

Cherokee Nation Code Annotated

Title 57: Prisons and Reformatories

Chapter 1: Sex Offender Registration and Notification

§ 9. Notice of and access to registries—Biological samples—Habitual or aggravated sex offender designation—Immunity

Cite as: 57 CNCA § 9

A. Conviction data, digital DNA results, and fingerprints and palm prints shall be promptly transmitted at the time of registration to the Federal Bureau of Investigation (FBI) if the information was not previously sent at the time of conviction, and to the Oklahoma State Bureau of Investigation (OSBI) or other law enforcement agency if required pursuant to a Memorandum of Agreement or Understanding.

B. The Marshal Service shall maintain a file of all sex offender registrations. A copy of the information contained in the registration shall promptly be available to all tribal, federal, state, and local law enforcement agencies, the Group Leader of Education, the Group Leader of Health, and the National Sex Offender Registry maintained by the Federal Bureau of Investigation. The file shall promptly be made available for public inspection or copying pursuant to rules promulgated by the Cherokee Nation Marshal Service. The Cherokee Nation Marshal Service shall promptly provide all municipal police departments and all county sheriff departments a list of those sex offenders registered and living on Cherokee Nation Indian Country within such agency's respective municipality or county.

C. The Group Leader of Education is authorized to copy and shall distribute information from the sex offender registry to individual public and private educational facilities within Cherokee Nation Indian Country with a notice using the following or similar language: "A person whose name appears on this registry has been convicted of a sex offense.

Continuing to employ a person whose name appears on this registry may result in civil liability for the employer or criminal prosecution pursuant to 57 CNCA § 15."

D. The Group Leader of Health is authorized to distribute information from the sex offender registry to any nursing home or long-term care facility. Nothing in this subsection shall be deemed to impose any liability upon or give rise to a cause of action against any person, agency, organization, or company for failing to release information in accordance with the Sex Offender Registration and Notification Act.

E. The Marshal Service's sex offender registration list is a public record and shall be available upon request, without restriction, at a cost that is no more than what is charged for other records provided by the Marshal Service pursuant to the Cherokee Nation Freedom of Information Act, 67 CNCA § 101 et seq.

1. The Department is authorized to disseminate this public information by any means deemed appropriate.

2. When the Marshal Service provides information regarding a registered sex offender to the public, Marshal Service personnel must advise the person making the inquiry that positive identification of a person believed to be a sex offender cannot be established unless a fingerprint comparison is made, and that it is illegal to use public information regarding a registered sex offender to facilitate the commission of a crime.

3. Except in cases when the release is to law enforcement, to a prosecuting attorney, to a court, or pursuant to a valid court order, the release of the sex offender registration list under this section shall not include the following information:

- a. social security number of the sex offender,
- b. victim identification,
- c. arrests not resulting in conviction,
- d. travel and immigration document numbers.

4. E-mail addresses and instant mail addresses shall not be released to the public generally, however, the Marshal Service shall allow the public to inquire as to whether a specified address belongs to a registered sex offender, and when such an address is registered to a sex offender, the Marshal Service is permitted to confirm such registration.

F. When the Marshal Service sends a copy of or otherwise makes the sex offender registry available to any public or private school offering any combination of prekindergarten through twelfth grade classes or child care facility licensed by the State of Oklahoma or the Nation, the agency shall provide a notice using the following or similar language: "A person whose name appears on this registry has been convicted of a sex offense. Continuing to employ a person whose name appears on this registry may result in civil liability for the employer or criminal prosecution pursuant to 57 CNCA § 15 or under the statutes of the State of Oklahoma."

G.1. Samples of blood, saliva, or other biological material for DNA testing required by subsection (A) of this section shall be taken by employees of the Marshal Service. Said individuals shall be properly trained to collect blood, saliva, or such biological samples as are required for testing. Persons collecting samples for DNA testing pursuant to this section shall be immune from civil liabilities arising from this activity.

2. If the Marshal Service collects DNA, it shall ensure the collected samples are mailed or hand-delivered to the contracted lab within ten (10) days of the time the subject appears

for testing or such period as is required by the laboratory, whichever is shorter. The Marshal Service shall use sample kits provided by the contracted lab and procedures promulgated by the contracted lab.

3. Persons subject to DNA testing pursuant to this section shall be required to pay to the Marshal Service a fee to be established by the Marshal Service.

H. If the probation and parole officer supervising a person subject to registration receives information to the effect that the status of the registered sex offender has changed in any manner that affects proper supervision of the person including, but not limited to, a change in the physical health of the person, address, employment, or educational status, higher educational status, incarceration, or terms of release, the supervising officer or administrator shall notify the Marshal Service of that change.

Historical Data

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