



SHOALWATER BAY INDIAN TRIBE  
CODE OF LAWS

**TITLE 28**  
**SEX OFFENDER REGISTRY CODE**

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**Shoalwater Bay Indian Tribe Code of Laws  
Title 28 Sex Offender Registry Code**

**CHAPTER 1 – GENERAL MATTERS**

**SECTION 1.01 – TITLE**

This Code shall be known as the Shoalwater Bay Indian Tribe Sex Offender Registry Code.

**SECTION 1.02 - PURPOSE**

The intent of this Code is to implement the federal Sex Offender Registration and Notification Act (SORNA) (Title I of Public Law 109-248) (42 USC 16901 et seq) and shall be interpreted liberally to comply with the terms and conditions of SORNA as presently written or hereinafter amended.

**SECTION 1.03 - NEED**

Violent crime in Indian country is more than twice the National average. On some Reservations, it is twenty times the National average. An astounding thirty percent of Indian and Alaska Native women will be raped in their lifetime. Tribal Nations are disproportionately affected by violent crime and sex offenses in particular from both the Native and non-Native perpetrators; consequently, the conduct and presence of convicted sex offenders in Indian Country threatens the political integrity, economic security, and health and welfare of Tribal Nations even to the point of imperiling the subsistence of Tribal communities. The Shoalwater Bay Indian Tribe has long been at the forefront of efforts to protect their Tribal community from violent crime and very proactive in prevention of sexual assault and violent crimes. The Sex Offender Website is a great enhancement to the efforts to identify and track any perpetrators in our jurisdiction. Perpetrators may be subject to EXCLUSION from the Shoalwater Bay Indian Reservation under the Shoalwater Bay Indian Tribe Exclusion Code Title 4.

## **SECTION 1.04 - CREATION OF REGISTRIES**

- A. **SEX OFFENDER REGISTRY:** There is hereby established a sex offender registry program, the Shoalwater Bay Indian Tribe Sex Offender Registry, which the Shoalwater Bay Indian Tribe shall operate and maintain pursuant to the provisions of this code.
- B. **PUBLIC SEX OFFENDER WEBSITE:** There is hereby established a public sex offender registry website, the Shoalwater Bay Indian Tribe Sex Offender Website, which the Shoalwater Bay Indian Tribe shall operate and maintain pursuant to the provisions of this code.

## **CHAPTER 2 – TERMINOLOGY AND REGISTERABLE OFFENSES**

### **SECTION 2.01 - DEFINITIONS**

The definitions below apply to this Code ONLY:

- A. **CONVICTED:** An adult sex offender is “convicted” for the purposes of this code if the sex offender has been subjected to penal consequences based on the conviction, however that conviction may have been styled.

A Juvenile offender is “convicted” for the purposes of this code if the Juvenile Offender is either:

1. Prosecuted and found Guilty as an Adult for a sex offense; or
2. Is adjudicated 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 there was an attempt or conspiracy to commit such an offense.

- B. **FOREIGN CONVICTIONS:** A Foreign conviction is one committed outside of the United States.
- C. **EMPLOYEE:** The term “Employee” as used in this Code includes, but is not limited to, an individual who is self-employed or who works for another entity, regardless of compensation. Volunteers of A Tribal Agency or Organization are included within the definition of “Employee” for registration purposes.
- D. **IMMEDIATE:** “Immediate” and “immediately” mean within 3 ( three ) business days.
- E. **IMPRISONMENT:** The term “imprisonment” refers to incarceration pursuant to a conviction, regardless of the nature of the Institution in which the offender serves the sentence. The term is to be interpreted broadly to include, for example,

confinement in a State Prison, as well as in a Federal, Military, Foreign, BIA, Tribal, Local, Private Jail, or Contracted Facility. Persons under “House Arrest” or Electronic Home Monitoring following conviction of a covered offense are required to register pursuant to the provisions of this Code during the period of “House Arrest” or Electronic Home Monitoring.

- F. JURISDICTION: The term “jurisdiction” as used in this Code refers to the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, The Commonwealth of the Marianna Islands, the United States Virgin Islands, and any Indian Tribe that elected to serve as a SORNA Registration and notification jurisdiction pursuant to PL 109-248 Section 127 (42 USC§16927)
- G. MINOR: The term “Minor” means an individual who has not attained the age of 18 ( eighteen ) years.
- H. RESIDES: the term ”reside” or “resides” means, with respect to an individual, the location of the individual’s home, or other place where the individual habitually lives or sleeps.
- I. SEX OFFENSE: The term “ sex offense” as used in this code includes those offenses contained in 42 USC §16911(5) ( as amended) and those offenses enumerated in Section 2 of the Shoalwater Bay Sex Offender Registration Code, or any other registerable offense under Shoalwater Bay Tribal Laws.
- J. CONSENSUAL: An offense involving consensual sexual conduct is not a sex offense for the purposes of this Code, if the victim was an Adult, unless the victim was under the Custodial Authority of the offender at the time of the offense, or if the victim was at least 13 years old and the offender was not more than 4 ( four) years older than the victim.
- K. SEX OFFENDER: A person convicted of a sex offense is a “sex offender.”
- L. SEXUAL ACT: The term sexual act means:
  - 1. Contact between the Penis and the Vulva, or the Penis and the Anus, and for the purposes of this definition contact involving the Penis occurs upon penetration, however slight;
  - 2. Contact between the Mouth and Penis, or the Mouth and Vulva, or the Mouth and Anus;
  - 3. The penetration, no matter how slight, of the Anal or Genital opening of another by hand or finger, or by any object, with an intent to abuse, humiliate, harass, degrade or arouse or gratify the sexual desire of any person; or
  - 4. The intentional touching, not through the clothing, of the genitalia of another person that has not attained the age of 18 (eighteen) years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of another person.

- M. **SEXUAL CONTACT:** The intentional touching, either directly or through the Clothing of the Anus, Groin, Breast, Inner Thigh, or Buttocks of any person with the intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desires of another person.
- N. **STUDENT:** A “Student” is a person who enrolls in or attends either a private or public education institution, including a secondary school, trade, or professional school or an institution of higher learning. This term shall also include all interns, externs, or apprentices acting in any capacity within the Tribal boundaries.
- O. **SORNA:** The Sex Offender Registration and Notification Act ( Title I of the Adam Walsh Child Protection and Safety Act of 2006 P.L. 109-248 ) 42 U.S.C § 16911 et. seq. as amended )
- P. **SEX OFFENDER REGISTRY:** The term “Sex Offender Registry” means the Registry of Sex Offenders, and the Notification program maintained by the Shoalwater Bay Indian Tribe.
- Q. **NATIONAL SEX OFFENDER REGISTRY ( NSOR ) :** The national database maintained by the Federal Bureau of Investigation pursuant to 42 U.S.C. § 16919.
- R. **SMART OFFICE:** The Office Of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking, which was established within the United States Department of Justice under the general authority of the Attorney General of the United States pursuant to 42 U.S.C. §16945.
- S. **DRU SJODIN NATIONAL SEX OFFENDER PUBLIC WEBSITE ( NSOPW ) :** The Public website maintained by the Attorney General of the United States pursuant to 42 U.S.C. § 16920.
- T. **“TIER I SEX OFFENDER”:** A “Tier I” Sex Offender, or a “sex offender” designated as Tier I is one that has been convicted of a Tier I offense as defined in Section 3.02 (B).
- U. **“TIER II SEX OFFENDER”:** A “Tier II” Sex Offender or a “sex offender” designated as a “Tier II” is one that has been either convicted of a “Tier II” sex offense as defined in Section 3.02, or who is the subject to the recidivist provisions of 3.02 (B).
- V. **“TIER III SEX OFFENDER”:** A “Tier III Sex Offender” or a “sex offender” that has been designated as a “Tier III”, is one that has been convicted of a “Tier III” sex offense as defined in Section 3.03, or who is subject to the recidivist provisions of 3.03 (B)

## SECTION 2.02 - REGISTERABLE OFFENSES

Individuals who reside within the exterior boundaries of the Reservation or otherwise reside on property owned by the Tribe in Fee or Trust regardless of location, are employed within the exterior boundaries of the Reservation, or on property owned by the Tribe in Fee or Trust regardless of location, or who attend school or classes within the exterior boundaries of the Reservation or on property owned by the Tribe in Fee or Trust regardless of location, that have been convicted of any of the following offenses, or have been convicted of an attempt or conspiracy to commit any of the following offenses, are subject to the requirements of this Code:

A. **TRIBAL OFFENSES:** The following offenses are Registerable Offenses under the Laws of the Shoalwater Bay Indian Tribe:

1. Under Title 20 (d) Family Code: Under the section regarding Sexual Abuse of a Child- includes the following offenses:
  - Contacts between a Child and Adult when the Child is being used for the Sexual stimulation of the Perpetrator or another person.
  - Sexual abuse committed by a person under age 18 when that person is either significantly older than the Victim or when the Perpetrator is in a position of power or control over another Child.
  - The exposure of the Perpetrator's genitals in the presence of a Child, or any other sexual act, if such sexual act is for the purpose of sexual arousal or gratification, aggression, degradation, or other similar purpose.
  - Child Pornography or sexual positioning for photos.
  - Obscene calls, jokes, peeping, or sexual propositions
  - Forcing a child to watch sexual acts or sexual violence.
  - Unwanted hugs, kissing, pinching
  - French kissing, handling genitals, masturbation, mouth to genital contact.
  - Oral, anal, or vaginal rape.
  - Sexual maiming or sexual bondage.
2. Under Title 2-specifically -2.3.040- (a) and (b) ( 1,2,3,) Rape
3. Under Title 2-specifically -2.3.050- (a) and (b) Aiding and abetting Rape
4. Under Title 2-specifically - 2.4.010-(a) and (b) Abduction and Kidnapping
5. Under Title 2-specifically -2.8.040- Molestation of a Child
6. Under Title 2-specifically -2-13-010-Indecent exposure  
(Title 2- Law and Order Code)

B. **FEDERAL OFFENSES:** A conviction for, or for a conviction for an attempt or conspiracy to commit any of the following, and any other offense hereafter included in the definition of "sex offense" at 42 U.S.C. § 16911 (5), : Including any offenses committed under the Assimilative Crimes Act ( 18 USC§ 1152 or §1153 )

1. 18 U.S.C. § 1591 (Sex trafficking of children )
2. 18 U.S.C. § 1801 (Video voyeurism of a Minor )
3. 18 U.S.C. § 2241 (Aggravated sexual abuse )
4. 18 U.S.C. § 2242 (Sexual abuse )
5. 18 U.S.C. § 2243 (Sexual abuse of a Minor or Ward )
6. 18 U.S.C. § 2244 (Abusive sexual contact )
7. 18 U.S.C. § 2245 (Offenses resulting in death )
8. 18 U.S.C. § 2251 (Sexual exploitation of children )
9. 18 U.S.C. § 2251 A (Selling or buying of Children )
10. 18 U.S.C. § 2252 (Material involving the sexual exploitation of Children )
11. 18 U.S.C. § 2252 A (Material containing Child pornography)
12. 18 U.S.C. § 2252 B (Misleading domain names on the Internet )
13. 18 U.S.C. § 2252 C (Misleading words or digital images on the Internet )
14. 18 U.S.C. § 2260 (Production of sexually explicit depictions of a Minor for import into the United States)
15. 18 U.S.C. § 2421 (Transportation of a Minor for sexual purposes )
16. 18 U.S.C. § 2422 (Coercion and enticement of a Minor for illegal sexual activity)
17. 18 U.S.C. § 2423 () (Transportation of Minors for illegal sexual activity, travel with the intent to engage in illicit sexual contact with a minor, engaging in illicit sexual conduct in Foreign places )
18. 18 U.S.C. § 2424 (Failure to file a factual statement about an Alien individual )
19. 18 U.S.C. § 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, 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. Persons meeting this criteria will be required to report.

D. **MILITARY CONVICTIONS:** 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)

E. **JUVENILE OFFENSES OR ADJUDICATIONS:** Any sex offense or attempt or conspiracy to commit a sex offense that is comparable or more severe than the Federal crime of “Aggravated Sexual Abuse” (as codified in 18 U.S.C. § 2241 (a) and (b) and committed by a Minor who is 14 years of age or older at the time of the offense. This includes engaging in a sexual act with another by force or the threat of serious violence; or engaging in a sexual act with another by rendering unconscious or involuntarily drugging the victim. This includes crimes committed by any Juvenile convicted under the Laws ( Title 2 or Title 20 ) of the Shoalwater Bay Indian Tribe.

F. JURISDICTION OFFENSES: Any sex offense committed in any Jurisdiction, including the Shoalwater Bay Indian tribe, that involves:

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, pimping, or pimping in cases where the victim was a Minor at the time of the incident.
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:
  - a. 18 U.S.C. § 1591 (Sex trafficking by force, fraud, or coercion)
  - b. 18 U.S.C. § 1801 (Video voyeurism of a Minor)
  - c. 18 U.S.C. § 2241 (Aggravated sexual abuse)
  - d. 18 U.S.C. § 2242 (Sexual abuse)
  - e. 18 U.S.C. § 2244 (Abusive sexual contact)
  - f. 18 U.S.C. § 2422(b) (Coercing a Minor to engage in prostitution)
  - g. 18 U.S.C. § 2423(a) (Transporting a Minor to engage in Prostitution)

G. SEX OFFENSE: Except as limited by subparagraph 6 or 7, the term "sex offense" means:

1. A criminal offense that has an element involving a sexual act or sexual contact with another;
2. A criminal offense that is "specified against a Minor." The term "specified against a Minor" means an offense against a Minor that involves any of the following:
  - a. An offense (unless committed by a parent or guardian) involving kidnapping.
  - b. An offense (unless committed by a parent or guardian) involving false imprisonment.
  - c. Solicitation to engage in sexual conduct.
  - d. Use in a sexual performance.
  - e. Solicitation to engage in prostitution.
  - f. Video voyeurism as described in 18 U.S.C. § 1801.

- g. Possession, production, or distribution of child pornography.
  - h. Criminal sexual conduct involving a Minor, or the use of the Internet to facilitate or attempt such conduct.
  - i. Any conduct that is by its nature is a sex offense against a Minor.
3. A Federal offense ( including an offense prosecuted under section 1152 or 1153 of Title 18 of the United States Code) under section 1591, or chapter 109A, 110 (other than section 2257, 2257A, or 2258) or 117, of Title 18 of the United States Code.
  4. A Military offense specified by the Secretary of Defense under section 115 (a) (8) (C) (i) of Public Law 105-119 (10 U.S.C. 951 note); or
  5. An attempt or conspiracy to commit an offense described in clauses (1) through (4).
  6. Offenses involving consensual sexual conduct: An offense involving Consensual sexual conduct is not a sex offense for the purposes of this Code if the Victim was an Adult, unless the Adult was under the Custodial Authority of the offender at the time of the offense, or if the Victim was at least 13 (Thirteen) years old and the offender was not more than 4 ( four ) years older than the victim.
  7. Foreign Offenses: A foreign conviction is not a sex offense for the purposes of this Code unless it was either:
    - a. Obtained under the laws of Canada, the United Kingdom, Australia, New Zealand, or
    - b. Under the laws of any foreign country when the United States State Department in its “Country reports on Human Rights Practices” has concluded that an independent judiciary generally or vigorously enforced the right to a fair trial in that country during the year in which the conviction occurred.

## **CHAPTER 3- TIERING OF OFFENSES**

### **SECTION 3.01- TIER I OFFENSES**

- A. SEX OFFENSES: A “Tier I” offense includes any sex offense, for which a person has been convicted or an attempt or conspiracy to commit such an offense that is not a “Tier II” offense or a “Tier III” offense.
- B. OFFENSES INVOLVING MINORS: A “Tier I” offense also includes any Offense for which a person been convicted by any jurisdiction, local government, or qualifying foreign country pursuant to Section 2.02 (C) that involves the false imprisonment of a minor, video voyeurism of a minor, or possession or receipt of child pornography.

C. TRIBAL OFFENSES: Any sex offense covered by this act where the sentence was limited to one year in jail shall be considered a “Tier I” offense.

D. CERTAIN FEDERAL OFFENSES: Conviction for any of the following Federal offenses or an attempt or conspiracy to commit such an offense shall be considered a conviction for a “Tier I” offense.

- |                        |  |
|------------------------|--|
| 1. 18 U.S.C § 1801     | Video Voyeurism of a Minor   |
| 2. 18 U.S.C. § 2252    | Receipt or possession of child pornography   |
| 3. 18 U.S.C. § 2252A   | Receipt or possession of child pornography   |
| 4. 18 U.S.C. § 2252B   | Misleading domain names on the internet  |
| 5. 18 U.S.C § 2252C    | Misleading words or digital images on the Internet   |
| 6. 18 U.S.C. § 2422(a) | Coercion to engage in prostitution   |
| 7. 18 U.S.C. § 2423(b) | Travel with the intent to engage in illicit conduct  |
| 8. 18 U.S.C. § 2423(c) | Engaging in illicit conduct in foreign places  |
| 9. 18 U.S.C. § 2423(d) | Arranging, inducing, procuring, or facilitating the travel in Interstate commerce of an Adult for the purposes of engaging in illicit conduct for financial gain |
| 10. 18 U.S.C. § 2424   | Failure to file factual statement about an Alien individual.   |
| 11. 18 U.S.C. § 2425   | Transmitting information about a Minor to further criminal sexual conduct  |

CERTAIN MILITARY OFFENSES: Any Military offense specified by the Secretary of Defense under Section 115(a)(8)(C)(i) of Public Law 109-119 (codified at 10 U.S.C. § 951 note) that is similar to those offenses outlined in Section 3.01 (A)(B) or (C) shall be considered a “Tier I” offense.

### **SECTION 3.02 – TIER II OFFENSES**

A. RECIDIVISM AND FELONIES: Unless otherwise covered by Section 3.03, any sex offense that is not the FIRST sex offense for which a person has been convicted or an attempt or conspiracy to commit such an offense and that it is punishable by more than one year in jail shall be is considered a “Tier II” offense.

B. 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:

1. The use of Minors in prostitution, including solicitation
2. Enticing a Minor to engage in criminal sexual activity
3. A non-forcible sexual act with a minor 16 or 17 years old.
4. Sexual Contact with a Minor 13 years of age or older, whether directly

or indirectly through the clothing, that involves the intimate parts of the body.

5. The use of a Minor in a sexual performance, or
6. The production or distribution of Child pornography

C. **CERTAIN FEDERAL OFFENSES:** Conviction for any of the following Federal offenses or an attempt or conspiracy to commit such an offense shall be considered a conviction for a “Tier II” offense:

- |                        |   |
|------------------------|---|
| 1. 18 U.S.C § 1591     | Sex trafficking by force, fraud or coercion   |
| 2. 18 U.S.C § 2423(d)  | Arranging, inducing, procuring or facilitating the travel in interstate commerce of a Minor for the purpose of engaging in illicit commerce for financial gain. |
| 3. 18 U.S.C § 2244     | Abusive sexual contact, where the victim is 13 years old or older   |
| 4. 18 U.S.C. § 2251    | Sexual exploitation of children   |
| 5. 18 U.S.C. § 2251A   | Selling or buying of children   |
| 6. 18 U.S.C.§ 2252     | Material involving sexual exploitation of a Minor   |
| 7. 18 U.S.C.§ 2252A    | Production or distribution of material containing Child pornography   |
| 8. 18 U.S.C.§ 2260     | Production of sexually explicit depictions of a Minor for import into the United States   |
| 9. 18 U.S.C.§ 2421     | Transport of a Minor for illegal sexual activity  |
| 10. 18 U.S.C.§ 2422(b) | Coercing a Minor to engage in Prostitution  |
| 11. 18 U.S.C.§ 2423(a) | Transporting a Minor to engage in illicit conduct.  |

D. **CERTAIN MILITARY OFFENSES:** Any Military offense specified by the Secretary of Defense under Section 115(a)(8)(C)(i) of Public Law 105-119 (codified at 10 U.S.C. § 951 note ) that is similar to those offenses outlined in Section 3.02 (A),(B) or (C) shall be considered a “Tier II” offense.

### **SECTION 3.03-TIER III OFFENSES**

A. **RECIDIVISM AND FELONIES:** Any sex offense that is punishable by more than one year in Jail where the offender has at least one prior conviction or an attempt or conspiracy to commit such and offense for a “Tier II” sex offense or has previously become a “Tier II” sex offender is a “Tier III” offense.

B. **GENERAL OFFENSES:** A “Tier III” offense includes any sex offense for which a person has been convicted, or an attempt or conspiracy to commit such an offense that involves:

1. Non – parental kidnapping of a Minor
2. A sexual act with another by force or threat
3. A sexual act with another who has been rendered unconscious or involuntarily drugged, or who is otherwise incapable of appraising the nature of the conduct or declining to participate, or

4. Sexual conduct with a Minor 12 years of age or younger, including offenses that cover sexual touching of or contact with intimate parts of the body, either directly or through the clothing.
- C. **CERTAIN FEDERAL OFFENSES:** Conviction for any of the following Federal offenses shall be considered conviction for a “Tier III” offense:
1. 18 U.S.C. §2241                      Aggravated sexual abuse
  2. 18 U.S.C. §2242                      Sexual Abuse
  3. 18 U.S.C. §2243                      Sexual abuse of a Minor or Ward
  4. 18 U.S.C. §2244                      Where the victim is 12 years of age or younger, 18 U.S.C. § 2244 (Abusive sexual contact)
- D. **CERTAIN MILITARY OFFENSES:** Any Military offense specified by the Secretary of Defense under Section 15 (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 3.03 (A), (B) or(C) shall be considered a “Tier III” offense.

## **CHAPTER 4-REQUIRED INFORMATION**

### **SECTION 4.01 - GENERAL REQUIREMENTS**

- A. **DUTIES:** A sex offender covered by this code who is required to register with the Tribe pursuant to Chapter 5 shall provide all of the information detailed in this chapter to the Shoalwater Bay Indian Tribe Sex Offender Registry, and the Shoalwater Bay Indian Tribe Sex Offender Registry shall obtain all of the information detailed in this chapter from covered sex offenders who are required to register with the Shoalwater Bay Indian Tribe Sex Offender Registry in accordance with this code and shall implement any relevant policies and procedures.
- B. **DIGITIZATION:** All information obtained under this code shall be, at a minimum, maintained by the Shoalwater Bay Indian Tribe Sex Offender Registry in a digitized format.
- C. **ELECTRONIC DATABASE:** A sex offender registry shall be maintained in an electronic database by the Shoalwater Bay Indian Tribe Sex Offender Registry and shall be in a form capable of electronic transmission.

### **SECTION 4.02- CRIMINAL HISTORY**

- A. **CRIMINAL HISTORY:** The Shoalwater Bay Indian Tribe Sex Offender Registry or designee shall obtain, and a sex offender shall provide, the following information related to the sex offender’s criminal history:
1. The date of all arrests.
  2. The date of all convictions.

3. The sex offender's status of parole, probation, or supervised release.
4. The sex offender's registration status.
5. Any outstanding arrest warrants.

#### **SECTION 4.03-DATE OF BIRTH**

- A. **DATE OF BIRTH:** The Shoalwater Bay Indian Tribe Sex Offender Registry or designee shall obtain and a covered sex offender shall provide, the following information related to the sex offender's date of birth:
1. The sex offender's actual date of birth, and
  2. Any other date of birth used by the sex offender.

#### **SECTION 4.04 – DNA SAMPLE**

- A. **DNA:** If the sex offender's DNA is not already contained in the Combined DNA Index system, ( CODIS ), the sex offender shall provide the Shoalwater Bay Indian Tribe Sex Offender Registry or designee a sample of his or her DNA.
- B. **CODIS:** Any DNA sample obtained from the sex offender shall be submitted to the Federal Bureau of Investigation Laboratory via the direct submission option and in accordance with the current FBI procedures and using the DNA kits provided by the Federal Bureau of Investigation for submission in CODIS.

#### **SECTION 4.05- DRIVER'S LICENSES, IDENTIFICATION CARDS, PASSPORTS, AND IMMIGRATION DOCUMENTS**

- A. **DRIVERS'S LICENSE:** A covered sex offender shall provide all of the sex offender's valid driver's licenses issued by any jurisdiction and the Shoalwater Bay Indian Tribe Sex Offender Registry or designee shall make a photocopy of any such licenses.
- B. **IDENTIFICATION CARDS:** A covered sex offender shall provide all of the sex offender's identification cards including the sex offender's Tribal enrollment card issued by any jurisdiction, and the Shoalwater Bay Indian Tribe Sex Offender Registry or designee shall make a photocopy of any such identification cards.
- C. **PASSPORTS:** A covered sex offender shall provide any passports used by the sex offender and the Shoalwater Bay Indian Tribe Sex Offender Registry or their designee shall make photocopies of any such passports.
- D. **IMMIGRATION DOCUMENTS:** a covered sex offender shall provide any and all immigration documents, and the Shoalwater Bay Indian Tribe Sex Offender Registry or their designee shall make photocopies of any such documents.

## **SECTION 4.06- EMPLOYMENT INFORMATION**

- A. **EMPLOYMENT:** The Shoalwater Bay Indian Tribe Sex Offender Registry or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's employment, to include any and all places the sex offender is employed in any means including unpaid and volunteer 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 Transient or day labor employment.

## **SECTION 4.07 – FINGER AND PALM PRINTS**

- A. **FINGER AND PALM PRINTS:** The Shoalwater Bay Indian Tribe Sex Offender Registry or designee shall obtain, and a covered sex offender shall provide, both fingerprints, which must be submitted to IAFIS, and palm prints, which must be submitted to the FBI Next Generation Identification Program.

## **SECTION 4.08 – INTERNET IDENTIFIERS**

- A. **INTERNET NAMES:** The Shoalwater Bay Indian Tribe Sex Offender or designee shall obtain, and a sex offender shall provide, the following information related to the sex offender's internet related activity.
1. Any and all e-mail 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 communication 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, video posting, Facebook, My Space or You tube, etc.

## **SECTION 4.09 – NAME**

- A. **NAME:** The Shoalwater Bay Indian Tribe Sex Offender Registry or designee shall obtain, and a covered sex offender shall provide, 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 it is used, and
  3. 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.

## **SECTION 4.10 – PHONE NUMBERS**

- A. **PHONE NUMBERS:** The Shoalwater Bay Indian Tribe Sex Offender or designee shall obtain, and a covered sex offender shall provide, any and all telephone numbers and any other designations used by sex offenders for the purposes of routing or self-identification in telephonic communications including, but not limited to:
1. Any and all cellular telephone numbers
  2. Any and all land line telephone numbers.
  3. Any and all Voice over IP (VOIP) phone numbers.

## **SECTION 4.11 - PICTURE**

- A. **PHOTOGRAPH:** A covered sex offender shall allow his or her photograph to be taken by the Shoalwater Bay Indian Tribe Sex Offender Registry or designee:
1. Every 90 days for Tier III sex offenders.
  2. Every 180 days for Tier II sex offenders.
  3. Every 12 months for Tier I sex offenders.
- B. **UPDATE REQUIREMENTS:** Unless the appearance of the sex offender has not changed significantly a digitized photograph shall be collected at each appearance indicated in Section 4.11 A.

## **SECTION 4.12 – PHYSICAL DESCRIPTION**

- A. **PHYSICAL DESCRIPTION:** The Shoalwater Bay Indian Tribe Sex Offender Registry or designee shall obtain, and a covered sex offender shall provide, an accurate description of the sex offender as follows:
1. A physical description.
  2. A general description of the sex offender's physical appearance or characteristics, and,
  3. Any identifying marks, such as, but not limited to, scars, moles birthmarks, tattoos, or brandings. All identifying markings shall be photographed and included in the description of the sex offender.

## **SECTION 4.13 – PROFESSIONAL LICENSING**

- A. **PROFESSIONAL LICENSING:** The Shoalwater Bay Indian Tribe Sex Offender Registry or designee shall obtain, and a covered sex offender shall Provide, all licensing of the sex offender that authorizes the sex offender to engage in an occupation or carry out a trade or business.

## **SECTION 4.14 – RESIDENCE ADDRESS**

- A. **ADDRESS:** The Shoalwater Bay Indian Tribe Sex Offender Registry or Designee shall obtain, and a covered sex offender shall provide, 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.
  2. 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.

## **SECTION 4.15 – SCHOOL**

- A. **SCHOOL LOCATION:** The Shoalwater Bay Indian Tribe Sex Offender Registry or its designee shall obtain, and a covered sex offender shall provide, the following information pertaining to the sex offender’s school:
1. The name of each school where the sex offender is a student or will be a student.
  2. The address of each school the sex offender is a student or will be a student.

## **SECTION 4.16- SOCIAL SECURITY NUMBER**

- A. **SOCIAL SECURITY NUMBER:** The Shoalwater Bay Indian Tribe Sex Offender Registry or designee shall obtain ,and the covered sex offender shall provide the following information:
1. A valid Social Security number for the sex offender, and
  2. Any Social Security number the sex offender has used in the past, valid or otherwise.

## **SECTION 4.17 – TEMPORARY LODGING**

- A. **LODGING INFORMATION:** The Shoalwater Bay Indian Tribe Sex Offender Registry or their designee shall obtain, and the covered sex offender shall provide, the following information when the sex offender shall be absent from his residence for seven ( 7 ) days or more:
1. Identifying information of the temporary lodging locations including addresses and names, and
  2. The dates the sex offender will be staying at each temporary lodging location.
  3. The registered sex offender shall provide the information in section 4.17 ( 1 ) and ( 2 ) no later than 21 days before his scheduled travel. The information shall be provided in person only.

## **SECTION 4.18 – INTERNATIONAL TRAVEL**

- A. TRAVEL ABROAD: Sex offenders must inform their jurisdiction 30 days in advance, if they intend to travel outside of the United States. Jurisdiction must notify U.S. Marshall's Service and immediately notify any other jurisdiction where the sex offender is either registered, or is required to register, of that updated information. Update must also be made to NCIC/ NSOR.

## **SECTION 4.19 – OFFENSE INFORMATION**

- A. OFFENDER INFORMATION: The Shoalwater Bay Indian Tribe Sex Offender Registry or designee shall obtain the text of each provision of law defining the criminal offense (s) for which the sex offender is registered.

## **SECTION 4.20 – VEHICLE INFORMATION**

- A. DETAILED INFORMATION: The Shoalwater Bay Indian Tribe Sex Offender Registry or their 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.

1. License plate numbers.
2. Registration numbers, VIN, or other identifying numbers.
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.

## **SECTION 4.21 – FREQUENCY, DURATION, AND REDUCTION**

- A. FREQUENCY: A sex offender who is required to register shall, at a minimum, appear in person at the Shoalwater Bay Indian Tribe Sex Offender Registry for the purposes of verification and keeping their registration current, in accordance with the following time frames:

1. 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.
2. 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.
3. For "Tier III" sex offenders, once every 90 days for the rest of their lives.

B: REDUCTION OF REGISTRATION PERIODS: A sex offender may have their period of registration reduced as follows:

1. A “Tier I” offender may have his or her period of registration reduced To 10 year if the sex offender has maintained a clean record for 10 years.
2. 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 that required “Tier III” registration, and he or she has maintained a clean record for 25 consecutive years.

C: CLEAN RECORD: For purposes of Chapter 4.21 (B) a person has a clean record if:

5. He or she has not been convicted of any offense, for which imprisonment for more than one year may be imposed.
6. He or she has not been convicted of any sex offense.
7. He or she has successfully completed, without revocation, any period of supervised release, probation or parole, and
8. He or she has successfully completed an appropriate sex offender treatment program certified by the Tribe, another jurisdiction, or by the Attorney General of the United States.

#### **SECTION 4.22 – REQUIREMENTS FOR IN-PERSON APPEARANCES**

- A. PHOTOGRAPHS: At each in-person verification, the sex offender shall permit The Shoalwater Bay Indian Tribe Sex Offender Registry to take a photograph of the offender.
- B. REVIEW OF INFORMATION: At each in-person verification, the sex offender shall review existing information for accuracy.
- C. NOTIFICATION: If any new information or change in information is obtained at an in-person verification, the Shoalwater bay Indian Tribe Sex Offender Registry shall immediately notify other jurisdictions in which the sex offender is required to register of the information or change of information.
- D. WEBSITE CHANGE: If any new information is obtained at an in-person verification, the Shoalwater Bay Indian Tribe Se Offender Registry shall I immediately update the public website, if applicable, and update information in NCIC/ NSOR.

#### **SECTION 4.23 – SEX OFFENDER ACKNOWLEDGEMENT FORM**

- A. The sex offender shall read, or have read to them, and sign a form stating that the duty to register has been explained to them by the Shoalwater Bay Indian Tribe Sex Offender Registry, and the sex offender understands the registration requirement.
  1. The form shall be signed and dated by the Shoalwater Bay Indian Tribe Sex Offender Registry personnel registering the sex offender.

- B. The Shoalwater Bay Indian Tribe Sex Offender Registry shall immediately upload the acknowledgement form into the Shoalwater Bay Indian Tribe Sex Offender Registry.

## **CHAPTER 5 - REGISTRATION**

### **SECTION 5.01 – WHERE REGISTRATION IS REQUIRED**

- A. **JURISDICTION OF CONVICTION:** A sex offender must initially register with the Shoalwater Bay Indian Tribe Sex Offender Registry of the Shoalwater Bay Indian Tribe 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 Shoalwater Bay Indian Tribe Sex Offender Registry of the Shoalwater Bay Indian Tribe if the sex offender has been 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 Shoalwater Bay Indian Tribe Sex Offender Registry of the Shoalwater Bay Indian Tribe if he or she resides within lands subject to the jurisdiction of the Shoalwater Bay Indian Tribe.
- D. **JURISDICTION OF EMPLOYMENT:** A sex offender must register with the Shoalwater Bay Indian Tribe Sex Offender Registry of the Shoalwater Bay Indian Tribe if he or she is employed in any capacity or otherwise is employed within lands subject to jurisdiction of the Tribe.
- E. **JURISDICTION OF SCHOOL ATTENDANCE:** A sex offender must register with the Shoalwater Bay Indian Tribe Sex Offender Registry of the Shoalwater Bay Indian Tribe if the sex offender is a student in any capacity within land subject to jurisdiction of the Tribe.

### **SECTION 5.02 – TIMING OF REGISTRATION**

- A. **Timing:** A sex offender required to register with the Tribe under this code shall do so in the following timeframe:
1. If convicted by the Shoalwater Bay Indian Tribe for a covered sex offense and incarcerated, the sex offender must register before being released from incarceration.
  2. If convicted by the Shoalwater Bay Indian Tribe but not incarcerated, within 3 (three ) business days of sentencing for the registration offense, and
  3. Within 3 ( three ) business days of establishing a residence, commencing employment, or becoming a student on lands subject to the jurisdiction of the

Tribe. A sex offender must appear in person to register with the Shoalwater Bay Indian tribe Sex Offender Registry.

- B. Duties of the Shoalwater Bay Indian Tribe Sex Offender Registry: The Shoalwater Bay Indian Tribe Sex Offender Registry shall have policies and procedures in place to ensure the following:
1. That any sex offender incarcerated or sentenced by the Tribe for a covered sex offense completes their initial registration with the Tribe;
  2. That the sex offender reads, or has read to them, and signs a form stating that the duty to register has been explained to them, and the sex offender understands the registration requirement;
  3. That the sex offender is registered;
  4. That upon entry of the sex offender's information into the registry, that information immediately is forwarded to all other jurisdictions in which the sex offender is required to register in due to the sex offender's residence, employment, or student status.

### **SECTION 5.03 - RETROACTIVE REGISTRATION**

- A. Retroactive registration: The Shoalwater Bay Indian Tribe Sex Offender Registry shall have in place policies and procedures to ensure the following three categories of offenders are subject to registration and updating requirements of this code:
1. Sex offenders incarcerated or under the supervision of the Tribe, whether for a covered sex offense or for another crime;
  2. Sex offenders already registered or subject to a pre-existing sex offender registration requirement under the Tribe's laws, and;
  3. Sex offenders re-entering the system due to conviction for any crime.
- B. Timing of Recapture: The Shoalwater Bay Indian tribe Sex Offender Registry shall ensure recapture of the sex offenders mentioned in Section 5.03 ( A ) within the following time frame to be calculated from the date of passage of this code:
1. For Tier I offenders, 1 year
  2. For Tier II offenders, 180 days,
  3. For Tier III offenders, 90 days

### **SECTION 5.04 – KEEPING REGISTRATION CURRENT**

- A. Jurisdiction of Residency: All sex offenders required to register in this jurisdiction shall immediately appear in person at the Shoalwater Bay Indian Tribe Sex Offender Registry to update any changes to their residence (including any termination of residency) employment or school attendance. All sex offenders shall immediately inform the Shoalwater Bay Indian tribe Sex Offender Registry via in person contact of any changes to their temporary lodging information, vehicle information, internet identifiers, or telephone numbers. In the event of a

change in temporary lodging, the Shoalwater Bay Indian Tribe Sex Offender Registry shall immediately notify the jurisdiction in which the offender will be temporarily staying.

- B. Jurisdiction of School attendance: Any sex offender who is a student in any capacity within the lands subject to the jurisdiction of the Tribe regardless of location that change their school or otherwise terminate their schooling shall immediately appear in person at the Shoalwater Bay Indian Tribe Sex Offender Registry to update that information. The Shoalwater Bay Indian Tribe Sex Offender Registry shall ensure that each jurisdiction in which the offender is required to register or was required to register prior to the updated information being given, are notified of the change.
- C. Jurisdiction of Employment: Any sex offender who is employed by the Tribe in any capacity or otherwise is employed within the lands subject to the jurisdiction of the Shoalwater Bay Indian Tribe, regardless of location that change their employment, or otherwise terminate their employment, shall immediately appear in person at the Shoalwater Bay Indian Tribe Sex Offender Registry and to update that information. The Shoalwater Bay Indian Tribe Sex Offender Registry shall ensure that each jurisdiction in which the sex offender was required to register or was required to register prior to the updated information being given, are immediately notified of the change.
- D. Duties of the Shoalwater Bay Indian Tribe Sex Offender Registry: With regard to changes in a sex offender's registration information, the Shoalwater Bay Indian Tribe Sex Offender Registry, or designee shall immediately notify:
  - 1. All jurisdictions where a sex offender intends to reside, work, or attend school.
  - 2. Any jurisdiction where a sex offender is registered or is required to register.
  - 3. Specifically with respect to the 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 registered or is required to register, and the U.S. Marshal's service. The Tribal Police shall also ensure that this information is immediately updated on NSOR.

#### **SECTION 5.05 – FAILURE TO APPEAR FOR REGISTRATION & ABSCONDING**

- A. FAILURE TO APPEAR: In the event a sex offender fails to register with the Tribe as required in this code, the Shoalwater Bay Indian Tribe Sex Offender Registry or designee shall immediately inform the jurisdiction that provided the notification that the sex offender was to commence residency, employment, or School attendance with the tribe that the sex offender failed to appear for Registration.
- B. ABSCONDED SEX OFFENDERS: If the Shoalwater bay Indian Tribe Sex Offender Registry or designee receives information that a sex offender has absconded, the Shoalwater Bay Indian Tribe Sex Offender Registry shall make an effort to determine if the offender has actually absconded.

1. In the event no determination can be made, the Shoalwater Bay Indian Tribe Offender Registry or designee shall ensure the Tribal Police and any other appropriate law enforcement agency is notified.
  2. If the information indicating the possible absconding came through notice from another jurisdiction or Federal authorities, they shall be informed that a sex offender has failed to appear and register.
  3. If an absconded sex offender cannot be located, then the Tribal Police shall take the following steps:
    - a. Update the registry to reflect the sex offender has absconded or is otherwise incapable of being located.
    - b. Notify the U.S. Marshals Service.
    - c. 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.
    - d. Update the NSOR to reflect the sex offender's status as an absconder, or is otherwise not capable of being located.
    - e. Enter the sex offender in the National Crime Information Center Wanted Person File.
- C. **FAILURE TO REGISTER:** In the event a sex offender who is required to Register due to their employment or school attendance status fails to do so or otherwise violates a registration requirement of this code, the Shoalwater Bay Indian tribe Sex Offender Registry shall take all appropriate follow-up measures including those outlined in Section 5.05 ( B ). The Shoalwater Bay Indian Tribe Sex Offender Registry shall first make an effort to determine if the sex offender is actually employed or going to school in lands subject to the Tribe's jurisdiction.

## **CHAPTER 6- PUBLIC SEX OFFENDER REGISTRY WEBSITE**

### **SECTION 6.01- WEBSITE**

- A. **WEBSITE:** The Shoalwater Bay Indian Tribe Sex Offender Registry shall use and maintain a Public sex offender registry website.
- B. **LINKS:** The registry website shall include links to sex offender safety and education resources.
- C. **INSTRUCTIONS:** The Registry website shall instructions on how a person seek correction of information that the person contends is erroneous.
- D. **WARNINGS:** The registry website shall include a warning that the information contained on the website should not be used to unlawfully injure, harass, or commit a crime against any individual named in the registry or residing or working at any reported addresses and that any such action could result in criminal or civil penalties.

- E. **SEARCH CAPABILITIES:** The registry website shall have the capability of conducting searches by (1) name, (2) county, city, or town, and; (3) zip code and / or geographic radius.
- F. **DRU SJODIN NATIONAL SEX OFFENDER PUBLIC WEBSITE:** The Tribe shall include in the design of its website all field search capabilities needed for full participation in the Dru Sjodin National Sex Offender Public Website and shall participate in that website as provided by the Attorney General of the United States.

### **SECTION 6.02-REQUIRED AND PROHIBITED INFORMATION**

- A. **REQUIRED INFORMATION:** the following information shall be made available to the public on the sex offender registry website:
  - 1. Notice that an offender is in violation of their registration requirements or or cannot be located if the sex offender has absconded.
  - 2. All sex offenses for which a sex offender has been convicted.
  - 3. The sex offense(s) for which the offender is currently registered.
  - 4. The address of the sex offender’s employer.
  - 5. The name of the sex offender and all aliases.
  - 6. A current photograph of the sex offender.
  - 7. A physical description of the sex offender.
  - 8. The residential address and, if relevant, a description of a habitual residence of the sex offender.
  - 9. All addresses of school s attended by the sex offender , and
  - 10. The sex offender’s license plate number along with a description of all vehicles.
- B. **PROHIBITED INFORMATION:** The following information shall not be to the public on the sex offender website:
  - 1. Any arrest that did not result in conviction.
  - 2. The sex offender’s social security number
  - 3. Any travel or immigration documents
  - 4. The identity of the victim.
  - 5. Internet identifiers (as defined in USC § 16911).
- C. **WITNESS PROTECTION:** For sex offenders who are under a witness Protection program, the Tribal Police may honor the request of the U.S. Marshals Service or other agency responsible for witness protection by not including the original identity of the sex offender on the publicly accessible sex offender website.

### **SECTION 6.03- COMMUNITY NOTIFICATION**

- A. **LAW ENFORCEMENT NOTIFICATION:** Whenever a sex offender registers

or updates his or her information with the Tribe, the Shoalwater Bay Indian Tribe Sex Offender Registry shall:

1. Immediately notify the FBI or other Federal Agency as designated by the Attorney General in order that the information may be update to NSOR or other relevant databases.
2. Immediately notify any agency, department, or program within the Tribe that Responsible for criminal investigation, prosecution, child welfare, or sex offender supervision function, including but not limited to, Police, whether BIA, Tribal or FBI, Tribal Prosecutors, and Tribal probation. ‘
3. Immediately notify any and all other registration jurisdictions where the sex offender is registered due to the sex offender’s residency, school, attendance, or employment.
4. Immediately notify the 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 USC 5119a ) when a sex offender registers or updates information.

B. **COMMUNITY NOTIFICATION:** The Shoalwater Bay Indian Tribe Sex Offender Registry shall ensure there is an automated community notification process that ensures the following:

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

## **CHAPTER 7- IMMUNITY**

A. **NO WAIVER OF IMMUNITY:** Nothing under this chapter shall be construed as a waiver of sovereign immunity for the Shoalwater Bay Indian Tribe.

B. **GOOD FAITH:** Any person acting under good faith of the Title shall be immune from any civil liability arising out of such actions.

## **CHAPTER 8 – CRIMES AND CIVIL SANCTIONS**

A. **CRIMINAL PENALTY:** Each violation of a provision of this code by a sex offender

who is an Indian shall be considered a crime and will be subject to a period of incarceration of up to one year, and a fine of \$ 2500.00.

- B. CIVIL PENALTY: Each violation of this code by a sex offender who is not an Indian shall be considered a civil violation subject to enforcement by any means not prohibited by Federal law, including, but not limited to, the issuance of fines, forfeitures, or civil contempt.
- C. CUSTOMS AND TRADITIONS: May include exclusion.
- D. HINDRANCE OF SEX OFFENDER REGISTRATION:
  - 1. A person is guilty of an offense if they:
    - a. Knowingly harbor 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.
    - b. Knowingly assists a sex offender in eluding a law enforcement agency that is seeking to find the sex offender to question the sex offender about, or to arrest the sex offender for, non-compliance with the requirements of this Title; or
    - c. Provided information to any law enforcement agency regarding a sex offender which the person knows to be false.



## SHOALWATER BAY INDIAN TRIBE

P.O. Box 130 • Tokeland, Washington 98590  
Telephone (360) 267-6766 • FAX (360) 267-6778

### SHOALWATER BAY INDIAN TRIBE RESOLUTION #05-06-13-33

#### TITLE 28 SHOALWATER BAY SEX OFFENDER REGISTRY CODE

WHEREAS, the Shoalwater Bay Indian Tribe is a Federally Recognized Tribe headquartered on the Shoalwater Bay Indian Reservation in the State of Washington; and

WHEREAS, the Shoalwater Bay Tribal Council is the governing body of the Shoalwater Bay Indian Tribe in accordance with their Constitution and by-laws;

WHEREAS, the Shoalwater Bay Indian Tribe supports enactment of the Sex Offender Registry Code for the Shoalwater Bay Indian Tribe;

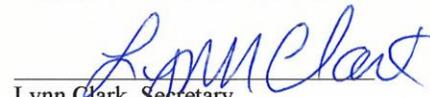
WHEREAS, the Shoalwater Bay Tribal Council adopted the Shoalwater Bay Indian Tribe Title 28 Sex Offender Registry Code on behalf of the Tribe on the 14<sup>th</sup> day of December, 2011; now

THEREFORE BE IT RESOLVED, that the Shoalwater Bay Tribal Council does hereby approve this Resolution to be attached to the Title 28 Shoalwater Bay Sex Offender Registry Code.

#### CERTIFICATION

The above resolution was passed at a regular Tribal Council Meeting held May 6, 2013 at which a quorum was present by a vote of 4 FOR 0 AGAINST AND 0 ABSTAIN

  
Charlene Nelson, Chairwoman  
Shoalwater Bay Tribal Council

  
Lynn Clark, Secretary  
Shoalwater Bay Tribal Council