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TITLE 10A

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10A.01.100 OFFENDER REGISTRATION – GENERAL MATTERS

10A.01.101 Short Title

This Chapter shall be known as the Nisqually Sex Offender Registration and Notification Act (NSORNA).

10A.01.102 Purpose

The intent of this Chapter is to implement the federal Sex Offender Registration and Notification Act (SORNA) (Title 1 of Public Law 109-248) and shall be interpreted liberally to comply with the terms and conditions of that Act as presently written or hereafter amended.

10A.01.103 Need

Violent crime in Indian Country is more than twice the national average. On some reservations it is twenty times the national average. An astounding thirty percent of Indian and Alaska Native women will be raped in their lifetimes. Tribal nations are disproportionately affected by violent crime and Sex Offenses in particular from both Indian and Non-Indian perpetrators; consequently, the conduct and presence of convicted sex offenders in Indian Country threatens the political integrity, economic security, health and welfare of Tribal nations even to the point of imperiling the subsistence of Tribal communities.

10A.01.104 Creation of Registries

(a) *Sex Offender Registry*. There is hereby established the Nisqually Indian Tribe Sex Offender Registry, which the Nisqually Indian Tribe Police Department or its designee shall maintain and operate pursuant to the provisions of this Chapter, as amended.

(b) *Public Sex Offender Registry Website*. There is hereby established a Public Sex Offender Registry website, which the Nisqually Indian Tribe Police Department or its designee shall maintain and operate pursuant to the provisions of this Chapter, as amended.

10A.01.200 TERMINOLOGY AND COVERED OFFENSES

10A.01.201 Definitions

The following definitions apply:

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

A juvenile offender is “Convicted” for purposes of this Chapter if the juvenile offender 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. Such offenses include:

(A) Engaging in a Sexual Act with another by force or the threat of serious violence; or

(B) Engaging in a Sexual Act with another by rendering unconscious or involuntarily drugging the victim.

(b) Department. “Department” as used in this Chapter means the Nisqually Indian Tribe Police Department.

(c) Designee. The term, “Designee” or, as it applies particularly to a “Designee of the Nisqually Indian Tribe Police Department,” refers to any Nisqually Indian Tribe (NIT) employee who, by NIT statute, code, regulation, instruction, or other issuance, has been delegated authority to make any determination, give any approval, or take any other action required or permitted by this part with respect to another employee. An agency may delegate these authorities to any number of agency designees necessary to ensure that determinations are made, approvals are given, and other actions are taken in a timely and responsible manner.

(d) Dru Sjodin National Sex Offender Public Website (NSOPW). The public website maintained by the Attorney General of the United States pursuant to 34 U.S.C. § 20922.

(e) Employee. The term “Employee” as used in this Chapter includes, but is not limited to, an individual who is self-employed or works for any other entity, regardless of compensation including, but not limited to, volunteers, interns, externs, and apprentices.

(f) Foreign Conviction. A “Foreign Conviction” means a conviction obtained outside of the United States.

(g) Immediate. “Immediate” and “Immediately” mean within three business days.

(h) Imprisonment. The term “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 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 Chapter during their period of “house arrest.”

(i) Indian. A person who is a member of an Indian Tribe.

(j) Indian Tribe. Any federally recognized tribe, band, nation, rancheria, pueblo, colony, community or any other group of Indians, including any Alaska Native Village or Corporation.

(k) Jurisdiction. The term “Jurisdiction” as used in this Chapter 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 Tribes that elect to function as a registration Jurisdiction under 34 U.S.C. § 20929. This includes the Nisqually Indian Tribe.

- (l) Minor. The term “Minor” means an individual who has not attained the age of 18 years.
- (m) National Sex Offender Registry (NSOR). The national database maintained by the Attorney General of the United States pursuant to 34 U.S.C. § 20921.
- (n) NCIC. “NCIC” is the National Crime Information Center.
- (o) Non-Indian. A person who is not an Indian.
- (p) Reservation. The Nisqually Reservation as established by the Treaty of Medicine Creek, December 26, 1854 (10 Stat. 1132) and by Executive Order of January 20, 1857.
- (q) Residence. The location of an individual’s home or other place where the individual habitually lives or sleeps.
- (r) Resident. Any person who occupies a dwelling or otherwise resides within the Reservation for a period of no less than 30 consecutive days in a calendar year.
- (s) Resides. The term “Reside” or “Resides” means, with respect to an individual, the location of the individual's home or other place where the individual habitually lives or sleeps. This includes Sex Offenders who visit the Reservation for a period of 24 hours or more.
- (t) Sex Offender. A person Convicted of a Sex Offense is a “Sex Offender.”
- (u) Sex Offender Registry. The term “Sex Offender Registry” or “Registry” means the Nisqually Indian Tribe Sex Offender Registry, and a notification program, maintained by the Department.
- (v) Sex Offense. 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.” The term “specified offense against a Minor” means an 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 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 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 Chapter 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.

(w) Sexual Act. The term “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.

(x) Sexual Contact. The term “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.

(y) SMART Office. 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.

(z) SORNA. The Sex Offender Registration and Notification Act (Title I of the Adam Walsh Child Protection and Safety Act of 2006 P.L. 109-248), 34 U.S.C. §20911 et. seq., as amended.

(aa) Student. A “Student” is 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.

(bb) Tier 1 Sex Offender. A “Tier 1 Sex Offender,” or a “Sex Offender” designated as “Tier 1,” is one that has been Convicted of a “Tier 1” Sex Offense as defined in Section 10A.01.301.

(cc) Tier 2 Sex Offender. A “Tier 2 Sex Offender,” or a “Sex Offender” designated as “Tier 2,” is one that has been either Convicted of a “Tier 2” Sex Offense as defined in Section 10A.01.302, or who is subject to the recidivist provisions of Section 10A.01.302(b).

(dd) Tier 3 Sex Offender. A “Tier 3 Sex Offender,” or a “Sex Offender” designated as “Tier 3,” is one that has been either Convicted of a “Tier 3” Sex Offense as defined in Section 10A.01.303, or who is subject to the recidivist provisions of Section 10A.01.303(b).

- (ee) Tribe. The Nisqually Indian Tribe.
- (ee) Tribal Court. The Nisqually Tribal Court or any court established by the Tribe to adjudicate and enforce the provisions of Title 10A.01 or violations of other Tribal laws.
- (ff) Tribal Member. A person who is enrolled as a member of the Nisqually Indian Tribe.
- (gg) Visitor. A “Visitor” is any person within the Reservation who is not a Resident.

10A.01.202 Covered Offenses

Offenders who Reside within the exterior boundaries of the Reservation or otherwise Reside on property leased or owned by the Tribe or any of its subordinate enterprises in fee or trust regardless of location, are employed within the exterior boundaries of the Reservation or on property leased or owned by the Tribe or any of its subordinate enterprises in fee or trust regardless of location, or attend school within the exterior boundaries of the Reservation or on property leased or owned by the Tribe in fee or trust regardless of location, or offenders who visit the Reservation or property leased or owned by the Tribe or any of its subordinate enterprises in fee or trust regardless of location for a period of 24 hours or more, or are booked into the Nisqually jail regardless of the duration of the incarceration, that have been Convicted of any of the following offenses are subject to the requirements of this Chapter:

- (a) *Attempts and Conspiracies*. Any attempt or conspiracy to commit any Sex Offense.
- (b) *Tribal Offenses*. A conviction for any of the following under the Nisqually Tribal Code:
 - (1) 10.7.17 (rape in the 1st degree)
 - (2) 10.7.18 (rape in the 2nd degree)
 - (3) 10.7.19 (rape of a child in the 1st degree)
 - (4) 10.7.20 (rape of a child in the 2nd degree)
 - (5) 10.7.21 (rape of a child in the 3rd degree)
 - (6) 10.7.24 (transmitting communicable diseases)
 - (7) 10.11.3 (communication with a minor for immoral purposes)
 - (8) 10.11.6 (exploitation)

- (9) 10.11.8 (incest)
- (10) 10.7.11 (indecent liberties)
- (11) 10.9.18 (prostitution if the crime involves a person other than the defendant that is under eighteen years)

(c) *State Offenses.* A conviction for any of the following under the Revised Code of Washington:

- (1) RCW 9.68.140 (promoting pornography)
- (2) RCW 9.68A.040 (sexual exploitation of a Minor)
- (3) RCW 9.68A.050 (dealing in depictions of Minor engaged in sexually explicit conduct)
- (4) RCW 9.68A.060 (sending, bringing into state depictions of Minor engaged in sexually explicit conduct)
- (5) RCW 9.68A.070 (possession of depictions of Minor engaged in sexually explicit conduct)
- (6) RCW 9.68A.090 (communication with Minor for immoral purposes)
- (7) RCW 9.68A.100 (commercial sexual abuse of a Minor)
- (8) RCW 9.68A.101 (promoting commercial sexual abuse of a Minor)
- (9) RCW 9.68A.102 (promoting travel for commercial sexual abuse of a Minor)
- (10) RCW 9.68A.103 (permitting commercial sexual abuse of a Minor)
- (11) RCW 9A.40.020 (kidnapping in the first degree)
- (12) RCW 9A.40.030 (kidnapping in the second degree)
- (13) RCW 9A.40.090 (luring)
- (14) RCW 9A.40.100 (trafficking)
- (15) RCW 9A.44.040 (rape in the first degree)
- (16) RCW 9A.44.050 (rape in the second degree)

- (17) RCW 9A.44.060 (rape in the third degree)
- (18) RCW 9A.44.073 (rape of a child in the first degree)
- (19) RCW 9A.44.076 (rape of a child in the second degree)
- (20) RCW 9A.44.079 (rape of a child in the third degree)
- (21) RCW 9A.44.083 (child molestation in the first degree)
- (22) RCW 9A.44.086 (child molestation in the second degree)
- (23) RCW 9A.44.089 (child molestation in the third degree)
- (24) RCW 9A.44.093 (sexual misconduct with a Minor in the first degree)
- (25) RCW 9A.44.096 (sexual misconduct with a Minor in the second degree)
- (26) RCW 9A.44.100 (indecent liberties)
- (27) RCW 9A.44.115 (voyeurism)
- (28) RCW 9A.44.160 (custodial sexual misconduct in the first degree)
- (29) RCW 9A.44.170 (custodial sexual misconduct in the second degree)
- (30) RCW 9A.64.020 (incest)
- (31) RCW 9A.64.030 (child selling/buying)
- (32) RCW 9A.88.010(2)(b) (indecent exposure to person under age of fourteen years)
- (33) Any convictions that includes the Special allegation- Sexual motivation
RCW 9.94A.835

(d) *Federal Offenses.* A conviction for any of the following, and any other offense hereafter included within SORNA:

- (1) 18 U.S.C. §1591 (sex trafficking of children),
- (2) 18 U.S.C. §1801 (video voyeurism of a Minor),
- (3) 18 U.S.C. §2241 (aggravated sexual abuse),
- (4) 18 U.S.C. §2242 (sexual abuse),

- (5) 18 U.S.C. §2243 (sexual abuse of a Minor or ward),
- (6) 18 U.S.C. §2244 (abusive Sexual Contact),
- (7) 18 U.S.C. §2245 (offenses resulting in death),
- (8) 18 U.S.C. §2251 (sexual exploitation of children),
- (9) 18 U.S.C. §2251A (selling or buying of children),
- (10) 18 U.S.C. §2252 (material involving the sexual exploitation of a Minor),
- (11) 18 U.S.C. §2252A (material containing child pornography),
- (12) 18 U.S.C. §2252B (misleading domain names on the internet),
- (13) 18 U.S.C. §2252C (misleading words or digital images on the internet),
- (14) 18 U.S.C. §2260 (production of sexually explicit depictions of a Minor for import into the U.S.),
- (15) 18 U.S.C. §2421 (transportation of a Minor for illegal sexual activity),
- (16) 18 U.S.C. §2422 (coercion and enticement of a Minor for illegal sexual activity),
- (17) 18 U.S.C. §2423 (transportation of Minors for illegal sexual activity, travel with the intent to engage in illicit sexual conduct with a Minor, engaging in illicit sexual conduct in foreign places),
- (18) 18 U.S.C. §2424 (failure to file factual statement about an alien individual),
- (19) 18 U.S.C. §2425 (transmitting information about a Minor to further criminal sexual conduct).

(e) *Foreign Offenses.* Any conviction for a Sex Offense involving any conduct listed in Section 10A.01.202 which was obtained under the laws of Canada, the United Kingdom, Australia, New Zealand, and any foreign country where 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.

(f) *Military Offenses.* Any 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).

(g) *Juvenile Offenses or Adjudications.* Any Sex Offense, or attempt or conspiracy to commit a Sex Offense, that is comparable to or more severe than the federal crime of aggravated sexual abuse (as codified in 18 U.S.C. §2241) and committed by a Minor who is 14 years of age or older at the time of the offense. This includes engaging in a Sexual Act with another by force or the threat of serious violence; or engaging in a Sexual Act with another by rendering unconscious or involuntarily drugging the victim.

(h) *Jurisdiction Offenses.* Any Sex Offense committed in any Jurisdiction, including this or any other Tribe, that involves:

- (1) Any type or degree of genital, oral, or anal penetration,
- (2) Any sexual touching of or contact with a person's body, either directly or through the clothing,
- (3) Kidnapping of a Minor,
- (4) False imprisonment of a Minor,
- (5) Solicitation to engage a Minor in sexual conduct understood broadly to include any direction, request, enticement, persuasion, or encouragement of a Minor to engage in sexual conduct,
- (6) Use of a Minor in a sexual performance,
- (7) Solicitation of a Minor to practice prostitution,
- (8) Video voyeurism of a Minor as described in 18 U.S.C. §1801,
- (9) Possession, production, or distribution of child pornography,
- (10) Criminal sexual conduct that involves physical contact with a Minor or the use of the internet to facilitate or attempt such conduct. This includes offenses whose elements involve the use of other persons in prostitution, such as pandering, procuring, or pimping in cases where the victim was a Minor at the time of the offense,
- (11) Any conduct that by its nature is a Sex Offense against a Minor, and
- (12) Any offense similar to those outlined in:
 - (i) 18 U.S.C. §1591 (sex trafficking by force, fraud, or coercion),
 - (ii) 18 U.S.C. §1801 (video voyeurism of a Minor),
 - (iii) 18 U.S.C. §2241 (aggravated sexual abuse),

- (iv) 18 U.S.C. §2242 (sexual abuse),
- (v) 18 U.S.C. §2244 (abusive Sexual Contact),
- (vi) 18 U.S.C. §2422(b) (coercing a Minor to engage in prostitution),
- (vii) 18 U.S.C. §2423(a) (transporting a Minor to engage in illicit conduct).

10A.01.203 Risk to the Community

Sex Offenders present various "Levels of Risk" to the Tribal community. In addition to the tiering required by SORNA, Sex Offenders shall be classified by the level of risk presented to the Tribal community as identified by the State of Washington.

10A.01.300 TIERED OFFENSES

10A.01.301 Tier 1 Offenses

(a) *Sex Offenses.* A "Tier 1" offense includes any Sex Offense for which a person has been convicted, or a conviction for 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, federally recognized Indian tribe, local government, or qualifying foreign country pursuant to Section 10A.01.202(e) that involves the false imprisonment of a Minor, video voyeurism of a Minor, or possession or receipt of child pornography.

(c) *Certain Federal Offenses.* Conviction for any of the following federal offenses shall be considered "Tier 1" offenses:

- (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. §2423(d) (transportation of adults – ancillary offenses),
- (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).

(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 (10 U.S.C. § 951 note) that is similar to those offenses outlined in Section 10A.01.301(a), (b), or (c) shall be considered “Tier 1” offenses.

10A.01.302 Tier 2 Offenses

(a) *Offenses Involving Minors.* A “Tier 2” offense includes any Sex Offense for which a person has been convicted, or conviction for 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.

(b) *Recidivism and Felonies.* Unless otherwise covered by Section 10A.01.303, any Sex Offense, which 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. In the case of subsequent convictions from any Tribal court, the offense shall be treated as if it is punishable by more than one year in jail if a substantially similar Washington State or federal offense is punishable by more than one year.

(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 by force, fraud, or coercion),
- (2) 18 U.S.C. §2244 (abusive Sexual Contact, where the victim is 13 years of age or older),
- (3) 18 U.S.C. §2251 (sexual exploitation of children),
- (4) 18 U.S.C. §2251A (selling or buying of children),
- (5) 18 U.S.C. §2252 (production or distribution of material containing child pornography),
- (6) 18 U.S.C. §2252A (production or distribution of material containing child pornography),
- (7) 18 U.S.C. §2260 (production of sexually explicit depictions of a Minor for import into the United States),
- (8) 18 U.S.C. §2421 (transportation of a Minor for illegal sexual activity),
- (9) 18 U.S.C. §2422(b) (coercing a Minor to engage in prostitution),
- (10) 18 U.S.C. §2423(a) (transporting a Minor to engage in illicit conduct),
- (11) 18 U.S.C. §2423(d) (transportation of Minors – ancillary offenses).

(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 (10 U.S.C. § 951 note) that is similar to those offenses outlined in Section 10A.01.302(a), (b), or (c) shall be considered a “Tier 2” offense.

10A.01.303 Tier 3 Offenses

(a) *General Offenses.* A “Tier 3” offense includes any Sex Offense for which a person has been convicted, or conviction for an attempt or conspiracy to commit such an offense, which 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.

(b) *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. For this determination, any Sex Offense where the conviction is in a Tribal Court that does not exercise felony jurisdiction but the crime would be a felony under the laws of the State of Washington shall be considered as a Sex Offense that is punishable by more than one year in jail.

(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 (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 (10 U.S.C. § 951 note) that is similar to those offenses outlined in Section 10A.01.303(a), (b), or (c) shall be considered a “Tier 3” offense.

10A.01.400 REQUIRED INFORMATION

10A.01.401 General Requirements

(a) *Duties.* A Sex Offender covered by this Chapter who is required to register with the Tribe pursuant to Subpart F shall provide all of the information detailed in this Chapter to the Department or Designee, and the Department or Designee shall obtain all of the information detailed in this Chapter from covered Sex Offenders who are required to register with the Tribe in accordance with this Chapter and shall implement any relevant policies and procedures.

(b) *Digitization.* All information obtained under this Chapter shall be, at a minimum, maintained by the Department or Designee in a digitized format.

(c) *Electronic Database.* A Sex Offender Registry shall be maintained in an electronic database by the Department or Designee and shall be in a form capable of electronic transmission, or otherwise electronically accessible by other Jurisdictions.

10A.01.402 Criminal History

The Department 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.

10A.01.403 Date of Birth

The Department 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.

10A.01.404 DNA Sample

- (a) *DNA*. If the Sex Offender's DNA is not already contained in the Combined DNA Index System (CODIS), the Sex Offender shall provide the Department or Designee a sample of his DNA.
- (b) *CODIS*. 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.

10A.01.405 Driver's Licenses, Identification Cards, Passports, and Immigration Documents

- (a) *Driver's License*. The Department 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) *Identification Cards*. The Department 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) *Passports*. The Department or Designee shall obtain, and a covered Sex Offender shall provide, a photocopy of any passports used by the Sex Offender.

(d) *Immigration Documents.* The Department or Designee shall obtain, and a covered Sex Offender shall provide, a photocopy of any and all immigration documents.

10A.01.406 Employment Information

The Department 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.

10A.01.407 Finger and Palm Prints

The Department 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. Finger prints shall be submitted to IAFIS, and palm prints shall be submitted to the FBI Central Database.

10A.01.408 Internet Identifiers

The Department 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.

10A.01.409 Name

The Department 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.

10A.01.410 Phone Numbers

The Department or Designee shall obtain, and a covered Sex Offender shall provide, the following information related to the Sex Offender's telephone numbers:

- (a) Telephone numbers and any other designations used by the Sex Offender for purposes of routing or self-identification in telephonic communications,
- (b) Any and all land line telephone numbers, and
- (c) Any and all cellular telephone numbers.

10A.01.411 Photograph

(a) *Photograph.* The Department or Designee shall obtain, and a covered Sex Offender shall provide, a current photograph of the Sex Offender.

(b) *Update Requirements.* 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, and
- (3) Every year for Tier 1 Sex Offenders.

(c) *Identifying Marks.* The Department or Designee shall obtain, and a covered Sex Offender shall provide, a photograph of any of the Sex Offender's identifying marks included in the description required under Section 10A.01.412.

10A.01.412 Physical Description

The Department 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, and
- (c) Any identifying marks, such as, but not limited to, scars, moles, birthmarks, or tattoos.

10A.01.413 Professional Licensing Information

The Department 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.

10A.01.414 Residence Address

The Department 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.

10A.01.415 School Information

The Department 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 where the Sex Offender is or will be a Student.

10A.01.416 Social Security Number

The Department 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.

10A.01.417 Temporary Lodging

(a) The Department or Designee shall obtain, and a covered Sex Offender shall provide, the following information when the Sex Offender will be absent from his or her Residence for seven (7) days or more:

- (1) Identifying information of the temporary lodging locations including addresses and names, and

(2) The dates the Sex Offender will be staying at each temporary lodging location.

(b) *Travel Abroad.* In the event the Sex Offender will be traveling outside of the United States for more than seven (7) days, the Sex Offender must notify the Department of his or her intent at least 21 days in advance of travel. In addition, the Department or Designee shall:

(1) Immediately notify any other Jurisdiction where the Sex Offender is either registered, or is required to register, of that updated information;

(2) Immediately notify the U.S. Marshals Service; and

(3) Immediately update NCIC/NSOR information.

10A.01.418 Offense Information

The Department or Designee shall obtain the text of each provision of law defining the criminal offense(s) for which the Sex Offender is registered.

10A.01.419 Vehicle Information

Detailed Information. The Department 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.

10A.01.500 REGISTRATION

10A.01.501 Where Registration Is Required

(a) *Jurisdiction of Conviction.* A Sex Offender must initially register with the Department if he or she was convicted in 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 Department if he or she is incarcerated while completing any sentence for a covered Sex Offense arising

out of the Tribal Court, regardless of whether it is the same Jurisdiction as the Jurisdiction of conviction or Residence.

(c) *Jurisdiction of Residence.* A Sex Offender who Resides within the exterior boundaries of the Reservation or on any property leased, owned by, or held in trust for the benefit of the Tribe, regardless of location, must register with the Department.

(d) *Jurisdiction of Employment.* A Sex Offender who is employed within the exterior boundaries of the Reservation, or with any entity owned by or considered a branch of the Tribe, regardless of location, must register with the Department. A Sex Offender is required to register regardless of how temporary the assignment within the exterior boundaries of the Reservation is; even if the employment only requires him or her to be within the exterior boundaries of the Reservation one time.

(e) *Jurisdiction of School Attendance.* A Sex Offender must register with the Department if the Sex Offender is a Student at any school within the exterior boundaries of the Reservation.

(f) *Visitors.* A Sex Offender must register with the Department upon entering and remaining on the Reservation as follows:

(1) Any person visiting or intending to visit the Reservation for a period exceeding twenty four (24) hours, but less than seven (7) calendar days, shall notify the Department and provide their current physical address(es) and/or the location(s) within eight (8) hours of arrival; and

(2) Any person visiting or intending to visit the Reservation for a period exceeding seven (7) calendar days must notify the Department and complete all the registration requirements of Title 10A.01 within eight (8) hours of arrival.

10A.01.502 Timing of Registration

(a) *Timing.* A Sex Offender required to register with the Tribe under this Chapter shall do so in the following timeframe:

(1) If Convicted by the Tribe for a covered Sex Offense and incarcerated, the Sex Offender must register before being released from Imprisonment,

(2) If Convicted by the Tribe for a covered Sex Offense but not incarcerated, within three (3) business days of sentencing for the registration offense, and

(3) A Sex Offender must appear in person to register with the Department within three (3) business days of establishing a Residence, commencing employment, or becoming a Student within the exterior boundaries of the Reservation or on Tribal property.

(b) *Duties of the Department.* The Department shall have policies and procedures in place to ensure the following:

- (1) That the Sex Offender is informed of his or her duties under SORNA and this Chapter, and that such duties under SORNA and this Chapter are explained to them,
- (2) That any Sex Offender incarcerated or sentenced by the Tribe for a covered Sex Offense completes their initial registration with the Tribe,
- (3) 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,
- (4) That the Sex Offender is registered and the registration is posted on the public website, and
- (5) 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, and NCIC/NSOR is Immediately updated.

(c) *Non Assignability.* While The Department may receive assistance of other Tribal Departments, Programs or Employees or of outside entities in the fulfillment of the Duties in (b) above, the obligation to ensure those duties are fulfilled are not assignable and The Department remains ultimately responsible.

10A.01.503 Retroactive Registration

(a) *Recapture.* The Department or Designee 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 Chapter:

- (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 crime.

(b) *Timing of Recapture.* The Department or Designee shall ensure recapture of the Sex Offenders mentioned in Section 10A.01.503(a) within the following timeframe to be calculated from the date of passage of this Chapter:

- (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.

10A.01.504 Keeping Registration Current

(a) *Duty of Offender to Update.* All Sex Offenders required to register must immediately appear at the Department in person to update any change in his or her name, Residence (including termination of Residency), employment, school attendance, vehicle information, temporary lodging, internet identifiers, or telephone numbers. In the event of a change in temporary lodging, the Sex Offender and the Department 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 the exterior boundaries of the Reservation regardless of location that changes his or her school, or otherwise terminates his or her schooling, shall immediately appear in person at the Department to update that information. The Department 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 the exterior boundaries of the Reservation regardless of location who changes his or her employment, or otherwise terminates his or her employment, shall immediately appear in person at the Department to update that information. The Department 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 the Department.* With regard to changes in a Sex Offender's registration information, the Department or Designee 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. The Department shall also ensure this information is immediately updated on NSOR.

10A.01.505 Failure to Appear for Registration and Absconding

(a) *Failure to Appear.* In the event a Sex Offender fails to register with the Tribe as required by this Chapter, the Department or Designee shall immediately inform the Jurisdiction that provided notification that the Sex Offender was to commence Residency, employment, or school attendance with the Tribe that the Sex Offender failed to appear for registration.

(b) *Absconded Sex Offenders.* If the Department or Designee receives information that a Sex Offender has absconded, the Department shall make an effort to determine if the Sex Offender has actually absconded.

(1) In the event no determination can be made, the Department or Designee shall ensure that the Tribal police and any other appropriate law enforcement agency is notified.

(2) If the information indicating the possible absconding came through notice from another Jurisdiction or federal authorities, they shall be informed that the Sex Offender has failed to appear and register.

(3) If an absconded Sex Offender cannot be located then the Department shall take the following steps:

(i) Update the Registry/website to reflect the Sex Offender has absconded or is otherwise not capable of being located,

(ii) Seek a warrant for the Sex Offender's arrest. The U.S. Marshals Service or FBI may be contacted in an attempt to obtain a federal warrant for the Sex Offender's arrest,

(iii) Notify the U.S. Marshals Service,

(iv) Update NSOR to reflect the Sex Offender's status as an absconder, or is otherwise not capable of being located, and

(v) Enter the Sex Offender into the National Crime Information Center Wanted Person File.

(c) *Failure to Register.* In the event a Sex Offender who is required to register due to his or her Residence, employment, or school attendance status fails to do so or otherwise violates a registration requirement of this Chapter, the Department or Designee shall take all appropriate follow-up measures including those outlined in Section 10A.01.505(b). The Department or Designee shall first make an effort to determine if the Sex Offender is actually Residing, employed, or attending school in lands subject to the Tribe's jurisdiction.

10A.01.601 Frequency

(a) *Frequency.* A Sex Offender who is required to register with the Tribe shall, at a minimum, appear in person at the Department for purposes of verification and keeping registration current in accordance with the following time frames:

- (1) For “Tier 1” offenders, once every year for 15 years from the date of sentencing or if incarcerated from the date of release,
- (2) For “Tier 2” offenders, once every 180 days for 25 years from the date of sentencing or if incarcerated from the date of release,
- (3) For “Tier 3” offenders, once every 90 days for the rest of their lives.

(b) *Reduction of Registration Periods.* A Sex Offender may have their period of registration reduced as follows:

- (1) A Tier 1 offender may have their period of registration and verification reduced by 5 years if they have maintained a clean record for 10 consecutive years,
- (2) A Tier 3 offender may have their period of registration and verification reduced to 25 years if they were adjudicated delinquent of an offense as a juvenile which required Tier 3 registration and they have maintained a clean record for 25 consecutive years.

(c) *Clean Record.* For purposes of Section 10A.01.601(b), a person has a clean record if:

- (1) They have not been convicted of any offense for which Imprisonment for more than one year may be imposed. In the case of subsequent convictions from any Tribal court, the offense shall be treated as if it is punishable by more than one year in jail if a substantially similar Washington State or federal offense is punishable by more than one year.
- (2) They have not been convicted of any Sex Offense,
- (3) They have successfully completed, without revocation, any period of supervised release, probation, or parole, and
- (4) They have successfully completed an appropriate Sex Offender treatment program certified by a Jurisdiction or by the United States Attorney General.

10A.01.602 Requirement for In-Person Appearances

- (a) *Photographs.* At each in-person verification, the Sex Offender shall permit the Department to take a photograph of the offender.
- (b) *Review of Information.* At each in-person verification, the Sex Offender shall review existing information for accuracy.
- (c) *Notification.* If any new information or change in information is obtained at an in-person verification, the Department or Designee shall:
 - (1) Immediately notify all other Jurisdictions in which the Sex Offender is required to register of the information or change in information;
 - (2) Immediately update NCIC/NSOR; and
 - (3) Immediately update the Registry and public website.

10A.01.700 PUBLIC SEX OFFENDER REGISTRY WEBSITE

10A.01.701 Website

- (a) *Website.* For the purpose of public (community) notification, the Department or Designee shall use and maintain a public website, the Nisqually Indian Tribe 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 Tribe 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.

10A.01.702 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, and
- (4) The identity of the victim, and
- (5) Internet identifiers (as defined in 34 U.S.C. §20911).

(c) *Witness Protection.* For Sex Offenders who are under a witness protection program, the Department may honor the request of the United States Marshal 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.

(a) *Law Enforcement Community Notification.* Whenever a Sex Offender registers or updates his or her information with the Tribe, the Department or Designee shall:

- (1) Immediately monitor or utilize the SORNA Exchange Portal for inter-jurisdictional change of Residence, employment or student status.
- (2) Immediately notify any agency, department, or program, whether Tribal or non-Tribal, that is responsible for criminal investigation, prosecution, child welfare or Sex Offender supervision functions, including but not limited to police departments, Sheriffs' departments, prosecutor offices, probation agencies and public safety departments.
- (3) Immediately notify each Jurisdiction where the Sex Offender Resides, is employed, or is a Student, and each Jurisdiction from or to which a change of Residence, employment, or Student status occurs.
- (4) Immediately notify 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).
- (5) Immediately update NCIC/NSOR.

(b) *Community Notification.* Whenever a Sex Offender initially registers or updates his or her Required Information with the Tribe, the Department or Designee shall:

- (1) Immediately post the Sex Offender's registration or change in registration information on the Public Registry Website.
- (2) Ensure that email notification, including the Sex Offender's identity, is made available to the general public whenever the Sex Offender commences residence, employment, or school attendance within the Nisqually Indian Reservation.
- (3) Immediately post flyers providing identifying information about Sex Offenders at all Tribal public buildings.

10A.01.800 SANCTIONS

10A.01.801 Criminal Penalty

Each violation of a provision of this Chapter by a Sex Offender who is an Indian shall be considered a Class I offense and subject to a period of incarceration of no less than six months (180 days) and no more than one year (365 days) and a fine of up to \$5,000.

10A.01.802 Civil Penalty

Each violation of a provision of this Chapter 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. Nothing in this Subpart prohibits the imposition of criminal penalties by the State of federal government for violations of this Chapter.

10A.01.803 Exclusion

Notwithstanding any contrary provision of Title 46, any person, including an enrolled Nisqually tribal member, who 1) is convicted of a Sex Offense, or 2) violates the provisions of this Chapter is subject to exclusion from the Reservation pursuant to Title 46 – Tribal Lands. Any following provision authorizing the Tribal Court on its own motion to file a complaint for exclusion is in addition to the authority of the Tribal Prosecutor to file an exclusion as authorized by this section and/or Title 46.

10A.01.804 Failure to Register

No person, required to register as a Sex Offender pursuant to the provisions of Title 10A.01, shall knowingly fail to register as a Sex Offender with the Department.

- (a) Violation of this Section by a Nisqually Tribal Member or other Indian is a Class I offense and subject to a period of incarceration of no less than six months (180 days) and no more than one year (365 days) and a fine of up to \$5,000.

The Tribal Court upon its own initiative may file a complaint for the exclusion and removal of any person upon that person's violation of this Section.

- (b) Violation of this Section by a Non-Indian is a civil offense. The Tribal Court shall impose a minimum civil fine of \$5,000; provided that the Tribal Court upon its own initiative may file a complaint for the exclusion and removal of such Non-Indian.

10A.01.805 Furnishing False or Misleading Information

No person shall knowingly furnish, or cause to be furnished, any false or misleading information to be included on the Sex Offender Registration form.

- (a) Violation of this Section by a Nisqually Tribal Member or other Indian is a Class I offense and subject to a period of incarceration of no less than six months (180 days) and no more than one year (365 days) and a fine of up to \$5,000.
- (b) Violation of this section by a Non-Indian is punishable by a civil fine of no less than \$1,000; provided that the Tribal Court upon its own initiative may file a complaint for the exclusion and removal of such Non-Indian.

10A.01.806 Obstruction of Tribal Community Notification

No person shall, without prior approval of the Department, remove, alter, mutilate or destroy any notice to the Tribal community posted pursuant to Title 10A.01.

- (a) Violation of this Section by a Nisqually Tribal Member or other Indian is a Class I offense and subject to a period of incarceration of no less than six months (180 days) and no more than one year (365 days) and a fine of up to \$5,000.
- (b) Violation of this Section by a Non-Indian is a civil offense and the Tribal Court shall impose a minimum civil fine of \$500, not to exceed \$1,000.

10A.01.807 Hindrance of Sex Offender Registration

- (a) No person shall:
 - (1) Knowingly harbor or knowingly attempt to harbor, or knowingly assist another person in harboring or attempting to harbor a Sex Offender who is in violation of this Chapter;
 - (2) Knowingly assist 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 Chapter; or
 - (3) Provide information to law enforcement agency regarding a Sex Offender which the person knows to be false.
- (b) Violation of this Section by a Nisqually Tribal Member or other Indian is a Class I offense and subject to a period of incarceration of no less than six months (180 days) and no more than one year (365 days) and a fine of up to \$5,000..
- (c) Violation of this Section by a Non-Indian is a civil offense and the Tribal Court shall impose a minimum civil fine of \$2,500, not to exceed \$5,000.

10A.01.808 Misuse of Registration Information

- (a) No person shall:
 - (1) Willfully misuse or alter public record information relating to a Sex Offender or sexual predator, or a person residing or working at an address reported by a Sex Offender, including information displayed by law enforcement agencies on web sites; or
 - (2) Sell or exchange Sex Offender information for profit.

(b) Violation of this Section by a Nisqually Tribal Member or other Indian is a Class I offense and subject to a period of incarceration of no less than six months (180 days) and no more than one year (365 days) and a fine of up to \$5,000..

(c) Violation of this Section by a Non-Indian is a civil offense and the Tribal Court shall impose a minimum civil fine of \$500, not to exceed \$1,000.

10A.01.809 Offenses Involving a Minor

(a) Anyone convicted of a Sex Offense as an adult involving a Minor and who has been classified as a Level II or III Sex Offender by the State of Washington, while subject to the registration requirements of this Chapter as a Tier 2 or Tier 3 offender, shall not:

(1) Enter into or remain upon school property, playgrounds, day care centers, or any building designated for the use by or care of Minors;

(2) Attend events held primarily for Minors;

(3) Reside in or have contact with a Residence while Minors are present;

(4) Enter into or remain on any property or in any building while Minors are present.

(b) Violation of this Section by a Nisqually Tribal Member or other Indian is a Class I offense and subject to a period of incarceration of no less than six months (180 days) and no more than one year (365 days) and a fine of up to \$5,000..

(c) Violation of this Section by a Non-Indian is a civil offense and the Tribal Court shall impose a minimum civil fine of \$1,000, not to exceed \$2,500.

(d) The Court shall have the discretion to waive the prohibitions in this section if the Sex Offender can prove by clear and convincing evidence that the Sex Offense for which the Sex Offender is required to register occurred 15 or more years in the past and that no further convictions for Sex Offenses has occurred since.

10A.01.810 Payment of Fines /Payment for Incarceration Costs

(a) Any monetary penalty or civil fine assessed by the Tribal Court pursuant to Title 10A.01 shall be paid in full within three months from judgment.

(b) Except as provided in Sub-section (d) of this Section, all persons subject to Title 10A.01 shall be required to repay the Nisqually Indian Tribe within one year of the date of their release for the costs of their incarceration and any related expenses. The conditions of such repayment shall be set by the Tribal Court.

(c) All portions of any sentence not served, or fine not paid, may be construed as a subsequent violation and may be added to the penalties incurred; provided that the Tribal Court upon its own initiative or any person authorized pursuant to Title 46- Tribal Lands may file a complaint for the exclusion and removal of such person.

(d) The Tribal Court shall determine if a parent or legal guardian of an Offender that is a Minor child shall be responsible for any monetary penalties or incarceration costs required by this section.

10A.01.900 IMMUNITY

10A.01.901 No Waiver of Immunity

Nothing in this Chapter shall be construed as a waiver of sovereign immunity by the Tribe, its departments, agencies, employees, or agents.

10A.01.902 Good Faith

Any person acting in good faith under the terms of this Chapter shall be immune from any civil liability arising out of such actions.