

**SKOKOMISH CRIMINAL CODE
SEX OFFENDER NOTIFICATION AND REGISTRATION**

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9.02B.005 Declaration of Policy

(a) The Skokomish Tribal Council finds that sex offenders present a risk to reoffend and that the efforts of law enforcement to protect the community, conduct investigations and to apprehend those who commit sex offenses is impaired by the lack of information available about individuals who have pled to, or have been found guilty of, sex offenses.

(b) The Skokomish Tribal Council hereby establishes its policy to assist the efforts of federal, state and tribal law enforcement by requiring sex offenders who visit or reside on the Skokomish Reservation to notify and register with the Skokomish Department of Public Safety.

9.02B.010 Definitions

Where a term is not defined in this section, it shall be given its ordinary meaning, unless otherwise defined in S.T.C. 9.02B. Terms used in this section shall have the following meaning, except where the context indicates otherwise:

- (a) "Department" means the Skokomish Department of Public Safety;
- (b) "Director" means the Director of the Skokomish Department of Public Safety, or his designee;
- (c) "Indian" means a person who is a member of an Indian tribe;
- (d) "Indian Tribe" means any federally recognized tribe, band, nation, rancheria, pueblo, colony, community or any other group of Indians, including any Alaska Native Village or Corporation;
- (e) "Non-Indian" means a person who is not an Indian;

(f) "Reservation" means the Skokomish Indian Reservation established pursuant to the Treaty of Point No Point of January 26, 1855, 12 Stat. 933, and the Executive Order of February 25, 1874;

(g) "Resident" means any person who occupies a dwelling within the Reservation for a period of no less than 30 consecutive days in a calendar year;

(h) "Tribal Court" means the Skokomish Tribal Court or any court established by the Tribe to adjudicate and enforce the provisions of S.T.C. 9.02B or violations of other tribal laws;

(i) "Tribal Member" means a person who is enrolled as a member of the Skokomish Indian Tribe;

(j) "Tribe" means the Skokomish Indian Tribe, the present day sovereign entity which is the political successor in interest to certain tribes, bands or groups of Indians who were parties to the Treaty of Point No Point.

(k) "Visitor" means any person within the Reservation who is not a resident;

9.02B.015 Application

The notification and registration provisions of S.T.C. 9.02B shall apply to any adult or juvenile residing on, or visiting, the Reservation:

(a) Who has pled guilty to, been found guilty of, or who has been found not guilty by reason of insanity to any sex offense under S.T.C. 9.02A of the Skokomish Law and Order Code; or

(b) Who has pled guilty to, been found guilty of, or who has been found not guilty by reason of insanity, to any attempt, solicitation or conspiracy to commit a crime that requires or would require that person to register as a sex offender under federal law, or under the law of any state, other Indian tribe, territory, commonwealth, foreign country or other jurisdiction.

9.02B.020 Risk to the Community

(a) Sex offenders present various "Levels of Risk" to the tribal community and shall be classified by the level of risk presented to the tribal community as identified by the Director, Skokomish Department of Public Safety:

(1) The Director is hereby authorized on behalf of the Tribe to take any and all necessary steps, including coordinating with other tribal, state and federal agencies, to obtain relevant and necessary information in determining the status and risk assessment level of each sex offender;

(2) The Director shall determine the status and risk assessment level of each sex offender based upon the available information at the time of notification and registration;

(3) The Director may change a sex offender’s identified level of risk and/or further restrict activities and movements of a sex offender in accordance with his duty to best serve and protect the tribal community; provided that the Director shall not change the initial level of risk of a sex offender without prior consultation with the Skokomish Law and Order Committee and approval by the Tribal Council; and

(4) The Director shall, at a minimum, follow the guidelines set forth in subsection (2); provided that the Director may impose more restrictive conditions on a case by case basis following consultation with the Skokomish Law and Order Committee for a period not to exceed thirty (30) days; provided further that any extension of such restrictive conditions must be approved by the Tribal Council.

(b) Assigned assessment, parameters of tribal community concern, restrictions placed upon the movements and activities of a sex offender, and law enforcement notification requirements shall be as follows:

<u>Risk Assessment</u>	<u>Level of Concern</u>	<u>Restrictions</u>	<u>Notifications</u>
Level I	Low risk to reoffend within the community at large	No harassment or intimidation of and no contact with victim or witnesses	Victims, witnesses, immediate neighbors, school (if attending), family members
Level II	Moderate risk to reoffend within the community at large	All Level I restrictions; May not enter nor remain upon any property where there are minor children and a responsible adult is not present. May not stop, stand, loiter or enter within two hundred (200) feet of the external property lines or boundaries of any public or private school, day care or child care providers, child learning center, Headstart, school bus stop, crosswalk, or playground regardless of the presence of children.	All Level I notifications and day care, child care providers, Headstart, child learning centers, groups, organizations and businesses that serve women and children
Level III	High risk to reoffend within the community at large	All Level II restrictions; May not reside within five	All level II notifications and the public at large, law

hundred (500) feet of the external property lines of any location listed in the Level II criteria. enforcement agencies that monitor the exercising of any and all treaty rights.

9.02B.025 Exceptions

Sex offenders, less than eighteen (18) years of age who are not legally emancipated, or have not been tried and found guilty as an adult, and have been assessed as a Level II or III offender, or the equivalent:

- (a) Shall, if an Indian child, be referred to Indian Child Welfare Program within the Skokomish Department of Social Services, and if a non-Indian child, be referred to Washington Child Protective Services, for an independent evaluation as to the danger presented, and any restrictions to be imposed, by the attendance of the child at any public or private school located on the Skokomish Reservation.
- (b) The Tribal Court shall decide if the cost of any evaluation will be the responsibility of the legal parent or guardian of the child.

9.02B.030 Release of Information / Community Notification / Immunity

(1) Release of Information.

Tribal officials are authorized to release relevant and necessary information regarding sex offenders to the public when such information is reasonably necessary for protection of the tribal community.

(2) Tribal Community Notification Requirements.

Within seventy two (72) hours of the registration of a sex offender, the Director shall notify the individuals, groups and organizations identified according to the risk assessment levels of section 9.02B.020(b) by any reasonable method, including public posting, mailing, or personal delivery.

(3) Immunity.

Tribal officials are immune from civil liability for damages for any discretionary decision to release relevant and necessary information pursuant to S.T.C. 9.02B.

9.02B.040 Sex Offender Notification Requirements

(a) Visitors.

All persons to whom S.T.C. 9.02B is applicable must notify the Director, through the Skokomish Department of Public Safety, upon entering and remaining on the Skokomish Reservation as follows:

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

(2) Any person visiting or intending to visit the Reservation for a period exceeding seven (7) calendar days must notify the Director and complete all the registration requirements of S.T.C. 9.02B within eight (8) hours of arrival.

(b) Residents.

All persons to whom S.T.C. 9.02B is applicable must notify the Director, through the Skokomish Department of Public Safety, upon entering and remaining on the Skokomish Reservation as follows:

(1) Any person currently residing on the Reservation at the time of enactment of S.T.C. 9.02B shall notify and register with the Director within thirty (30) calendar days;

(2) Any person intending to reside within the external boundaries of the Reservation must notify the Director and complete all the registration requirements of S.T.C. 9.02B at least fourteen (14) calendar days prior to moving to the Reservation;

(3) Any person that resides on the Reservation shall provide notification to the Director at least fourteen (14) calendar days prior to a change of residence.

9.02B.050 Sex Offender Registration Requirements

All persons to whom S.T.C. 9.02B is applicable and who are required to register as a sex offender under its provisions shall:

(a) At the time of registration, provide the Director, through the Skokomish Department of Public Safety, with a copy of any required registration form from the foreign jurisdiction.

(b) Complete the registration form provided by the Department which shall include the following information:

(1) Full name and all aliases which the person has used or under which the person has been known;

(2) A complete description of the person including height, weight, eyes, hair, date of birth and social security number;

(3) A current photograph (a new photograph shall be provided on an annual basis during the month of January to the Department);

(4) Name of each offense to which the person pled guilty or was found guilty; the name used at the time of conviction; the names of victims and witnesses to

each offense; where each offense was committed; and the name of the court and location of jurisdiction;

(5) The name and location of each jail, facility or institution to which the person was committed for each offense; and

(6) Physical address and telephone number of current residence and place of employment.

9.02B.060 Duration of Registration

(a) Any person to whom S.T.C. 9.02B applies shall be required to register during any period of probation, parole or community placement.

(b) Except as otherwise specifically provided herein, any person to whom S.T.C. 9.02B applies shall continue to comply with the requirements of S.T.C. 9.02B **for life** while residing on the Skokomish Reservation.

9.02B.065 Exemption from Registration

(a) Petition to Tribal Court.

Any person required to register as a sex offender pursuant to S.T.C. 9.02B may, after a period of fifteen (15) years from the last date of discharge from probation, parole or release from incarceration, whichever is greater, petition the Tribal Court for a show cause hearing to determine if an exemption from the registration requirements is appropriate. In the petition, the petitioner shall provide clear and convincing evidence that the petitioner is not a risk to commit a new violation for any violent crime or any crime related to the requirements of registration as a sex offender based upon:

(1) An affidavit indicating that the petitioner is not knowingly under investigation for, has not pled guilty to, nor been convicted of any crime in any jurisdiction for the period of the previous twelve (12) consecutive years;

(2) A certified copy of any and all judgments of conviction which caused the petitioner to report as a sex offender;

(3) An affidavit and copy of notice as proof that the petitioner, at their own expense, has for the previous fourteen (14) calendar days posted notices at all tribal buildings of their intent to petition the Court to obtain an exemption from sex offender registration.

(b) Show Cause Hearing.

(1) The Tribal Court may grant a hearing if it finds that the petition is sufficient; and

(2) The Tribal Court may exempt the petitioner from the registration requirement only after a hearing on the petition in open court. The Tribal Court shall base its decision only upon a finding by clear and convincing evidence that the petitioner

is not a risk to commit a new violation of any violent crime or any crime related to the requirements of registration as a sex offender.

9.02B.070 Violations and Penalties

(a) Failure to Notify

No person, required to provide notice of their status as a sex offender pursuant to the provisions of S.T.C. 9.02B, shall knowingly fail to notify the Department of their status as a sex offender.

(1) Violation of this section by a Skokomish tribal member or other Indian is a class C criminal offense;

(2) Violation of this section by a non-Indian is a civil offense and the Tribal Court shall impose a minimum civil fine of five-hundred dollars (\$500), not to exceed one-thousand dollars (\$1,000).

(b) Failure to Register

No person, required to register as a sex offender pursuant to the provisions of S.T.C. 9.02B, shall knowingly fail to register as a sex offender with the Department.

(1) Violation of this section by a Skokomish tribal member or other Indian is a class B criminal offense:

(A) First Violation

Tribal Court shall impose a minimum penalty of 60 days jail time and a fine of \$1,000.00;

(B) Second and Subsequent Violations

Tribal Court shall impose a minimum penalty of 180 days jail time and a fine of \$2,500.00; provided that the Tribal Court upon its own initiative or any person authorized pursuant to S.T.C. 3.05 - Civil Exclusion and Removal - may file a complaint for the exclusion and removal of any Indian other than a Skokomish tribal member upon his or her second violation of this section.

(2) Violation of this section by a non-Indian is a civil offense. The Tribal Court shall impose a minimum civil fine of two-thousand and five hundred dollars (\$2,500); provided that the Tribal Court upon its own initiative or any person authorized pursuant to S.T.C. 3.05 - Civil Exclusion and Removal - may file a complaint for the exclusion and removal of such non-Indian.

(c) Furnishing False or Misleading Information

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

(1) Violation of this section by a Skokomish tribal member or other Indian is a class B criminal offense.

(2) Violation of this section by a non-Indian is punishable by a civil fine of no less than one-thousand dollars (\$1,000); provided that the Tribal Court upon its own initiative or any person authorized pursuant to S.T.C. 3.05 - Civil Exclusion and Removal - may file a complaint for the exclusion and removal of such non-Indian.

(d) Obstruction of Tribal Community Notification

No person shall, without prior approval of the Director, remove, alter, mutilate or destroy any notice to the tribal community posted pursuant to S.T.C. 9.02B.

(1) Violation of this section by a Skokomish tribal member or other Indian is a class C criminal offense;

(2) Violation of this section by a non-Indian is a civil offense and the Tribal Court shall impose a minimum civil fine of five-hundred dollars (\$500), not to exceed one-thousand dollars (\$1,000).

9.02B.080 Payment of Fines /Payment for Incarceration Costs

(a) Any monetary penalty or civil fine assessed by the Tribal Court pursuant to S.T.C. 9.02B shall be paid in full within three (3) months from judgment.

(b) Except as provided in sub-section (d) of this section, all persons subject to S.T.C. 9.02B shall be required to repay the Skokomish Tribe within one (1) year of the date of their release for the costs of their incarceration and any related expenses. The conditions of such repayment shall be set by the Tribal Court.

(c) All portions of any sentence not served, or fine not paid, may be construed as a subsequent violation and may be added to the penalties incurred; provided that the Tribal Court upon its own initiative or any person authorized pursuant to S.T.C. 8.05 - Civil Exclusion and Removal - may file a complaint for the exclusion and removal of such person.

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

9.02B.090 Severability

If any provision of S.T.C. 9.02B or its application is held to be invalid, the remainder of S.T.C. 9.02B, or the application of the provision to other persons, or circumstances, is not affected.

9.02B.095 Effective Date

The provisions of S.T.C. 9.02B shall become effective thirty days from the date of resolution approving and adopting the same by the Tribal Council. The Department shall cause to be

published and/or posted at tribal buildings a notice to the tribal community of the notification and registration requirements of sex offenders under S.T.C. 9.02B.