

Tribal Considerations: FAQ's

- 1. What are the additional consequences for federally recognized Indian tribes that fail to substantially implement SORNA by July 27, 2009?**
- 2. What if the reservation of a federally-recognized tribe is in more than one state?**
- 3. Can tribes collaborate with other tribes or the states as they work to implement SORNA?**

1. What are the additional consequences for Indian Tribes that fail to implement by July 27, 2009?

All jurisdictions including tribes have until July 27, 2009, to be in substantial compliance. If substantial compliance has not been achieved by the jurisdiction, the Attorney General may grant, at the request of a jurisdiction, up to two one-year extensions on the compliance deadline. (See Sec. 124 of SORNA)

Section 127(a)(2)(C) of SORNA also provides that if “the Attorney General determines that the tribe has not substantially implemented the requirements of this subtitle and is not likely to become capable of doing so within a reasonable amount of time” then the sex offender registry function may be delegated to the state.

2. What if the reservation of a federally-recognized tribe is in more than one state?

If a tribe's land is in part subject to state law enforcement jurisdiction under 18 U.S.C. § 1162 and in part outside of the areas subject to 18 U.S.C. § 1162, then: (i) sex offender registration and notification functions are automatically delegated to the relevant State in the portion of the tribal land subject to 18 U.S.C. § 1162, and (ii) the tribe had a choice between functioning as a jurisdiction or delegating registration and notification functions to the State in the portion of its land that is not subject to 18 U.S.C. § 1162.

3. Can tribes collaborate with other tribes or the states as they work to implement SORNA?

Yes. With respect to Indian tribes, SORNA recognizes that tribes may vary in their capacities and preferences regarding the discharge of sex offender registration and notification functions, and accordingly section 127 of SORNA has special provisions governing the treatment of Indian tribes as jurisdictions or the delegation of registration and notification functions to the States.

See Part III of the Final Guidelines for more detail.