



Nez Perce

TRIBAL EXECUTIVE COMMITTEE

P.O. BOX 305 • LAPWAI, IDAHO 83540 • (208) 843-2253

NOTICE

AMENDMENTS TO THE NEZ PERCE TRIBAL CODE

This notice is being posted April 24, 2018, according to the Nez Perce Tribal Code § 1-4-2 to request written comments for the following proposed amendments (see attached):

Additions of §4-1-52(a) Enticement of a Child and §4-1-52(b) Enticing a Child Through Use of the Internet or Other Communication Device to Chapter 4-1, Criminal Offenses.

Addition of Enticement of a Child and Enticing a Child Through Use of the Internet of Other Communication Device to Chapter 4-6, Sex Offender Registration Ordinance, §4-6-6 Covered Offenses.

STATEMENT OF PURPOSE: There is a need to provide laws that protect children on the Nez Perce Reservation. There are currently no criminal offenses in the Chapter 4-1 of Nez Perce Tribal Code that allow Law Enforcement to properly investigate crimes that involve the enticement of children. Adding these offenses will allow the Nez Perce Tribal Police to aggressively investigate and the Nez Perce Tribal Justice System to aggressively prosecute these offenses against children.

WRITTEN COMMENT PERIOD:

The Law and Order & Intergovernmental Affairs Subcommittee will be accepting written comments on the proposed amendment being applied to the Code. Please submit written comments to: Shannon Wheeler, Chair, Law and Order Subcommittee, P.O. Box 305, Lapwai, ID, 83540; email to shannonw@nezperce.org, fax to (208) 843-7354 or hand deliver to the NPTEC offices in Lapwai. The deadline for receipt and consideration of such comments is May 15, 2018, at 4:30 p.m.

Proposed additions to Chapter 4-1, Criminal Offenses

§4-1-52(a) Enticement of a Child

(a) A person commits the offense of Enticement of a Child if he or she invites or persuades, or attempts to invite or persuade, a child fifteen (15) years old or younger or a person the defendant believes to be fifteen (15) years old or younger to enter any vehicle, building, room, or secluded place with the intent to commit sexual assault or unlawful sexual contact upon said child. It is not necessary to a prosecution for attempt under this subsection that the child has perceived the defendant's act of enticement.

(b) Enticement of a child is punishable by imprisonment not to exceed one year and a fine not to exceed \$5,000.00. It is considered Aggravated Enticement of a Child, if the defendant has a previous conviction for enticement of a child or sexual assault on a child or for conspiracy to commit or the attempted commission of either offense, or if the enticement of a child results in bodily injury to that child.

§4-1-52(b) Enticing a Child Through Use of the Internet or Other Communication Device

(a) A person commits the offense Enticement of a Child if such person knowingly uses the internet or any device that provides transmission of messages, signals, facsimiles, video images or other communication to solicit, seduce, lure, persuade or entice by words or actions, or both, a person fifteen (15) years old or younger, or a person the defendant believes to be fifteen (15) years old or younger to engage in any sexual act with or against the person where such act would be a violation of Chapter 4-1 of the Nez Perce Tribe Code.

(b) In a prosecution under this section, it is not necessary for the prosecution to show that an act described in Chapter 4-1 under Sexual Offense sections 4-1-48; 4-1-49; 4-1-50; 4-1-57; 4-1-52; 4-1-53 occurred.

(c) For purposes of determining jurisdiction, the offense is committed on the Nez Perce Reservation if the transmission that constitutes the offense either originates on or is received on the Nez Perce Reservation.

(d) Enticement of a child is punishable by imprisonment not to exceed one year and a fine not to exceed \$5,000.00. It is considered Aggravated Enticement of a Child, if the defendant has a previous conviction for enticement of a child or sexual assault on a child or for conspiracy to commit or the attempted commission of either offense, or if the enticement of a child results in bodily injury to that child.

Proposed addition to Chapter 4-6, Sex Offender Registration Code

§4-6-6 Covered Offenses

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- (a) A conviction under any of the following provisions of the Nez Perce Tribal Code:
 - (1) §4-1-48 (Rape),
 - (2) §4-1-9 (Forcible Sexual Penetration with a Foreign Object),
 - (3) §4-1-50 (Unlawful Sexual Intercourse),
 - (4) §4-1-51 (Sexual Assault),
 - (5) §4-1-52 (Sexual Molestation of a Minor under Sixteen),~~or~~
 - (6) **§4-1-52(a) (Enticing a Child Through Use of the Internet or Other Communication Device)**
 - (7) **§4-1-52(b) (Enticement of a Child), or**
 - ~~(6)~~**(8)** §4-1-86 (Incest).