



SQUAXIN ISLAND TRIBE

RESOLUTION NO. 12- 62

of the

SQUAXIN ISLAND TRIBAL COUNCIL

WHEREAS, the Squaxin Island Tribal Council is the Governing Body of the Squaxin Island Tribe, its members, its lands, its enterprises and its agencies by the authority of the Constitution and Bylaws of the Squaxin Island Tribe, as approved and adopted by the General Body and the Secretary of the Interior on July 8, 1965; and

WHEREAS, under the Constitution, Bylaws and inherent sovereignty of the Tribe, the Squaxin Island Tribal Council is charged with the duty of protecting the health, security, education and general welfare of tribal members, and of protecting and managing the lands and treaty resources and rights of the Tribe; and

WHEREAS, the Tribe is a federally-recognized Indian Tribe possessing reserved powers, including the powers of self-government; and

WHEREAS, the Squaxin Island Tribal Council has been entrusted with the creation of ordinances and resolutions in order to fulfill its duty of protecting the health, security, education and general welfare of tribal members, and of protecting and managing the lands and treaty resources of the Tribe; and

WHEREAS, the protection of children from sexual abuse and kidnapping is of great importance to the Tribe; and

WHEREAS, the Tribe has jurisdiction over the registering and tracking of sexual offenders and kidnappers and public notification regarding the same on all Squaxin Island Tribal lands; and

WHEREAS, the Council through its Resolution No. 07-30, resolved that the Tribe elect to participate as a registration jurisdiction in the National Sex Offender Registry system;

NOW THEREFORE BE IT RESOLVED, the Squaxin Island Tribal Council hereby adopts the revised Article XIX of the Squaxin Island Tribal Law and Order Code, Tribal Sex Offender Registration and Exclusion, attached hereto.

CERTIFICATION

The Squaxin Island Tribal Council hereby certifies that the foregoing Resolution was adopted at the regular meeting of the Squaxin Island Tribal Council, held on this 11 day of October, 2012, at which time a quorum was present and was passed by a vote of 6 for and 0 against, with 0 abstentions.


David Lopeman, Chairman

Attested by: 
Pete Kruger, Secretary


Arnold Cooper, Vice Chairman

This Code replaces Article XIX of Title 9 of the Squaxin Island Tribal Code (Registration of Sex Offenders and Kidnapping Offenders, Section 9.12.775 – 9.12.785).

TITLE 9
Article XIX

TITLE 9
Article XIX.
TRIBAL SEX OFFENDER REGISTRATION AND EXCLUSION

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General Matters

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- 9.12.1280 Title
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9.12.1280 Title

This Title shall be known as The Squaxin Island Tribal Sex Offender Registration and Exclusion Code.

9.12.1285 Purpose

The intent of this chapter is to implement the federal Sex Offender Registration and Notification Act (SORNA) (Title I of Public Law 109-248) and shall be interpreted liberally to comply with the terms and conditions of SORNA as presently written or hereafter amended.

9.12.1290 Creation of Registries

- A. Sex Offender Registry. There is hereby established a sex offender registry, which the Squaxin Island Police Department, or its agent, shall maintain and operate pursuant to the provisions of this article, as amended.
- B. Public Sex Offender Registry Website. There is hereby established a public sex offender registry website, which the Squaxin Island Public Safety and Justice Department, or its agent, shall maintain and operate pursuant to the provisions of this article, as amended.

Definitions and Covered Offenses

- 9.12.1300 Definitions
- 9.12.1305 Covered Offenses

9.12.1300 Definitions

The Definitions below apply to this Article only.

“Convicted” An adult sex offender is “convicted” for the purposes of this Article if the sex offender has been subjected to penal consequences based on the conviction, however the conviction may be styled.

“Employee” The term “employee”, as used in this Article includes, but is not limited to, an individual who is self-employed or works for any other entity, regardless of

compensation. Volunteers of a tribal agency or organization are included within the definition of employee for registration purposes.

“Foreign Convictions” A foreign conviction is one obtained outside of the United States.

“Immediate” and **“immediately”** mean within 3 business days.

“Imprisonment” refers to incarceration pursuant to a conviction, regardless of the nature of the institution in which the offender serves the sentence. The term is to be interpreted broadly to include, for example, confinement in a state “prison” as well as in a federal, military, foreign, BIA, private or contract facility, or a local or tribal “jail”. Persons under “house arrest” following conviction of a covered sex offense are required to register pursuant to the provisions of this Article during their period of “house arrest”.

“Jurisdiction” as used in this code refers to the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, and any Indian tribe.

“Juvenile Offender” for purposes of this code includes any person who is either:

1. Prosecuted and found guilty as an adult for a sex offense; or
2. Is adjudicated delinquent as a juvenile for a sex offense, but only if the offender is 14 years of age or older at the time of the offense and the offense adjudicated was comparable to or more severe than aggravated sexual abuse (as described in either (a) or (b) of section 2241 of title 18, United States Code), or was an attempt or conspiracy to commit such an offense.

“Minor” means an individual who has not attained the age of 18 years.

“NSOPW” means the **National Sex Offender Public Website**, the public website maintained by the Attorney General of the United States pursuant to 42 U.S.C. §16920.

“NSOR” means the **National Sex Offender Registry**, the national database maintained by the Attorney General of the United States pursuant to 42 U.S.C. §16919.

“Resides” or **“reside”** means, the location of an individual's home or other place where the individual habitually lives or sleeps and also includes vacation homes, hunting cabins and other temporary residences that the individual visits on a regular basis.

“Sex Offender” a person convicted of a sex offense.

“Sex Offender Registry” means the registry of sex offenders and notification program, maintained by the Squaxin Island Police Department or its agent.

“Sex Offender Tier 1” a sex offender that has been convicted of a tier 1 sex offense as defined in section 9.12.1310 of this Article

“Sex Offender Tier 2” a sex offender that has been either convicted of a tier 2 sex offense as defined in section 9.12.1315 of this Article, or who is subject to the recidivist provisions of section 9.12.1315(A).

“Sex Offender Tier 3” a “sex offender” that has been either convicted of a tier 3 sex offense as defined in section 9.12.1320 of this Article, or who is subject to the recidivist provisions of 9.12.1320(A).

“Sex Offense” as used in this code includes those offenses contained in 42 U.S.C. §16911(5) and those offenses enumerated in Section 9.12.1305 of this Article or any other covered offense under tribal law.

An offense involving consensual sexual conduct is not a sex offense for the purposes of this Chapter if the victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense, or if the victim was at least 13 years old and the offender was not more than 4 years older than the victim.

“Sexual Act” means:

1. Contact between the penis and the vulva or the penis and the anus, and for purposes of this definition, contact involving the penis occurs upon penetration, however slight;
2. Contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;
3. The penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or ,
4. The intentional touching, not through the clothing, of the genitalia of another person that has not attained the age of 18 years, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

“Sexual Contact” means the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desires of another person.

“SMART” means the **Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking**, which was established within the United States Department of Justice under the general authority of the Attorney General of the United States pursuant to 42 U.S.C. §16945.

“SORNA” means the **Sex Offender Registration and Notification Act** (Title I of the Adam Walsh Child Protection and Safety Act of 2006 P.L. 109-248), 42 U.S.C. §16911 et. seq., as amended.

“Student” means a person who enrolls in or attends either a private or public education institution, including a secondary school, trade or professional school, or an institution of higher education.

9.12.1305 Covered Offenses

Individuals who reside within the exterior boundaries of the reservation or otherwise reside on property owned by the tribe in fee or trust regardless of location, are employed within the exterior boundaries of the reservation or on property owned by the tribe in fee or trust regardless of location, or who attend school within the exterior boundaries of the reservation or on property owned by the tribe in fee or trust regardless of location, that have been convicted of any of the following sex offenses, or convicted of an attempt or conspiracy to commit any of the following sex offenses, are subject to the requirements of this Article:

- A. Except as limited by subparagraph 6 or 7, the term “sex offense” means:
1. A criminal offense that has an element involving a sexual act or sexual contact with another;
 2. A criminal offense that is a “specified offense against a minor” that involves any of the following:
 - a. An offense (unless committed by a parent or guardian) involving kidnapping.
 - b. An offense (unless committed by a parent or guardian) involving false imprisonment.
 - c. Solicitation to engage in sexual conduct.
 - d. Use in a sexual performance.
 - e. Solicitation to practice prostitution.
 - f. Video voyeurism as described in 18 U.S.C. §1801.
 - g. Possession, production, or distribution of child pornography.
 - h. Criminal sexual conduct involving a minor, or the use of the Internet to facilitate or attempt such conduct.
 - i. Any conduct that by its nature is a sex offense against a minor;
 3. A Federal offense (including an offense prosecuted under section 1152 or 1153 of Title 18 of the United States Code) under section 1591, or chapter 109A, 110 (other than section 2257, 2257A, or 2258), or 117, of Title 18 of the United States Code;
 4. A military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (10 U.S.C. 951 note); or
 5. An attempt or conspiracy to commit an offense described in clauses (1) through (4).
 6. Offenses involving Consensual Sexual Conduct. An offense involving consensual sexual conduct is not a sex offense for the purposes of this Article

if the victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense, or if the victim was at least thirteen (13) years old and the offender was not more than four (4) years older than the victim.

7. Foreign Offenses. A foreign conviction is not a sex offense for the purposes of this code unless it was either:
 - a. Obtained under the laws of Canada, the United Kingdom, Australia, New Zealand, or
 - b. Under the laws of any foreign country when the United States State Department in its Country Reports on Human Rights Practices has concluded that an independent judiciary generally or vigorously enforced the right to a fair trial in that country during the year in which the conviction occurred.
8. Tribal Offenses.
A conviction under the Squaxin Island Tribal Code for any of the following offenses:
 - SITC 9.12.695 (rape in the first degree)
 - SITC 9.12.700 (rape in the second degree)
 - SITC 9.12.705 (rape in the third degree)
 - SITC 9.12.710 (statutory rape in the first degree)
 - SITC 9.12.715 (statutory rape in the second degree)
 - SITC 9.12.735 (child molestation)
 - SITC 9.12.770 (abusive sexual touching)

Tiered Offenses

9.12.1310 Tier 1 Offenses
9.12.1315 Tier 2 Offenses
9.12.1320 Tier 3 Offenses

9.12.1310 Tier 1 Offenses

- A. Sex Offenses. A Tier 1 offense includes any sex offense, for which a person has been convicted, or an attempt or conspiracy to commit such an offense that is not a “Tier 2” or “Tier 3” offense.
- B. Offenses Involving Minors. A “Tier 1” offense also includes any offense for which a person has been convicted by any jurisdiction, local government, or qualifying foreign country pursuant to Section 1305 (A)(7) that involves the false imprisonment of a minor, video voyeurism of a minor, or possession or receipt of child pornography.
- C. Tribal Offenses. Any sex offense covered by this act where punishment was limited to one year in jail shall be considered a “Tier 1” sex offense.
- D. Certain Federal Offenses. Conviction for any of the following federal offenses shall be considered a conviction for a “Tier 1” offense:
 1. 18 U.S.C. §1801 (video voyeurism of a minor),
 2. 18 U.S.C. §2252 (receipt or possession of child pornography),

3. 18 U.S.C. §2252A (receipt or possession of child pornography),
 4. 18 U.S.C. §2252B (misleading domain names on the internet),
 5. 18 U.S.C. §2252C (misleading words or digital images on the internet),
 6. 18 U.S.C. §2422(a) (coercion to engage in prostitution),
 7. 18 U.S.C. §2423(b) (travel with the intent to engage in illicit conduct),
 8. 18 U.S.C. §2423(c) (engaging in illicit conduct in foreign places),
 9. 18 U.S.C. §2424(d) (arranging, inducing procuring or facilitating the travel in interstate commerce of an adult for the purpose of engaging in illicit conduct for financial gain),
 10. 18 U.S.C. §2424 (failure to file factual statement about an alien individual), or
 11. 18 U.S.C. §2425 (transmitting information about a minor to further criminal sexual conduct).
- E. Certain Military Offenses. Any military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (codified at 10 U.S.C. §951 note) that is similar to those offenses outlined in Section 1.03.01(A),(B), or (C) shall be considered a “Tier 1” offense.

9.12.1315 Tier 2 Offenses

- A. Recidivism and Felonies. Unless otherwise covered by Section 9.12.1320, any sex offense that is not the first sex offense for which a person has been convicted and that is punishable by more than one year in jail is considered a Tier 2 offense.
- B. Offenses Involving Minors. A Tier 2 offense includes any sex offense against a minor for which a person has been convicted, or an attempt or conspiracy to commit such an offense, that involves:
1. The use of minors in prostitution, including solicitations,
 2. Enticing a minor to engage in criminal sexual activity,
 3. A non-forcible Sexual Act with a minor 16 or 17 years old,
 4. Sexual contact with a minor 13 years of age or older, whether directly or indirectly through the clothing, that involves the intimate parts of the body,
 5. The use of a minor in a sexual performance, or
 6. The production or distribution of child pornography.
- C. Certain Federal Offenses. Conviction for any of the following federal offenses shall be considered a conviction for a Tier 2 offense:
1. 18 U.S.C. §1591 (sex trafficking with children by force, fraud, or coercion),
 2. 18 U.S.C. §2243 (sexual abuse of a minor or ward),
 3. 18 U.S.C. §2243(d) (arranging, inducing procuring or facilitating the travel in interstate commerce of a minor for the purpose of engaging in illicit conduct for financial gain),
 4. 18 U.S.C. §2244 (Abusive sexual contact, where the victim is 13 years of age or older),
 5. 18 U.S.C. §2251 (sexual exploitation of children),
 6. 18 U.S.C. §2251A (selling or buying of children),
 7. 18 U.S.C. §2252 (material involving the sexual exploitation of a minor),
 8. 18 U.S.C. §2252A (production or distribution of material containing child pornography),

9. 18 U.S.C. §2260 (production of sexually explicit depictions of a minor for import into the United States),
 10. 18 U.S.C. §2421 (transportation of a minor for illegal sexual activity),
 11. 18 U.S.C. §2422(b) (coercing a minor to engage in prostitution),
 12. 18 U.S.C. §2423(a) (transporting a minor to engage in illicit conduct).
- D. Certain Military Offenses. Any military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (codified at 10 U.S.C. §951 note) that is similar to those offenses outlined in Section 1.03.02(A),(B), or (C) shall be considered a “Tier 2” offense.

9.12.1320 Tier 3 Offenses

- A. Recidivism and Felonies. Any sex offense that is punishable by more than one year in jail where the offender has at least one prior conviction for a Tier 2 sex offense, or has previously become a Tier 2 sex offender, is a Tier 3 offense.
- B. General Offenses. A Tier 3 offense includes any sex offense for which a person has been convicted, or an attempt or conspiracy to commit such an offense, that involves:
1. Non-parental kidnapping of a minor,
 2. A sexual act with another by force or threat,
 3. A sexual act with another who has been rendered unconscious or involuntarily drugged, or who is otherwise incapable of appraising the nature of the conduct or declining to participate, or
 4. Sexual contact with a minor 12 years of age or younger, including offenses that cover sexual touching of or contact with the intimate parts of the body, either directly or through the clothing.
- C. Certain Federal Offenses. Conviction for any of the following federal offenses shall be considered conviction for a “Tier 3” offense:
1. 18 U.S.C. §2241 (a) and (b) (aggravated sexual abuse),
 2. 18 U.S.C. §2242 (sexual abuse),
 3. 18 U.S.C. §2243 (sexual abuse of a minor or ward), or
 4. Where the victim is 12 years of age or younger, 18 U.S.C. §2244 (abusive sexual contact).
- D. Certain Military Offenses. Any military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (codified at 10 U.S.C. §951 note) that is similar to those offenses outlined in Section 1.03.03(A),(B), or (C) shall be considered a “Tier 3” offense.

Required Information

- 9.12.1325 General Requirements**
- 9.12.1330 Criminal History**
- 9.12.1335 Date of Birth**
- 9.12.1340 DNA Sample**
- 9.12.1345 Driver's Licenses, Identification Cards, Passports and Immigration Documents**
- 9.12.1350 Employment Information**
- 9.12.1355 Finger and Palm Prints**
- 9.12.1360 Internet Identifiers**
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- 9.12.1395 School**
- 9.12.1400 Social Security Number**
- 9.12.1405 Temporary Lodging**
- 9.12.1410 Offense Information**
- 9.12.1415 Vehicle Information**
- 9.12.1420 Frequency, Duration and Reduction**
- 9.12.1425 Requirements for In Person Appearances**

9.12.1325 General Requirements

- A. Duties. A sex offender covered by this Code who is required to register with the Squaxin Island Tribe pursuant to Section 9.12.1430 shall provide all of the information detailed in this Article to the Squaxin Island Public Safety and Justice Department, or its agent, and the Squaxin Island Public Safety and Justice Department, or its agent, shall obtain all of the information detailed in this Article from covered sex offenders who are required to register with the tribe in accordance with this Article and shall implement any relevant policies and procedures.
- B. Digitization. All information obtained under this Article shall be, at a minimum, maintained by the Squaxin Island Public Safety and Justice Department, or its agent in a digitized format.
- C. Electronic Database. A sex offender registry shall be maintained in an electronic database by the Squaxin Island Public Safety and Justice Department, or its agent, and shall be in a form capable of electronic transmission.

9.12.1330 Criminal History

The Squaxin Island Public Safety and Justice Department, or its agent or designee, shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's criminal history:

- A. The date of all arrests,
- B. The date of all convictions,
- C. The sex offender's status of parole, probation, or supervised release,
- D. The sex offender's registration status, and
- E. Any outstanding arrest warrants.

9.12.1335 Date of Birth

The Squaxin Island Public Safety and Justice Department, or its agent or designee, shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's date of birth:

- A. The sex offender's actual date of birth, and
- B. Any other date of birth used by the sex offender.

9.12.1340 DNA Sample

- A. If the sex offender's DNA is not already contained in the Combined DNA Index System (CODIS), the sex offender shall provide the Squaxin Island Public Safety and Justice Department, or its agent or designee, a sample of his DNA.
- B. Any DNA sample obtained from a sex offender shall be submitted to an appropriate lab for analysis and entry of the resulting DNA profile into CODIS.

9.12.1345 Driver's Licenses, Identification Cards, Passports and Immigration Documents

- A. The Squaxin Island Public Safety and Justice Department, or its agent or designee shall obtain, and a covered sex offender shall provide, a photocopy of all of the sex offender's valid driver's licenses issued by any jurisdiction.
- B. The Squaxin Island Public Safety and Justice Department, or its agent or designee shall obtain, and a covered sex offender shall provide, a photocopy of any identification card including the sex offender's tribal enrollment card issued by any jurisdiction.
- C. The Squaxin Island Public Safety and Justice Department, or its agent or designee shall obtain, and a covered sex offender shall provide, a photocopy of any passports used by the sex offender.
- D. The Squaxin Island Public Safety and Justice Department, or its agent or designee shall obtain, and a covered sex offender shall provide, a photocopy of any and all immigration documents.

9.12.1350 Employment Information

The Squaxin Island Public Safety and Justice Department is authorized to exercise the tribe's civil regulatory authority over employers operating within the exterior boundaries of the reservation, on land held in trust by members of the tribe, or on land owned by the tribe in fee or trust, regardless of location, to develop a system for notification to employees of the duty to register. The Department, or its agent or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's employment, to include any and all places where the sex offender is employed in any means including volunteer and unpaid positions:

- A. The name of the sex offender's employer,
- B. The address of the sex offender's employer, and
- C. Similar information related to any transient or day labor employment.

9.12.1355 Finger and Palm Prints

The Squaxin Island Public Safety and Justice Department, or its agent or designee, shall obtain, and a covered sex offender shall provide, both finger prints and palm prints of the sex offender in a digitized format.

9.12.1360 Internet Identifiers

The Squaxin Island Public Safety and Justice Department, or its agent or designee, shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's internet related activity:

- A. Any and all email addresses used by the sex offender,
- B. Any and all Instant Message addresses and identifiers,
- C. Any and all other designations or monikers used for self-identification in internet communications or postings, and
- D. Any and all designations used by the sex offender for the purpose of routing or self-identification in internet communications or postings.

9.12.1365 Name

The Squaxin Island Public Safety and Justice Department, or its agent or designee, shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's name:

- A. The sex offender's full primary given name,
- B. Any and all nicknames, aliases, and pseudonyms regardless of the context in which it is used, and
- C. Any and all ethnic or tribal names by which the sex offender is commonly known. This does not include any religious or sacred names not otherwise commonly known.

9.12.1370 Phone Numbers

The Squaxin Island Public Safety and Justice Department, or its agent or designee, shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's telephone numbers:

- A. Any and all land line telephone numbers, and
- B. Any and all cellular telephone numbers.

9.12.1375 Photograph

- A. The Squaxin Island Public Safety and Justice Department, or its agent or designee, shall obtain, and a covered sex offender shall provide, a current photograph of the sex offender.
- B. Unless the appearance of a sex offender has not changed significantly, a digitized photograph shall be collected:
 - 1. Every 90 days for Tier 3 sex offenders.
 - 2. Every 180 days for Tier 2 sex offenders.
 - 3. Every year for Tier 1 sex offenders.

9.12.1380 Physical Description

The Squaxin Island Public Safety and Justice Department, or its agent or designee, shall obtain, and a covered sex offender shall provide, an accurate description of the sex offender as follows:

- A. A physical description.
- B. A general description of the sex offender's physical appearance or characteristics.
- C. Any identifying marks, such as, but not limited to, scars, moles, birthmarks, or tattoos.

9.12.1385 Professional Licensing Information

The Squaxin Island Public Safety and Justice Department, or its agent or designee, shall obtain, and a covered sex offender shall provide, all licensing of the sex offender that authorizes the sex offender to engage in an occupation or carry out a trade or business.

9.12.1390 Residence Address

The Squaxin Island Public Safety and Justice Department, or its agent or designee, shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's residence:

- A. The address of each residence at which the sex offender resides or will reside, and
- B. Any location or description that identifies where the sex offender habitually resides regardless of whether it pertains to a permanent residence or location otherwise identifiable by a street or address.

9.12.1395 School

The Squaxin Island Public Safety and Justice Department, or its agent or designee, shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's school:

- A. The address of each school where the sex offender is or will be a student, and
- B. The name of each school the sex offender is or will be a student.

9.12.1400 Social Security Number

The Squaxin Island Public Safety and Justice Department, or its agent or designee, shall obtain, and a covered sex offender shall provide, the following information:

- A. A valid social security number for the sex offender, and
- B. Any social security number the sex offender has used in the past, valid or otherwise.

9.12.1405 Temporary Lodging and International Travel

The Squaxin Island Public Safety and Justice Department, or its agent or designee, shall obtain, and a covered sex offender shall provide, the following information when the sex offender will be absent from his residence for 7 days or more and 21 days before the offender intends to travel to another country:

- A. Identifying information of the temporary lodging or international travel locations including addresses and names, and
- B. The dates the sex offender will be staying at each temporary lodging or international travel location.
- C. Travel Abroad. Sex offenders must inform their residence jurisdictions 21 days in advance if they intend to travel outside of the United States. Jurisdictions must notify the U.S. Marshals Service and immediately notify any other jurisdiction where the sex offender is either registered, or is required to register, of that updated information. Update also must be made to NCIC/NSOR.

9.12.1410 Offense Information

The Squaxin Island Public Safety and Justice Department, or its agent or designee shall obtain the text of each provision of law defining the criminal offense(s) for which the sex offender is registered.

9.12.1415 Vehicle Information

The Squaxin Island Public Safety and Justice Department, or its agents or designee shall obtain, and a covered sex offender shall provide, the following information related to all vehicles owned or operated by the sex offender for work or personal use including land vehicles, aircraft, and watercraft:

- A. License plate numbers,
- B. Registration numbers or identifiers,

- C. General description of the vehicle to include color, make, model, and year, and
- D. Any permanent or frequent location where any covered vehicle is kept.

9.12.1420 Frequency, Duration and Reduction

- A. A sex offender who is required to register shall, at a minimum, appear in person at the Squaxin Island Public Safety and Justice Department, or its agent, for purposes of verification and keeping their registration current in accordance with the following time frames:
 - 1. For Tier 1 offenders, once every year for 15 years from the time of release from custody for a sex offender who is incarcerated for the registration offense or from the date of sentencing for a sex offender who is not incarcerated for the registration offense.
 - 2. For Tier 2 offenders, once every 180 days for 25 years from the time of release from custody for a sex offender who is incarcerated for the registration offense or from the date of sentencing for a sex offender who is not incarcerated for the registration offense.
 - 3. For Tier 3 offenders, once every 90 days for the rest of their lives.
- B. A sex offender may have their period of registration reduced as follows:
 - 1. A Tier 1 offender may have his or her period of registration reduced to 10 years if he or she has maintained a clean record for 10 consecutive years;
 - 2. A Tier 3 offender may have his or her period of registration reduced to 25 years if he or she was adjudicated delinquent of an offense as a juvenile that required Tier 3 registration and he or she has maintained a clean record for 25 consecutive years.
- C. For purposes of this section, a person has a clean record if:
 - 1. He or she has not been convicted of any offense, for which imprisonment for more than 1 year may be imposed,
 - 2. He or she has not been convicted of any sex offense,
 - 3. He or she has successfully completed, without revocation, any period of supervised release, probation, or parole, and
 - 4. He or she has successfully completed an appropriate sex offender treatment program certified by the tribe, another jurisdiction, or by the Attorney General of the United States.

9.12.1425 Requirements for In Person Appearances

- A. At each in person verification, the sex offender shall permit the Squaxin Island Public Safety and Justice Department, or its agent, to take a photograph of the offender.
- B. At each in person verification the sex offender shall review existing information for accuracy.
- C. If any new information or change in information is obtained at an in person verification, the Squaxin Island Public Safety and Justice Department, or its agent, shall immediately notify all other jurisdictions in which the sex offender is required to register of the information or change in information.

SEX OFFENDER ACKNOWLEDGEMENT FORM

- A. The sex offender shall read, or have read to them , and sign a form stating that the duty to register has been explained to them by the Squaxin Island Public Safety and Justice Department and that the sex offender understands the registration requirement.
- B. The form shall be signed and dated by the Squaxin Island Public Safety and Justice Department personnel registering the sex offender.
- C. The Squaxin Island Public Safety and Justice Department shall immediately upload the acknowledgement form into the Squaxin Island Public Safety and Justice Department sex offender registry.

Registration

- 9.12.1430 Where Registration is Required**
- 9.12.1435 Timing of Registration**
- 9.12.1440 Retroactive Registration**
- 9.12.1445 Keeping Registration Current**
- 9.12.1450 Failure to Appear for Registration and Absconding**

9.12.1430 Where Registration is Required

- A. Jurisdiction of Conviction. A sex offender must initially register with the Squaxin Island Public Safety and Justice Department, or its agent, if the sex offender was convicted by the Tribal Court of a covered sex offense regardless of the sex offender's actual or intended residency.
- B. Jurisdiction of Incarceration. A sex offender must register with the Squaxin Island Public Safety and Justice Department, or its agent, if the sex offender is incarcerated by the tribe while completing any sentence for a covered sex offense, regardless of whether it is the same jurisdiction as the jurisdiction of conviction or residence.
- C. Jurisdiction of Residence. A sex offender must register with the Squaxin Island Public Safety and Justice Department, or its agent, if the sex offender resides within lands subject to the jurisdiction of the tribe.
- D. Jurisdiction of Employment. A sex offender must register with the Squaxin Island Public Safety and Justice Department, or its agent, if he or she is employed by the tribe in any capacity or otherwise is employed within lands subject to the jurisdiction of the tribe.
- E. Jurisdiction of School Attendance. A sex offender must register with the Squaxin Island Public Safety and Justice Department, or its agent, if the sex offender is a student in any capacity within lands subject to the jurisdiction of the tribe.

9.12.1435 Timing of Registration

- A. A sex offender required to register with the Squaxin Island Tribe under this Article shall do so in the following timeframe:
 - 1. If convicted by the Squaxin Island Tribe for a covered sex offense and incarcerated, the sex offender must register before being released from incarceration;
 - 2. If convicted by the Squaxin Island Tribe but not incarcerated, within 3 business days of sentencing for the registration offense, and
 - 3. Within 3 business days of establishing a residence, commencing employment, or becoming a student on lands subject to the jurisdiction of the tribe, a sex offender must appear in person to register with the Squaxin Island Public Safety and Justice Department, or its agent.
- B. Duties of the Squaxin Island Public Safety and Justice Department, or its agent. The Squaxin Island Public Safety and Justice Department, or its agent, shall have policies and procedures in place to ensure the following:
 - 1. That any sex offender incarcerated or sentenced by the Tribe for a covered sex offense completes their initial registration with the Tribe;
 - 2. That the sex offender reads, or has read to them, and signs a form stating that the duty to register has been explained to them and that the sex offender understands the registration requirement;
 - 3. That the sex offender is registered; and,
 - 4. That upon entry of the sex offender's information in to the registry, that information is immediately forwarded to all other jurisdictions in which the sex offender is required to register due to the sex offender's residency, employment, or student status.

9.12.1440 Retroactive Registration

- A. The Squaxin Island Public Safety and Justice Department, or its agent, shall have in place policies and procedures to ensure the following three categories of sex offenders are subject to the registration and updating requirements of this code:
 - 1. Sex offenders incarcerated or under the supervision of the tribe, whether for a covered sex offense or other crime,
 - 2. Sex offenders already registered or subject to a pre-existing sex offender registration requirement under the tribe's laws, and
 - 3. Sex offenders reentering the justice system due to conviction for any felony.
- B. The Squaxin Island Public Safety and Justice Department, or its agent shall ensure recapture of the sex offenders mentioned in Section 9.12.1440(A) within the following timeframe to be calculated from the date of passage of this title:
 - 1. For Tier 1 sex offenders, 1 year,
 - 2. For Tier 2 sex offenders, 180 days, and
 - 3. For Tier 3 sex offenders, 90 days.

9.12.1445 Keeping Registration Current

- A. Jurisdiction of Residency. All sex offenders required to register in this jurisdiction shall immediately appear in person at Squaxin Island Public Safety and Justice

Department, or its agent to update any changes to their name, residence (including termination of residency), employment, or school attendance. All sex offenders required to register in this jurisdiction shall immediately inform Squaxin Island Public Safety and Justice Department, or its agent of any changes to their temporary lodging information, vehicle information, internet identifiers, or telephone numbers. In the event of a change in temporary lodging, the sex offender and Squaxin Island Public Safety and Justice Department, or its agent, shall immediately notify the jurisdiction in which the sex offender will be temporarily staying.

- B. Jurisdiction of School Attendance. Any sex offender who is a student in any capacity within lands subject to the jurisdiction of the Tribe, regardless of location, that change their school, or otherwise terminate their schooling, shall immediately appear in person at the Squaxin Island Public Safety and Justice Department, or its agent to update that information. The Squaxin Island Public Safety and Justice Department, or its agent, shall ensure that each jurisdiction in which the sex offender is required to register, or was required to register prior to the updated information being given, are immediately notified of the change.
- C. Jurisdiction of Employment. Any sex offender who is employed by the Tribe in any capacity, or otherwise is employed within lands subject to the jurisdiction of the Tribe, regardless of location, that change their employment, or otherwise terminate their employment, shall immediately appear in person at the Squaxin Island Public Safety and Justice Department, or its agent, to update that information. The Squaxin Island Public Safety and Justice Department, or its agent, shall ensure that each jurisdiction in which the sex offender is required to register, or was required to register prior to the updated information being given, are immediately notified of the change.
- D. Duties of Squaxin Island Public Safety and Justice Department, or its agent. With regard to changes in a sex offender's registration information, the Squaxin Island Public Safety and Justice Department, or its agent, shall immediately notify:
 - 1. All jurisdictions where a sex offender intends to reside, work, or attend school;
 - 2. Any jurisdiction where the sex offender is either registered or required to register; and,
 - 3. Specifically with respect to information relating to a sex offender's intent to commence residence, school, or employment outside of the United States, any jurisdiction where the sex offender is either registered or required to register, and the U.S. Marshals Service.
 - 4. The Squaxin Island Public Safety and Justice Department shall also ensure this information is immediately updated on NSOR.

9.12.1450 Failure to Appear for Registration and Absconding

Failure to Appear. In the event a sex offender fails to register with the tribe as required by this Article, the Squaxin Island Public Safety and Justice Department, or its agent, shall immediately inform the jurisdiction that provided notification that the sex offender was to commence residency, employment, or school attendance within the jurisdiction of the Tribe that the sex offender failed to appear for registration.

Public Sex Offender Registry Website

- 9.12.1455 Website**
- 9.12.1460 Required and Prohibited Information**
- 9.12.1465 Community Notification**
- 9.12.1470 Immunity**
- 9.12.1475 Crimes and Civil Sanctions**
- 9.12.1480 Exclusion**

9.12.1455 Website

- A. Website. The Squaxin Island Public Safety and Justice Department, or its agent, shall use and maintain a public sex offender registry website.
- B. Links. The registry website shall include links to sex offender safety and education resources.
- C. Instructions. The registry website shall include instructions on how a person can seek correction of information that the individual contends is erroneous.
- D. Warnings. The registry website shall include a warning that the information contained on the website should not be used to unlawfully injure, harass, or commit a crime against any individual named in the registry or residing or working at any reported addresses and that any such action could result in civil or criminal penalties.
- E. Search Capabilities. The registry website shall have the capability of conducting searches by (1) name; (2) county, city, and/or town; and, (3) zip code and/or geographic radius.
- F. Dru Sjodin National Sex Offender Public Website. The Department shall include in the design of its website all field search capabilities needed for full participation in the Dru Sjodin National Sex Offender Public Website and shall participate in that website as provided by the Attorney General of the United States.

9.12.1460 Required and Prohibited Information

- A. Required Information. The following information shall be made available to the public on the sex offender registry website:
 - 1. Notice that an offender is in violation of their registration requirements or cannot be located if the sex offender has absconded,

2. All sex offenses for which the sex offender has been convicted,
 3. The sex offense(s) for which the offender is currently registered,
 4. The address of the sex offender's employer(s),
 5. The name of the sex offender including all aliases,
 6. A current photograph of the sex offender,
 7. A physical description of the sex offender,
 8. The residential address and, if relevant, a description of a habitual residence of the sex offender,
 9. All addresses of schools attended by the sex offender, and
 10. The sex offender's vehicle license plate number along with a description of the vehicle.
- B. Prohibited Information. The following information shall not be available to the public on the sex offender registry website:
1. Any arrest that did not result in conviction,
 2. The sex offender's social security number,
 3. Any travel and immigration documents,
 4. The identity of the victim, and
 5. Internet identifiers (as defined in 42 U.S.C. §16911).
- C. Witness Protection. For sex offenders who are under a witness protection program, the Department of Public Safety and Justice may honor the request of the United States Marshals Service or other agency responsible for witness protection by not including the original identity of the offender on the publicly accessible sex offender registry website.

9.12.1465 Community Notification

- A. Law Enforcement Notification. Whenever a sex offender registers or updates his or her information with the tribe, the Squaxin Island Public Safety and Justice Department, or its agent, shall:
1. Immediately notify the FBI or other federal agency as designated by the Attorney General in order that the information may be updated on NSOR or other relevant databases,
 2. Immediately notify any agency, department, or program within the tribe that is responsible for criminal investigation, prosecution, child welfare or sex offender supervision functions, including but not limited to, police, whether BIA, tribal, or FBI, tribal prosecutors, and tribal probation.
 3. Immediately notify any and all other registration jurisdictions where the sex offender is registered due to the sex offender's residency, school attendance, or employment.
 4. Immediately notify National Child Protection Act agencies, which includes any agency responsible for conducting employment-related background checks under section 3 of the National Child Protection Act of 1993 (42 U.S.C. 5119a) when a sex offender registers or updates registration.
- B. Community Notification. The Squaxin Island Public Safety and Justice Department, or its agent, shall ensure there is an automated community notification process in place that ensures the following:

1. Upon a sex offender's registration or update of information with the tribe, the Tribe's public sex offender registry website is immediately updated,
2. The Tribe's public sex offender registry has a function that enables the general public to request an e-mail notice that will notify them when a sex offender commences residence, employment, or school attendance with the Tribe, within a specified zip code, or within a certain geographic radius. This email notice shall include the sex offender's identity so that the public can access the public registry for the new information.

Immunity

9.12.1470 Immunity

- A. Nothing under this chapter shall be construed as a waiver of sovereign immunity for the Squaxin Island Tribe, its departments, agencies, employees, or agents.
- B. Any person acting under good faith in implementing any provisions of this Article shall be immune from any civil liability arising out of such actions.

Crimes and Civil Sanctions

9.12.1475 Crimes and Civil Sanctions

- A. Each violation of a provision of this Article by a sex offender who is an Indian shall be considered a crime and is a gross misdemeanor under Title 9 of the Squaxin Island Tribal Code.
- B. Each violation of a provision of this code by a sex offender who is not an Indian shall be considered a civil violation subject to enforcement by any means not prohibited by federal law, including, but not limited to the issuance of fines, forfeitures, and civil contempt, with the fine not to exceed:
 1. \$250.00 for the first violation;
 2. \$750.00 for the second violation
 3. \$1,000.00 for the third of subsequent violation.
- C. Customs and traditions and banishment/exclusion. Exclusions of sex offenders will be handled under section 9.12.1480.
- D. Hindrance of sex offender registration shall be considered a crime and is a gross misdemeanor under Title 9 of the Squaxin Island Tribal Code.
 1. A person is guilty of an offense if he or she:
 - a. Knowingly harbors or knowingly attempts to harbor, or knowingly assists another person in harboring or attempting to harbor a sex offender who is in violation of this Article;
 - b. Knowingly assists a sex offender in eluding a law enforcement agency that is seeking to find the sex offender to question the sex offender about, or to arrest the sex offender for, noncompliance with the requirements of this Article; or
 - c. Provides information to law enforcement agency regarding a sex offender which the person knows to be false.

Exclusion

9.12.1480 Exclusion

The Squaxin Island Public Safety and Justice Department shall seek an exclusion order, under Chapter 2.16 of the Squaxin Island Tribal Code, against any individual who it has reason to believe has been classified as a tier II or III sex offender under the laws of the Squaxin Island Tribe, or has been classified in a substantially equivalent level under the laws of any other jurisdiction. The Tribal Court shall grant such an exclusion order in every case unless otherwise prohibited by law. Provided, however, that as it relates to classification with respect to exclusion only, no sex offender shall have their classification altered by reason of the adoption of SITC § 9.12.1280 through SITC §1480, for any offense committed prior to the adoption of this section.