

Cherokee Nation Code Annotated

Title 57: Prisons and Reformatories

Chapter 1: Sex Offender Registration and Notification

§ 10. Forwarding of registration information and tier level—Community notification—Absconders

Cite as: 57 CNCA § 10

A. Within three (3) business days from the date on which a person registers as a sex offender or updates information under this act, the Marshal Service shall forward the registration information, as provided in 57 CNCA § 9, and tier level to:

1. the Federal Bureau of Investigation;
2. the United States Marshals Service;
3. the Bureau of Indian Affairs;
4. the city or county law enforcement authority and district attorney's office in the county in which the person expects to reside, work, or attend school, if the person expects to reside, work, or attend school outside of Cherokee Nation Indian Country;
5. the Oklahoma Department of Corrections;
6. Cherokee Nation Human Resources and any other agency responsible for conducting employment-related background checks;
7. Cherokee Nation Indian Child Welfare and the Oklahoma Department of Human Services;
8. the probation office of the registrant, if any, and
9. any other organization or agency as required by the Adam Walsh Act.

B. The Marshal Service is responsible for the online maintenance of current information regarding each registered sex offender and such information shall be accessible to the public. The registry shall include the information listed in paragraph 2 of subsection (D) of this section. The site shall enable searches by name, county, city and/or town, or zip code or geographic radius.

1. The information required to be included on the sex offender website shall be posted on the website within three (3) business days;
2. The sex offender website shall include a function under which organizations and members of the public who provide an e-mail address to which notices can be sent can

request notification when a sex offender commences residence, employment, or school attendance within the zip code or a geographic area specified by the requestor;

3. Upon posting on the website of new residence, employment, or school attendance information, for a sex offender within an area specified by the requestor, the system will automatically send an e-mail notice to the requestor that identifies the sex offender;

4. The website shall include links to sex offender safety and education resources;

5. The website shall include a warning that information on the site 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 address and that any such action could result in civil or criminal penalties;

6. The website shall include instructions on how to seek correction of information that an individual contends is erroneous.

C. The Marshal Service must maintain access for state, local, and federal law enforcement agencies to obtain instantaneous locator file and offender characteristics information on all released registered sex offenders for purposes of monitoring, tracking, and prosecution.

D. 1. Upon registration of any person designated as a sex offender, or upon updating of registration information of any person designated as a sex offender, the Marshal Service shall post on the website and may notify, by any method of communication it deems appropriate, anyone that the Marshal Service deems appropriate, including, but not limited to:

a. the family of the sex offender,

b. any prior victim of the sex offender if the whereabouts of such victim(s) is known,

c. residential neighbors and churches, community parks, schools, convenience stores, businesses and other places within a one-mile radius of the offender's registered permanent or temporary address that children or other potential victims may frequent,

d. any nursing facility, specialized facility, residential care home, continuum-of-care facility, assisted living center, and adult day care facility, or similar facility within a one-mile radius of the offender's registered permanent or temporary address, and

e. any individual or organization who specifically requests that they be notified of such registration.

2. The posting on the website and any notification shall, at a minimum, include the following information:

- a. the name of the sex offender,
 - b. the physical address of each residence of the sex offender, the address of each place where the sex offender is an employee, and the address of any place where the sex offender is or will be a student,
 - c. a physical description of the sex offender, including, but not limited to, age, height, weight, eye color and hair color,
 - d. a current photograph of the sex offender,
 - e. the tier level of the person and whether or not the person is an absconder,
 - f. a description of the vehicle that the sex offender is known to drive including license plate number, and
 - g. a description of the offense for which the sex offender is registered and any other sex offenses for which the sex offender has been convicted.
3. The notification may also, but is not required to, include the following information:
- a. any conditions or restrictions upon the probation, parole or conditional release of the sex offender,
 - b. a description of the primary targets of the sex offender, and
 - c. the name and telephone number of the probation or parole officer of the sex offender, if any.
4. The Marshal Service shall make the notification provided for in this subsection regarding a sex offender available to any person upon request.
5. The Marshal Service shall not display on the website or otherwise provide to the public any arrest for which the offender did not receive a conviction, the offender's social security number, travel and immigration document numbers, or the identity of any victim(s).

Historical Data

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