

Cherokee Nation Code Annotated

Title 57: Prisons and Reformatories

Chapter 1: Sex Offender Registration and Notification

§ 7. Registration—Time limits—Duration—Petition for release from registration requirement—Information to be provided to offender

Cite as: 57 CNCA § 7

A. Any person who meets the definition of sex offender as set forth in this act shall register, in person, as follows:

1. With the Cherokee Nation Marshal Service:

a. if the person is not incarcerated, within one (1) business day of receiving a conviction including a deferred sentence imposed in violation of 22 CNCA § 991c, or

b. not less than ten (10) business days prior to the release of the person from incarceration, except as provided in subsection (B) of this section; and

2. With the local law enforcement authority having jurisdiction in the area where the person resides or intends to reside either temporarily or permanently. The registration is required within three (3) business days after entering the jurisdiction of the local law enforcement authority;

3. With the local law enforcement authority having jurisdiction in the area where the person works or intends to work. The registration is required within three (3) business days after entering the jurisdiction of the local law enforcement authority; and

4. With the security office of the educational institution and the local law enforcement authority having jurisdiction in the area where the person is enrolled as a student either full-time or part-time. The registration is required within three (3) business days after entering the jurisdiction of the local law enforcement authority;

5. With the Cherokee Nation Marshal Service and the local law enforcement authority no less than three (3) business days prior to abandoning or moving from the address of the previous registration or any change to employment or change to student status. For purposes of this section, "local law enforcement authority" means:

a. i. the Cherokee Nation Marshal Service if the person resides or intends to reside or stay on Cherokee Nation Indian Country, or

ii. the municipal police department, if the person resides or intends to reside or stay at any place outside of Cherokee Nation Indian Country but within the jurisdiction of any municipality, or

iii. the county sheriff, if the person resides or intends to reside or stay at any place outside of Cherokee Nation Indian Country and outside the jurisdiction of any municipality, and

b. i. the Cherokee Nation Marshal Service if the person works or intends to work at any place on Cherokee Nation Indian Country, or

ii. the municipal police department, if the person works or intends to work at any place outside of Cherokee Nation Indian Country but within the jurisdiction of any municipality, or

iii. the county sheriff, if the person works or intends to work at any place outside of Cherokee Nation Indian Country and outside the jurisdiction of any municipality, and

c. the police or security department of any educational institution if the person:

i. enrolls as a full-time or part-time student,

ii. is a full-time or part-time employee at an institution of higher learning, or

iii. resides or intends to reside or stay on any property owned or controlled by the institution of higher learning.

B. Any person who:

1. Has received a conviction for an offense in another jurisdiction, which offense

if committed or attempted in Cherokee Nation, would have been punishable as one or more of the offenses listed in 57 CNCA § 4, and

2. Who enters Cherokee Nation and who has not been designated as a sex offender by a Court of the Cherokee Nation but who has been designated as a sexual predator, as a sexually violent predator, or by another sexual offender designation in another state or jurisdiction and was, as a result of such designation, subjected to registration or community or public notification, or both, or would be if the person was a resident of that state or jurisdiction, without regard to whether the person otherwise meets the criteria for registration as a sex offender shall register, in person, as follows:

a. With the Cherokee Nation Marshal Service when:

i. the person enters and intends to be in the Nation for any purpose for five (5) consecutive days or longer, calculated beginning with the first day,

- ii. has any type of full-time or part-time employment, with or without compensation for more than five (5) cumulative days in any sixty (60) day period, or
- iii. is enrolled as a full-time or part-time student within Cherokee Nation. Such registration is required within three (3) business days after entering the Nation;

b. With the Cherokee Nation Marshal Service no less than three (3) business days prior to abandoning or moving from the address of the previous registration; and

C. When a person has been designated as a sex offender by Cherokee Nation District Court, the person shall be required to register as follows:

1. For a period of fifteen (15) years, if the person is a Tier I registrant;
2. For a period of twenty-five (25) years, if the person is Tier II registrant; and
3. For life, if the person is a Tier III registrant.

The registration period shall begin, (1) if the person is sentenced to incarceration for the registration offense, from the date the person is released from custody, or (2) if the person receives a non-incarcerative sentence for the registration offense, from the date the offender is sentenced. The information received pursuant to the registration with the Cherokee Nation Marshal Service required by this section shall be maintained by the Cherokee Nation Marshal Service for at least ten (10) years from the date of the last registration. Any person required to register by another jurisdiction shall be required to maintain such registration pursuant to 57 CNCA § 6(E).

D. Any person who:

1. has been assigned to the Tier I designation and who has been registered for a period of ten (10) years; or
2. has been assigned to the Tier III designation and was required to register on the basis of a juvenile delinquency adjudication and who has been registered for a period of twenty-five (25) years;

may petition the District Court for the purpose of removing the tier level and sex offender designation and allowing the person to no longer be subject to the registration requirements of the Sex Offender Registration and Notification Act, thereby reducing the registration period. The District Court may reduce the registration duration and lift the registration requirements for such an offender only if the offender can show by clear and convincing evidence the following:

- a. The registrant has not been convicted of any offense, regardless of its designation as a misdemeanor or felony during the registration period, and
- b. The registrant has successfully completed any periods of supervised release, probation, and parole without any revocation or acceleration, and
- c. The registrant has successfully completed an appropriate sex offender treatment program certified by either the Attorney General of the United States or the Attorney General of Cherokee Nation.

E. When registering an individual as provided in this section the Cherokee Nation Marshal Service shall:

- 1. Inform the registrant of the duty to register and obtain the information required for registration as described in this section;
- 2. Inform the registrant that if the registrant changes address within Cherokee Nation Indian Country, the registrant shall give notice of the move and the new address to the Cherokee Nation Marshal Service in writing no later than three (3) business days before the offender establishes residence or is temporarily domiciled at the new address;
- 3. Inform the registrant that if the registrant changes address outside of Cherokee Nation Indian Country, the registrant shall give notice of the move and shall register the new address with the Cherokee Nation Marshal Service and with a designated law enforcement agency in the new jurisdiction not later than ten (10) calendar days before the offender establishes residency or is temporarily domiciled in the new jurisdiction, if such jurisdiction has a registration requirement;
- 4. Inform the registrant that if the registrant participates in any full-time or part-time employment, outside of Cherokee Nation Indian Country, with or without compensation for more than fourteen (14) cumulative days in any sixty (60) day period or an aggregate period of thirty (30) days or more in a calendar year, then the registrant has a duty to register as a sex offender in the jurisdiction where the offender is so employed;
- 5. Inform the registrant that if the registrant enrolls in any type of school outside of Cherokee Nation Indian Country as a full-time or part-time student then the registrant has a duty to register as a sex offender in the jurisdiction where the school is found;
- 6. Inform the registrant that if the registrant enrolls in any school within the Cherokee Nation as a full-time or part-time student, then the registrant has a duty to register as a sex offender with both the Cherokee Nation Marshal Service and the security office of the school, if any; and

7. Inform the registrant that if the registrant participates in any full-time or part-time employment at any school, with or without compensation, or participates in any vocational course or occupation at any school in Cherokee Nation, then the registrant has a duty to notify the Cherokee Nation Marshal Service and the security office of the school in writing of such employment or participation at least three (3) days before commencing or upon terminating such employment or participation; and

8. Inform the registrant that if the registrant graduates, transfers, drops, terminates or otherwise changes enrollment or employment at any school in Cherokee Nation, then the registrant shall notify the Cherokee Nation Marshal Service and the school security department in writing of such change in enrollment or employment within three (3) business days of the change;

9. Inform the registrant that if the registrant changes his or her name or alias, telephone or pager information, vehicle, color of vehicle or vehicle registration, or any e-mail or instant message address or other internet address or identifier, or makes plans to travel outside of the United States, the registrant must notify the Cherokee Nation Marshal Service within three (3) business days of the change;

10. Require the registrant to read and sign a form stating that the duty of the person to register under the Sex Offender Registration and Notification Act has been explained.

F. Any person who resides outside Cherokee Nation Indian Country and who has been convicted of an offense or received a deferred judgment for an offense in Cherokee Nation, or in another jurisdiction, which offense if committed or attempted in Cherokee Nation would have been punishable as one or more of the offenses listed in 57 CNCA § 4, and who is the spouse of a person living in Cherokee Nation shall be registered with the Cherokee Nation Marshal Service when the person enters and intends to be in Cherokee Nation Indian Country for any purpose for five (5) consecutive days or longer, calculated beginning with the first day or an aggregate period of five (5) days or longer in a calendar year. Such registration is required at least three (3) business days prior to entering Cherokee Nation Indian Country.

G. The duty to register as a sex offender in Cherokee Nation shall not be prevented if, at the time of registration, it is determined that the person owns or leases a residence in violation of 57 CNCA § 17.

Historical Data

LA 22-08, eff. October 15, 2008. Amended LA 08-12, eff. March 23, 2012.