

TITLE 6

SEXUAL OFFENDER REGISTRATION

Chapter 6.01 Sexual Offender Registration

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TITLE 6

CHAPTER 6.01 Sexual Offender Registration

6.01.01 Title

This Chapter shall be known as Port Gamble S’Klallam Sexual Offender Registration Ordinance.

[HIST: Chapter 6.01 was previously part of Title 2 in the Port Gamble S’Klallam Law and Order Code. First Chapter 2.11, it then changed to Chapter 2.12 on March 23, 2015, Resolution 12-A-068. It then became Chapter 6.01 on June 27, 2016, Resolution 16-A-085. Title 6 was previously the Bail Schedule. Title 6 was repealed in 2005. See the end of this Chapter for full Legislative History.]

6.01.02 Purpose and Construction

The general intent of this Chapter is to implement the federal Sex Offender Registration and Notification Act (SORNA) (Title I of Public Law 109-248). However, the federal law shall be interpreted liberally to conform to and comply with the laws of the Port Gamble S’Klallam Tribe (“tribal law”). Tribal law shall govern interpretation of this Chapter and any ambiguities that may result from changes in federal law or interpretation of federal law by the Courts of the United States of America.

This Chapter shall not apply to pending criminal proceedings or to individuals that have not been duly convicted by the Courts of the Port Gamble S’Klallam Tribe or another jurisdiction recognized by the laws of the United States of America. This Chapter shall only apply after an individual’s conviction for a covered offense and shall not be used to interpret, clarify or supplement substantive criminal law prior to a criminal conviction.

This Chapter is necessary to describe and govern the procedures related to registration of sexual offenders. This Chapter does not establish substantive offenses or a basis for prosecution other than the criminal and civil sanctions specifically described herein (see Sections 6.01.43 to 6.01.46 below).

6.01.03 Need

The Port Gamble S’Klallam Tribe recognizes that sexual crimes have serious long-term effects on tribal families and the Reservation community. A registry of sexual offenders who reside, work or attend school within the Tribe’s jurisdiction will provide information to the membership, residents and tribal leaders to help protect the community’s interests.

6.01.04 Creations of Registries

- a) Sex Offender Registry. There is hereby established a sex offender registry program, the Port Gamble S'Klallam Sexual Offender Registry, which the Port Gamble S'Klallam Department of Public Safety 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, also called the Port Gamble S'Klallam Sexual Offender Registry, which the Port Gamble S'Klallam Department of Public Safety shall maintain and operate pursuant to the provisions of this Chapter, as amended.

6.01.05 Definitions

The Definitions below apply to this Chapter only.

- a) Convicted. An adult sex offender is “convicted” for the purposes of this Chapter if the sex offender has been subjected to any form of punishment, restitution, community service, court supervision or other penal consequences based on the conviction.

A juvenile offender is “convicted” for purposes of this Chapter if the juvenile offender is either:

- i) Prosecuted and found guilty as an adult for a sex offense; or
 - ii) 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.
- b) Foreign Convictions. A foreign conviction is one obtained outside of the United States.
 - c) 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. Volunteers of a tribal agency or organization are included within the definition of employee for registration purposes.

- d) Immediate. “Immediate” and “immediately” mean within 3 business days.
- e) 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 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 Chapter during their period of “house arrest”.
- f) 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 Tribe that elected to function as a SORNA registration and notification jurisdiction pursuant to PL 109-248 Section 127 (42 USC § 16927).
- g) Minor. The term “minor” means an individual who has not attained the age of 18 years.
- h) 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.
- i) Sex Offense. The term “sex offense” as used in this Chapter includes those offenses contained in 42 U.S.C. §16911(5) (as amended) and those offenses enumerated in Section 6.01.06 of this Chapter or any other Registrable offense under tribal law.
- j) 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.
- k) Sex Offender. A person convicted of a sex offense is a “sex offender”.
- l) Sexual Act. The term “sexual act” means:

- i) 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;
 - ii) contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;
 - iii) 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
 - iv) 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.
- m) Sexual Contact. 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 any person.
- n) 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.
- o) 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), 42 U.S.C. §16911 et. seq., as amended.
- p) Sex Offender Registry. The term “sex offender registry” means the Port Gamble S’Klallam Sexual Offender Registry, a registry of sex offenders and a notification program, maintained by Port Gamble S’Klallam Department of Public Safety.
- q) National Sex Offender Registry (NSOR). The national database maintained by the Federal Bureau of Investigation pursuant to 42 U.S.C. §16919.
- r) 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.

- s) Dru Sjodin National Sex Offender Public Website (NSOPW). The public website maintained by the Attorney General of the United States pursuant to 42 U.S.C. §16920.
- t) “Tier I Sex Offender”. A “tier I sex offender”, or a “sex offender” designated as “tier I”, is one that has been convicted of a “tier I” sex offense as defined in Section 6.01.07.
- u) “Tier II Sex Offender”. A “tier II sex offender”, or a “sex offender” designated as “tier II”, is one that has been either convicted of a “tier II” sex offense as defined in Section 6.01.08, or who is subject to the recidivist provisions of Chapter 6.01.08.
- v) “Tier III Sex Offender”. A “tier III sex offender”, or a “sex offender” designated as “tier III”, is one that has been either convicted of a “tier III” sex offense as defined in Chapter 6.01.09, or who is subject to the recidivist provisions of Chapter 6.01.09.

6.01.06 Registrable 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 offenses, or convicted of an attempt or conspiracy to commit any of the following offenses, are subject to the requirements of this Chapter.

“Sex Offense.” Except as limited by subparagraph g or h, the term “sex offense” means:

- a) A criminal offense that has an element involving a sexual act or sexual contact with another;
- b) 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:
 - i) An offense (unless committed by a parent or guardian) involving kidnapping;
 - ii) An offense (unless committed by a parent or guardian) involving false imprisonment;
 - iii) Solicitation to engage in sexual conduct.

- iv) Use in a sexual performance.
 - v) Solicitation to practice prostitution.
 - vi) Video voyeurism as described in 18 U.S.C. §1801.
 - vii) Sexual abuse of a minor or ward as described in 18 U.S.C. §2243.
 - viii) Sexual exploitation of children as described in 18 U.S.C. §2251.
 - ix) Selling or buying of children as described in 18 U.S.C. §2251A.
 - x) Possession, production, or distribution of material involving sexual exploitation of a minor as described in 18 U.S.C. §2252.
 - xi) Possession, production, or distribution of material containing child pornography as described in 18 U.S.C. §2252A.
 - xii) Production of sexually explicit depictions of a minor for import into the U.S. as described in 18 U.S.C. §2260.
 - xiii) Transportation of a minor for illegal sexual activity as described in 18 U.S.C. §2421.
 - xiv) Coercion and enticement of a minor for illegal sexual activity as described in 18 U.S.C. §2422.
 - xv) Transportation of minors for illegal sexual activity, travel with the intent to engage in illicit sexual conduct with a minor, and engaging in illicit sexual conduct in foreign places as described in 18 U.S.C. §2423.
 - xvi) Transmitting information about a minor to further criminal sexual conduct as described in 18 U.S.C. §2425.
 - xvii) Criminal sexual conduct involving a minor, or the use of the Internet to facilitate or attempt such conduct.
 - xviii) Any conduct that by its nature is a sex offense against a minor.
- c) The following tribal offenses, or any other offense hereafter included in the definition of “sex offense,” in Title 5 of the Port Gamble S’Klallam Law and Order Code:
- i) Section 5.01.08 (Rape),
 - ii) Section 5.01.09 (Indecent Liberties);

And the following offenses, where sexual conduct, context or intent was part of the factual basis for conviction:

- iii) Section 5.01.07 (Reckless Endangerment),
- iv) Section 5.01.10 (Abduction), and
- v) Section 5.01.11 (Endangering the Welfare of a Child).

- d) A federal offense of Title 18 of the United State Code of the following sections:
 - i) §1591 (sex trafficking of children),
 - ii) §2241 (aggravated sexual abuse),
 - iii) §2242 (sexual abuse),
 - iv) §2244 (abusive sexual contact),
 - v) §2245 (offenses resulting in death),
 - vi) §2252B (misleading domain names on the internet),
 - vii) §2252C (misleading words or digital images on the internet),
 - viii) §2424 (failure to file statement about an alien individual).

- e) 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

- f) An attempt or conspiracy to commit an offense described in clauses (a) through (e).

- g) 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.

- h) Foreign Offenses. A foreign conviction is not a sex offense for the purposes of this Chapter unless it was either:
 - i) obtained under the laws of Canada, the United Kingdom, Australia, New Zealand, or
 - ii) 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.

[HIST: Modifications to Section 6.01.06 (as Section 2.12.06) were enacted by Resolution No. 14-A-110 on August 11, 2014, to comply with a SORNA Substantial Implementation Review by the SMART Office recommending that the section list by name all registrable tribal and federal offenses.]

Tiering of Offenses

6.01.07 Tier I Offenses

- a) Sex Offenses. A “Tier I” 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 II” or “Tier III” offense.
- b) Offenses Involving Minors. A “Tier I” offense also includes any offense for which a person has been convicted by any jurisdiction, local government, or qualifying foreign country pursuant to Section 6.01.06(h) that involves the false imprisonment of a minor, video voyeurism of a minor, or possession or receipt of child pornography.
- c) Tribal Offenses. A sex offense under Tribal law that results in a Class B or lesser conviction shall be considered a Tier I offense.
- d) Certain Federal Offenses. Conviction for any of the following federal offenses or an attempt or conspiracy to commit such an offense shall be considered a conviction for a “Tier I” offense:
 - i) 18 U.S.C. §1801 (video voyeurism of a minor),
 - ii) 18 U.S.C. §2252 (receipt or possession of child pornography),
 - iii) 18 U.S.C. §2252A (receipt or possession of child pornography),
 - iv) 18 U.S.C. §2252B (misleading domain names on the internet),
 - v) 18 U.S.C. §2252C (misleading words or digital images on the internet),
 - vi) 18 U.S.C. §2422(a) (coercion to engage in prostitution),
 - vii) 18 U.S.C. §2423(b) (travel with the intent to engage in illicit conduct),
 - viii) 18 U.S.C. §2423(c) (engaging in illicit conduct in foreign places),
 - ix) 18 U.S.C. §2423(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),
 - x) 18 U.S.C. §2424 (failure to file factual statement about an alien individual), or
 - xi) 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 6.01.09(A),(B), or (C) shall be considered a “Tier I” offense.

6.01.08 Tier II Offenses

- a) Felonies. Unless otherwise covered by Section 6.01.09, any sex offense and that is punishable by more than one year in jail is considered a “Tier II” offense.
- b) Tribal Offenses.
 - i) A sex offense under Tribal law that results in a Class A conviction shall be considered a Tier II offense.
 - ii) A sex offense under Tribal law that is not the first sex offense for which a person has been convicted, or an attempt to commit such an offense, either of which results in a Class B conviction, shall be considered a Tier II offense.
- c) Offenses Involving Minors. A “Tier II” 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:
 - i) The use of minors in prostitution, including solicitations,
 - ii) Enticing a minor to engage in criminal sexual activity,
 - iii) A non-forcible Sexual Act with a minor 16 or 17 years old,
 - iv) 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,
 - v) The use of a minor in a sexual performance, or
 - vi) The production or distribution of child pornography.
- d) Certain Federal Offenses. Conviction for any of the following federal offenses or an attempt or conspiracy to commit such an offense shall be considered a conviction for a “Tier II” offense:
 - i) 18 U.S.C. §1591 (sex trafficking by force, fraud, or coercion),
 - ii) 18 U.S.C. §2423(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),
 - iii) 18 U.S.C. §2244 (Abusive sexual contact, where the victim is 13 years of age or older),
 - iv) 18 U.S.C. §2251 (sexual exploitation of children),
 - v) 18 U.S.C. §2251A (selling or buying of children),

- vi) 18 U.S.C. §2252 (material involving the sexual exploitation of a minor),
 - vii) 18 U.S.C. §2252A (production or distribution of material containing child pornography),
 - viii) 18 U.S.C. §2260 (production of sexually explicit depictions of a minor for import into the United States),
 - ix) 18 U.S.C. §2421 (transportation of a minor for illegal sexual activity),
 - x) 18 U.S.C. §2422(b) (coercing a minor to engage in prostitution),
 - xi) 18 U.S.C. §2423(a) (transporting a minor to engage in illicit 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 6.01.08(A), (B), or (C) shall be considered a “Tier II” offense.

6.01.09 Tier III 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 or an attempt or conspiracy to commit such an offense for a Tier II sex offense, or has previously become a Tier II sex offender, is a “Tier III” offense.
- b) Tribal Offenses. A sex offense under Tribal law that is not the first sex offense for which a person has been convicted, and which results in a Class A conviction, shall be considered a Tier III offense.
- c) General Offenses. A “Tier III” offense includes any sex offense, for which a person has been convicted, or an attempt or conspiracy to commit such an offense that involves:
 - i) Non-parental kidnapping of a minor;
 - ii) A sexual act with another by force or threat;
 - iii) 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
 - iv) 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.

- d) Certain Federal Offenses. Conviction for any of the following federal offenses shall be considered conviction for a “Tier III” offense:
 - i) 18 U.S.C. §2241 (aggravated sexual abuse);
 - ii) 18 U.S.C. §2242 (sexual abuse);
 - iii) 18 U.S.C. §2243 (sexual abuse of a minor or ward);
and
 - iv) Where the victim is 12 years of age or younger, 18 U.S.C. §2244 (abusive sexual contact).
- 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 6.01.09(A), (B) or (C) shall be considered a “Tier III” offense.

6.01.10 General Requirements

- a) Duties. A sex offender covered by this Chapter who is required to register with the Tribe pursuant to Section 6.01.33 shall provide all of the information detailed in this Chapter to the Port Gamble S’Klallam Department of Public Safety, and the Port Gamble S’Klallam Department of Public Safety 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 Port Gamble S’Klallam Department of Public Safety in a digitized format.
- c) Electronic Database. A sex offender registry shall be maintained in an electronic database by the Port Gamble S’Klallam Department of Public Safety and shall be in a form capable of electronic transmission.

6.01.11 Criminal History

Criminal History. The Port Gamble S’Klallam Department of Public Safety 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.

6.01.12 Date of Birth

Date of Birth. The Port Gamble S'Klallam Department of Public Safety 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.

6.01.13 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 Port Gamble S'Klallam Department of Public Safety 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 in to CODIS.

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

- a) Driver's License. A covered sex offender shall provide all of the sex offender's valid driver's licenses issued by any jurisdiction and the Port Gamble S'Klallam Department of Public Safety or designee shall make a photocopy of any such licenses.
- b) Identification Cards. A covered sex offender shall provide all of the sex offender's identification cards including the sex offender's tribal enrollment card issued by any jurisdiction and the Port Gamble S'Klallam Department of Public Safety or designee shall make a photocopy of any such identification cards. Passports. A covered sex offender shall provide any passports used by the sex offender, and the Port Gamble S'Klallam Department of Public Safety or designee shall make a photocopy of any such passports. Immigration Documents. A covered sex offender shall provide any and all immigration documents used by the sex offender, and the Port Gamble S'Klallam Department of Public Safety or designee shall make a photocopy of any such documents.

6.01.15 Employment Information

Employment. The Port Gamble S'Klallam Department of Public Safety 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.

6.01.16 Finger and Palm Prints

Finger and Palm Prints. The Port Gamble S'Klallam Department of Public Safety or designee shall obtain, and a covered sex offender shall provide, both finger prints and palm prints.

6.01.17 Internet Identifiers

Internet Names. The Port Gamble S'Klallam Department of Public Safety 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, including but not limited to social network identifications, twitter accounts, video posting site identifications such as YouTube, etc.

6.01.18 Name

Name. The Port Gamble S'Klallam Department of Public Safety 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.

6.01.19 Phone Numbers

Phone Numbers. The Port Gamble S'Klallam Department of Public Safety or designee shall obtain, and a covered sex offender shall provide, any and all telephone numbers and any other designations used by sex offenders for purposes of routing or self-identification in telephonic communications including but not limited to:

- a) Any and all cellular telephone numbers;
- b) Any and all landline telephone numbers; and
- c) Any and all Voice over IP (VOIP) telephone numbers.

6.01.20 Picture

- a) Photograph. A covered sex offender shall permit his photograph to be taken by the Port Gamble S'Klallam Department of Public Safety or designee:
 - i) Every 90 days for Tier III sex offenders;
 - ii) Every 180 days for Tier II sex offenders; and
 - iii) Every year for Tier I sex offenders.
- b) Update Requirements. Unless the appearance of a sex offender has not changed significantly a digitized photograph shall be collected at each appearance indicated in Section 6.01.20(A).

6.01.21 Physical Description

Physical Description. The Port Gamble S'Klallam Department of Public Safety 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. These marks will be photographed by the Port Gamble S'Klallam Department of Public Safety or its designee.

6.01.22 Professional Licensing Information

Professional Licenses. The Port Gamble S'Klallam Department of Public Safety 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.

6.01.23 Residence Address

Address. The Port Gamble S'Klallam Department of Public Safety 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.

6.01.24 School

School Location. The Port Gamble S'Klallam Department of Public Safety 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.

6.01.25 Social Security Number

Social Security. The Port Gamble S'Klallam Department of Public Safety 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.

6.01.26 Temporary Lodging

Lodging Information. The Port Gamble S'Klallam Department of Public Safety 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 seven (7) days or more:

- a) Identifying information of the temporary lodging locations including addresses and names, and
- b) The dates the sex offender will be staying at each temporary lodging location.
- c) The registered sex offender shall provide the information in Section 6.01.26 (1) and (2) before his scheduled travel. The information shall be provided in person.

6.01.27 International Travel

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.

6.01.28 Offense Information

Offense Information. The Port Gamble S’Klallam Department of Public Safety or designee shall obtain the text of each provision of law defining the criminal offense(s) for which the sex offender is registered.

6.01.29 Vehicle Information

Detailed Information. The Port Gamble S’Klallam Department of Public Safety 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.

6.01.30 Frequency, Duration and Reduction

- a) Frequency. A sex offender who is required to register shall, at a minimum, appear in person at the Port Gamble S’Klallam Department of Public Safety for purposes of verification and keeping their registration current in accordance with the following time frames:
 - i) For “Tier I” 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.
 - ii) For “Tier II” 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.

- iii) For “Tier III” 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:
 - i) A Tier I 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;
 - ii) A Tier II offender may have his or her period of registration reduced to 15 years if he or she has maintained a clean record for 15 consecutive years;
 - iii) A Tier III 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) Clean Record. For purposes of Section 6.01.30(B) a person has a clean record if:
 - i) He or she has not been convicted of any offense, for which imprisonment for more than 1 year may be imposed;
 - ii) He or she has not been convicted of any sex offense;
 - iii) He or she has successfully completed, without revocation, any period of supervised release, probation, or parole; and
 - iv) 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.

6.01.31 Requirements for In Person Appearances

- a) Photographs. At each in-person verification, the sex offender shall permit the Port Gamble S’Klallam Department of Public Safety 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 Port Gamble S'Klallam Department of Public Safety shall immediately notify all other jurisdictions in which the sex offender is required to register of the information or change in information.
- d) If any new information or change in information is obtained at an in-person verification, the Port Gamble S'Klallam Department of Public Safety shall immediately update the public website, if applicable, and update information in NCIC/NSOR.

6.01.32 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 Port Gamble S'Klallam Department of Public Safety and that the sex offender understands the registration requirement.

The form shall be signed and dated by the Port Gamble S'Klallam Department of Public Safety personnel registering the sex offender.

- b) The Port Gamble S'Klallam Department of Public Safety shall immediately upload the acknowledgement form into the Port Gamble S'Klallam Sexual Offender Registry.

6.01.33 Where Registration Is Required

- a) Jurisdiction of Conviction. A sex offender must initially register with the Port Gamble S'Klallam Department of Public Safety 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 Port Gamble S'Klallam Department of Public Safety 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 Port Gamble S'Klallam Department of Public Safety 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 Port Gamble S'Klallam Department of Public Safety 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 Port Gamble S'Klallam Department of Public Safety if the sex offender is a student in any capacity within lands subject to the jurisdiction of the Tribe.

6.01.34 Timing of Registration

- a) Timing. A sex offender required to register with the Tribe under this Chapter shall do so in the following timeframe:
 - i) If convicted by Port Gamble S'Klallam Tribe for a covered sex offense and incarcerated, the sex offender must register before being released from incarceration;
 - ii) If convicted by Port Gamble S'Klallam Tribe but not incarcerated, within 3 business days of sentencing for the registration offense, and
 - iii) 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 Port Gamble S'Klallam Department of Public Safety.
- b) Duties of Port Gamble S'Klallam Department of Public Safety. The Port Gamble S'Klallam Department of Public Safety shall have policies and procedures in place to ensure the following:
 - i) That any sex offender incarcerated or sentenced by the Tribe for a covered sex offense completes their initial registration with the Tribe;
 - ii) 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;
 - iii) That the sex offender is registered, and added to the public website if applicable; and

- iv) That upon entry of the sex offender's information into the Port Gamble S'Klallam Sexual Offender 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.
- v) That all information is entered and updated in NCIC/NSOR.

6.01.35 Retroactive Registration

- a) Retroactive Registration. The Port Gamble S'Klallam Department of Public Safety 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:
 - i) Sex offenders incarcerated or under the supervision of the Tribe, whether for a covered sex offense or other crime;
 - ii) Sex offenders already registered or subject to a pre-existing sex offender registration requirement; and
 - iii) Sex offenders re-entering the justice system due to conviction for any crime.
- b) Timing of Recapture. The Port Gamble S'Klallam Department of Public Safety shall ensure recapture of the sex offenders mentioned in Section 6.01.35(A) within the following timeframe to be calculated from the date of passage of this Chapter:
 - i) For Tier I sex offenders, 1 year;
 - ii) For Tier II sex offenders, 180 days; and
 - iii) For Tier III sex offenders, 90 days.

6.01.36 Keeping Registration current

- a) Jurisdiction of Residency. All sex offenders who reside in lands subject to the jurisdiction of the Tribe who are required to register in this jurisdiction shall immediately appear in person at the Port Gamble S'Klallam Department of Public Safety 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 Port Gamble S'Klallam Department of Public Safety in person of any

changes to their temporary lodging information, and in person or by telephone of any changes to their vehicle information, internet identifiers, or telephone numbers. In the event of a change in temporary lodging of over seven days, the sex offender shall immediately notify the registry official of the residence jurisdiction and the Port Gamble S'Klallam Department of Public Safety shall 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 changes their school, or otherwise terminate their schooling, shall immediately appear in person at the Port Gamble S'Klallam Department of Public Safety to update that information. The Port Gamble S'Klallam Department of Public Safety 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 Port Gamble S'Klallam Department of Public Safety to update that information. The Port Gamble S'Klallam Department of Public Safety 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.

6.01.37 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 Port Gamble S'Klallam Department of Public Safety 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 Port Gamble S'Klallam Department of Public Safety or designee receives information that a sex offender has absconded the Port Gamble S'Klallam Department of Public Safety shall make

an effort to determine if the sex offender has actually absconded.

- i) In the event no determination can be made, the Port Gamble S'Klallam Department of Public Safety or designee shall ensure the tribal police and any other appropriate law enforcement agency is notified.
- ii) 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.
- iii) If an absconded sex offender cannot be located then the Port Gamble S'Klallam Department of Public Safety shall take the following steps:
 - 1) Update the Port Gamble S'Klallam Sexual Offender Registry to reflect the sex offender has absconded or is otherwise not capable of being located;
 - 2) Notify the U.S. Marshals Service;
 - 3) 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;
 - 4) Update the NCIC/NSOR to reflect the sex offender's status as an absconder, or is otherwise not capable of being located; and
 - 5) 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 their residence, employment or school attendance status fails to do so or otherwise violates a registration requirement of this Chapter, the Port Gamble S'Klallam Department of Public Safety shall take all appropriate follow-up measures including those outlined in Section 6.01.37(B). The Port Gamble S'Klallam Department of Public Safety shall first make an effort to determine if the sex offender actually resides, is employed or attending school in lands subject to the Tribe's jurisdiction.

6.01.38 Website

- a) Website. The Port Gamble S'Klallam Department of Public Safety shall use and maintain a public sex offender registry website.

- b) Links. The Port Gamble S'Klallam Sexual Offender Registry shall include links to sex offender safety and education resources.
- c) Instructions. The Port Gamble S'Klallam Sexual Offender Registry shall include instructions on how a person can seek correction of information that the individual contends is erroneous.
- d) Warnings. The Port Gamble S'Klallam Sexual Offender Registry 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 Port Gamble S'Klallam Sexual Offender Registry 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 registry 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.

6.01.39 Required and Prohibited Information

- a) Required Information. The following information shall be made available to the public on the sex offender registry website:
 - i) Notice that an offender is in violation of their registration requirements or cannot be located if the sex offender has absconded;
 - ii) All sex offenses for which the sex offender has been convicted;
 - iii) The sex offense(s) for which the offender is currently registered;
 - iv) The address of the sex offender's employer(s);
 - v) The name of the sex offender including all aliases;
 - vi) A current photograph of the sex offender;
 - vii) A physical description of the sex offender;
 - viii) The residential address and, if relevant, a description of a habitual residence of the sex offender;

- ix) All addresses of schools attended by the sex offender; and
 - x) 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:
- i) Any arrest that did not result in conviction;
 - ii) The sex offender's social security number;
 - iii) Any travel and immigration documents;
 - iv) The identity of the victim; and
 - v) Internet identifiers (as defined in 42 U.S.C. §16911).
- c) Witness Protection. For sex offenders who are under a witness protection program, the Tribal Police 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.

6.01.40 Community Notifications

- a) Law Enforcement Notification. Whenever a sex offender registers or updates his or her information with the Tribe, the Port Gamble S'Klallam Department of Public Safety shall:
- i) Monitor and utilize the SORNA Exchange Portal for inter-jurisdictional change of residence, employment or student status;
 - ii) Immediately update NCIC/NSOR;
 - iii) 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;
 - iv) 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;
 - v) 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; and

- vi) Enter or update information posted on the public website.
- b) Community Notification. The Port Gamble S’Klallam Department of Public Safety shall ensure there is an automated community notification process in place that ensures the following:
 - i) Upon a sex offender’s registration or update of information with the Tribe, the Tribe’s public sex offender registry website is immediately updated,
 - ii) 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.

6.01.41 No Waiver of Immunity

Nothing under this Chapter shall be construed as a waiver of sovereign immunity by the Port Gamble S’Klallam Tribe, its departments, agencies, employees, or agents.

6.01.42 Good Faith

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

6.01.43 Nondiscretionary Ministerial Acts

The administration of the Port Gamble S’Klallam Sexual Offender Registry under this Chapter constitutes nondiscretionary ministerial acts. A challenge to the administration of the Port Gamble S’Klallam Sexual Offender Registry may be filed in accordance with Title 3 of the Port Gamble S’Klallam Law and Order Code. Remedies shall be limited to declaratory and injunctive relief, and if appropriate, a writ of mandate from the Community Court.

6.01.44 Criminal Penalty

Each violation of a provision of this Chapter by a sex offender who is an Indian shall be considered a crime and subject to a period of incarceration of 1 year and a fine of \$5,000.

6.01.45 Civil Penalty

Violation of a provision of this Chapter by a sex offender who is not an Indian shall be grounds for exclusion from the jurisdiction of the Port Gamble S'Klallam Tribe under Chapter 22.02 of this code and for penalties for civil contempt of court under Chapter 1.06 of this code.

[HIST: Modification to Section 6.01.45 (as Section 2.12.45) was enacted by Resolution No. 14-A-110 on August 11, 2014, to comply with a SORNA Substantial Implementation Review by the SMART Office recommending that the section identify the specific code sections on civil penalties for non-Indians.]

6.01.46 Exclusion REPEALED

[HIST: Modification to Section 6.01.45 (as Section 2.12.45) was enacted by Resolution No. 14-A-110 on August 11, 2014, to comply with a SORNA Substantial Implementation Review by the SMART Office recommending that the section identify the specific code sections on civil penalties for non-Indians. Section 6.01.45 now incorporates exclusion as a specific remedy for a violation of a provision of this Chapter by a sex offender who is not an Indian, and Section 6.01.46 is repealed.]

6.01.47 Hindrance of Sex Offender Registration

- a) A person is guilty of a Class C offense if he or she:
- i) 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 Chapter;
 - ii) 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 Chapter; or
 - iii) Provides information to law enforcement agency regarding a sex offender which the person knows to be false.

Violation of this Section by a non-Indian shall be grounds for exclusion from the jurisdiction of the Port Gamble S'Klallam Tribe under Chapter 22.02 of this code and for penalties for civil contempt of court under Chapter 1.06 of this code.

[HIST: Modification to Section 6.01.46 (as Section 2.12.46) was enacted by Resolution No. 14-A-110 on August 11, 2014, to comply with a SORNA Substantial Implementation Review by the SMART Office recommending that the section identify the specific code sections on civil penalties for non-Indians.]

6.01.48 Appeals

Appeals under this Chapter may be filed in accordance with Title 7 of the Port Gamble S'Klallam Law and Order Code.

[HIST: Source - Port Gamble S'Klallam Law and Order Code. Title 6 was formerly Bail Schedule. It was repealed in 2005. In 2016, the Tribes Sexual Offender Registration code was moved from Title 2 to Title 6. Amendments - Resolution No. 84 A 03, passed 2/14/84 amended this Title adding a bail schedule for the new laws in Title V. Title IV of the Code was formerly numbered Title VIII. Title 6 was repealed by Resolution No. 05-A-054, passed 6/14/05. Chapter 6.01 was previously part of Title 2 in the Port Gamble S'Klallam Law and Order Code. First Chapter 2.11, it then changed to Chapter 2.12 on March 23, 2015, Resolution 12-A-068. It then became Chapter 6.01 on June 27, 2016, Resolution 16-A-085.]

[Cross Reference: Chapter 2.04 Bail.]