

TITLE 6

SEXUAL OFFENDER REGISTRATION

Chapter 6.01 General Matters3
6.01.01 Title3
6.01.02 Purpose and Construction3
6.01.03 Need.....4
6.01.04 Creations of Registries.....4
Chapter 6.02 Terminology and Registerable Offenses4
6.02.01 Definitions.....4
6.02.02 Registrable Offenses8
Chapter 6.03 Tiering of Offenses 12
6.03.01 Tier I Offenses..... 12
6.03.02 Tier II Offenses..... 13
6.03.03 Tier III Offenses 15
Chapter 6.04 Registration Information Requirements 16
6.04.01 General Requirements 16
6.04.02 Offense Information 17
6.04.03 Biometric Information..... 17
6.04.04 Biographic Information. 17
6.04.05 Identification Documents. 20
6.04.06 Travel Information..... 20
6.04.07 Photograph..... 21
6.04.08 Physical Description..... 21
6.04.09 Vehicle Information 22
6.04.10 Additional Information 22
Chapter 6.05 General Registration Requirements 22
6.05.01 Where Registration Is Required 22

6.05.02	Keeping Registration Current	23
6.05.03	Requirements for In Person Appearances.....	24
6.05.04	Sex Offender Acknowledgement Form	24
6.05.05	Short-Term Visit Notification Requirements	24
Chapter 6.06	Registration Frequency, Duration, and Timing Requirements.....	25
6.06.01	Timing of Registration	25
6.06.02	Frequency and Duration	26
6.06.03	Tolling.....	26
6.06.04	Reduction of Registration Periods	26
Chapter 6.07	Duties of the Police Department.....	27
6.07.01	General Duties	27
6.07.02	Retroactive Registration.....	28
6.07.03	Failure To Appear For Registration and Absconding	28
Chapter 6.08	Website and Public Notifications	30
6.08.01	Website	30
6.08.02	Required and Prohibited Information.....	31
6.08.03	Law Enforcement and Community Notifications.....	32
Chapter 6.09	Violations	33
6.09.01	No Waiver of Immunity.....	33
6.09.02	Good Faith	34
6.09.03	Nondiscretionary Ministerial Acts	34
6.09.04	Criminal Penalty	34
6.09.05	Civil Penalty	34
6.09.06	Hindrance of Sex Offender Registration.....	34

TITLE 6

Chapter 6.01 General Matters

6.01.01 Title

This Title 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 Title 6 was repealed in 2005.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 Title 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 Title 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 Title 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 Title 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 Title is necessary to describe and govern the procedures related to registration of sexual offenders. This Title does not establish substantive offenses or a basis for prosecution other than the criminal and civil sanctions specifically described herein (see Sections 6.09.04 to 6.09.06 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 Police Department shall maintain and operate pursuant to the provisions of this Title, 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 Police Department shall maintain and operate pursuant to the provisions of this Title, as amended.

Chapter 6.02 Terminology and Registerable Offenses

6.02.01 Definitions

The Definitions below apply only to this Title and any accompanying administrative policies or procedures which are adopted to carry out its terms.

- a) Convicted. An adult sex offender is “convicted” for the purposes of this Title 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 Title 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) Police Department. The Port Gamble S'Klallam Police Department.
- c) 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.
- d) Employee. The term "employee" as used in this Title 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.
- e) Foreign Convictions. A foreign conviction is one obtained outside of the United States.
- f) Immediate. "Immediate" and "immediately" mean within 3 business days.
- g) 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 Title during their period of house arrest.

- h) Jurisdiction. The term “jurisdiction” as used in this Title to refer to a governmental entity, 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).
- i) Minor. The term “minor” means an individual who has not attained the age of 18 years.
- j) NCIC. The National Crime Information Center.
- k) NSOR. The National Sex Offender Registry, a national database maintained by the Federal Bureau of Investigation pursuant to 42 U.S.C. §16919.
- l) 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. An individual is deemed to “reside” on the tribal lands of the Port Gamble S’Klallam Tribe for the purposes of this Title if the individual is present on tribal lands for more than 72 consecutive hours, sleeps on tribal lands more than 3 nights in a 7-day period, or sleeps on tribal lands more than 7 nights in a 30-day period.
- m) Sex Offense. The term “sex offense” as used in this Title includes those offenses contained in 42 U.S.C. §16911(5) (as amended), those offenses described in Section 6.02.02 and any other registrable offense under tribal law. This includes any attempt or conspiracy to commit any of the aforementioned offenses.

However, an offense involving consensual sexual conduct is not a sex offense for the purposes of this Title if 1) the victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense, or 2) if

the victim was at least thirteen years old and the offender was not more than four years older than the victim.

- n) Sex Offender. A person convicted of a sex offense is a “sex offender,” regardless of tribal enrollment or lack thereof.
- o) 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.
- p) 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.
- q) 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. §16901 et. seq., as amended.
- r) 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.

- s) “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 6.03.01.
- t) “Tier II Sex Offender”. A “tier II sex offender”, or a “sex offender” designated as “tier II”, is one that has been convicted of a “tier II” sex offense as defined in Section 6.03.02.
- u) “Tier III Sex Offender”. A “tier III sex offender”, or a “sex offender” designated as “tier III”, is one that has been convicted of a “tier III” sex offense as defined in Section 6.03.03.

6.02.02 Registrable Offenses

- a) Port Gamble S’Klallam Tribal Offenses. 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 or which meets the definition of “sex offense” under 42 U.S.C. § 16911(5):
 - i) Section 5.07.04 (Rape in the First Degree),
 - ii) Section 5.07.05 (Rape in the Second Degree),
 - iii) Section 5.07.06 (Rape in the Third Degree),
 - iv) Section 5.07.07 (Rape of a Child in the First Degree),
 - v) Section 5.07.08 (Rape of a Child in the Second Degree),
 - vi) Section 5.07.09 (Rape of a Child in the Third Degree),
 - vii) Section 5.07.10 (Child Molestation),
 - viii) Section 5.07.11 (Luring),
 - ix) Section 5.07.12 (Abusive Sexual Touching),
 - x) Section 5.07.13 (Indecent Exposure),
 - xi) Section 5.07.14 (Voyeurism),
 - xii) Section 5.07.15 (Sexually Explicit Communication with a Minor),
 - xiii) Section 5.07.16 (Possession or Viewing of Child Pornography),
 - xiv) Section 5.07.17 (Prostitution),

- xv) Section 5.07.20 (Promoting Prostitution in the First Degree),
- xvi) Section 5.07.21 (Promoting Prostitution in the Second Degree),
- xvii) Section 5.07.22 (Permitting Prostitution), and
- xviii) Section 5.07.23 (Sex Trafficking);

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

- xix) Section 5.01.07 (Reckless Endangerment),
- xx) Section 5.01.10 (Custodial Interference), and
- xxi) Section 5.01.11 (Endangering the Welfare of a Child);

And the following offenses, when committed against a minor by a person other than the minor's parent or guardian:

- xxii) Section 5.01.08 (Kidnapping), and
- xxiii) Section 5.01.09 (Unlawful Detainment).

- b) Federal Offenses. A federal offense under Title 18 of the United State Code of the following sections, including any offenses prosecuted under the Assimilative Crimes Act (18 U.S.C. § 1152 or § 1153):
 - i) §1591 (sex trafficking of children or by force, fraud, or coercion),
 - ii) §1801 (video voyeurism of a minor),
 - iii) § 2241 (aggravated sexual abuse),
 - iv) § 2242 (sexual abuse),
 - v) § 2243 (sexual abuse of a minor or ward),
 - vi) § 2244 (abusive sexual contact),
 - vii) § 2245 (offenses resulting in death),
 - viii) § 2251 (sexual exploitation of children),
 - ix) § 2251A (selling or buying of children),
 - x) § 2252 (material involving the sexual exploitation of minors),
 - xi) § 2252A (material constituting or containing child pornography),
 - xii) § 2252B (misleading domain names on the internet),

- xiii) § 2252C (misleading words or digital images on the internet),
- xiv) § 2260 (production of sexually explicit depictions of a minor for import into the United States),
- xv) § 2421 (transportation for illegal sexual activity),
- xvi) § 2422 (coercion and enticement for illegal sexual activity),
- xvii) § 2423 (transportation of minors for illegal sexual activity),
- xviii) § 2424 (failure to file statement about an alien individual),
- xix) § 2425 (use of interstate facilities to transmit information about a minor), or
- xx) Any other offense that meets the definition of "sex offense" under 42 U.S.C. § 16911(5).

- c) 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), as amended, including but not limited to any offense designated in Department of Defense Instruction 1325.07, Appendix 4 to Enclosure 2 (2013), as it may be amended.
- d) Categorical Offenses. Any offense committed in any jurisdiction, including Washington State, that involves:
 - i) Any conduct that by its nature is a sex offense against a minor,
 - ii) Any type or degree of genital, oral, or anal penetration,
 - iii) Any sexual touching of or sexual contact with a person's body, either directly or through the clothing,
 - iv) 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 in which the victim was minor at the time of the offense,
 - v) False imprisonment of a minor

- vi) Kidnapping of a minor,
- vii) Possession, production, or distribution of child pornography,
- viii) Solicitation of a minor to practice prostitution,
- ix) 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,
- x) Use of minor in a sexual performance, or
- xi) Any offense similar to those outlined in:
 - i. 18 U.S.C. § 1591 (sex trafficking of children or 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) (coercion of a minor to engage in prostitution), or
 - vii. 18 U.S.C. § 2423(a) (transportation of a minor with intent to engage in criminal sexual activity).

- e) Foreign Offenses. Any conviction for a sex offense involving any conduct listed in this Section that was obtained under the laws of Canada, the United Kingdom, Australia, or New Zealand, or 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. Modification to Section 6.02.01 were enacted by Resolution No. 21-A-021 on March 8, 2021, to define "reside" to mean If present on tribal lands for more than 72 consecutive

hours, sleeps on tribal land for more than 3 nights in a 7-day period, or sleeps on tribal land more than 7 nights in a 30-day period.]

Chapter 6.03 Tiering of Offenses

6.03.01 Tier I Offenses

A conviction for the following offenses, or an attempt or conspiracy to commit such an offense, shall be considered a Tier I offense unless it could also be considered a higher Tier offense, in which case the highest applicable Tier shall apply:

- a) Sex Offenses. A Tier I offense includes any sex offense that is not a Tier II or Tier III offense.
- b) Offenses Involving Minors. Any offense that involves the false imprisonment of a minor, video voyeurism of a minor, or possession or receipt of child pornography shall be considered a Tier I offense.
- c) Tribal Offenses. Any tribal sex offense not covered by Sections 6.03.02 or 6.03.03.
- d) Certain Federal Offenses.
 - 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 and enticement of an adult to engage in prostitution),
 - vii) 18 U.S.C. § 2423(b) (travel with the intent to engage in illicit sexual 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),
 - 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 6.03.01(b), (c), or (d) shall be considered a Tier I offense.

6.03.02 Tier II Offenses

A conviction for the following offenses, or an attempt or conspiracy to commit such an offense, shall be considered a Tier II offense, if it does not qualify as a Tier III offense:

- a) Felonies. Unless otherwise covered by Section 6.03.03, any sex offense that is punishable by more than one year in jail is considered a Tier II offense.
- b) Recidivism. Unless otherwise covered by Section 6.03.03, if an offender has previously been convicted of a sex offense, and the current conviction is for a sex offense, the current conviction is considered a Tier II offense.
- c) Tribal Offenses. Any of the following sex offenses, unless the offense involves one or more of the elements listed in Section 6.03.03(c):
 - i) Section 5.07.06 (Rape in the Third Degree),
 - ii) Section 5.07.08 (Rape of a Child in the Second Degree),
 - iii) Section 5.07.09 (Rape of a Child in the Third Degree),
 - iv) Section 5.07.12 (Abusive Sexual Touching),
 - v) Section 5.07.16 (Possession or Viewing of Child Pornography),

- vi) Section 5.07.20 (Promoting Prostitution in the First Degree).
- d) 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,
 - v) The use of a minor in a sexual performance,
 - vi) The production or distribution of child pornography,
 - vii) Any other offense defined as a Tier II offense under 42 U.S.C. § 16911(3) as it may be amended.
- e) Certain Federal Offenses. The following federal offenses shall be considered Tier II offenses:
 - i) 18 U.S.C. §1591 (sex trafficking of children by force, fraud, or coercion),
 - ii) 18 U.S.C. § 2244 (Abusive sexual contact, where the victim is 13 years of age or older),
 - iii) 18 U.S.C. § 2251 (sexual exploitation of children),
 - iv) 18 U.S.C. § 2251A (selling or buying of children),
 - v) 18 U.S.C. § 2252 (production or distribution of child pornography),
 - vi) 18 U.S.C. § 2252A (production or distribution of material containing child pornography),
 - vii) 18 U.S.C. § 2260 (production of sexually explicit depictions of a minor for import into the United States),
 - viii) 18 U.S.C. § 2421 (transportation of a minor for illegal sexual activity),
 - ix) 18 U.S.C. § 2422(b) (coercion and enticement of a minor to engage in prostitution),

- x) 18 U.S.C. § 2423(a) (transporting a minor to engage in illicit conduct),
 - xi) 18 U.S.C. § 2423(d) (ancillary offenses where the victim is under 18),
 - xii) Any other offense defined as a Tier II offense under 42 U.S.C. § 16911(3) as it may be amended.
- f) 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 6.03.02(c), (d), or (e) shall be considered a Tier II offense.

6.03.03 Tier III Offenses

A conviction for the following offenses, or an attempt or conspiracy to commit such an offense, shall be considered a Tier III offense:

- a) Recidivism. If an offender has at least one prior conviction for a Tier II sex offense, or has previously become a Tier II sex offender, any additional sex offense punishable by imprisonment for more than 1 year is a Tier III offense.
- b) Tribal Offense. The following tribal offenses are Tier III offenses:
 - i) Section 5.07.04 (Rape in the First Degree),
 - ii) Section 5.07.05 (Rape in the Second Degree),
 - iii) Section 5.07.07 (Rape of a Child in the First Degree),
 - iv) Section 5.07.23 (Sex Trafficking).
- c) Categorical Offenses. A Tier III offense includes any sex 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,

- iv) Sexual contact with a minor 12 years of age or younger either directly or through the clothing, or
 - v) Any other offense defined as a Tier III offense under 42 U.S.C. § 16911(4), as it may be amended.
- d) Certain Federal Offenses. The following offenses shall be considered Tier III offenses:
- 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),
 - iv) Where the victim is 12 years of age or younger, 18 U.S.C. § 2244 (abusive sexual contact), or
 - v) Any other offense defined as a Tier III offense under 42 U.S.C. § 16911(4), as it may be amended.
- 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 6.03.03(b), (c) or (d) shall be considered a "Tier III" offense.

[HIST: Modification to Section 6.03.02 were enacted by Resolution No. 21-A-021 on March 8, 2021, to include a conviction for an attempt or conspiracy to be considered a Tier II offense, if it does not qualify as a Tier III offense. Modification also changed the following crimes from Tier I to Tier II: Rape in the Third Degree; Rape of a Child in the Second Degree; Rape of a Child in the Third Degree; Possession or Viewing of Child Pornography; and, Abusive Sexual Touching.]

Chapter 6.04 Registration Information Requirements

6.04.01 General Requirements

- a) Duties. A sex offender covered by this Title who is required to register with the Port Gamble S'Klallam Tribe pursuant to this Title shall provide all of the information detailed in this Title to the Police Department, and the Police Department shall obtain all of the information detailed in this Title from covered sex offenders who are required to register with the

Tribe in accordance with this Title and shall implement any relevant policies and procedures.

- b) Digitization. All information obtained under this Title shall be, at a minimum, maintained by the Police Department in a digitized format.
- c) Electronic Database. A sex offender registry shall be maintained in an electronic database by the Police Department and shall be in a form capable of electronic transmission.

6.04.02 Offense Information

The Police Department shall obtain the text of each provision of law defining the criminal offense(s) for which the sex offender is or must be registered.

6.04.03 Biometric Information

The Police Department or its designee shall obtain, and a sex offender shall provide, the following biometric and biologic information:

- a) Finger and Palm Prints. Fingerprints and palm prints shall be immediately submitted to the appropriate Federal Bureau of Investigation (FBI) databases by the Police Department.
- b) DNA. If requested by the Police Department, the sex offender shall provide the Police Department or its designee a sample of their DNA. The Police Department will request DNA samples for any offenders whose DNA is not already contained in the Combined DNA Index System (CODIS), and for other offenders as appropriate. Any DNA sample obtained from the sex offender shall be immediately submitted to the FBI or an appropriate lab for analysis and inclusion in CODIS.

6.04.04 Biographic Information

The Police Department or its designee shall obtain, and a sex offender shall provide, the following biographic information:

- a) Name. Including:
 - i) The sex offender's full primary given name,
 - ii) Any and all nicknames, aliases, and pseudonyms regardless of the context in which it is used, and
 - iii) 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.

- b) Date of Birth. Including:
 - i) The sex offender's actual date of birth, and
 - ii) Any other date of birth used by the sex offender.

- c) Social Security Number. Including:
 - i) A valid social security number for the sex offender, and
 - ii) Any social security number the sex offender has used in the past, valid or otherwise.

- d) Criminal History. Including:
 - i) The date of all arrests,
 - ii) The date of all convictions,
 - iii) The sex offender's status of parole, probation, or supervised release,
 - iv) The sex offender's registration status, and
 - v) Any outstanding arrest warrants.

- e) Phone Numbers. Any and all telephone numbers and any other designations used by the sex offender for purposes of routing or self-identification in telephonic communications including but not limited to:
 - i) Any and all cellular telephone numbers,
 - ii) Any and all landline telephone numbers, and
 - iii) Any and all Voice over IP (VOIP) telephone numbers.

- f) Internet Identifiers. Including:
 - i) Any and all email addresses used by the sex offender,
 - ii) Any and all instant message addresses and identifiers,

- iii) Any and all other designations or monikers used for self-identification in internet communications or postings, and
- iv) 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.
- v) Any passwords or other information required to log into any of the accounts listed above.

g) Residence Address. Including:

- i) The address of each residence at which the sex offender resides or will reside, and
- ii) 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.

h) School Location. Including:

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

i) Employment. For all places where the employee is employed in any manner, including unpaid or volunteer work:

- i) The name of the sex offender's employer,
- ii) The address of the sex offender's employer, and
- iii) Similar information related to any transient or day labor employment.

j) Professional Licenses. Licensing number, licensing agency, and any other identifying information about a professional license issued to the sex offender that authorizes the sex offender to engage in an occupation or carry out a trade or business.

6.04.05 Identification Documents.

The Police Department or its designee shall obtain and photocopy, and a sex offender shall provide, the following identification documents:

- a) Driver's License. All of the sex offender's valid driver's licenses issued by any jurisdiction.
- b) Identification Cards. All of the sex offender's government-issued identification cards, including the sex offender's tribal enrollment card(s), issued by any jurisdiction.
- c) Passports. Any passports issued to or used by the sex offender.
- d) Immigration Documents. Any and all immigration documents issued to the sex offender by any jurisdiction or otherwise used by the sex offender.

6.04.06 Travel Information.

- a) Temporary Lodging/Travel Information.
 - 1) The Police Department 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:
 - i. Identifying information of the temporary lodging location(s) including address(es), name(s), and description(s) (such as hotel, campground, or home owner), and
 - ii. The dates the sex offender will be staying at each temporary lodging location.
 - 2) The registered sex offender shall provide the information in Section 6.04.06(a)(1)(i) and (ii) no later than 3 days before their scheduled travel. The information shall be provided in person.
 - 3) The Police Department shall immediately notify any jurisdiction where the offender will be lodging that the offender will be traveling to that jurisdiction. Notification shall be made via the

SORNA Exchange Portal, or any additional method(s) of communication, as appropriate.

b) International Travel Information.

- 1) Before a covered sex offender travels to a foreign country, the Police Department or designee shall obtain, and a covered sex offender shall provide, any information required to be provided by 42 U.S.C. § 16914(a)(7), or any other information necessary to complete the *International Travel Form* utilized by the United States Marshals Service.
- 2) The registered sex offender shall provide such information no later than 21 days prior to their scheduled travel. The information shall be provided in person.
- 3) The Police Department shall submit the completed *International Travel Form* to the United States Marshals Service via the SORNA Exchange Portal within 24 hours.

6.04.07 Photograph

A covered sex offender shall permit his photograph to be taken by the Police Department or designee:

- a) Every 90 days for Tier III sex offenders;
- b) Every 180 days for Tier II sex offenders; and
- c) Every year for Tier I sex offenders.

6.04.08 Physical Description

The Police 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. These marks will be photographed by the Police Department or its designee.

6.04.09 Vehicle Information

The Police 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.

6.04.10 Additional Information

Any information which hereafter may be required to be collected by the Attorney General of the United States of America or by duly enacted administrative policies of the Police Department.

Chapter 6.05 General Registration Requirements

6.05.01 Where Registration Is Required

- a) Jurisdiction of Conviction. A sex offender must initially register with the Police Department 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 Police Department 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 Police Department 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 Police Department 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 Police Department if the sex offender is a student in any capacity within lands subject to the jurisdiction of the Tribe.

6.05.02 Keeping Registration Current

Whenever sex offender information is updated pursuant to this Section, the Police 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.

- a) Jurisdiction of Residency. All sex offenders who reside in lands subject to the jurisdiction of the Tribe shall immediately appear in person at the Police Department to update any changes to their name, residence (including termination of residency), employment, or school attendance. All such sex offenders shall immediately inform the Police Department in person or by telephone of any changes to their vehicle information, internet identifiers, or telephone numbers. All such sex offenders shall inform the Police Department in advance of any international travel or domestic travel over 7 days, as required in Section 6.04.06.
- 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 who changes their school, or terminates their

schooling, shall immediately appear in person at the Police Department to update that information.

- 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 terminates their employment, shall immediately appear in person at the Police Department to update that information.

6.05.03 Requirements for In Person Appearances

- a) Review of Information. At each in-person verification the sex offender shall review existing information for accuracy.
- b) Notification. If any new information or change in information is obtained at an in-person verification, the Police Department shall immediately notify all other jurisdictions in which the sex offender is required to register of the information or change in information.
- c) Digital Updates. If any new information or change in information is obtained at an in-person verification, the Police Department shall immediately update the public website, if applicable, and update information in NCIC/NSOR.

6.05.04 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 Police Department and that the sex offender understands the registration requirement.
- b) The form shall be signed and dated by the Police Department personnel registering the sex offender.
- c) The Police Department shall immediately upload the acknowledgement form into the Port Gamble S'Klallam Sexual Offender Registry.

6.05.05 Short-Term Visit Notification Requirements

- a) Any sex offender that does not meet any of the other registration requirements but who will be present on lands subject to the jurisdiction of the Tribe for more than 8 hours in any 3-day period must contact the Police Department telephonically or in-person and provide the following information:
 - 1) The sex offender's name;
 - 2) All jurisdictions in which the sex offender is registered;
 - 3) Contact information for the sex offender;
 - 4) The purpose of the visit;
 - 5) Any locations where the sex offender intends to stay overnight;
 - 6) Any other information requested by the Police Department.

- b) If the Police Department determines that registration would be in the best interests of the public, the sex offender will be required to appear and register as if the sex offender resided on lands subject to the jurisdiction of the Tribe. The sex offender must appear for registration within 3 business days of notification by the Police Department of the need to register.

Chapter 6.06 Registration Frequency, Duration, and Timing Requirements

6.06.01 Timing of Registration

Timing. A sex offender required to register with the Tribe under this Title shall do so in the following timeframe:

- a) 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;

- b) If convicted by Port Gamble S’Klallam Tribe but not incarcerated, within 3 business days of sentencing for the registration offense, and

- c) 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 Police Department.

6.06.02 Frequency and Duration

A sex offender who is required to register shall, at a minimum, appear in person at the Police Department for purposes of verification and keeping their registration current in accordance with the following time frames:

- a) 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.
- b) 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.
- c) For Tier III offenders, once every 90 days for the rest of their lives.

6.06.03 Tolling

The duration of an offender's registration requirement will be tolled for any period of time during which they are incarcerated for any offense.

6.06.04 Reduction of Registration Periods

- a) 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 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.
- b) Clean Record. For purposes of Section 6.06.04(a) a person has a clean record if, during the period of time in which the person was required to register as a sex offender, the person:

- i) Has not been convicted of any offense, for which imprisonment for more than 1 year may be imposed;
 - ii) Has not been convicted of any sex offense;
 - iii) Has successfully completed, without revocation, any period of supervised release, probation, or parole; and
 - iv) Has successfully completed an appropriate sex offender treatment program certified by the Tribe, another jurisdiction, or by the Attorney General of the United States.
- c) Procedure for Reduction. A sex offender who wishes to reduce their registration period must notify the Police Department and certify under penalty of perjury that the reduction requirements have been met. The sex offender must provide all documentation and releases requested by the Police Department to verify that the reduction requirements are met. If the Police Department issues a determination that the requirements are met, and the requirements are actually met, the sex offender will no longer be required to register pursuant to this Title, effective as of the date of the Police Department's determination.

[HIST: Modification to Section 6.06.04 was enacted by Resolution No. 21-A-021 on March 8, 2021, to allow reduction of registration periods for Tier I offenders if he or she has maintained a clean record for 10 consecutive years; A Tier III offender may have his or her registration period reduced to 25 years If he or she was adjudicated as a juvenile and he or she has maintained a clean record for 25 years.]

Chapter 6.07 Duties of the Police Department

6.07.01 General Duties

The Police Department shall have policies and procedures in place to ensure the following:

- a) That any sex offender incarcerated or sentenced by the Tribe for a covered sex offense completes their initial registration with the Tribe;
- b) 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;

- c) That the sex offender is registered, and added to the public website if applicable;
- d) That upon entry of the sex offender's initial or updated 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; and
- e) That all information is entered and updated in NCIC/NSOR.

6.07.02 Retroactive Registration

- a) Retroactive Registration. The Police Department 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 Title:
 - i) Sex offenders incarcerated or under the supervision of the Tribe, whether for a 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 Police Department shall ensure recapture of the sex offenders mentioned in Section 6.07.02(a) within the following timeframe to be calculated from the date of passage of this Title:
 - 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.

6.07.03 Failure To Appear For Registration and Absconding

- a) Failure to Appear. In the event a jurisdiction notifies the Tribe that a sex offender is relocating to tribal lands or otherwise will be required to register with the Tribe, and the sex offender fails to register with the Tribe as required by this Title, the Police Department or designee shall

immediately inform the jurisdiction that provided notification that the sex offender failed to appear for registration. If, pursuant to 6.07.03(d), the Police Department determines that the sex offender is not absconding or attempting to abscond, and had a good-faith reason for missing the registration deadline, the Police Department shall so notify the jurisdiction that provided notification and shall inform the jurisdiction when the sex offender actually registers or if the sex offender fails to register within the seven-day timeframe.

- b) Absconded Sex Offenders. If the Police Department or designee receives information that a sex offender has absconded the Police Department shall take the following actions:
- i) The Police Department shall make an effort to determine if the sex offender has actually absconded. In the event no determination can be made, the Police Department 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 Police Department shall take the following steps:
 - 1) Update the Port Gamble S’Klallam Sexual Offender Registry and public website 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 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 NCIC Wanted Person File.

- c) Failure to Register. In the event a sex offender who is required to register under this Title fails to do so or otherwise violates a registration requirement of this Title, the Police Department shall take all appropriate follow-up measures including those outlined in Section 6.07.03(b). The Police Department shall first make an effort to determine if the sex offender actually resides, is employed, or is attending school in lands subject to the Tribe's jurisdiction.

- d) Late Registration. In the event that a sex offender fails to register within the timeframes allowed by this Title, but the Police Department determines that the sex offender had a good-faith reason for missing the registration deadline and is not absconding or attempting to abscond, civil and criminal penalties pursuant to this Title for failure to register will not attach until seven calendar days have passed after the sex offender was originally required to register. If the sex offender registers within that seven days, civil and criminal penalties for failure to register will not apply to that failure to register.

Chapter 6.08 Website and Public Notifications

6.08.01 Website

- a) Website. The Police Department 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.

6.08.02 Required and Prohibited Information

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

- 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 (described in Chapter 6.04.04).

- c) Witness Protection. For sex offenders who are under a witness protection program, the Police Department 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.

6.08.03 Law Enforcement and Community Notifications

- a) Law Enforcement Notification. Whenever a sex offender registers or updates his or her information with the Tribe, the Police Department shall:
 - i) Monitor and utilize the SORNA Exchange Portal for inter-jurisdictional change of residence, employment or student status and immediately notify any relevant jurisdiction of an offender's intended 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
- b) Community Notification. The Police Department shall ensure the following:
 - i) Upon a sex offender's registration or update of information with the Tribe, the Tribe's public sex offender registry website shall be immediately updated;
 - ii) The Tribe's public sex offender registry website shall have 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 website for the new information.
 - iii) Except as specified at Section 6.08.02(b), the Police Department is also permitted to provide the community information about any registered sex offender that it deems necessary to protect public safety.

Chapter 6.09 Violations

6.09.01 No Waiver of Immunity

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

6.09.02 Good Faith

Any person acting in good faith on behalf of the Tribe to carry out duties under this Title shall be immune from any civil liability arising out of such actions.

6.09.03 Nondiscretionary Ministerial Acts

Notwithstanding Sections 6.09.01 and 6.09.02, the administration of the Port Gamble S'Klallam Sexual Offender Registry under this Title 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.

6.09.04 Criminal Penalty

Each violation of a provision of this Title by a sex offender who is subject to the criminal jurisdiction of the Tribe shall be considered a crime and subject to a period of incarceration of 1 year and a fine of \$5,000.

6.09.05 Civil Penalty

Violation of a provision of this Title by a sex offender may be grounds for exclusion from lands subject to 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. In addition, violation of this Title by any person not subject to the criminal jurisdiction of the Tribe shall be punished by a civil fine of \$1,000 in addition to any costs to the Tribe in investigating or enforcing this Title against that person.

6.09.06 Hindrance of Sex Offender Registration

a) A person is guilty of a Class C offense if the person:

- 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 Title;
 - 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 Title; or
 - iii) Provides information to law enforcement agency regarding a sex offender which the person knows to be false.
- b) 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 and a civil fine of \$1,000.

[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.]