

**SALT RIVER PIMA-MARICOPA
INDIAN COMMUNITY
10,005 East Osborn Road
Scottsdale, Arizona 85256**

ORDINANCE NUMBER: SRO-466-2015

AN AMENDMENT TO SECTION 6.5-4 OF THE SEX OFFENDER REGISTRATION AND NOTIFICATION ORDINANCE TO CLARIFY THE CRIMINAL CODE PROVISIONS THAT SUBJECT A SEX OFFENDER TO THE COMMUNITY'S REGISTRATION REQUIREMENTS.

BE IT ENACTED:

That section 6.5-4 of the Salt River Pima-Maricopa Indian Community Code of Ordinances is hereby repealed and amended to read as follows:

Sec. 6.5-4. Sex offender registration and covered offenses.

- (a) *Mandatory registration.* Any individual who resides within the exterior boundaries of the reservation or otherwise resides on property owned by the Community in fee or trust regardless of location; is employed within the exterior boundaries of the reservation or on property owned by the Community in fee or trust regardless of location; or who attends school within the exterior boundaries of the Community or on property owned by the Community in fee or trust regardless of location, that has been convicted of, admitted to under oath, or pleaded guilty or no contest to a violation or attempted violation of any of the registrable offenses provided in subsection (b) of this section or who has been convicted of, admitted to under oath, or pleaded guilty or no contest to an offense in any jurisdiction which if committed within the Community or within the state would be a violation or attempted violation of the registrable sexual offenses provided in subsection (b) of this section, must register with the Community police department. For purposes of this chapter, an individual who is required to register for any registrable sexual offense will be known as a "registrable sex offender."
- (b) *Registrable sexual offenses.* Individuals convicted of any of the following offenses, or convicted of an attempt or conspiracy to commit any of the following offenses, are subject to the requirements of this Community Code of Ordinances:
- (1) *Offenses pursuant to the previously enacted Code of Ordinances.* Any violation of the following sections of the previously enacted Community Code of Ordinances:
 - a. Attempted rape pursuant to section 6-61.
 - b. Rape pursuant to section 6-61.1.
 - c. Carnal knowledge of person under 18 years of age pursuant to section 6-66.
 - d. Unnatural sex act pursuant to 6-67.

- e. Incest pursuant to section 6-68.
- f. Oral copulation with a minor, or aiding and abetting another's oral copulation with a minor pursuant to section 6-87.
- g. Penetration of genital or anal opening of a minor by foreign object pursuant to section 6-88.
- h. Enticement for purposes of prostitution or procuring or procuring for illicit intercourse by false pretenses pursuant to section 6-90.
- i. Sodomy with a child or aiding and abetting sodomy with a child pursuant to section 6-90.
- j. Unlawful sexual intercourse pursuant to section 6-90.1.
- k. Lewd or lascivious acts or use of force or violence pursuant to section 6-90.2.
- l. Any conviction under the Code in which the underlying facts admitted or found on the record involve any sexual exploitation of a minor, including, but not limited to, possessing, producing, or obtaining child pornography.

(2) *Offenses pursuant to the current Code of Ordinances.* Any violation of the following sections of the Code of Ordinances:

- a. Prostitution pursuant to section 6-62.
- b. Indecent exposure pursuant to section 6-63.
- c. Abusive sexual contact pursuant to section 6-64.
- d. Sexual assault or aggravated sexual assault pursuant to section 6-65.
- e. Incest pursuant to section 6-68.
- f. Sexual contact with a child pursuant to section 6-87.
- g. Sexual abuse of a child pursuant to section 6-88.
- h. Continuous sexual abuse of a child pursuant to section 6-89.
- i. Child prostitution pursuant to section 6-90.
- j. Any conviction under the Code in which the underlying facts admitted or found on the record involve any sexual exploitation of a minor, including, but not limited to, possessing, producing, or obtaining child pornography; or child abuse pursuant to section 6-82 where the abuse as defined by section 6-82(c) includes sexual abuse pursuant to sections 6-87, 6-88, 6-89 or 6-90.

(3) *Federal offenses.* A conviction for any of the following, and any other offense hereafter included in the definition of the term "sex offense" at 42 USC 16911(5):

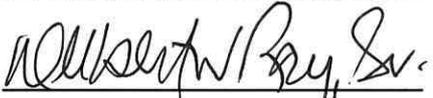
- a. 18 USC 1591 (sex trafficking of children);
- b. 18 USC 1801 (video voyeurism of a minor);
- c. 18 USC 2241 (aggravated sexual abuse);
- d. 18 USC 2242 (sexual abuse);
- e. 18 USC 2243 (sexual abuse of a minor or ward);
- f. 18 USC 2244 (abusive sexual contact);

- g. 18 USC 2245 (offenses resulting in death);
 - h. 18 USC 2251 (sexual exploitation of children);
 - i. 18 USC 2251(A) (selling or buying of children);
 - j. 18 USC 2252 (material involving the sexual exploitation of a minor);
 - k. 18 USC 2252(A) (material containing child pornography);
 - l. 18 USC 2252(B) (misleading domain names on the internet);
 - m. 18 USC 2252(C) (misleading words or digital images on the internet);
 - n. 18 USC 2260 (production of sexually explicit depictions of a minor for import into the United States);
 - o. 18 USC 2421 (transportation of a minor for illegal sexual activity);
 - p. 18 USC 2422 (coercion and enticement of a minor for illegal sexual activity);
 - q. 18 USC 2423 (Mann Act);
 - r. 18 USC 2424 (failure to file factual statement about an alien individual);
 - s. 18 USC 2425 (transmitting information about a minor to further criminal sexual conduct).
- (4) *State or tribal offenses.* Any violation requiring registration under any state statute or pursuant to an order of conviction from a state or tribal criminal proceeding.
- (5) *Foreign offenses.* Any conviction for a sex offense involving any conduct listed in this section that was obtained under the laws of Canada, the United Kingdom, Australia, New Zealand, or 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 in that country during the year in which the conviction occurred.
- (6) *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 USC 951 note.)
- (7) *Juvenile offenses or adjudications.* Any sex offense, or attempt or conspiracy to commit a sex offense, that is comparable to or more severe than the federal crime of aggravated sexual abuse (as codified in 18 USC 2241) and committed by a minor who is 14 years of age or older at the time of the offense. 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.
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C E R T I F I C A T I O N

This Ordinance is hereby enacted pursuant to the authority contained in Article VII, Section 1(c)(1) of the Constitution of the Salt River Pima-Maricopa Indian Community ratified by the Tribe, February 28, 1990, and approved by the Secretary of the Interior, March 19, 1990, and amended by the Tribe, February 27, 1996, and approved by the Secretary April 23, 1996, the foregoing Ordinance was adopted this 24th day of June, 2015, in a duly called meeting held by the Community Council in Salt River, Arizona at which a quorum of 9 members were present by a vote of 8 for; 1 opposed, 0 abstentions, and 0 excused.

**SALT RIVER PIMA-MARICOPA
INDIAN COMMUNITY COUNCIL**


Delbert W. Ray, Sr., President

ATTEST:


Erica Harvier, Council Secretary

