

ONEIDA NATION PUBLIC MEETING NOTICE

THURSDAY, SEPTEMBER 10 at 12:15 pm

Norbert Hill Center-Business Committee Conference Room
N7210 Seminary Rd., Oneida, Wisconsin

Find Public Meeting Materials at
[Oneida-nsn.gov/government/register/public meetings](https://oneida-nsn.gov/government/register/public%20meetings)



Send Public Comments to

LOC@oneidanation.org

Ask Questions here

LOC@oneidanation.org

920-869-4417

SAFE NEIGHBORHOODS LAW

The purpose of the Safe Neighborhoods is not to impose a criminal penalty but rather to serve the Nation's compelling interest to promote, protect, and improve the health, safety, and welfare of the reservation population by prohibiting sex offenders from loitering or residing in specified areas around locations where vulnerable populations, including children, regularly congregate.

The Safe Neighborhoods Law will:

- ◆ Prohibit a sex offender from being present or entering into specified prohibited locations, that are primarily focused on areas in which vulnerable populations, including children, are known to congregate, while also providing exceptions for when a sex offender may enter a prohibited area.
- ◆ Prohibit a sex offender from establishing a permanent residence or temporary residence within two thousand five hundred (2,500) feet of any prohibited location, while also providing exceptions for when a sex offender may have a residence less than two thousand five hundred (2,500) feet of any prohibited location.

Individuals may attend the public meeting for the proposed Safe Neighborhoods law in person at the Norbert Hill Center, or virtually through Microsoft Teams. If you wish to attend the public meeting through Microsoft Teams please contact LOC@oneidanation.org.

PUBLIC COMMENT PERIOD CLOSSES THURSDAY, SEPTEMBER 17, 2026

During the public comment period, anyone may submit written comments, questions or input. Comments may be submitted to the Oneida Nation Secretary's Office or the Legislative Reference Office in person, by U.S. mail, interoffice mail, or e-mail.



For more information on the proposed Safe Neighborhoods law amendments please review the public meeting packet at [oneida-nsn.gov/government/register/public meetings](https://oneida-nsn.gov/government/register/public%20meetings).



SAFE NEIGHBORHOODS LAW LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
Intent of the Proposed Amendments	- Prohibit a sex offender from being present or entering into specified prohibited locations, that are primarily focused on areas in which vulnerable populations, including children, are known to congregate, while also providing exceptions for when a sex offender may enter a prohibited area. [3 O.C. 310.4]; - Prohibit a sex offender from establishing a permanent residence or temporary residence within two thousand five hundred (2,500) feet of any prohibited location, while also providing exceptions for when a sex offender may have a residence less than two thousand five hundred (2,500) feet of any prohibited location. [3 O.C. 310.5]; - Prohibits a person or entity from selling, leasing, subleasing, renting, conveying, or otherwise allowing a sex offender to stay in any place, structure, or part thereof with knowledge that it will be used as a permanent residence or temporary residence by any sex offender that is prohibited from establishing residence under this law. [3 O.C. 310.5-5]; - Provide a process to allow a sex offender to petition for a waiver of the residence restriction to the Oneida Police Department Chief of Police, and then appeal a denial of a waiver to the Oneida Public Safety and Security Commission. [3 O.C. 310.6]; - Requires the Geographic Information System Department to develop and maintain an official map of the reservation showing prohibited locations and the resulting residency restrictions distances that is made available on the Nation's website. [3 O.C. 310.7]; and - Provide for the enforcement of violations of this Law and subsequent penalties that are available. [3 O.C. 310.8].
Purpose	The purpose of this law is not to impose a criminal penalty but rather to serve the Nation's compelling interest to promote, protect, and improve the health, safety, and welfare of the reservation population by prohibiting sex offenders from loitering or residing in specified areas around locations where vulnerable populations, including children, regularly congregate. This law recognizes the right of sex offenders to reenter the community. Therefore, through this law the Nation balances its responsibility to sex offenders with its responsibility to protect the surrounding community by promoting regulatory measures which provide protections for the community that do not wholly prohibit sex offenders from being part of this community. [3 O.C. 310.1-1].
Affected Entities	Oneida Police Department, Oneida Nation Judiciary, Geographical Information Systems Department, Oneida Law Office, Comprehensive Housing Division, Reservation Community
Public Meeting	A public meeting has not yet been held.
Fiscal Impact	A fiscal impact statement has not yet been requested.

Expiration of Emergency Legislation	The emergency adoption of the Safe Neighborhoods Law expires on August 25, 2026. There is one (1) opportunity for a six (6) month extension of the emergency adoption of this Law.
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SECTION 2. LEGISLATIVE DEVELOPMENT

- A. *Background.*** The Safe Neighborhoods law (“the Law”) was a new law for the Nation adopted on an emergency basis for the purpose of not imposing a criminal penalty but rather to serve the Nation’s compelling interest to promote, protect, and improve the health, safety, and welfare of the reservation population by prohibiting sex offenders from loitering or residing in specified areas around locations where vulnerable populations, including children, regularly congregate. [3 O.C. 310.1-1]. This Law recognizes the right of sex offenders to reenter the community. *Id.* Therefore, through this Law the Nation balances its responsibility to sex offenders with its responsibility to protect the surrounding community by promoting regulatory measures which provide protections for the community that do not wholly prohibit sex offenders from being part of this community. *Id.*
- B. *Request for Emergency Amendments.*** At the February 5, 2026, Oneida Business Committee work session, the Oneida Business Committee was made aware by the Oneida Law Office and Oneida Police Department that a Senior Probation and Parole Agent with the Wisconsin Department of Corrections - Division of Community Corrections, notified the Oneida Police Department of the pending release of a sex offender who has requested residence in a central location within the boundaries of the reservation. This notification by the Wisconsin Department of Corrections brought to the forefront that the Nation currently lacks any laws to regulate the presence and residency of sex offenders within the boundaries of the reservation. The Oneida Business Committee was concerned regarding the safety and protection of the community and forwarded this issue to the Legislative Operating Committee for consideration.
- The Legislative Operating Committee determined that the Safe Neighborhoods law should be pursued on an emergency basis for the immediate preservation of the safety and general welfare of the reservation population. The Legislative Operating Committee added the Safe Neighborhoods law to its Active Files List with Jameson Wilson as the sponsor on February 23, 2026.
 - The Oneida Business Committee adopted the Safe Neighborhoods law on an emergency basis on February 25, 2026, through the adoption of resolution BC-02-25-26-C. The Oneida Business Committee determined the emergency adoption of this Law was necessary for the immediate preservation of the safety and general welfare of the reservation population since sex offenders are a serious threat to the public safety of vulnerable populations, including children, if regulatory measures are not in place that protect the community by reducing opportunity and temptation by prohibiting sex offenders from being present on or residing in specified areas designated as places where vulnerable populations commonly congregate. Observance of the requirements under the Legislative Procedures Act for adoption of this Law was contrary to public interest and the process and requirements of the Legislative Procedures Act could not be completed in time to allow the proposed Safe Neighborhoods law to be adopted and implemented in time to best protect the community.
 - The emergency adoption of the Safe Neighborhoods law will expire on August 25, 2026. There will be one (1) opportunity to extend the emergency adoption of the Safe Neighborhoods law for an additional six (6) month period.

SECTION 3. CONSULTATION AND OUTREACH

- A. Representatives from the following departments or entities participated in the development of the Law and this legislative analysis:
- Oneida Police Department;
 - Oneida Law Office;
 - Geographic Information Systems Department; and
 - Comprehensive Housing Division.
- B. The following laws of the Nation were reviewed in the drafting of this analysis:
- Legislative Procedures Act;
 - Eviction and Termination law;
 - Public Peace law; and
 - Citations Law.
- C. Ordinances regarding sex offender restrictions and residency restrictions from the following municipalities were reviewed in the development of this Law and legislative analysis:
- Allouez;
 - Angelica;
 - Ashwaubenon;
 - Bellevue;
 - Black River Falls;
 - Brookfield;
 - Cedarburg;
 - Clintonville;
 - Green Bay;
 - Hobart;
 - Howard;
 - Kewaskum;
 - Little Chute;
 - Paddock Lake;
 - Seymour; and
 - Suamico.

SECTION 4. PROCESS

- A. The development of the proposed Safe Neighborhoods law complies with the process set forth in the Legislative Procedures Act (LPA).
- On February 23, 2026, the Legislative Operating Committee conducted an e-poll entitled, Safe Neighborhoods Law Emergency Adoption. The requested action of this e-poll was to add the Safe Neighborhoods law to the Active Files list with Jameson Wilson as the sponsor; and approve the Safe Neighborhoods law emergency adoption packet and forward to the Oneida Business Committee for consideration. This e-poll was approved by Jonas Hill, Jennifer Webster, Kirby Metoxen, and Jameson Wilson. Marlon Skenandore did not provide a response.
 - On February 25, 2026, the Oneida Business Committee adopted a motion to adopt resolution # 02-25-26-C Emergency Adoption of the Safe Neighborhoods Law.
 - On March 4, 2026, the Legislative Operating Committee entered into the record the results of the February 23, 2026, e-poll entitled, Safe Neighborhoods Law Emergency Adoption.

- 84 ▪ On July 15, 2026, the Legislative Operating Committee approved the draft and the legislative
85 analysis of the Safe Neighborhoods law.
- 86 B. The following work meetings were held regarding the development of this law and legislative analysis:
87 ▪ February 17, 2026: LOC work session with Oneida Law Office, Oneida Police Department, and
88 the Geographical Information Systems Department.
- 89 ▪ February 18, 2026: LOC work session with Oneida Law Office, Oneida Police Department, and
90 the Geographical Information Systems Department.
- 91 ▪ February 23, 2026: LOC work session.
- 92 ▪ May 8, 2026: LOC work session with the Oneida Law Office, Geographical Information Systems
93 Department, Comprehensive Housing Division.
- 94
- 95

96 **SECTION 5. CONTENTS OF THE LEGISLATION**

- 97 A. *Purpose and Policy.* The purpose of this Law is not to impose a criminal penalty but rather to serve
98 the Nation’s compelling interest to promote, protect, and improve the health, safety, and welfare of the
99 reservation population by prohibiting sex offenders from loitering or residing in specified areas around
100 locations where vulnerable populations, including children, regularly congregate. [3 O.C. 310.1-1].
101 This Law recognizes the right of sex offenders to reenter the community. *Id.* Therefore, through this
102 Law the Nation balances its responsibility to sex offenders with its responsibility to protect the
103 surrounding community by promoting regulatory measures which provide protections for the
104 community that do not wholly prohibit sex offenders from being part of this community. *Id.* It is the
105 policy of the Nation that due to the high rate of recidivism for sex offenders, the Nation declares that
106 sex offenders are a serious threat to the public safety of vulnerable populations, including children, if
107 regulatory measures are not in place that protect the community by reducing opportunity and temptation
108 by prohibiting sex offenders from being present on or residing in specified areas designated as places
109 where vulnerable populations commonly congregate. [3 O.C. 310.1-2].
- 110 ▪ *Effect.* Overall, it is the goal of this Law to protect the public safety of the community, especially
111 vulnerable populations such as children. Sexual offenses are serious crimes that pose a large risk
112 to public safety.
 - 113 ▪ The Dru Sjodin National Sex Public Website¹ provides information on sexual assault and
114 sexual offending, including the following statistics:
 - 115 ▪ As many as one (1) in four (4) girls and one (1) in twenty (20) boys experience sexual
116 abuse before age eighteen (18).
 - 117 ▪ Over their lifetime, nearly one (1) in five (5) women and one (1) in seventy-one (71) men
118 reported experiencing rape at some time in their lives.
 - 119 ▪ Approximately forty-five percent (45%) of women and twenty-two percent (22%) of men
120 reported experiencing sexual violence other than rape in their lifetime.
 - 121 ▪ Studies that have tracked adult sex offenders for longer periods of time show that the
122 likelihood of re-offense for another sex crime ranges from five percent (5%) after three (3)
123 years to twenty-four percent (24%) after fifteen (15) years.
 - 124 ▪ Compared to other crimes, sexual violence is the most underreported violent crime in the
125 United States. Approximately two (2) out of three (3) or sixty-five percent (65%) of adult

¹ <https://www.nsopw.gov/safety-and-education/questions-and-answers#6-0>

sexual assaults were not reported to the police between 2006-2010 and sixty-eight (68%) of violent victimizations of youth aged twelve (12) through seventeen (17) (includes rape/sexual assault, robbery and aggravated and simple assault) were not reported to police. The National Crime Victimization Survey 2016 found that only twenty-three percent (23%) of rapes and sexual assaults were reported to police.

- The National Sexual Violence Resource Center Website² provides information on sexual assault in the United States and, including the following statistics:
 - One (1) in five (5) women in the United States experienced completed or attempted rape during their lifetime.
 - Nearly a quarter (24.8%) of men in the U.S. experienced some form of contact sexual violence in their lifetime.
 - Nationwide, eighty-one percent (81%) of women and forty-three (43%) of men reported experiencing some form of sexual harassment and/or assault in their lifetime.
 - One (1) in three (3) female victims of completed or attempted rape experienced it for the first time between the ages of eleven (11) and seventeen (17).
 - About one (1) in four (4) male victims of completed or attempted rape first experienced it between the ages of eleven (11) and seventeen (17).

B. *Sex Offender.* The Law defines a sex offender as a person who is required to register under Wis. Stats. §301.45 for any sexual offense or as otherwise ordered by a court or is found to have committed a sex offense by another jurisdiction within the meaning of Wis. Stats. §301.45(1d)(am); is required to register under Wis. Stats. §301.45 and who has been designated a special bulletin (SBN) sex offender pursuant to Wis. Stats. §301.46 (2) and (2m); or within the ten (10) years prior to establishing a permanent or temporary residence within the reservation, has been convicted of or found not guilty by reason of disease or mental defect of a violation of Wis. Stats. §940.30 false imprisonment, if the victim was a minor and not offender's child, or Wis. Stats. §940.31 kidnapping, if the victim was a minor and not offender's child. [3 O.C. 310.3-1(i)].

- *Effect.* The Law clearly defines who the term sex offender applies to based on a person's requirement to register with the Wisconsin Sex Offender Registry and based on an individual's offense. The definition for sex offender requires the reader of the Law to also look to Wisconsin statutes on how sex offenders are defined and handled. Wis. Stat §301.45(b) provides that a "sex offense" means a violation, or the solicitation, conspiracy, or attempt to commit a violation, of s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 944.18, 948.02 (1) or (2), 948.025, 948.05, 948.051, 948.055, 948.06, 948.07 (1) to (4), 948.075, 948.08, 948.085, 948.095, 948.11 (2) (a) or (am), 948.12, 948.125, 948.13, or 948.30, of s. 940.302 (2) if s. 940.302 (2) (a) 1. b. applies, or of s. 940.30 or 940.31 if the victim was a minor and the person who committed the violation was not the victim's parent.

C. *Prohibited Locations.* The proposed Law sets forth locations where sex offenders are prohibited from entering or being present on. [3 O.C. 310.4-1]. Prohibited locations include a school; Tribal or other licensed day care or childcare center; park or park facility; playground or green space otherwise designated as a play or recreational area by the Nation's Planning Department; athletic field, including any practice field; library; community center; fitness center, recreation center, or gym; farmers market; place of worship; or any other place designated by the Nation as a place where vulnerable populations,

² <https://www.nsvrc.org/statistics/>

including children, are known to congregate. *Id.* The Law then goes on to provide exceptions to the prohibited locations to address situations in which the sex offender may be present in a prohibited location and not found to be in violation of this Law. [3 O.C. 310.4-2].

- *Effect.* The prohibited locations provided for in this Law are areas in which vulnerable populations, especially children, are known to congregate. Therefore, it is in the public’s best interest to prohibit a sex offender from entering or being present at those locations. Allowing certain exceptions to the prohibited locations ensure that a sex offender can still practice their basic rights like voting or practicing their religion, and have access to various services that a sex offender may need.

D. *Residence Restrictions.* The Law provides that no sex offender shall establish a permanent residence or temporary residence within two thousand five hundred (2,500) feet of any prohibited locations. [3 O.C. 310.5-1]. For purposes of determining the minimum distance of separation required for the permanent residence or temporary residence of a sex offender, the Law requires that a person measures by following a straight line from the outer property line of the permanent residence or temporary residence of the sex offender to nearest outer property line of the prohibited locations. [3 O.C. 310.5-2]. The Law then provides various exceptions for when a sex offender may actually reside within an area that would otherwise be prohibited. [3 O.C. 310.5-3].

- *Effect.* The Law provides that no sex offender can live within two thousand five hundred (2,500) feet of a prohibited location in an effort to reduce opportunity and temptation by prohibiting sex offenders from residing in specified areas near places where vulnerable populations commonly congregate. Below is a chart that demonstrates the various restrictions other Wisconsin municipalities place on the residence of a sex offender:

SEX OFFENDER RESIDENCE RESTRICTIONS	
<i>Municipality</i>	<i>Residence Restriction Distance Requirements</i>
Allouez	1500 feet
Angelica	2000 feet
Ashwaubenon	1500 feet
Bellevue	2500 feet
Black River Falls	750 feet
Brookfield	1400 feet
Cedarburg	200 feet
Clintonville	250 feet
Green Bay	1500 feet
Howard	2500 feet
Kewaskum	750 feet
Little Chute	2000 feet
Paddock Lake	1500 feet
Seymour	1500 feet
Suamico	1500 feet

E. *Prohibition of Sale, Lease, or Rental of Property.* The Law provides that no person or entity shall sell, lease, sublease, rent, convey, or otherwise allow a sex offender to stay in any place, structure, or part thereof with knowledge that it will be used as a permanent residence or temporary residence by any sex offender that is prohibited from establishing residence under this Law.

- *Effect.* Due to the serious threats to public safety a sex offender could have on a community if regulations are not in place and followed, the Law also places responsibility on a landlord, lessor,

or owner of a property to not sell, lease, sublease, rent, convey, or otherwise allow a sex offender to stay in any place where the sex offender would be prohibited. A landlord, lessor, or owner of a property who violates this Law may be subject to receiving a citation from the Oneida Police Department.

F. ***Waiver of Residence Restrictions.*** The Law allows a sex offender may request a waiver from the residence restrictions of this law by submitting a written request for a waiver to the Oneida Police Department prior to establishing a residence that would be in violation of this law. [3 O.C. 310.6-1]. A sex offender is not allowed to, under any circumstance, be deemed to have established a residence that would otherwise be in violation of this law without first having received permission as evidenced through a waiver. [3 O.C. 310.6-1(a)]. A sex offender cited for residing within a restricted area without first receiving a waiver shall not be eligible to receive a waiver thereafter. *Id.* The Law then provides the timeline and the various factors the Chief of Police may consider when reviewing a waiver request. [3 O.C. 310.6-2]. The Chief of Police can wither deny the waiver request, approve the waiver request, or approve a waiver request subject to certain conditions. [3 O.C. 310.6-3]. If the Chief of Police denies a waiver request, the sex offender may appeal the waiver decision made by the Chief of Police by submitting a written appeal to the Oneida Public Safety and Security Commission. [3 O.C. 310.6-4]. The Oneida Public Safety and Security Commission then can make a decision to uphold the Chief of Police’s denial of the waiver, or overturn the Chief of Police’s denial of the waiver and approve a waiver or a waiver subject to conditions. [3 O.C. 310.6-4(b)]. The Law also allows the Chief of Police to revoke a waiver of a residence restriction if the sex offender is found to have violated the conditions of the waiver or there is probable cause to believe the sex offender has committed an additional violent, heinous, or sexual criminal offense, which had occurred either before or after the waiver was issued. [3 O.C. 310.6-5].

- *Effect.* The Law allows a sex offender the opportunity and due process to request a waiver to establish a residence in an otherwise prohibited area when no other exception exists.

G. ***Map of Prohibited Locations and Residence Restrictions.*** The Law requires that the Geographic Information System Department maintain an official map of the reservation showing prohibited locations and the resulting residency restriction distances. [3 O.C. 310.7-1]. The Geographic Information System Department is required to review the map on an annual basis and update the map to reflect any changes in the prohibited locations. [3 O.C. 310.7-1(a)]. The map is required to be made available electronically on the Nation’s website. [3 O.C. 310.7-1(b)]. In regard to the map, the Law provides that the absence of a location on the map is not a defense to enforcement under this law where the sex offender is found to be within a prohibited location and circumstances make it clear that the sex offender had actual notice of that prohibited location. [3 O.C. 310.7-2].

- *Effect.* The map will provide a visual reference of areas within the reservation that are prohibited locations for sex offenders and the surrounding residency restriction distances required around each prohibited location. The map serves as a tool for sex offenders, or anyone in the community, to view what areas are protected throughout the reservation. Attached to the end of this legislative analysis are maps created by the Geographic Information Systems Department showing prohibited locations and resulting restricted residence areas in certain areas of the reservation. It is important to note that the map required by this Law does not illustrate where sex offenders reside. To find information regarding the location of specific sex offenders, or to conduct a geographical search to determine the location of sex offenders in a designated area an individual may utilize the following resources:

- Wisconsin Department of Corrections Sex Offender Registry at the following link <https://appsdoc.wi.gov/public>
- National Sex Offender Public Website at <https://www.nsopw.gov/search-public-sex-offender-registries>

H. *Enforcement and Penalties.* The Law provides that an individual who violates any provision of this Law may be subject to the issuance of a citation by an Oneida Police Department officer. [3 O.C. 310.8-1]. A citation for a violation of this Law or any orders issued pursuant to this Law may include fines and other penalties, as well as conditional orders made by the Trial Court. [3 O.C. 310.8-1(a)]. A citation for a violation of this law is required to be processed in accordance with the procedure contained in the Nation’s Citations law. [3 O.C. 310.8-1(b)]. The Law requires that Oneida Police Department provide notice to the Oneida Law Office of any citation, revocation, or conditioning of a waiver issued to an individual located at a property rented or leased through the Comprehensive Housing Division. [3 O.C. 310.8-1(c)]. Upon a finding by the Trial Court that a violation of this Law occurred, an individual may be subject to penalties such as fines, community service, participation in counseling or other programming, or any other as deemed appropriate by the Trial Court. [3 O.C. 310.8-2].

- *Effect.* The Law describes how enforcement will be handled through the use of citations, as well as describes potential penalties for violations of this Law the Trial Court may impose on a violator.

SECTION 6. EXISTING LEGISLATION

A. *Related Legislation.* The following laws of the Nation are related to the emergency amendments to this Law:

- ***Legislative Procedures Act.*** The Legislative Procedures Act was adopted by the General Tribal Council on January 7, 2013, for the purpose of providing a standard process for the adoption of laws of the Nation which includes taking into account comments from members of the Nation and input from agencies of the Nation. [1 O.C. 109.1-1, 109.1-2].
 - The development of the Safe Neighborhoods law complies with the requirements of the Legislative Procedures Act.
- ***Citations Law.*** The Citations law provides a process that governs all citations that fall under the jurisdiction of the Oneida Nation. [8 O.C. 807.1-1]. It is the policy of the Nation to provide a consistent process for handling citations of the Nation in order to ensure equal and fair treatment to all persons who come before the Judiciary to have their citations resolved. [8 O.C. 807.1-2].
 - The Safe Neighborhoods law provides that an individual who violates a provision of this law may be subject to the issuance of a citation by an Oneida Police Department officer in accordance with the Nation’s laws and policies governing citations. [3 O.C. 310.8-1].
 - Any citations issues under the Safe Neighborhoods law must comply with the process for handling citations as provided for in the Citations law.
- ***Eviction and Termination Law.*** The Eviction and Termination law provides consistent procedures relating to the Nation’s rental and leasing programs for terminating a contract and/or evicting an occupant which affords the applicant due process and protects all parties involved. [6 O.C. 610.1-1]. It is the Nation’s policy to provide fair termination and eviction processes that preserve the peace, harmony, safety, health, general welfare and the Nation’s resources. [6 O.C. 610.1-2].
 - The Eviction and Termination law provides that an owner may terminate the contract prior to the contract term and evict the occupant, if the occupant violates the terms of the

contract; is alleged to have violated any applicable law or rule; and/or is alleged to have committed one or more nuisance activities.

- The Safe Neighborhoods law provides that no person or entity shall sell, lease, sublease, rent, convey, or otherwise allow a sex offender to stay in any place, structure, or part thereof with knowledge that it will be used as a permanent residence or temporary residence by any sex offender that is prohibited from establishing residence under this law. [3 O.C. 310.5-5].
- An individual who violates by Safe Neighborhoods law may be subject to the early termination of a contract or eviction in accordance with the Eviction and Termination law.

SECTION 7. OTHER CONSIDERATIONS

A. *Deadline for Permanent Adoption of Legislation.* The emergency adoption of this Law expires six (6) months after adoption. The emergency legislation may be renewed for an additional six (6) month period.

- *Conclusion:* The Legislative Operating Committee will need to develop for adoption the permanent Law within the next six (6) to twelve (12) months.

B. *Fiscal Impact.* Under the Legislative Procedures Act, a fiscal impact statement is required for all legislation except emergency legislation [1 O.C. 109.6-1]. Oneida Business Committee resolution BC-10-28-20-A titled, “Further Interpretation of ‘Fiscal Impact Statement’ in the Legislative Procedures Act,” provides further clarification on who the Legislative Operating Committee may direct complete a fiscal impact statement at various stages of the legislative process, as well as timeframes for completing the fiscal impact statement.

- *Conclusion.* The Legislative Operating Committee has not yet requested a fiscal impact statement be developed.

Title 3. Health & Public Safety - Chapter 310 SAFE NEIGHBORHOODS

310.1. Purpose and Policy
310.2. Adoption, Amendment, Repeal
310.3. Definitions
310.4. Prohibited Locations
310.5. Residence Restrictions

310.6. Waiver of Residence Restrictions
310.7. Map of Prohibited Locations and Residence Restriction
Distances
310.8. Enforcement and Penalties

310.1. Purpose and Policy

310.1-1. *Purpose.* The purpose of this law is not to impose a criminal penalty but rather to serve the Nation's compelling interest to promote, protect, and improve the health, safety, and welfare of the reservation population by prohibiting sex offenders from loitering or residing in specified areas around locations where vulnerable populations, including children, regularly congregate. This law recognizes the right of sex offenders to reenter the community. Therefore, through this law the Nation balances its responsibility to sex offenders with its responsibility to protect the surrounding community by promoting regulatory measures which provide protections for the community that do not wholly prohibit sex offenders from being part of this community.

310.1-2. *Policy.* It is the policy of the Nation that due to the high rate of recidivism for sex offenders, the Nation declares that sex offenders are a serious threat to the public safety of vulnerable populations, including children, if regulatory measures are not in place that protect the community by reducing opportunity and temptation by prohibiting sex offenders from being present on or residing in specified areas designated as places where vulnerable populations commonly congregate.

310.2. Adoption, Amendment, Repeal

310.2-1. This law was adopted by the Oneida Business Committee ~~on an emergency basis~~ by resolution BC-02-25-26-C- - - - .

310.2-2. This law may be amended or repealed by the Oneida Business Committee or General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

310.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

310.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control.

310.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

310.3. Definitions

310.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) "Day" means calendar day.

(b) "Immediate family" means individual's husband, wife, mother, father, son, daughter, brother, sister, grandparent, grandchild, and any of the these relations attained through legal adoption or marriage.

(c) "Judiciary" means the Oneida Nation Judiciary, as identified in Article V of the Constitution and Bylaws of the Oneida Nation, which is the judicial system that was established by Oneida General Tribal Council resolution GTC-01-07-13-B, and then later

authorized to administer the judicial authorities and responsibilities of the Nation by Oneida General Tribal Council resolution GTC-03-19-17-A.

(d) “Nation” means the Oneida Nation.

(e) “Oneida Public Safety and Security Commission” means the entity made up of those individuals appointed by the Oneida Business Committee to provide oversight regarding the activities and actions of public safety and security operations throughout the Reservation.

(f) “Park” means any outdoor area held open for use by the public, including, but not limited to a public park, parkway, campground, recreation or open access space area, beach, conservation area, lake access point, recreation trail/route, or Safe Route, by whatever name such area is known by.

(g) “Permanent residence” means a place where the person abides, lodges, or resides for fourteen (14) or more consecutive days.

(h) “Reservation” means all land within the exterior boundaries of the Reservation of the Oneida Nation, as created pursuant to the 1838 Treaty with the Oneida 7 Stat. 566, and any lands added thereto pursuant to federal law.

(i) “Sex offender” means a person who:

(1) Is required to register under Wis. Stats. §301.45 for any sexual offense or as otherwise ordered by a court or is found to have committed a sex offense by another jurisdiction within the meaning of Wis. Stats. §301.45(1d)(am);

(2) Is required to register under Wis. Stats. §301.45 and who has been designated a special bulletin (SBN) sex offender pursuant to Wis. Stats. §301.46 (2) and (2m); or

(3) Within the ten (10) years prior to establishing a permanent or temporary residence within the reservation, has been convicted of or found not guilty by reason of disease or mental defect of a violation of Wis. Stats. §940.30 False Imprisonment, if the victim was a minor and not offender’s child, or Wis. Stats. §940.31 kidnapping, if the victim was a minor and not offender’s child.

(j) “Temporary residence” means a place where the person abides, lodges or resides for a period of four (4) or more days within a thirty (30) day period, or for a period of fourteen (14) or more days during any calendar year and which is not the person's permanent address.

(k) “Trial Court” means the Trial Court of the Oneida Nation Judiciary.

310.4. Prohibited Locations

310.4-1. *Prohibited Locations*. No sex offender shall enter or be present on any property upon which there exists any:

(a) school;

(b) Tribal or other licensed day care or childcare center;

(c) park or park facility;

(d) playground or green space otherwise designated as a play or recreational area by the Nation’s ~~planning department~~ Planning Department;

(e) athletic field, including any practice field;

(f) library;

(g) community center;

(h) fitness center, recreation center, or gym;

(i) farmers market;

(j) place of worship;

(k) any other place designated by the Nation as a place where vulnerable populations, including children, are known to congregate.

310.4-2. *Prohibited Locations Exceptions.* A sex offender present in a prohibited location as identified in section 310.4-1 of this law shall not be found to have committed an offense if any of the following apply:

(a) The property also supports a place of worship, subject to the following conditions:

(1) Entrance and presence on the property may occur only during hours of worship or other religious program or service; and

(2) The sex offender shall not participate in any religious education programs that include individuals under the age of eighteen (18).

(b) The property also supports a use lawfully attended by the sex offender's natural or adopted child, which child's use reasonably requires the attendance of the sex offender, provided that entrance and presence on the property occurs only during hours of activity related to the use by the child.

(c) The property also supports a polling location in a local, state, or federal election, subject to the following conditions:

(1) The sex offender is eligible to vote;

(2) The polling location is the designated polling location for the sex offender; and

(3) The sex offender casts their ballot with whatever usual and customary assistance is available and vacates the property immediately after voting.

(d) The property also supports a school lawfully attended by the sex offender as a student, provided that the sex offender may only remain on the property at such times that are reasonably required for their educational purposes.

(e) The property is accessed for use of a medical facility or clinic, behavioral health clinic, police station, food security services, economic or social services, or other governmental building not otherwise enumerated in 310.4-1 of this law, provided that the sex offender vacates the property immediately after completing the activity or service that required their presence at the property.

(1) Any department of the Nation in a property providing services as referenced in the subsection above shall have a standard operating procedure regarding providing for a sex offender's access for services in these particular locations.

310.5. Residence Restrictions

310.5-1. *Prohibited Location of Residence.* No sex offender shall establish a permanent residence or temporary residence within two thousand five hundred (2,500) feet of any prohibited locations identified in section 310.4-1 of this law.

310.5-2. *Measurement of Distance.* For purposes of determining the minimum distance of separation required for the permanent residence or temporary residence of a sex offender, the requirement shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence of the sex offender to nearest outer property line of the prohibited locations identified in section 310.4-1 of this law.

310.5-3. *Residency Restriction Exceptions.* A sex offender residing within an area otherwise prohibited by this law does not commit an offense if any of the following apply:

(a) The sex offender is required to serve a sentence at a jail, prison, juvenile facility, or other facility located at the otherwise prohibited location.

(b) The sex offender had established and registered a permanent residence within a restricted area prior to the effective date of this law.

(1) In such circumstances, a sex offender who duly registered their permanent residence address before residency restrictions were adopted by the Nation shall be deemed to have received a waiver, provided that this waiver may be revoked in accordance with section 310.6-5 of this law.

(c) The prohibited location identified in section 310.4-1 of this law was established after the sex offender established a permanent residence at the location and registered that residence as required by law.

(d) The sex offender is a minor or ward under guardianship.

(e) The sex offender's most recent offense occurred more than ten (10) years ago and it has been at least ten (10) years since the sex offender has completed any period of incarceration or court mandated supervision for any offense.

310.5-5. *Prohibition of Sale, Lease, or Rental of Property.* No person or entity shall sell, lease, sublease, rent, convey, or otherwise allow a sex offender to stay in any place, structure, or part thereof with knowledge that it will be used as a permanent residence or temporary residence by any sex offender that is prohibited from establishing residence under this law.

310.6. Waiver of Residence Restrictions

310.6-1. *Petition for Residence Restriction Waiver.* A sex offender may request a waiver from the residence restrictions provided in section 310.5-1 of this law by submitting a written request for a waiver, including any pertinent rationale for a waiver, to the Oneida Police Department prior to establishing a residence that would be in violation of this law.

(a) A sex offender shall not, under any circumstance, be deemed to have established a residence that would otherwise be in violation of this law without first having received permission as evidenced through a waiver. A sex offender cited for residing within a restricted area without first receiving a waiver shall not be eligible to receive a waiver thereafter.

310.6-2. *Review of Waiver Request.* The Chief of Police or their designee shall conduct a review of the request for a waiver using any pertinent information and the following factors related to the Nation's interest in promoting, protecting, and improving the health, safety, and welfare of the community:

- (a) The nature of the offense causing the individual to be a sex offender;
- (b) Police reports related to the predicate offense if available;
- (c) Proximity of the requested residence to the victim;
- (d) The age of the offense, offender, and victim;
- (e) Recommendation of the probation or parole officer, if one exists;
- (f) Recommendation of the police department;
- (g) Recommendation of any treatment practitioner;
- (h) Proposals for safety measures and assurances by the sex offender;
- (i) Conditions to be placed on any exception or variance from the requirements of this law;
- (j) Support systems in place by the sex offender;
- (k) Who the sex offender will be or is living with at the prohibited location;
- (l) Statements of the surrounding community or victim;
- (m) Treatment, sobriety, or rehabilitative measures taken by the sex offender;
- (n) The sex offender's current employment or social activities;
- (o) The sex offender's criminal history; and

(p) Whether the sex offender meets any of the exceptions provided for in this law.
310.6-3. *Approval or Denial of Waiver.* Within fourteen (14) days of receiving a waiver request, the Chief of Police or their designee shall issue a written decision to the sex offender by first class mail, to the address provided by the requestor, in regard to the request for a residence restriction waiver.

(a) The decision of the Chief of Police or their designee shall be one (1) of the following:

(1) denial of the waiver;

(1) approval of the waiver; or

(2) approval of the waiver subject to necessary conditions.

(A) Conditions may include, but are not limited to, the following:

(i) curfew restrictions;

(ii) cohabitation restrictions or requirements;

(iii) sobriety restrictions;

(iv) conduct restrictions; and/or

(v) any other decision deemed reasonable and necessary by the Chief of Police.

(b) Any request for a waiver which has not been approved, approved for a conditional waiver, or denied by the Chief of Police or their designee within thirty (14) days of the request shall be deemed to be denied unless the Chief of Police provides written notice to the sex offender that a one (1) time extension of ten (10) days would be required to make a decision on the waiver.

(c) If a waiver is granted by the Chief of Police or their designee, the exemption shall only apply to the specific sex offender who had applied for the waiver at the requested residence and shall not be transferable to any other or to any other location.

(d) A waiver expires when the sex offender who was granted the waiver changes their residence.

310.6-4. *Appeal of Waiver Decision.* A sex offender may appeal the waiver decision made by the Chief of Police or their designee by submitting a written appeal to the Oneida Public Safety and Security Commission within ten (10) days from the date the waiver decision was postmarked.

(a) The Oneida Public Safety and Security Commission shall make a decision regarding the appeal of the Chief of Police or their designee's decision within fourteen (14) days of receipt of the appeal.

(1) The Oneida Public Safety and Security Commission may use a one (1) time extension of ten (10) days to make a decision on the waiver appeal by providing written notice of the extension to the Chief of Police and the sex offender.

(b) The Oneida Public Safety and Security Commission shall make one of the following decisions in regard to the appeal:

(1) Uphold the Chief of Police or their designee's denial of the waiver; or

(2) Overturn the Chief of Police or their designee's denial of the waiver and approve:

(A) a waiver; or

(B) a waiver subject to conditions.

(c) The decision of the Oneida Public Safety and Security Commission shall be in writing and provided to the sex offender and the Chief of Police.

310.6-5. *Revocation of Waiver.* A waiver issued by the Chief of Police or their designee or the Oneida Public Safety and Security Commission may be revoked by the Chief of Police or their designee if the sex offender is found to have violated the conditions of the waiver or there is

probable cause to believe the sex offender has committed an additional violent, heinous, or sexual criminal offense, which had occurred either before or after the waiver was issued.

- (a) The Chief of Police or their designee shall provide written notice to the sex offender that the exemption or conditional exemption has been revoked and/or further conditioned.

310.7. Map of Prohibited Locations and Residence Restriction Distances

310.7-1. The Geographic Information System Department shall maintain an official map of the reservation showing prohibited locations and the resulting residency restriction distances.

- (a) The Geographic Information System Department shall review the map on an annual basis and update the map to reflect any changes in the prohibited locations.

- (b) The map shall be made available electronically on the Nation's website.

310.7-2. The absence of a location on the map shall not be a defense to enforcement under this law where the sex offender is found to be within a prohibited location and circumstances make it clear that the sex offender had actual notice of that prohibited location.

310.8. Enforcement and Penalties

310.8-1. *Issuance of a Citation.* An individual who violates any provision of this law may be subject to the issuance of a citation by an Oneida Police Department officer.

- (a) A citation for a violation of this law or any orders issued pursuant to this law may include fines and other penalties, as well as conditional orders made by the Trial Court.

- (b) A citation for a violation of this law shall be processed in accordance with the procedure contained in the Nation's laws and policies governing citations.

- (c) *Notice to the Comprehensive Housing Division.* The Oneida Police Department shall provide notice to the Oneida Law Office ~~attorney assigned to the Comprehensive Housing Division~~ of any citation, revocation, or conditioning of a waiver issued to an individual located at a property rented or leased through the Comprehensive Housing Division.

~~(1) Any information or reports shared by the Oneida Police Department officer with the Oneida Law Office attorney shall be redacted by the Oneida Law Office attorney as agreed upon between the Oneida Law Office and the Oneida Police Department Chief of Police prior to release to the Comprehensive Housing Division for potential lease or rental enforcement.~~

310.8-2. *Penalties.* Upon a finding by the Trial Court that a violation of this law has occurred, the individual may be subject to the following penalties:

- (a) *Fines.* An individual may be ordered to pay a fine as a result of a violation of this law. The Oneida Business Committee shall adopt through resolution a citation schedule which sets forth specific fine amounts for violations of this law.

- (1) All fines shall be paid to the Judiciary.

- (2) Fines shall be paid within ninety (90) days after the order is issued or upheld on final appeal, whichever is later.

- (A) The ninety (90) day deadline for payment of fines may be extended if an alternative payment plan is negotiated by the Oneida Law Office and approved by the Trial Court.

- (3) If an individual does not pay their fine the Trial Court may seek to collect the money owed through the Nation's garnishment and/or per capita attachment process or any other collection process available to the Trial Court.

- (4) Community service may be substituted for part or all of any fine at the minimum wage rate of the Nation for each hour of community service.

(b) *Community Service*. An individual may be ordered to perform community service. Community service can be used in lieu of, or in addition to, a fine.

(1) All community service assignments shall be approved by the Trial Court. The Trial Court shall give preference to culturally relevant community service assignments or community service assignments that focus on the betterment of the individual's community.

(2) The Trial Court shall provide the individual a written statement of the terms of the community service order, and a statement that the community service order is monitored.

(3) The Trial Court's community service order shall specify:

(A) how many hours of community service the individual is required to complete;

(B) the time frame in which the hours shall be completed;

(C) how the individual shall obtain approval for their community service assignment;

(D) how the individual shall report their hours; and

(E) any other information the Trial Court determines is relevant.

(c) *Counseling or other Programs*. An individual may be ordered to participate in counseling or any other program relevant and available to the Nation.

(d) Any other penalty as deemed appropriate by the Trial Court.

End.

Emergency Adopted – BC-02-25-26-C

Emergency Extended – BC- - - -
Adopted – BC- - - -

Title 3. Health & Public Safety - Chapter 310
SAFE NEIGHBORHOODS

310.1. Purpose and Policy
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Distances
310.8. Enforcement and Penalties

310.1. Purpose and Policy

310.1-1. *Purpose.* The purpose of this law is not to impose a criminal penalty but rather to serve the Nation’s compelling interest to promote, protect, and improve the health, safety, and welfare of the reservation population by prohibiting sex offenders from loitering or residing in specified areas around locations where vulnerable populations, including children, regularly congregate. This law recognizes the right of sex offenders to reenter the community. Therefore, through this law the Nation balances its responsibility to sex offenders with its responsibility to protect the surrounding community by promoting regulatory measures which provide protections for the community that do not wholly prohibit sex offenders from being part of this community.

310.1-2. *Policy.* It is the policy of the Nation that due to the high rate of recidivism for sex offenders, the Nation declares that sex offenders are a serious threat to the public safety of vulnerable populations, including children, if regulatory measures are not in place that protect the community by reducing opportunity and temptation by prohibiting sex offenders from being present on or residing in specified areas designated as places where vulnerable populations commonly congregate.

310.2. Adoption, Amendment, Repeal

310.2-1. This law was adopted by the Oneida Business Committee by resolution BC-__-__-__.

310.2-2. This law may be amended or repealed by the Oneida Business Committee or General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

310.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

310.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control.

310.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

310.3. Definitions

310.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) “Day” means calendar day.

(b) “Immediate family” means individual’s husband, wife, mother, father, son, daughter, brother, sister, grandparent, grandchild, and any of the these relations attained through legal adoption or marriage.

(c) “Judiciary” means the Oneida Nation Judiciary, as identified in Article V of the Constitution and Bylaws of the Oneida Nation, which is the judicial system that was established by Oneida General Tribal Council resolution GTC-01-07-13-B, and then later

authorized to administer the judicial authorities and responsibilities of the Nation by Oneida General Tribal Council resolution GTC-03-19-17-A.

(d) “Nation” means the Oneida Nation.

(e) “Oneida Public Safety and Security Commission” means the entity made up of those individuals appointed by the Oneida Business Committee to provide oversight regarding the activities and actions of public safety and security operations throughout the Reservation.

(f) “Park” means any outdoor area held open for use by the public, including, but not limited to a public park, parkway, campground, recreation or open access space area, beach, conservation area, lake access point, recreation trail/route, or Safe Route, by whatever name such area is known by.

(g) “Permanent residence” means a place where the person abides, lodges, or resides for fourteen (14) or more consecutive days.

(h) “Reservation” means all land within the exterior boundaries of the Reservation of the Oneida Nation, as created pursuant to the 1838 Treaty with the Oneida 7 Stat. 566, and any lands added thereto pursuant to federal law.

(i) “Sex offender” means a person who:

(1) Is required to register under Wis. Stats. §301.45 for any sexual offense or as otherwise ordered by a court or is found to have committed a sex offense by another jurisdiction within the meaning of Wis. Stats. §301.45(1d)(am);

(2) Is required to register under Wis. Stats. §301.45 and who has been designated a special bulletin (SBN) sex offender pursuant to Wis. Stats. §301.46 (2) and (2m); or

(3) Within the ten (10) years prior to establishing a permanent or temporary residence within the reservation, has been convicted of or found not guilty by reason of disease or mental defect of a violation of Wis. Stats. §940.30 False Imprisonment, if the victim was a minor and not offender’s child, or Wis. Stats. §940.31 kidnapping, if the victim was a minor and not offender’s child.

(j) “Temporary residence” means a place where the person abides, lodges or resides for a period of four (4) or more days within a thirty (30) day period, or for a period of fourteen (14) or more days during any calendar year and which is not the person's permanent address.

(k) “Trial Court” means the Trial Court of the Oneida Nation Judiciary.

310.4. Prohibited Locations

310.4-1. *Prohibited Locations*. No sex offender shall enter or be present on any property upon which there exists any:

(a) school;

(b) Tribal or other licensed day care or childcare center;

(c) park or park facility;

(d) playground or green space otherwise designated as a play or recreational area by the Nation’s Planning Department;

(e) athletic field, including any practice field;

(f) library;

(g) community center;

(h) fitness center, recreation center, or gym;

(i) farmers market;

(j) place of worship;

(k) any other place designated by the Nation as a place where vulnerable populations, including children, are known to congregate.

310.4-2. *Prohibited Locations Exceptions.* A sex offender present in a prohibited location as identified in section 310.4-1 of this law shall not be found to have committed an offense if any of the following apply:

(a) The property also supports a place of worship, subject to the following conditions:

(1) Entrance and presence on the property may occur only during hours of worship or other religious program or service; and

(2) The sex offender shall not participate in any religious education programs that include individuals under the age of eighteen (18).

(b) The property also supports a use lawfully attended by the sex offender's natural or adopted child, which child's use reasonably requires the attendance of the sex offender, provided that entrance and presence on the property occurs only during hours of activity related to the use by the child.

(c) The property also supports a polling location in a local, state, or federal election, subject to the following conditions:

(1) The sex offender is eligible to vote;

(2) The polling location is the designated polling location for the sex offender; and

(3) The sex offender casts their ballot with whatever usual and customary assistance is available and vacates the property immediately after voting.

(d) The property also supports a school lawfully attended by the sex offender as a student, provided that the sex offender may only remain on the property at such times that are reasonably required for their educational purposes.

(e) The property is accessed for use of a medical facility or clinic, behavioral health clinic, police station, food security services, economic or social services, or other governmental building not otherwise enumerated in 310.4-1 of this law, provided that the sex offender vacates the property immediately after completing the activity or service that required their presence at the property.

(1) Any department of the Nation in a property providing services as referenced in the subsection above shall have a standard operating procedure regarding providing for a sex offender's access for services in these particular locations.

310.5. Residence Restrictions

310.5-1. *Prohibited Location of Residence.* No sex offender shall establish a permanent residence or temporary residence within two thousand five hundred (2,500) feet of any prohibited locations identified in section 310.4-1 of this law.

310.5-2. *Measurement of Distance.* For purposes of determining the minimum distance of separation required for the permanent residence or temporary residence of a sex offender, the requirement shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence of the sex offender to nearest outer property line of the prohibited locations identified in section 310.4-1 of this law.

310.5-3. *Residency Restriction Exceptions.* A sex offender residing within an area otherwise prohibited by this law does not commit an offense if any of the following apply:

(a) The sex offender is required to serve a sentence at a jail, prison, juvenile facility, or other facility located at the otherwise prohibited location.

(b) The sex offender had established and registered a permanent residence within a restricted area prior to the effective date of this law.

(1) In such circumstances, a sex offender who duly registered their permanent residence address before residency restrictions were adopted by the Nation shall be deemed to have received a waiver, provided that this waiver may be revoked in accordance with section 310.6-5 of this law.

(c) The prohibited location identified in section 310.4-1 of this law was established after the sex offender established a permanent residence at the location and registered that residence as required by law.

(d) The sex offender is a minor or ward under guardianship.

(e) The sex offender's most recent offense occurred more than ten (10) years ago and it has been at least ten (10) years since the sex offender has completed any period of incarceration or court mandated supervision for any offense.

310.5-5. *Prohibition of Sale, Lease, or Rental of Property.* No person or entity shall sell, lease, sublease, rent, convey, or otherwise allow a sex offender to stay in any place, structure, or part thereof with knowledge that it will be used as a permanent residence or temporary residence by any sex offender that is prohibited from establishing residence under this law.

310.6. Waiver of Residence Restrictions

310.6-1. *Petition for Residence Restriction Waiver.* A sex offender may request a waiver from the residence restrictions provided in section 310.5-1 of this law by submitting a written request for a waiver, including any pertinent rationale for a waiver, to the Oneida Police Department prior to establishing a residence that would be in violation of this law.

(a) A sex offender shall not, under any circumstance, be deemed to have established a residence that would otherwise be in violation of this law without first having received permission as evidenced through a waiver. A sex offender cited for residing within a restricted area without first receiving a waiver shall not be eligible to receive a waiver thereafter.

310.6-2. *Review of Waiver Request.* The Chief of Police or their designee shall conduct a review of the request for a waiver using any pertinent information and the following factors related to the Nation's interest in promoting, protecting, and improving the health, safety, and welfare of the community:

- (a) The nature of the offense causing the individual to be a sex offender;
- (b) Police reports related to the predicate offense if available;
- (c) Proximity of the requested residence to the victim;
- (d) The age of the offense, offender, and victim;
- (e) Recommendation of the probation or parole officer, if one exists;
- (f) Recommendation of the police department;
- (g) Recommendation of any treatment practitioner;
- (h) Proposals for safety measures and assurances by the sex offender;
- (i) Conditions to be placed on any exception or variance from the requirements of this law;
- (j) Support systems in place by the sex offender;
- (k) Who the sex offender will be or is living with at the prohibited location;
- (l) Statements of the surrounding community or victim;
- (m) Treatment, sobriety, or rehabilitative measures taken by the sex offender;
- (n) The sex offender's current employment or social activities;
- (o) The sex offender's criminal history; and

(p) Whether the sex offender meets any of the exceptions provided for in this law.
310.6-3. *Approval or Denial of Waiver.* Within fourteen (14) days of receiving a waiver request, the Chief of Police or their designee shall issue a written decision to the sex offender by first class mail, to the address provided by the requestor, in regard to the request for a residence restriction waiver.

(a) The decision of the Chief of Police or their designee shall be one (1) of the following:

(1) denial of the waiver;

(1) approval of the waiver; or

(2) approval of the waiver subject to necessary conditions.

(A) Conditions may include, but are not limited to, the following:

(i) curfew restrictions;

(ii) cohabitation restrictions or requirements;

(iii) sobriety restrictions;

(iv) conduct restrictions; and/or

(v) any other decision deemed reasonable and necessary by the Chief of Police.

(b) Any request for a waiver which has not been approved, approved for a conditional waiver, or denied by the Chief of Police or their designee within thirty (14) days of the request shall be deemed to be denied unless the Chief of Police provides written notice to the sex offender that a one (1) time extension of ten (10) days would be required to make a decision on the waiver.

(c) If a waiver is granted by the Chief of Police or their designee, the exemption shall only apply to the specific sex offender who had applied for the waiver at the requested residence and shall not be transferable to any other or to any other location.

(d) A waiver expires when the sex offender who was granted the waiver changes their residence.

310.6-4. *Appeal of Waiver Decision.* A sex offender may appeal the waiver decision made by the Chief of Police or their designee by submitting a written appeal to the Oneida Public Safety and Security Commission within ten (10) days from the date the waiver decision was postmarked.

(a) The Oneida Public Safety and Security Commission shall make a decision regarding the appeal of the Chief of Police or their designee's decision within fourteen (14) days of receipt of the appeal.

(1) The Oneida Public Safety and Security Commission may use a one (1) time extension of ten (10) days to make a decision on the waiver appeal by providing written notice of the extension to the Chief of Police and the sex offender.

(b) The Oneida Public Safety and Security Commission shall make one of the following decisions in regard to the appeal:

(1) Uphold the Chief of Police or their designee's denial of the waiver; or

(2) Overturn the Chief of Police or their designee's denial of the waiver and approve:

(A) a waiver; or

(B) a waiver subject to conditions.

(c) The decision of the Oneida Public Safety and Security Commission shall be in writing and provided to the sex offender and the Chief of Police.

310.6-5. *Revocation of Waiver.* A waiver issued by the Chief of Police or their designee or the Oneida Public Safety and Security Commission may be revoked by the Chief of Police or their designee if the sex offender is found to have violated the conditions of the waiver or there is

probable cause to believe the sex offender has committed an additional violent, heinous, or sexual criminal offense, which had occurred either before or after the waiver was issued.

- (a) The Chief of Police or their designee shall provide written notice to the sex offender that the exemption or conditional exemption has been revoked and/or further conditioned.

310.7. Map of Prohibited Locations and Residence Restriction Distances

310.7-1. The Geographic Information System Department shall maintain an official map of the reservation showing prohibited locations and the resulting residency restriction distances.

- (a) The Geographic Information System Department shall review the map on an annual basis and update the map to reflect any changes in the prohibited locations.

- (b) The map shall be made available electronically on the Nation's website.

310.7-2. The absence of a location on the map shall not be a defense to enforcement under this law where the sex offender is found to be within a prohibited location and circumstances make it clear that the sex offender had actual notice of that prohibited location.

310.8. Enforcement and Penalties

310.8-1. *Issuance of a Citation.* An individual who violates any provision of this law may be subject to the issuance of a citation by an Oneida Police Department officer.

- (a) A citation for a violation of this law or any orders issued pursuant to this law may include fines and other penalties, as well as conditional orders made by the Trial Court.

- (b) A citation for a violation of this law shall be processed in accordance with the procedure contained in the Nation's laws and policies governing citations.

- (c) *Notice to the Comprehensive Housing Division.* The Oneida Police Department shall provide notice to the Oneida Law Office of any citation, revocation, or conditioning of a waiver issued to an individual located at a property rented or leased through the Comprehensive Housing Division.

310.8-2. *Penalties.* Upon a finding by the Trial Court that a violation of this law has occurred, the individual may be subject to the following penalties:

- (a) *Fines.* An individual may be ordered to pay a fine as a result of a violation of this law. The Oneida Business Committee shall adopt through resolution a citation schedule which sets forth specific fine amounts for violations of this law.

- (1) All fines shall be paid to the Judiciary.

- (2) Fines shall be paid within ninety (90) days after the order is issued or upheld on final appeal, whichever is later.

- (A) The ninety (90) day deadline for payment of fines may be extended if an alternative payment plan is negotiated by the Oneida Law Office and approved by the Trial Court.

- (3) If an individual does not pay their fine the Trial Court may seek to collect the money owed through the Nation's garnishment and/or per capita attachment process or any other collection process available to the Trial Court.

- (4) Community service may be substituted for part or all of any fine at the minimum wage rate of the Nation for each hour of community service.

- (b) *Community Service.* An individual may be ordered to perform community service. Community service can be used in lieu of, or in addition to, a fine.

- (1) All community service assignments shall be approved by the Trial Court. The Trial Court shall give preference to culturally relevant community service

assignments or community service assignments that focus on the betterment of the individual's community.

(2) The Trial Court shall provide the individual a written statement of the terms of the community service order, and a statement that the community service order is monitored.

(3) The Trial Court's community service order shall specify:

(A) how many hours of community service the individual is required to complete;

(B) the time frame in which the hours shall be completed;

(C) how the individual shall obtain approval for their community service assignment;

(D) how the individual shall report their hours; and

(E) any other information the Trial Court determines is relevant.

(c) *Counseling or other Programs.* An individual may be ordered to participate in counseling or any other program relevant and available to the Nation.

(d) Any other penalty as deemed appropriate by the Trial Court.

End.

Emergency Adopted – BC-02-25-26-C

Emergency Extended – BC-__-__-__-__

Adopted – BC-__-__-__-__