

# PUBLIC NOTICE: NEW DRAFT ORDINANCES FOR PUBLIC COMMENT

The Salt River Pima-Maricopa Indian Community is considering new laws designed to protect Community Members, strengthen public safety, and support victims of abuse. Community Members are encouraged to review and comment during the public comment period.

## 1. SEXUAL EXTORTION (SEXTORTION) ORDINANCE

What this law does:

This proposed law would make it a crime for anyone to threaten or pressure another person into sexual acts, pictures, or videos in exchange for something of value — like money, gifts, or promises — or to avoid harm.

Why it matters:

Sexual extortion is a form of abuse and blackmail. It often happens online or through text messages, when someone threatens to share personal images unless the victim complies. This law gives the Community a clear way to hold offenders accountable and protect victims' dignity and safety.

## 2. CREATING OR DISTRIBUTING A PRIVATE IMAGE (REVENGE PORN) ORDINANCE

What this law does:

This proposed law would make it illegal to share or post private, intimate photos or videos of someone without their consent. It covers any situation where someone spreads these images to embarrass, harass, or harm another person.

Why it matters:

Sharing someone's private images without permission causes lasting emotional harm and can affect jobs, families, and reputations. This ordinance gives victims a way to seek justice and helps prevent this kind of digital abuse in the Community.

### 3. MANDATORY STI TESTING ORDINANCE

What this law does:

This proposed law would require anyone convicted of certain sexual offenses to be tested for HIV and other sexually transmitted infections, and would permit such testing following being charged with certain sexual offenses if the victim requests it. The results would be shared confidentially with the victim, while still protecting everyone's privacy.

Why it matters:

This helps victims of sexual assault get important health information quickly, so they can make decisions about their medical care and peace of mind. It also ensures the process is handled respectfully and with confidentiality.

### 3. DEFINITIONS UPDATES

What this law does:

This proposed law updates the definitions of certain terms in the Code.

Why it matters:

This creates cohesiveness and consistency between sections of the Code. Additionally, this updates definitions to ensure that images created or altered by artificial intelligence (AI) can be addressed.

### HOW TO SHARE YOUR INPUT

Community Members are invited to read the proposed laws and submit comments or questions.

- Public Comment Period ends November 23, 2025.

- How to Comment: You may access draft ordinance materials and make your Comments to the Office of the General Counsel at the following link: <https://srpmic-nsn.gov/government/ogc/proposed-ordinances/>. Additionally, the ordinances will be presented at several Council district meetings, and comments can be provided in person. Finally, you can email your comments directly to Chief Prosecutor Alane Breland at [Alane.Breland@SRPMIC-nsn.gov](mailto:Alane.Breland@SRPMIC-nsn.gov).

# SEXUALLY-BASED OFFENSES

DRAFT CODE CHANGES  
CHIEF PROSECUTOR ALANE BRELAND



# AGENDA

Background  
Draft Changes  
Council Guidance  
Request to Approve for Public Comment





# BACKGROUND

The Chief Prosecutor presented to Council In Work Session in April 2025, where Council approved moving forward with a draft of needed Code amendments.

**On September 11, 2025, Council approved moving forward with presenting the draft amendments in Open Session.**



**6-0. Authority to maintain law and order; jurisdiction.**

d) The Community may exercise special tribal criminal jurisdiction over any non-Indian who commits a covered crime in violation of any section listed below:

- 1) 6-31: Resisting arrest;
- 2) 6-33: Escape;
- 3) 6-36: Assault on tribal justice personnel; aggravated assault on tribal justice personnel;
- 4) 6-40: Unlawful flight from pursuing law enforcement vehicle;
- 5) 6-41: Obstruction of justice;
- 6) 6-55: Stalking;
- 7) 6-62: Sex trafficking;
- 8) 6-64: Abusive sexual contact;
- 9) 6-65: Sexual assault; aggravated sexual assault;
- 10) 6-67: Sexual extortion; creating or distributing a private image.
- 11) 6-82: Child abuse; aggravated child abuse;
- 12) 6-85: Custodial interference;
- 13) 6-87: Sexual contact with a child;
- 14) 6-88: Sexual abuse of a child;
- 15) 6-89: Continuous sexual abuse of a child;
- 16) 6-90: Child sex trafficking;
- 17) 6-91: Sexual exploitation of a minor.

# SEXUAL EXTORTION AND SHARING OF PRIVATE IMAGES



These offenses are commonly known as “sextortion” and “revenge porn.”

We have seen multiple instances where women have been threatened with exposure of private images by former intimate partners. We have no law that accurately addresses this crime.




**The draft also addresses images known as “deep fakes,” which are images created or altered with AI that depict a known person.**

# STI TESTING

This would mandate testing for HIV, AIDS, and other STIs upon conviction for a sex offense, and would allow it for those charged with a sex offense when requested by a victim.





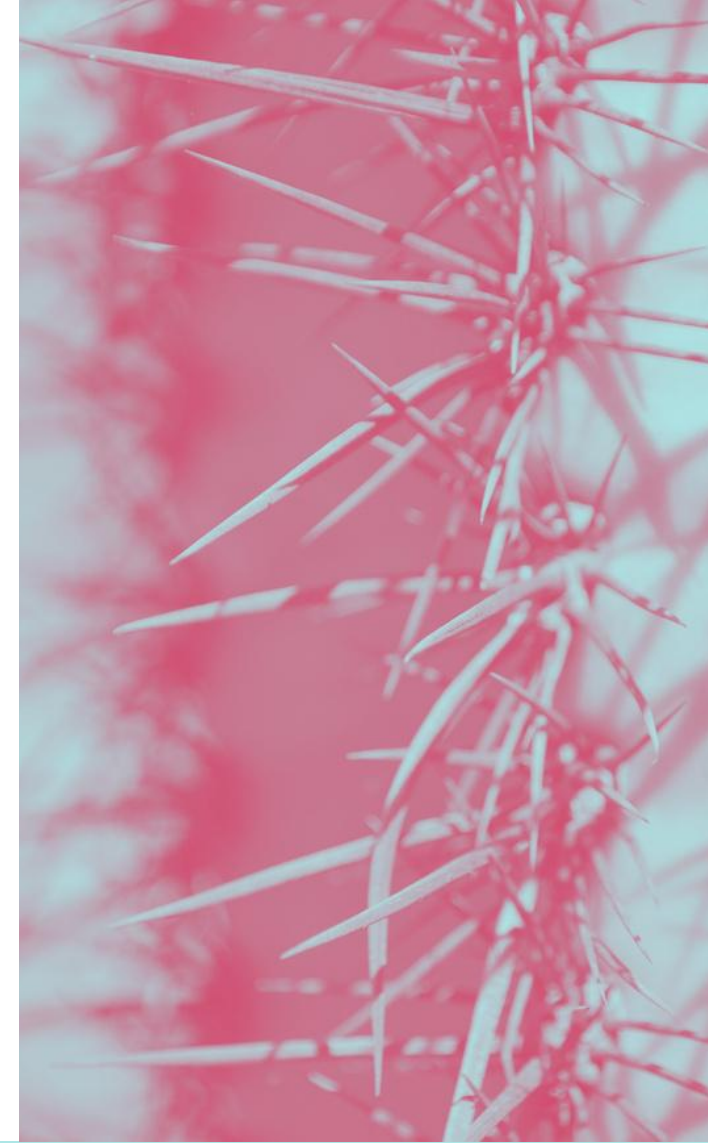
# DEPICTIONS OF CHILD SEXUAL ABUSE MATERIAL

## CSAM

The CSAM statute is brand new, and having recently worked our first case of this kind originating in SRPMIC, we have already noted some deficiencies.

## DEFINITIONS & ELEMENTS

There are areas where definitions and criminal elements could be expanded, made more specific, or clarified, especially to account for AI-altered images.



# DISCUSSION & COUNCIL GUIDANCE

# SEXUALLY BASED OFFENSES

DRAFT CODE CHANGES

CHIEF PROSECUTOR ALANE BRELAND  
SEPTEMBER 11, 2025 | COUNCIL WORK SESSION

## NOTE

All **green highlighted text** is draft language that would add to or amend existing Code language.

All **yellow highlighted text** is language that currently does not exist in the SRPMIC Tribal Code; these are brand new statute drafts.

All unhighlighted text is language that exists in the Code currently.

## **Draft Code Changes**

### **Sexually Based Offenses**

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#### **6-0. Authority to maintain law and order; jurisdiction.**

d) The Community may exercise special tribal criminal jurisdiction over any non-Indian who commits a covered crime in violation of any section listed below:

- 1) 6-31: Resisting arrest;
- 2) 6-33: Escape;
- 3) 6-36: Assault on tribal justice personnel; aggravated assault on tribal justice personnel;
- 4) 6-40: Unlawful flight from pursuing law enforcement vehicle;
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- 9) 6-65: Sexual assault; aggravated sexual assault;
- 10) 6-67: Sexual extortion; creating or distributing a private image.
- 11) 6-82: Child abuse; aggravated child abuse;
- 12) 6-85: Custodial interference;
- 13) 6-87: Sexual contact with a child;
- 14) 6-88: Sexual abuse of a child;
- 15) 6-89: Continuous sexual abuse of a child;
- 16) 6-90: Child sex trafficking;
- 17) 6-91: Sexual exploitation of a minor.

**6-67. Sexual extortion; creating or distributing a private image.**

- a) Any person who knowingly causes or attempts to cause another person to:
  - 1. engage in sexual intercourse, sexual contact, or any sexual act, or
  - 2. produce any photograph, digital image, video, film, or other recording of any person, whether recognizable or not, who is engaged in any act of sexual intercourse, sexual contact, or any sexual act including masturbation, breast nudity, or genital nudity,by communicating any threat to injure the body, property or reputation of any person shall be deemed guilty of sexual extortion.
- b) Any person who knowingly creates, records, or alters a private image when the depicted individual has not consented to the creation, recording, or alteration of the depicted individual and the depicted individual had a reasonable expectation of privacy against the creation, recording, or alteration of the private image shall be deemed guilty of creating a private image.
- c) Any person who knowingly posts, emails, texts, transmits, or otherwise distributes a private image when the depicted individual has not consented in writing to the transmission and the depicted individual had a reasonable expectation of privacy against transmission of the private image shall be deemed guilty of distributing a private image.
- d) *Consent* means an informed, voluntary, and revocable agreement by the depicted person to a specific disclosure. Consent to create or share with one person is not consent to further disclosure. Consent may be withdrawn at any time before disclosure.
- e) *Fabricated private image* means an intimate image that has been created, generated, or materially altered to depict a real, identifiable person engaging in sexual contact or sexual intercourse, or with intimate parts exposed, where that depiction did not actually occur.
- f) *Intimate parts* means the genitals, anus, groin, inner thigh, buttocks, or female breast.
- g) *Private image* means any visual depiction, including photograph, video, live stream, or digital file, that shows, or falsely appears to show, either:
  - 1. the fully or partially exposed intimate parts of another person; or
  - 2. a person engaged in sexual contact or sexual intercourse.The definition includes both authentic private images and fabricated private images.
- h) *Recognizable* means the person is identifiable from the image itself or information displayed in connection with the image, or the discloser knows the identity of the person depicted.
- i) *Reasonable expectation of privacy* means circumstances in which a reasonable person would expect the image to remain private.
- j) *Visual depiction* means still, animated, and moving images and thumbnails.
- k) Sexual extortion is a Class A offense and shall be punished by no less than a minimum sentence of three years' imprisonment and a fine of \$5,000.00. The convicted person shall not be eligible for suspension of sentence, probation, parole, or any other release from custody until at least the minimum sentence of incarceration is served.
- l) Creating a private image is a Class A offense.
- m) Distributing a private image is a Class A offense.

**6-80. Mandatory testing.**

- a) When a person is convicted of a sexual offense, the court shall order and direct the offender to submit to a test to determine whether the person is infected with a sexually transmitted disease, or is infected with acquired immune deficiency syndrome (AIDS), the human immunodeficiency virus (HIV), HIV-1 antibodies, or any other probable causative agent of AIDS.
- b) At the request of the victim, the court shall order a person charged with a sexual offense to submit, not later than forty-eight hours after the date on which a Criminal Complaint is filed, to a test designed to determine whether the person is infected with a sexually transmitted disease or is infected with acquired immune deficiency syndrome (AIDS), the human immunodeficiency virus (HIV), HIV-1 antibodies, or any other probable causative agent of AIDS.
- c) The victim may request that the person charged with a sexual offense to submit to a follow-up test to determine whether the person is infected with a sexually transmitted disease or is infected with acquired immune deficiency syndrome (AIDS), the human immunodeficiency virus (HIV), HIV-1 antibodies, or any other probable causative agent of AIDS. Upon a finding that the follow-up test is medically appropriate, the court shall order that such person submit to the test.
- d) The procedure or test shall be performed by a qualified medical professional, who shall report any positive result to the Salt River Police Department, which shall make the notification of the test results to the victim of the alleged offense, and notify the victim or the parent or guardian of the victim of the offense, regardless of the results.
- e) Test results shall be disclosed to the victim and to the person charged with or convicted of a sexual offense.
- f) Sexual offense means the following:
  - 1) 6-64: Abusive sexual contact;
  - 2) 6-65: Sexual assault; aggravated sexual assault;
  - 3) 6-67: Sexual extortion; creating or distributing a private image.
  - 4) 6-87: Sexual contact with a child;
  - 5) 6-88: Sexual abuse of a child;
  - 6) 6-89: Continuous sexual abuse of a child;
  - 7) 6-90: Child sex trafficking;
  - 8) 6-91: Sexual exploitation of a minor.

**6-86. Definitions.**

*Sexual contact* means any touching or manipulating of any part of the genitals, anus, or female breast by any part of the body, or by an object, for the purpose of gratifying sexual desire of either party.

*Sexual contact* means any touching or manipulating of any of the sexual or other intimate parts of another person including the genitals, anus, groin, inner thigh, buttocks, or female breast, or causing such person to touch the sexual or other intimate parts of the actor for the purpose of arousing or gratifying the sexual desire of either party, or for the purpose of abusing, humiliating, harassing, or degrading the other person.

## **6-91. Sexual exploitation of a minor.**

(a) A person commits sexual exploitation of a minor by knowingly:

- (1) Recording, filming, photographing, developing or duplicating any visual depiction in which a minor is engaged in exploitive exhibition or other sexual conduct.
- (2) Distributing, transporting, exhibiting, receiving, selling, purchasing, electronically transmitting, possessing or exchanging any visual depiction in which a minor is engaged in exploitive exhibition or other sexual conduct.

(b) As used in this section, exploitive exhibition means the actual or simulated exhibition of the genitals or pubic or rectal areas of any person for the purpose of sexual stimulation of the viewer.

(c) As used in this section, minor means a person or persons who were under 18 years of age at the time a visual depiction was created, adapted or modified.

(d) If any visual depiction of sexual exploitation of a minor is admitted into evidence, the court shall seal that evidence at the conclusion of any hearing or trial.

(e) Sexual exploitation of a minor is a Class A offense, and shall be punished by no less than a minimum sentence of three years imprisonment and a fine of \$5,000.00. The convicted person shall not be eligible for suspension of sentence, probation, parole or any other release from custody until at least the minimum sentence of incarceration is served.

- a) A person commits sexual exploitation of a minor by knowingly:
  - 1) Recording, filming, photographing, developing, **fabricating**, or duplicating any visual depiction in which a minor is engaged in exploitive exhibition, **sexual intercourse**, or other sexual **contact**.
  - 2) Distributing, transporting, exhibiting, receiving, selling, purchasing, electronically transmitting, possessing or exchanging any visual depiction in which a minor is engaged in exploitive exhibition, **sexual intercourse**, or other sexual **contact**.
- b) *Exploitive exhibition* means the actual or simulated **display** of the intimate parts of any minor for the purpose of sexual stimulation of the viewer.
- c) *Fabricated image* means an image that has been created, generated, or materially altered to depict a real, identifiable minor engaging in exploitive exhibition, sexual intercourse, or other sexual contact, or with intimate parts exposed, where that depiction did not actually occur.
- d) *Identifiable* means the minor is recognizable from the image itself or information displayed in connection with the image, or the exploiter knows the identity of the minor depicted.
- e) *Intimate parts* means the genitals, anus, groin, inner thigh, buttocks, or female breast.
- f) *Minor* means a person or persons who were under 18 years of age at the time a visual depiction was created, adapted, or modified.
- g) *Visual depiction* includes a photograph, video, live stream, or digital file, that shows, or falsely appears to show, either:
  - 1) the fully or partially exposed intimate parts of a minor; or
  - 2) a minor engaged in sexual contact or sexual intercourse.**The definition includes both authentic images and fabricated images.**
- h) If any visual depiction of sexual exploitation of a minor is admitted into evidence, the court shall seal that evidence at the conclusion of any hearing or trial.
- i) Sexual exploitation of a minor is a Class A offense, and shall be punished by no less than a minimum sentence of three years imprisonment and a fine of \$5,000.00. The convicted minor shall not be eligible for suspension of sentence, probation, parole or any other release from custody until at least the minimum sentence of incarceration is served.