

TITLE 7. PUBLIC PEACE, MORALS, AND WELFARE

Chapter 7.29

SEX OFFENDER REGISTRATION

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7.29.1. Title. This chapter is known as the “Sex Offender Registration Ordinance.” (Res. 2011-079, passed Jul. 11, 2011)

7.29.2. Purpose. The intent of this chapter is to implement the federal Sex Offender Registration and Notification Act (SORNA) (Title I of Public Law 109-248) (34 USC 20901 et seq.) and will be interpreted liberally to comply with the terms and conditions of SORNA as presently written or hereafter amended. (Res. 2011-079, passed Jul. 11, 2011)

7.29.3. Need. Violent crime in Indian Country is more than twice the national average. On some reservations it is twenty times the national average. An astounding thirty percent (30%) of Indian and Alaska Native women will be raped in their lifetimes. Tribal nations are disproportionately affected by violent crime and sex offenses in particular from both Indian and non-Indian perpetrators; consequently, the conduct and presence of convicted sex offenders in Indian Country threatens the political integrity, economic security, health, and welfare of tribal nations even to the point of imperiling the subsistence of tribal communities. (Res. 2011-079, passed Jul. 11, 2011)

7.29.4. Creation of Registries. (a) Sex Offender Registry. This chapter establishes a sex offender registry program, the Suquamish Tribe Sex Offender Registry, which the Suquamish Probation Department will maintain and operate pursuant to the provisions of this chapter.

(b) Public Sex Offender Registry Website. This chapter establishes a public sex offender registry website, the Suquamish Tribe Public Sex Offender Registry Website, which the Suquamish Probation Department will maintain and operate pursuant to the provisions of this chapter. (Res. 2011-079, passed Jul. 11, 2011)

7.29.5. Definitions. The following definitions 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 penal consequences based on the conviction, however the conviction may be styled.

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

(1) Prosecuted and found guilty as an adult for a sex offense; or

(2) Adjudicated delinquent as a juvenile for a sex offense, but only if the offender is fourteen (14) years of age or older at the time of the offense and the offense adjudicated was:

(A) Comparable to or more severe than aggravated sexual abuse as described in 18 USC 2241(a–b); or

(B) An attempt or conspiracy to commit such an offense.

(b) “Dru Sjodin National Sex Offender Public Website (NSOPW)” means the public website maintained by the Attorney General of the United States pursuant to 34 USC 20922.

(c) “Employee” means an individual who is self-employed or works for any other entity, whether compensated or not. Volunteers for a tribal agency or organization are included within the definition of employee for registration purposes.

(d) “Foreign conviction” means one obtained outside of the United States.

(e) “Immediate” and “immediately” mean within three (3) business days.

(f) “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 confinement in a state “prison;” in a federal, military, foreign, BIA, private, or contract facility; or in a local or tribal “jail.” Individuals 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.”

(g) “Jurisdiction” means a state, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, or any federally-recognized Indian tribe that

elected to function as a SORNA registration and notification jurisdiction pursuant to PL 109-248 §127 (34 USC 20929).

(h) "Military offense" means any military offense specified by the Secretary of Defense under PL 105-119 §115(a)(8)(C)(i), codified at 10 USC 951 note.

(i) "Minor" means an individual who has not attained the age of eighteen (18) years.

(j) "National Crime Information Center (NCIC)" means the computerized database of criminal justice information maintained by the Federal Bureau of Investigation.

(k) "National Sex Offender Registry (NSOR)" means the national database maintained by the Federal Bureau of Investigation pursuant to 34 USC 20921.

(l) The "Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART)" means the office established within the United States Department of Justice under the general authority of the Attorney General of the United States pursuant to 34 USC 20945.

(m) "Reside" or "resides" means the location of the individual's home or other place where the individual habitually lives or sleeps.

(n) "Sex offender" means an individual convicted of a sex offense.

(o) "Sex Offender Registration and Notification Act (SORNA)" means Title I of the Adam Walsh Child Protection and Safety Act of 2006 PL 109-248, 34 USC 20911 et seq., as amended.

(p) "Sex offender registry" means the registry of sex offenders and a notification program maintained by the Suquamish Tribe Probation Department.

(q) "Sex offense" includes those offenses contained in 34 USC 20911(5) as amended and those offenses enumerated in STC §7.29.6. "Sex offense" means:

(1) A criminal offense that has an element involving a sexual act or sexual contact with another;

(2) A criminal offense that is an offense against a minor that involves any of the following:

(A) An offense involving kidnapping, unless committed by a parent or guardian

(B) An offense involving false imprisonment, unless committed by a parent or guardian

(C) Solicitation to engage in sexual conduct

(D) Use in a sexual performance

(E) Solicitation to practice prostitution

(F) Video voyeurism as described in 18 USC 1801

(G) Possession, production, or distribution of child pornography

(H) Criminal sexual conduct involving a minor, or the use of the Internet to facilitate or attempt such conduct

(I) Any conduct that by its nature is a sex offense against a minor

(3) A Federal offense, including one prosecuted under 18 USC 1152-1153, 18 USC 1591, or 18 USC chapter 109A, 110 (other than section 2257, 2257A, or 2258), or 117;

(4) A military offense as specified by the Secretary of Defense;

(5) An attempt or conspiracy to commit an offense described in STC clauses §7.29.5(q)(1–4); or

(6) An offense involving consensual sexual conduct where an adult was under the custodial authority of the offender at the time of the offense.

(r) “Sexual act” means:

(1) Contact between the penis and the vulva or the penis and the anus;

(2) Contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;

(3) Penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or

(4) Intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of eighteen (18) years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

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

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

(u) “Suquamish Probation Office” or “probation office” means the office within the Suquamish Tribal Police Department.

(v) “Tier I sex offender” means one who has been convicted of a “tier I” sex offense as defined in STC §7.29.7(a).

(w) “Tier II sex offender” means one who has been either convicted of a “tier II” sex offense as defined in STC §7.29.7(b) or who is subject to the recidivist provisions of STC §7.29.7(b)(1).

(x) “Tier III sex offender” means one who has been either convicted of a “tier III” sex offense as defined in STC §7.29.7(c) or who is subject to the recidivist provisions of STC §7.29.7(c)(1). (Res. 2011-079, passed Jul. 11, 2011)

7.29.6. Registerable Offenses. Individuals who reside, are employed, or attend school within the exterior boundaries of the reservation or on property owned by the Tribe in fee or trust regardless of location who have been convicted of any of the following offenses or convicted of an attempt or conspiracy to commit a sex offense or any of the following offenses are subject to the requirements of this chapter.

(a) Tribal offenses.

- (1) STC §7.6.2 (kidnapping in the first degree)
- (2) STC §7.6.3 (kidnapping in the second degree)
- (3) STC §7.6.5 (unlawful imprisonment)
- (4) STC §7.6.6 (custodial interference)
- (5) STC §7.11.2 (incest)
- (6) STC §7.17.4 (rape in the first degree)
- (7) STC §7.17.5 (rape in the second degree)
- (8) STC §7.17.6 (rape in the third degree)

- (9) STC §7.17.7 (statutory rape in the first degree)
- (10) STC §7.17.8 (statutory rape in the second degree)
- (11) STC §7.17.9 (statutory rape in the third degree)
- (12) STC §7.17.11 (public indecency)
- (13) STC §7.17.12 (child molestation)
- (14) STC §7.17.19 (abusive sexual touching)

(b) Federal Offenses. A conviction for an attempt or conspiracy to commit or for commission of any of the following and any other offense hereafter included in the definition of “sex offense” at 34 USC 20911(5), including any offenses prosecuted under the Assimilative Crimes Act (18 USC 1152 or 1153). Federal offenses include the following sections of 18 USC: 1591 (sex trafficking of children), 1801 (video voyeurism of a minor), 2241 (aggravated sexual abuse), 2242 (sexual abuse), 2243 (sexual abuse of a minor or ward), 2244 (abusive sexual contact), 2245 (offenses resulting in death), 2251 (sexual exploitation of children), 2251A (selling or buying of children), 2252 (material involving the sexual exploitation of a minor), 2252A (material containing child pornography), 2252B (misleading domain names on the internet), 2252C (misleading words or digital images on the internet), 2260 (production of sexually explicit depictions of a minor for import into the US), 2421 (transportation of any individual for illegal sexual activity), 2422 (coercion and enticement of a minor for illegal sexual activity), 2423 (transportation of minors for illegal sexual activity, travel with the intent to engage in illicit sexual conduct with a minor, engaging in illicit sexual conduct in foreign places), 2424 (failure to file factual statement about an alien individual), and 2425 (transmitting information about a minor to further criminal sexual conduct).

(c) 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 enforced the right to a fair trial in that country during the year in which the conviction occurred.

(d) Military Offenses. Any military offense specified by the Secretary of Defense.

(e) Juvenile Offenses or Adjudications. Any sex offense or attempt or conspiracy to commit a sex offense that is comparable to or more severe than the federal crime of aggravated sexual abuse as codified in 18 USC 2241(a–b) and committed by a minor who is fourteen (14) years of age or older at the time of the offense. This includes engaging in a sexual act with another by force or the threat of serious violence or engaging in a sexual act with another by rendering unconscious or drugging the victim.

(f) Jurisdiction Offenses. Any sex offense committed in any jurisdiction, including the Suquamish Tribe's jurisdiction, that involves any of the following.

(1) Any conduct that by its nature is a sex offense against a minor.

(2) Any type or degree of genital, oral, or anal penetration.

(3) Any sexual touching of or sexual contact with a person's body, either directly or through the clothing.

(4) Criminal sexual conduct that involves physical contact with a minor or the use of the Internet to facilitate or attempt such conduct. This includes offenses whose elements involve the use of other persons in prostitution, such as pandering, procuring, or pimping in cases where the victim was a minor at the time of the offense.

(5) False imprisonment of a minor.

(6) Kidnapping of a minor.

(7) Possession, production, or distribution of child pornography.

(8) Solicitation of a minor to practice prostitution.

(9) 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.

(10) Use of a minor in a sexual performance.

(11) Any offense similar to those outlined in the following sections of 18 USC: 1591 (sex trafficking by force, fraud, or coercion), 1801 (video voyeurism of a minor), 2241 (aggravated sexual abuse), 2242 (sexual abuse), 2244 (abusive sexual contact), 2422(b) (coercing a minor to engage in prostitution), and 2423(a) (transporting a minor to engage in criminal sexual activity). (Res. 2011-079, passed Jul. 11, 2011)

7.29.7. Offense Tiers. (a) Tier I Offenses. A tier I offense includes any sex offense or attempt or conspiracy to commit such an offense for which an individual has been convicted that is not a tier II or tier III offense. A tier I offense also includes:

(1) Any offense for which an individual has been convicted by any jurisdiction, local government, or qualifying foreign country pursuant to STC §7.29.6(c) that involves the false imprisonment of a minor, video voyeurism of a minor, or possession or receipt of child pornography.

(2) Any tribal sex offense covered by this act where punishment was limited to one year in jail is considered a tier I sex offense.

(3) Conviction for any of the federal offenses in the following sections of 18 USC or for an attempt or conspiracy to commit such an offense is considered a conviction for a tier I offense: 1801 (video voyeurism of a minor), 2252 (receipt or possession of child pornography), 2252A (receipt or possession of child pornography), 2252B (misleading domain names on the internet), 2252C (misleading words or digital images on the internet), 2422(a) (coercion to engage in prostitution), 2423(b) (travel with the intent to engage in illicit conduct), 2423(c) (engaging in illicit conduct in foreign places), 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), 2424 (failure to file factual statement about an alien individual), and 2425 (transmitting information about a minor to further criminal sexual conduct).

(4) Any military offense specified by the Secretary of Defense that is similar to those offenses outlined in STC §7.29.7(a)(1-3) is considered a tier I offense.

(b) Tier II Offenses. (1) Recidivism and Felonies. Unless otherwise covered by STC §7.29.7(c), any sex offense that is not the first sex offense or attempt or conspiracy to commit such an offense for which an individual has been convicted and that is punishable by more than one (1) year in jail is considered a tier II offense.

(2) Offenses Involving Minors. A tier II offense includes any sex offense against a minor or an attempt or conspiracy to commit such an offense for which an individual has been convicted that involves:

(A) The use of minors in prostitution, including solicitations;

(B) Enticing a minor to engage in criminal sexual activity;

(C) A nonforcible sexual act with a minor sixteen (16) or seventeen (17) years old;

(D) Sexual contact with a minor thirteen (13) years of age or older that involves the intimate parts of the body, whether directly or indirectly through the clothing;

(E) The use of a minor in a sexual performance; or

(F) The production or distribution of child pornography.

(3) Certain Federal Offenses. Conviction for any of the federal offenses in the following sections of 18 USC or for an attempt or conspiracy to commit such an offense is considered a conviction for a tier II offense: 1591 (sex trafficking by force, fraud, or coercion), 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), 2244 [abusive sexual contact where the victim is less than twelve (12) years of age], 2251 (sexual exploitation of children), 2251A (selling or buying of children), 2252 (material involving the sexual exploitation of a minor), 2252A (production or distribution of material containing child pornography), 2260 (production of sexually explicit depictions of a minor for import into the United States), 2421 (transportation of any individual for illegal sexual activity), 2422(b) (coercing a minor to engage in prostitution), and 2423(a) (transporting a minor to engage in criminal sexual activity).

(4) Any military offense specified by the Secretary of Defense that is similar to those offenses outlined in STC §7.29.7(b)(1–3) is considered a tier II offense.

(c) Tier III Offenses. (1) Recidivism and Felonies. Any sex offense or attempt or conspiracy to commit such an offense that is punishable by more than one year in jail and where the offender has at least one prior conviction for a tier II sex offense or has previously become a tier II sex offender is a tier III offense.

(2) General Offenses. A tier III offense includes any sex offense or attempt or conspiracy to commit such an offense for which an individual has been convicted that involves:

(A) Nonparental kidnapping of a minor;

(B) A sexual act with another by force or threat;

(C) 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

(D) Sexual contact with a minor twelve (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.

(3) Certain Federal Offenses. Conviction for any federal offense in the following sections of 18 USC is considered conviction for a tier III offense: 2241 (aggravated sexual abuse), 2242 (sexual abuse), 2243 (sexual abuse of a minor or ward), and 2244 [abusive sexual contact where the victim is less than twelve (12) years of age].

(4) Any military offense specified by the Secretary of Defense that is similar to those offenses outlined in STC §7.29.7(c)(1–3) is considered a tier III offense. (Res. 2011-079, passed Jul. 11, 2011)

7.29.8. Registration. (a) Registration. A sex offender must register with the Suquamish Probation Office:

(1) If convicted by the Tribal Court of a covered sex offense;

(2) If incarcerated by the Tribe while completing any sentence for a covered sex offense;

(3) If residing on lands subject to the jurisdiction of the Tribe;

(4) If employed by the Tribe in any capacity or otherwise employed on lands subject to the jurisdiction of the Tribe; or

(5) If a student in any capacity on lands subject to the jurisdiction of the Tribe.

(b) Timing. A sex offender required to register with the Tribe under this chapter must do so at the Suquamish Probation Office within the following timeframe:

(1) Before being released from incarceration if convicted by the Suquamish Tribal Court for a covered sex offense and incarcerated;

(2) In person within three (3) business days of sentencing for the registration offense if convicted by the Suquamish Tribal Court but not incarcerated; and

(3) In person within three (3) business days of establishing a residence, commencing employment, or becoming a student on lands subject to the jurisdiction of the Tribe, or changing his or her name.

(c) Retroactive Registration. The following three categories of sex offenders are also subject to the registration and updating requirements of this chapter:

(1) Sex offenders incarcerated or under the supervision of the Tribe, whether for a covered sex offense or other crime;

(2) Sex offenders already registered or subject to a preexisting sex offender registration requirement; and

(3) Sex offenders reentering the justice system due to conviction for any crime.

(d) Keeping Registration Current. (1) All sex offenders required to register must immediately appear in person at the Suquamish Probation Department to update any change in their name, residence (including termination of residency), employment, school attendance, vehicle information, temporary lodging, email addresses, telephone numbers, Instant Messaging addresses, and any other designation used in internet communications, postings, or telephone communications. In the event of a change in temporary lodging, the sex offender must notify Suquamish Probation in person of the change three (3) days prior to it taking effect, and Suquamish Probation must immediately notify the jurisdiction in which the sex offender will be temporarily staying.

(2) With regard to changes in a sex offender's registration information, the Suquamish Probation Department will immediately notify:

(A) All jurisdictions where a sex offender intends to reside, work, or attend school;

(B) Any jurisdiction where the sex offender is either registered or required to register; and

(C) Specifically with respect to information relating to a sex offender's intent to commence residence, school, or employment outside of the United States, any jurisdiction where the sex offender is either registered or required to register, and the U.S. Marshals service. Suquamish Probation will also ensure this information is immediately updated on the National Sex Offender Registry (NSOR) and the sex offender registry website identified in S.T.C. §7.29.10.

(e) Failure to Register. If a sex offender who is required to register due to his or her residence, employment, or school attendance status fails to do so or otherwise violates a registration requirement of this chapter, then the Suquamish Probation Office will make an effort to determine if the sex offender actually resides, is employed, or is attending school on lands subject to the Tribe's jurisdiction. If it verifies this information, it will then take all appropriate follow-up measures, including those for absconded sex offenders pursuant to the Tribe's sex offender registration policies and procedures.

(f) Failure to Appear. In the event a sex offender fails to register with the Tribe as required by this chapter, the Suquamish Probation Office or its designee will immediately inform the jurisdiction that provided notification that the sex offender was to commence residency, employment, or school attendance in the Tribe's jurisdiction that the sex offender failed to appear for registration. (Res. 2011-079, passed Jul. 11, 2011; amended by Res. 2019-161, passed August 12, 2019)

7.29.9. Required Information. A sex offender covered by this chapter who is required to register with the Tribe pursuant to STC §7.29.8 must provide all of the information detailed in this section to the Suquamish Probation Office.

All information obtained under this chapter must be, at a minimum, maintained by the probation office in a digitized format.

A sex offender registry will be maintained in an electronic database by the probation office and will be in a form capable of electronic transmission.

Required information includes all of the following items.

(a) Name. The following information related to the sex offender's name:

(1) The sex offender's full primary given name;

(2) Any and all nicknames, aliases, and pseudonyms, regardless of the context in which they are used; and

(3) Any and all ethnic or tribal names by which the sex offender is commonly known, excluding any religious or sacred names not otherwise commonly known.

(b) Address. The following information related to the sex offender's residence:

(1) The address of each residence at which the sex offender resides or will reside, and

(2) Any location or description that identifies where the sex offender habitually resides regardless of whether it pertains to a permanent residence or a location otherwise identifiable by a street or address.

(c) Telephone Numbers. Any and all telephone numbers and any other designations used by a covered sex offender for purposes of routing or self-identification in telephonic communications including but not limited to cellular, landline, and Voice over Internet Protocol (VOIP) telephone numbers.

(d) Date of birth. The sex offender's actual date of birth and any other date of birth used by the sex offender.

(e) Social Security Number. A valid social security number for the sex offender and any social security number the sex offender has used in the past, valid or otherwise.

(f) Offense Information. The text of each provision of law defining the criminal offense(s) for which the sex offender is registered.

(g) Criminal History. Information related to the sex offender's criminal history, including the dates of all arrests and convictions; the sex offender's status of parole,

probation, or supervised release; the sex offender's registration status; and any outstanding arrest warrants.

(h) DNA Sample. If the sex offender's DNA is not already contained in the Combined DNA Index System (CODIS), the sex offender must provide the Suquamish Probation Office or its designee a sample of his or her DNA.

(i) Fingerprints and Palm Prints. Fingerprints and palm prints taken by the Suquamish Probation Office or its designee.

(j) Photograph. A digital photograph taken by the Suquamish Probation Office or its designee at each scheduled personal appearance.

(k) Physical Description. An accurate general description of the sex offender's physical appearance or characteristics and any identifying marks, including but not limited to scars, moles, birthmarks, and tattoos. Photographs may be taken of identifying marks.

(l) Driver's License and Identification Documents. A covered sex offender must provide all identification documents listed below to the Suquamish Probation Office which will make photocopies of any such documents.

(1) Valid driver's licenses issued by any jurisdiction

(2) Identification cards issued by any jurisdiction including the sex offender's tribal enrollment card

(3) Any passports used by the sex offender

(4) Any and all immigration documents used by the sex offender

(m) Professional Licenses. All licensing that authorizes the sex offender to engage in an occupation or carry out a trade or business.

(n) Employment information related to the sex offender's employment including volunteer and unpaid positions:

(1) The name of the sex offender's employer;

(2) The address of the sex offender's employer; and

(3) Similar information related to any transient or day labor employment and volunteer and unpaid positions.

(o) School Location. The name and address of each school where the sex offender is or will be a student.

(p) Internet Names. All the following information related to the sex offender's internet-related activity:

(1) Any and all email addresses used by the sex offender;

(2) Any and all Instant Message addresses and identifiers;

(3) Any and all other designations or monikers used for self-identification in internet communications or postings; and

(4) 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, and video posting site identifications such as YouTube, etc.

(q) Vehicle Information. 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:

(1) License plate numbers;

(2) Registration numbers or identifiers;

(3) General description of the vehicle to include color, make, model, and year; and

(4) Any permanent or frequent location where any covered vehicle is kept.

(r) Lodging information. When the sex offender will be absent from his or her residence for seven (7) days or more, he or she must provide the following information in person no later than seven (7) days before his or her scheduled travel:

(1) Identifying information about the temporary lodging locations including addresses and names; and

(2) The dates the sex offender will be staying at each temporary lodging location.

(s) Travel Abroad. Sex offenders must inform their residence jurisdictions twenty-one (21) days in advance if they intend to travel outside of the United States.

(t) Acknowledgement Form. The sex offender must read or have read to him or her and sign a form stating that the duty to register has been explained by the Suquamish Probation Office and that the sex offender understands the registration requirement.

(u) Requirements for Personal Appearances. At each personal appearance, the sex offender must permit the Suquamish Probation Office to take a photograph of the offender and will review existing information for accuracy.

A sex offender who is required to register must, at a minimum and excluding any time in custody or civilly committed, appear in person at the Suquamish Probation Office for purposes of verification and keeping his or her registration current in accordance with the following time frames:

(1) For "tier I" offenders, once every year for fifteen (15) years from the time of release from custody for a sex offender who is incarcerated for the registration offense or from the date of sentencing for a sex offender who is not incarcerated for the registration offense.

(2) For "tier II" offenders, once every one hundred and eighty (180) days for twenty-five (25) years from the time of release from custody for a sex offender who is incarcerated for the registration offense or from the date of sentencing for a sex offender who is not incarcerated for the registration offense.

(3) For "tier III" offenders, once every ninety (90) days for the rest of their lives.

(v) Reduction of Registration Periods. A sex offender may have his or her period of registration reduced as follows:

(1) A tier I offender may have his or her period of registration reduced to ten (10) years if he or she has maintained a clean record for ten (10) consecutive years.

(2) A tier III offender may have his or her period of registration reduced to twenty-five (25) years if he or she was adjudicated delinquent for an offense as a juvenile that required tier III registration and he or she has maintained a clean record for twenty-five (25) consecutive years.

(w) Clean Record. For purposes of STC §7.29.9(v), an individual has a clean record if he or she:

(1) Has not been convicted of any offense considered to be a felony within a convicting jurisdiction;

(2) Has not been convicted of any sex offense;

(3) Has successfully completed without revocation any period of supervised release, probation, or parole; and

(4) Has successfully completed an appropriate sex offender treatment program certified by the Tribe, another jurisdiction, or by the Attorney General of the United States. (Res. 2011-079, passed Jul. 11, 2011)

7.29.10. Public Sex Offender Registry Website. The Suquamish Probation Office will use and maintain a public sex offender registry website compatible with the Dru Sjodin National Sex Offender Public Website and in compliance with the Tribe's sex offender registration policies and procedures.

(a) The website must include the following.

(1) Links to sex offender safety and education resources

(2) Instructions on how to seek correction of information that the individual contends is erroneous

(3) 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

(b) The website must have the capability of conducting searches by:

(1) Name;

(2) County, city, and/or town; and

(3) Zip code and/or geographic radius.

(c) The website must have a function that enables the general public to request email notification whenever a sex offender commences residence, employment, or school attendance on lands within the Tribe's jurisdiction, within a specified zip code, or within a certain geographic radius. This email notice will include the sex offender's identity so that the public can access the public registry for the new information.

(d) Prohibited Information. The following information will not be available to the public on the sex offender registry website.

(1) The identity of any victim

(2) Any arrest that did not result in conviction

(3) The sex offender's social security number

(4) Any travel and immigration documents

(5) Internet identifiers, as defined in 42 USC 16911 (Res. 2011-079, passed Jul. 11, 2011)

7.29.11. Duties of the Suquamish Probation Office. The Suquamish Probation Office will have policies and procedures in place to ensure registration of sex offenders (see §7.29.8), obtaining required information (see §7.29.9), and timely notification of other jurisdictions and the public. (Res. 2011-079, passed Jul. 11, 2011)

7.29.12. Immunity. (a) No waiver of immunity. Nothing under this chapter may be construed as a waiver of sovereign immunity for the Suquamish Tribe, its departments, agencies, employees, or agents.

(b) Good faith. Any person acting under good faith of this chapter is immune from any civil liability arising out of such actions. (Res. 2011-079, passed Jul. 11, 2011)

7.29.13. Crimes and Civil Sanctions. (a) Criminal penalty. Each violation of a provision of this chapter by a sex offender who is an Indian is considered a felony and subject to a period of incarceration not to exceed one (1) year and a fine not to exceed five thousand dollars (\$5,000).

(b) Civil Penalty or Exclusion. Violators of a provision of this chapter may also be subject to civil penalties including fines and/or exclusion from the reservation (see STC chapter 5.3).

(c) Violation of a provision of this chapter by an individual over whom the Tribal Court does not have jurisdiction will be referred to the US Attorney for federal prosecution.

(d) Hindrance of sex offender registration. An individual is guilty of an offense and subject to a fine not to exceed five thousand dollars (\$5,000) if he or she:

(1) Knowingly harbors, attempts to harbor, or assists another person in harboring or attempting to harbor a sex offender who is in violation of this chapter;

(2) 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

(3) Provides information to law enforcement agency regarding a sex offender which the individual knows to be false. (Res. 2011-079, passed Jul. 11, 2011)

7.29.14. Severability If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the

provision to other persons or circumstances is not affected. (Res. 2011-079, passed Jul. 11, 2011)

7.29.15. Effective Date. This chapter takes effect on October 1, 2011. (Res. 2011-079, passed Jul. 11, 2011)

Note: This chapter was revised for plain language at the time of the revisions authorized by Res. 2019-161, passed August 12, 2019. Also included were updates in citations to the U. S. Code, and corrections to language taken from the U. S. Code. No changes were made to the content of any section other than that named in Res. 2019-161.