



PUEBLO OF LAGUNA COUNCIL

Resolution No. 28-15

Re: Adopting Amendments to the Sex Offender Registration Requirements Contained in the Pueblo of Laguna Criminal Code

At a duly called meeting of the Pueblo of Laguna Council held on the 24th day of April, 2015, the following resolution was adopted:

WHEREAS, the Pueblo of Laguna (“Pueblo”) is a federally recognized Indian Tribe with all the inherent sovereign governing powers; and

WHEREAS, pursuant to Article IV, Section 2(e) of the Pueblo of Laguna Constitution, the Pueblo Council as the governing body of the Pueblo has the authority to establish and enforce ordinances governing the conduct and civil relations of residents of the Pueblo and providing for the maintenance of law and order and the administration of justice within the lands of the Pueblo; and

WHEREAS, pursuant to Article IV, Section 2(k) of the Pueblo of Laguna Constitution, the Pueblo Council as the governing body of the Pueblo has the responsibility for promotion and protection of the public health and the welfare of the members and other residents of the Pueblo...in accordance with the ordinances or written policies; and

WHEREAS, on July 26, 2006, Congress enacted the Sex Offender Registration and Notification Act (SORNA), Title I of the Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248 (42 U.S.C. 16901); and

WHEREAS, the federal SORNA law included Section 127 (42 U.S.C. 16927), Election by Indian Tribes, that provided that a federally recognized Indian tribe may elect to carry out the SORNA law as a jurisdiction subject to its provisions or elect to delegate the SORNA law functions to another jurisdiction(s) within which the territory of the tribe is located; and

WHEREAS, on April 17, 2007, the Pueblo Council enacted Resolution 25-07, the Adam Walsh Act Child Protection and Safety Act of 2006- Creation of Laguna Tribal Registration and Notification Office, wherein the Council directed the Tribal prosecutor to revise the Laguna Criminal Code to incorporate the national standards, and to compose the notification and regulation regulations and enforcement protocols; and

WHEREAS, on October 7, 2011, the Pueblo Council enacted Ordinance No 100-11, Adopting the Pueblo of Laguna Child Protection and Safety Act that implements the Sex Offender Registration and Notification Act (“SORNA”) and amended the Pueblo of Laguna Sexual Assault laws; and

WHEREAS, pursuant to Resolution 68-13 enacted on September 28, 2013, the Pueblo of Laguna Council adopted Amendments to the Pueblo's Sex Offender Registration law and amended the Pueblo of Laguna Sexual Assault laws, so that the laws complied with federal model code requirements; However, the Council reserved issues of concern regarding Section 15-17-10 for future consideration; and

WHEREAS, on May 8, 2014, the Pueblo of Laguna Staff Officers created a subcommittee to develop and propose amendments to Section 15-17-10, and the portions of the law that were unique to Laguna, were not mandated by federal law, and that presented enforcement challenges; and

WHEREAS, the attached proposed amendments are a result of the work of the subcommittee; and

WHEREAS, on February 21, 2015 the Pueblo of Laguna Council agreed that the new amendments be taken back to the villages for comments and bring any recommendations back to Council for further consideration; and

WHEREAS, all the villages consulted were in agreement with the content of the amendments; and

WHEREAS, the Pueblo Council determines that it is in the best interest of the Pueblo of Laguna to adopt the proposed amendments to the Sex Offender Registration law;

NOW, THEREFORE, BE IT RESOLVED, that Council hereby repeals Title 15, Chapter 17, Section 10 (Section 15-17-10) and Title 15, Chapter 17, Section 6(A)(6) (Section 15-17-6(A)(6)) of the Pueblo of Laguna Law and Order Code of the Pueblo of Laguna Sex Offender Registration law.

BE IT FURTHER RESOLVED by the Pueblo of Laguna Council that the attached Pueblo of Laguna Criminal Code Amendments to Title 15, Chapter 17, Section 10 of the Criminal Code Offenses section of the Pueblo of Laguna Law and Order Code are hereby adopted with the same being incorporated herein and made a part of this resolution;


BE IT FURTHER RESOLVED, that the date of this Resolution shall be the effective date of the Pueblo of Laguna Criminal Code amendments to Title 15, Chapter 17, Section 10 of the Pueblo of Laguna Law and Order Criminal Code Offenses code.



Governor




Council Member



Council Member

ATTEST:



Pueblo Secretary

CERTIFICATION

The foregoing resolution was enacted upon by the Pueblo of Laguna Council on the 24th day of April, 2015, by a vote of 19 for and 0 opposed, at a duly called meeting at which a quorum of the Council was present.



Governor

ATTEST:



Pueblo Secretary

Section 15-17-10 Other Requirements

- A. Village presentation. After conviction, a sex offender that desires to enter or reside within the boundaries of any village of the Pueblo of Laguna must present himself/herself before the respective village officials to receive permission to live within or enter the village boundaries.
- i. The sex offender shall provide a written request to meet with village officials no less than two weeks prior to the date of entering the village jurisdictions.
 - ii. The sex offender shall provide a separate request to each village in which he or she seeks to participate in traditional activities, enter or reside.
 - iii. Nothing in Section 15-17-10A prohibits a sex offender from accessing federal or state right of ways (highways), or businesses located within village jurisdictions, so long as such entry does not violate any other provision of Pueblo of Laguna law.
 - iv. Should a sex offender be granted permission to live within or enter the village boundaries, the sex offender must comply with any and all conditions, which may include probation conditions, placed upon him or her by the village officials.
- B. After conviction, a sex offender that desires to participate in traditional activities, village feasts, or other social and cultural events not otherwise listed in this section must first present himself/herself before the respective village officials to receive permission to attend and participate within the village boundaries. The Staff Officers and Mayordomos, in consultation with the victims, offender's family, and the village, shall determine the extent of the sex offender's participation in the traditional activities, village feasts and other social and cultural events. The Staff Officer and Mayordomos shall advise the village and the War Chiefs and the Mayordomos Association of their determination. Nothing in this section shall be deemed to infringe on the traditional authority of the kiva leaders regarding religious activities.
- i. Tier 1, 2, and 3 sex offenders are prohibited from areas, including but not limited to, being within 200 feet from any of the following: Schools; bus stop where children are present; Parks and/or village playgrounds.
 - ii. Tier 2 and Tier 3 sex offenders are prohibited from areas, including but not limited to, being within 200 feet from any of the following: Social events open to the general public; craft shows; fundraisers; sporting events or organized walks or runs.

Section 15-17-6. Registration

A. Where registration is required.

- (1) *Jurisdiction of conviction.* A sex offender must initially register with the Pueblo of Laguna Sex Offender Compliance Office if the sex offender was convicted by the Pueblo of Laguna Court of a covered sex offense regardless of the sex offender's actual or intended residency.
- (2) *Jurisdiction of incarceration.* A sex offender must register with the Pueblo of Laguna Sex Offender Compliance Office if the sex offender is incarcerated by the Pueblo while completing any sentence for a covered 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 Pueblo of Laguna Sex Offender Compliance Office if the sex offender resides within lands subject to the jurisdiction of the Pueblo.
- (4) *Jurisdiction of employment.* A sex offender must register with the Pueblo of Laguna Sex Offender Compliance Office if he or she is employed by the Pueblo in any capacity or otherwise is employed within lands subject to the jurisdiction of the Pueblo.
- (5) *Jurisdiction of school attendance.* A sex offender must register with the Pueblo of Laguna Sex Offender Compliance Office if the sex offender is a student in any capacity within lands subject to the jurisdiction of the Pueblo.