 24 hours, appear in-person to the Police Department so as to provide a current and accurate photograph.

k. Physical Description. The Police Department shall obtain, and a Sex Offender shall provide, an accurate description of the Sex Offender as follows:

1. A physical description;
2. A general description of the Sex Offender's physical appearance or characteristics; and
3. Any identifying marks, such as, but not limited to, scars, moles, birthmarks, or tattoos.

l. Professional Licensing Information. The Police Department shall obtain, and a Sex Offender shall provide, all licensing of the Sex Offender that authorizes the Sex Offender to engage in an occupation or carry out a trade or business.

m. Residence Address. The Police Department shall obtain, and a Sex Offender shall provide, the following information related to the Sex Offender's Residence:

1. The address of each Residence at which the Sex Offender resides or will reside; and
2. Any location or description that identifies where the Sex Offender resides regardless of whether it pertains to a permanent Residence or location otherwise identifiable by a street or address, even if that address is a temporary abode, at the home of family members or friends, or at a shelter or a bench on a specific street or a tent in a particular location or any such place where the Sex Offender frequents or stations himself or herself during the day or sleeps at night.

n. School. The Police Department shall obtain, and a Sex Offender shall provide, the following information related to the Sex Offender's School:

1. The address of each School where the Sex Offender is or will be a Student or Employee; and
2. The name of each School the Sex Offender is or will be a Student or Employee.

o. Social Security Number. The Police Department shall obtain, and a Sex Offender shall provide, the following information:

1. A valid social security number for the Sex Offender; and
2. Any social security number the Sex Offender has used in the past, valid or otherwise.

p. Temporary Lodging Information. No later than three (3) days prior to a Sex Offender's travel, the Police Department shall obtain, and the Sex Offender

shall provide in-person, the following information when the Sex Offender will be absent from his Residence for seven (7) days or more:

1. Identifying information of the Temporary Lodging locations including addresses and names, and
2. The dates the Sex Offender will be staying at each Temporary Lodging location.

q. Offense Information.

1. The Police Department shall obtain:

- (A) The text of each provision of law defining the criminal offense(s) for which the Sex Offender is registered, or a brief description of the offense for which the registration is required;
- (B) Criminal offense history, including a copy of all Sex Offense judgments, criminal offense dates, gender of victims, and probation, parole or other release status and terms and contact information for the supervisory group;
- (C) Documentation of any treatment received or any mental abnormality or personality disorder of the offender; and
- (D) Any other information deemed necessary.

2. The Police Department shall cross-link the text of each provision of law mentioned in Chapter 3, Section 2(q) (1) (A), above, to the Sex Offender Registry.

r. Vehicle Information. The Police Department or designee shall obtain, and a Sex Offender shall provide, the following information related to all vehicles owned, registered to, or operated by, the Sex Offender for work or personal use including land vehicles, aircraft, and watercraft:

1. License plate numbers;
2. Registration numbers or identifiers;
3. General description of the vehicle(s) to include color, make, model, and year; and
4. Any permanent or frequent location where any covered vehicle is kept.

s. International Travel.

1. Travel Abroad. Sex Offenders must inform their Jurisdiction(s) of Residence if they intend to travel outside of the United States twenty one (21) days in advance of such travel, including:

- (A) dates, times, and places of departure, arrival, and return (if applicable), including the name of the city or town that is the point of departure from each country;
- (B) means of travel, whether by airplane, train, or marine vessel;
- (C) itinerary details, including but not limited to:
  - (i) the names of ports, airports, or stations from which leaving, passing through, or arriving;
  - (ii) times of departure and arrival, and layover places and times; and
  - (iii) airline names, flight numbers, train names and numbers and/or marine vessel names or identification numbers, and the ports or stations from which they are scheduled to leave and/or arrive;

- (D) country, number, and date of issuance of any Visa issued;
- (E) purpose of travel, whether for business, tourism or other specified reason;
- (F) if the travel is for longer than thirty (30) days, whether it is due to deportation, employment, military relocation, school, assisting a family member, or other specified reason; and
- (G) address or other reported contact information for destination country, including:
  - (i) notifying agency and contact information;
  - (ii) registering Jurisdiction (state, tribe, or territory) and contact information;
  - (iii) whether direct notice of the Sex Offender's intended travel has been given to INTERPOL-Washington or to any other federal law enforcement agency.

2. The Police Department will notify the U.S. Marshals Service of the information gathered according to Chapter 3, § 9(s)(1) and Immediately:
  - (A) notify any other Jurisdiction where the Sex Offender is either registered, or is required to register, of any updated information gained from Section 9(s)(1), above; and
  - (B) forward the information to the State Police for entry into the NCIC and NSOR.

**CHAPTER 4. PUBLICATION AND COMMUNITY NOTIFICATIONS; PUBLIC WEBSITE**

38 M.P.T.L. ch.4 § 1

**§ 1. Publications & Community Notifications**

a. Law Enforcement Notification. Whenever a Sex Offender registers or updates his or her information with the Tribe, the Police Department shall:

1. Monitor and utilize the SORNA Exchange Portal for inter-Jurisdictional change of Residence, Employment, or Student status;
2. Immediately contact the State Police to update NCIC and NSOR;
3. Immediately notify any agency, department, or program within the Tribe that is responsible for criminal investigation, prosecution, child welfare or Sex Offender supervision functions, including, but not limited to police, whether state, federal or tribal; tribal prosecutors; tribal probation, and tribal child protection services;
4. Immediately notify any and all other registration Jurisdictions where the Sex Offender is registered due to the Sex Offender's Residency, School attendance, or Employment;
5. Immediately notify National Child Protection Act agencies, which includes any agency responsible for conducting Employment-related background checks under Section 3 of the National Child Protection Act of 1993 (42 U.S.C. § 5119a) when a Sex Offender registers or updates registration; and
6. Immediately enter or update information posted on the Public Website.

b. Community Notification. The Police Department or its designee shall ensure there is an automated community notification process in place that ensures the following:

1. Upon a Sex Offender's registration or update of information with the Police Department, the Public Website is Immediately updated; and
2. The Public Website has a function that enables the general public to request an e-mail notice when a Sex Offender commences Residence, Employment, or School attendance within Tribal Lands or within a certain zip code or radius. The Public Website system shall have a function that will automatically send an e-mail notice to the requester with the Sex Offender's identity upon any updates to the Public Website, such as the posting of new Residence, School, or Employment of a Sex Offender, so that the requester can access the Public Website for the new information.

c. Mandatory Publication & Notification. Immediately upon a Sex Offender's registering or updating his or her information, the Police Department shall disclose the Sex Offender's: name, address or location; most recent photograph, if available; date of photograph; place of Employment; address of School attended; vehicle description and license plate numbers; crime for which convicted; date and place of conviction; hair color; height; race; sex; age; and any other information deemed necessary for the protection of the public, to:

1. Each School, public housing agency, and community center in each area in which the Sex Offender Resides, is an Employee, or is a Student;
2. Child Protective Services and any other social service agencies responsible for protecting Minors in the child welfare system, and any agency, department, or program within the Tribe that is responsible for criminal investigations, prosecution, child welfare or Sex Offender supervision functions, including but not limited to police, whether tribal, state or federal; tribal prosecutors; and tribal probation.

d. Volunteer and other organizations. Immediately upon a Sex Offender's registration or update of registration information, the Police Department shall notify the following organizations of the updated information in the Public Website:

1. Any volunteer organization in which contact with Minors or other vulnerable individuals might occur, and
2. Any organization, company, or individual who requests such notification pursuant to procedures established by the Police Department.

e. Public and Community Notifications. Individuals may obtain a list of registered Sex Offender from the Public Website, including name, aliases, addresses, most recent photograph, physical description, vehicle description and license plate numbers, and any other information required under Chapter 4, Section 2(b), below.

1. The Tribe may, at its discretion and only through approval of the Mashantucket Pequot Tribal Council, publish names and/or pictures of all registered Sex Offenders in local media other than the Public Website.
2. Records maintained pursuant to this Title shall be open to law enforcement agencies which shall be authorized to release relevant and necessary information regarding Sex Offenders to the public.
3. Information disclosed pursuant to this subsection (Chapter 4, Section 1(e)) shall not include information that would identify the victim.
4. Any release of information under this Section will be accompanied by the following:

**WARNING**

**This information is made available for the purpose of protecting the public. It is not to be used for the purpose of harassing or intimidating anyone. A person who uses Sex Offender Registry information to commit a criminal act against another person is subject to arrest and prosecution under 38 M.P.T.L. ch. 5 § 2.**

38 M.P.T.L. ch.4 § 2

**§ 2. Public Sex Offender Registry Website**

a. Website.

1. Website. The Police Department shall use and maintain a public Sex Offender registry website which will be called the Mashantucket Pequot Sex Offender Registry Public Website ("Public Website").
2. Links. The Public Website shall include links to Sex Offender safety and education resources.
3. Instructions. The Public Website shall include instructions on how a person can seek correction of information that the individual contends is erroneous.
4. Warnings. The Public Website shall include a warning that the information contained on the website 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 addresses and that any such action could result in civil or criminal penalties.
5. Search Capabilities. The Public Website shall have the capability of conducting searches by (1) name; (2) county, city, and/or town; and (3) zip code and/or geographic radius.
6. Dru Sjodin National Sex Offender Public Website. The Tribe shall include in the design of its website 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 Attorney General of the United States.

b. Required Information. The following information shall be made available to the public on the Public Website:

1. Notice that a Sex Offender is in violation of his or her registration requirements or cannot be located if the Sex Offender has absconded;
2. All Sex Offenses for which the Sex Offender has been convicted;
3. The Sex Offense(s) for which the Sex Offender is currently registered;
4. The address of the Sex Offender's Employer(s);
5. The name of the Sex Offender including all aliases;
6. A current photograph of the Sex Offender;
7. A physical description of the Sex Offender;
8. The Residential address and, if relevant, a description of the Residence of the Sex Offender;
9. All addresses of Schools attended by the Sex Offender; and
10. The Sex Offender's vehicle license plate number along with a description of the vehicle.

c. Prohibited Information. The following information shall not be made available to the public on the Public Website:

1. Any arrest that did not result in conviction,
2. The Sex Offender's social security number,
3. Any travel and immigration documents,
4. The names of any Employers or Schools where the Sex Offender is working or attending,

5. The identity of the victim,
6. The Sex Offender's email addresses and other Internet identifiers (as defined in 42 U.S.C. § 16915a (e) (2)), and
7. Any other information exempted from disclosure under 42 U.S.C. § 16915a (b).

d. Witness Protection. For Sex Offenders who are under a witness protection program, the Police Department may honor the request of the United States Marshals Service or other agency responsible for witness protection by not including the original identity of the Sex Offender on the Public Website.

## **CHAPTER 5. SAFETY ZONES; SANCTIONS**

38 M.P.T.L. ch.5 § 1

### **§ 1. Safety Zones**

The following safety zones shall apply to any Sex Offender whose victim was a Minor and to all Tier-3 Sex Offenders:

a. Prohibition Against Sex Offender Being Present on or Within a Certain Distance of School Building, School Property, or Playground.

1. Unless exempted under Chapter 5, Section 1(a) (2), (3), or (4) below, it is unlawful for any Tier-1 or Tier-2 Sex Offender whose victim was a Minor, and for any Tier-3 Sex Offender:
  - (A) To be present in any School building, on real property comprising any School, or in any vehicle owned, leased, or contracted by a School to transport Students to or from School or a School-related activity when Minors are present in the building, on the grounds or in the vehicle; or
  - (B) To loiter or work within one thousand (1000) feet of a School building or real property comprising any School or Playground.
2. A person required to register under this Title as a Tier-3 Sex Offender, or as a Tier-1 or Tier-2 Sex Offender whose victim was a Minor, who is a parent or guardian of a Student attending School and has registered as required under this Title, may be present, but may not linger, on School property if the parent or guardian is:
  - (A) Attending a conference at the School with School Personnel to discuss the academic or social progress of the Sex Offender's child;
  - (B) Participating in child review conferences in which evaluation and placement decisions may be made with respect to the Sex Offender's child regarding special education services;
  - (C) Attending conferences to discuss other Student issues concerning the Sex Offender's child such as retention and promotion;
  - (D) Transporting the Sex Offender's child to and from School; or
  - (E) Present at the School because the presence of the Sex Offender had been requested by the principal or superintendent for any other reason relating to the welfare of the child.
3. It shall be unlawful for an individual entering School property pursuant to (a) (2) of this Section, to enter the School through any entrance other than the main/front entrance.
4. Subsection (a) (1) of this Section shall not apply to a Sex Offender who is legally enrolled in a particular School or is participating in a School-sponsored educational program located at a particular School when the Sex Offender is present at that School.



5. Nothing in this Section shall be construed to infringe upon the constitutional or civil right of a Sex Offender to be present in a School building that is used as a polling place for the purpose of voting.

b. Prohibition of Offenders Residing Within One Thousand Feet of a School or Playground.

1. Any person who has been classified as a Tier-3 Sex Offender, and any other Sex Offender whose victim was a Minor, shall not reside within one thousand (1000) feet of any School or Playground which is in existence at the time the person begins to reside at the location.
2. If a Tier-3 Sex Offender or a Sex Offender whose victim was a Minor has already established a Residence, and a School or Playground is subsequently built or placed within one thousand (1000) feet of such person's Residence, then such person shall, prior to one week of the opening of such School or Playground, notify the Police Department and the Department of Public Safety where such School or Playground is located that he or she is now residing within one thousand (1000) feet of such School or Playground and shall provide verifiable proof to the Department of Public Safety that he or she resided there prior to the opening of such School.
3. Restrictions and prohibitions in the above Subsections 1(b)(1) and (2) do not apply to a Sex Offender already residing within a School or Playground area safety zone prior to the enactment and effective date of this Title, or to a Sex Offender who is Imprisoned or is at a facility within a safety zone, or worked within the Student safety zone prior to the effective date of this Title, or to Sex Offenders who intermittently or sporadically enter a safety zone for the purposes of work. All Tier-3 Sex Offenders, and all Sex Offenders whose victims were Minors, who were convicted prior to enactment of this Title and are still living within a School or Playground safety zone may not initiate nor maintain contact with Minors in the safety zone.

38 M.P.T.L. ch.5 § 2

**§ 2. Civil and Criminal Sanctions**

a. Civil Penalty. Each violation of a provision of this Title by a Sex Offender who is not an Indian shall be considered a civil violation subject to enforcement by any means not prohibited by federal law, including but not limited to the issuance of fines, forfeitures, and civil contempt.

b. Criminal Penalties. Each violation of a provision of this Title by a Sex Offender who is an Indian shall be considered a crime and subject to a period of Imprisonment of up to 1 year and/or a fine of up to \$5,000.

c. Additional Criminal Sanctions.

1. Hindrance of Sex Offender Registration. A person is guilty of a criminal offense punishable by up to one (1) year's Imprisonment and/or a fine of up to \$5,000 if the person:

(A) knowingly harbors or knowingly attempts to harbor, or knowingly assists another person in harboring or attempting to harbor a Sex Offender who is in violation of this Title;

(B) knowingly assists a Sex Offender in eluding a law enforcement agency that is seeking to find the Sex Offender to question the Sex

Offender about, or to arrest the Sex Offender for, noncompliance with the requirements of this Title; or  
(C) provides information which the person knows to be false regarding a Sex Offender to a law enforcement agency.

2. Misuse of Registration Information.

(A) Any person, who willfully misuses or alters public record information relating to a Sex Offender or sexual predator, including information displayed by law enforcement agencies on websites, shall be guilty of an offense punishable by up to one (1) year's Imprisonment and/or a fine of up to \$5,000.

(B) The sale or exchange of Sex Offender information for profit is prohibited. Any violation of this subsection is an offense punishable up to one (1) year's Imprisonment and/or a \$5,000 fine.

3. Repeat Offenders. Any second or subsequent violation under this Title occurring within the mandatory registration period shall be an offense punishable by up to one (1) year's Imprisonment and/or a \$5,000 fine.

**CHAPTER 6. MISCELLANEOUS**

38 M.P.T.L. ch.6 § 1

**§ 1. Sovereign Immunity**

Nothing in this Chapter shall be construed as a waiver of sovereign immunity for the Tribe, or its departments, agencies, Employees, or agents, from suit in tribal, state or federal court, or in any action before any tribal, state or federal agency or in any other forum or context.

38 M.P.T.L. ch.6 § 2

**§ 2. Good Faith**

Any person acting in good faith under this Law shall be immune from any civil liability arising out of such actions.

38 M.P.T.L. ch.6 § 3

**§ 3. Savings Clause**

If any court of competent jurisdiction finds that any section, subsection, or phrase of this Title violates the Constitution or laws of the Tribe or applicable federal laws, such stand-alone part will be deleted from this Title and, so long as the intent remains intact, the remainder of this Title will take full force and effect.

**§ 4. Effective Date; Implementation.**

This law shall become effective as of the date of passage by Mashantucket Pequot Tribal Council resolution approving and adopting the same. The Police Department shall have authority to and will draft Policies and Procedures to implement this Chapter, provided that any imposition of fees, fines, or penalties is approved by the Mashantucket Pequot Tribal Council.

**Historical and Statutory Notes**

Effective May 31, 2012, TCR053112-02 of 09 repealed 2 M.P.T.L. ch. 8 and replaced with Title 38, Sex Offender Registration and Notification Law.

**Amendments.**

Effective September 24, 2015 TCR092415-17 of 23 amends 38 M.P.T.L. Sex Offender Notification and Registration Law to Clarify the Law and Meet the Substantial Implementation Requirements Under the Federal Sex Offender Registration and Notification Act, 42 United States Code §§ 16901 et seq.

Effective October 22, 2015 TCR102215-01 amends 38 M.P.T.L. Sex Offender Notification and Registration Law to Clarify the Law and Meet the Substantial Implementation Requirements Under the Federal Sex Offender Registration and Notification Act, 42 United States Code §§ 16901 et seq and Rescinds TCR092415-14 of 23