

**Title 4A – Criminal Code**  
**Chapter 2 – Registration for Convictions from Swinomish**  
**Tribal Court**

Sec.

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**Legislative History**

Enacted:

Swinomish Indian Code, Ord. 331 Adopting STC Title 4A – Registration of Sex Offenders, (4/1/14), BIA (4/14/14)

Repealed:

The portion of Ord. 224 which created STC Title 4, Chapter 14, (4/1/14), BIA (4/14/14)

**4A-02.010    Applicability.**

Unless otherwise specified, the requirements of this Chapter apply to all individuals who are convicted of a registerable sex offense in the Swinomish Tribal Court.

**4A-02.020    Duty to Register.**

An individual must register as a sex offender with the Swinomish Police Department if he or she is convicted of a registerable sex offense by the Swinomish Tribal Court, regardless of the individual's actual or intended place of residence. Nothing in this Chapter is intended to relieve a registered sex offender of any additional duty to register in another jurisdiction.

**4A-02.030    Sex Offender Registration Acknowledgment Form.**

(A) In General. When an individual is convicted of a registerable sex offense in the Swinomish Tribal Court, he or she shall have read to him or her by the Judge and shall sign a form stating that the duty to register has been explained to him or her and that the

individual understands the registration requirements.

(B) Duties of the Swinomish Tribal Court.

- (1) At the sentencing hearing of an individual who is convicted of a registerable sex offense in Swinomish Tribal Court, the Judge of the Swinomish Tribal Court shall, on the record, read to that individual a sex offender registration acknowledgment form advising the individual of the registration requirements.
- (2) The Judge of the Swinomish Tribal Court shall sign and date the form after reading it on the record.
- (3) The Swinomish Tribal Court shall provide a copy of the signed and dated form and the judgment and sentence order to the Swinomish Police Department immediately after sentencing.

(C) Duties of the Swinomish Police Department. Upon receipt, the Swinomish Police Department shall immediately upload the sex offender registration acknowledgment form into the Swinomish Registry. Additionally, the Swinomish Police Department shall immediately provide a copy of the form to the Skagit County Sheriff's Office.

(D) Contents. The sex offender registration acknowledgment form shall include information that an individual convicted of a registerable sex offense will be subject to the following registration requirements:

- (1) The individual shall register with the Swinomish Police Department within the applicable time frame, pursuant to STC 4A-02.040; and
- (2) The individual shall complete a sex offender registration form and provide the required registration information, pursuant to STC 4A-02.050; and
- (3) The individual shall keep the Swinomish Police Department updated of any changes in registration, pursuant to STC 4A-02.060; and
- (4) The individual shall have a duty to register for the applicable duration of registration, pursuant to STC 4A-02.070; and
- (5) The individual will have his or her risk level assessed by the Skagit County Sheriff's Office, pursuant to STC 4A-02.080; and
- (6) The individual will be subject to address verifications by the Swinomish Police Department or its designee, pursuant to STC 4A-02.090; and
- (7) The individual shall update the Swinomish Police Department if he or she lacks a fixed residence, will be temporarily absent from the Reservation, or will travel internationally, pursuant to the specific requirements in STC 4A-02.100, 4A-

02.110, and 4A-02.120; and

- (8) The individual shall follow the procedures set forth in STC 4A-02.130 if he or she wishes to change his or her name; and
- (9) The individual may request a reduction in the duration of registration if he or she meets the qualifications in STC 4A-02.140; and
- (10) The individual will have his or her registration information maintained on one or more sex offender registry websites; and
- (11) The individual may be subject to criminal sanctions if he or she fails to appear for registration, provides inaccurate registration information, or otherwise violates any registration requirements.

**4A-02.040 Timing of Registration.**

- (A) **Offenders Who Are In Custody.** If an individual described in STC 4A-02.010 is convicted and incarcerated for a registerable sex offense, he or she must register before being released from incarceration, provided the facility of incarceration has the capacity to do so. Additionally, the individual must register in person with the Swinomish Police Department within three business days from the time of release.
- (B) **Offenders Who Are Convicted But Not Confined.** If an individual described in STC 4A-02.010 is convicted but not incarcerated for a registerable sex offense, or if the individual is convicted and incarcerated by electronic home detention for a registerable sex offense, he or she must register in person with the Swinomish Police Department within three business days from being sentenced for the registerable sex offense.

**4A-02.050 Required Information.**

- (A) An individual described in STC 4A-02.010 must provide the following information to the Swinomish Police Department when registering:
  - (1) Name, including tribal name if applicable, and any aliases used;
  - (2) Actual and purported date and place of birth;
  - (3) Actual and purported social security number;
  - (4) Physical description, including identifying marks such as tattoos, scars, and birthmarks;
  - (5) Complete and accurate address of each residence where he or she resides or intends to reside, or, if the person lacks a fixed residence, where he or she plans to stay;

- (6) Name of the business and address of place or business where he or she is employed;
  - (7) Name and address of school where he or she is or will be a student;
  - (8) Driver's license and identification cards, of which the Swinomish Police Department shall make a copy;
  - (9) Vehicle information for land vehicles, watercraft, and aircraft, including license plate numbers, registration numbers or identifiers, general description of the vehicle to include color, make, model, and year, and any permanent or frequent location where any covered vehicle is kept;
  - (10) Phone numbers used, including cellular, landline, and Voice over IP (VOIP) numbers;
  - (11) Professional licensing information;
  - (12) Internet identifiers, including but not limited to e-mail addresses and instant messaging identifiers and monikers;
  - (13) Passports and immigration documents, of which the Swinomish Police Department shall make a copy;
  - (14) Photograph;
  - (15) Fingerprints, which shall be submitted by the Swinomish Police Department or its designee to the Integrated Automatic Fingerprint Identification System and, if possible, palmprints, which may be taken and submitted to the FBI Central Database; and
  - (16) Deoxyribonucleic acid (DNA) sample, which shall be submitted by the Swinomish Police Department or its designee to the Combined DNA Index System.
- (B) The registered sex offender may be required to go to the Skagit County Sheriff's Office to have his or her photograph, fingerprints, palmprints, and DNA sample taken.
- (C) The Swinomish Police Department must also obtain and submit to NCIC/NSOR, if not already submitted, the date of all arrests; date of all convictions; status of parole, probation, or supervised released; registration status; and outstanding warrants.

**4A-02.060 Keeping Registration Current.**

- (A) Registered Sex Offender to Notify.
- (1) If the Registered Sex Offender is a Resident, Employee, or Student on the

Reservation. If an individual described in STC 4A-02.010 has any change in registration information at any time during the duration of the registration period, and the individual is a resident, employee, or student on the Reservation, the registered sex offender must appear in person at the Swinomish Police Department within three days of the change of information and update the information.

- (2) If the Registered Sex Offender is not a Resident, Employee, or Student on the Reservation. If an individual described in STC 4A-02.010 has any change in registration information at any time during the duration of the registration period, and the individual is not a resident, employee, or student on the Reservation, the registered sex offender shall notify the Swinomish Police Department of the change of information in person or by certified mail, in addition to notifying the jurisdiction in which he or she is a resident, employee, or student, within three days of the change of information and update the information.
- (B) The individual may be required to update any of the information required in this subsection in conjunction with any address verification or as part of any notice required by this section.
- (C) A photograph or copy of an individual's fingerprints may be taken at any time to update an individual's file.
- (D) Police Department to Notify. If any new information or change in information is obtained by the Swinomish Police Department, the Swinomish Police Department shall immediately notify all other jurisdictions in which the registered sex offender is known by the Swinomish Police Department to be required to register of the information or change in information. The Swinomish Police Department shall also immediately update the Swinomish Registered Sex Offender Website, if applicable, and update information in NCIC/NSOR.

#### **4A-02.070 Duration of Registration.**

- (A) An individual described in STC 4A-02.010 must register for ten years if:
  - (1) He or she is convicted of an offense that is classified as a crime with a sexual motivation under STC 4-01.110; or
  - (2) He or she is convicted of Class C Abduction or convicted of attempt or conspiracy to commit such an offense.
- (B) An individual described in STC 4A-02.010 must register for fifteen years if:
  - (1) He or she is convicted of a Class B offense under STC 4-03 or Class B Abduction under STC 4-02 or convicted of attempt or conspiracy to commit such an offense, and the individual does not have one or more prior convictions for a registerable

sex offense.

- (C) An individual described in STC 4A-02.010 must register indefinitely if:
- (1) He or she is convicted of a Class A offense under STC 4-03 or Class A Abduction under STC 4-02 or convicted of attempt or conspiracy to commit such an offense; or
  - (2) He or she is convicted of Class B offense under STC 4-03 or Class B Abduction under STC 4-02 or convicted of attempt or conspiracy to commit such an offense, and the individual has one or more prior convictions for a registerable sex offense.

**4A-02.080 Risk Level Classification.**

An individual described in STC 4A-02.010 shall have his or her risk level determined by the Skagit County Sheriff's Office or the State of Washington.

**4A-02.090 Address Verification.**

- (A) Registered Sex Offenders Who Reside on the Reservation.
- (1) If an individual described in STC 4A-02.010 resides within the exterior boundaries of the Swinomish Reservation, the Swinomish Police Department shall make reasonable attempts to verify that the individual is residing at the registered address. Reasonable attempts require visiting the offender's registered residential address according to the following frequency: for Risk Level I offenders, every twelve months; for Risk Level II offenders, every six months; and for Risk Level III offenders, every three months.
  - (2) The Swinomish Police Department shall make reasonable attempts to locate any registered sex offender who cannot be located at the registered address.
- (B) Registered Sex Offenders Who Reside off the Reservation but Reside in Washington State. If an individual described in STC 4A-02.010 resides outside of the exterior boundaries of the Swinomish Reservation but within the boundaries of the State of Washington, the registered sex offender may be subject to address verifications by the State of Washington.

**4A-02.100 Lack of a Fixed Residence.**

- (A) Applicability. The requirements of this section apply only to those individuals described in STC 4A-02.010 who reside on the Reservation but lack a fixed residence.
- (B) Notice to Police. A registered sex offender who lacks a fixed residence shall appear in person at the Swinomish Police Department within three business days after ceasing to have a fixed residence. The Swinomish Police Department shall forward this information

to the jurisdiction in which the person intends to reside

- (C) **In-Person Verification.** An individual described in STC 4A-02.100(A) must report weekly, in person, to the Swinomish Police Department. The weekly report shall be on a day specified by the Swinomish Police Department and shall occur during normal business hours. The person must keep an accurate accounting of where he or she stays during the week and provide it to the Swinomish Police Department upon request.

#### **4A-02.110 Temporary Absence from the Reservation.**

- (A) **Applicability.** The requirements of this section apply only to individuals described in STC 4A-02.010 who reside on the Reservation.
- (B) **Requirement.** An individual described in STC 4A-02.110(A) who will be absent from his or her residence for seven days or more shall provide, no later than three business days before his or her scheduled travel, to the Swinomish Police Department the identifying information of the temporary lodging locations including addresses and names and the dates the registered sex offender will be staying at each temporary lodging location.

#### **4A-02.120 International Travel.**

- (A) **Requirement.** An individual described in STC 4A-02.010 who intends to relocate or to travel outside of the United States shall inform the Swinomish Police Department 21 days in advance of the intended travel.
- (C) **Police Department to Notify.** Upon receiving notice of intent to relocate or travel internationally, the Swinomish Police Department shall notify within three business days any other jurisdiction where the registered sex offender is registered or required to register and shall notify the U.S. Marshals Service. The Swinomish Police Department shall also immediately update NCIC/NSOR.

#### **4A-02.130 Name Change.**

An individual described in STC 4A-02.010 who applies with the Swinomish Tribal Court to change his or her name shall submit a copy of the application to the Swinomish Police Department not fewer than ten days before the entry of an order granting the name change. No registered sex offender at the time of application shall be granted an order changing his or her name if the court finds that doing so will interfere with legitimate law enforcement interests, except that no order shall be denied when the name change is requested for religious or legitimate cultural reasons or in recognition of marriage or dissolution of marriage. A registered sex offender who receives an order changing his or her name shall submit a copy of the order to the Swinomish Police Department within three business days of the entry of the order.

#### **4A-02.140 Reduction of Registration.**

- (A) **Reduction of Registration Period for Swinomish Tribal sex offenses:** An individual

described in STC 4A-02.010 may have his or her period of registration reduced as follows:

- (1) A Risk Level II registered sex offender may have his or her period of registration reduced to 10 years if he or she has maintained a clean record for 10 consecutive years.
  - (2) A Risk Level III registered sex offender may have his or her period of registration reduced to 25 years if he or she was adjudicated delinquent of an offense as a juvenile, or otherwise found guilty of an offense as a juvenile, that required Risk Level III registration, if he or she has maintained a clean record for 25 consecutive years.
- (B) Clean Record. For purposes of STC 4A-02.140(A), a person has a clean record if:
- (1) He or she has not been convicted of any offenses enumerated in STC 4-02 or a similar crime;
  - (2) He or she has not been convicted of any sex offense;
  - (3) He or she has successfully completed, without revocation, any period of supervised release, probation, or parole; and
  - (4) 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.

**4A-02.150 Retroactive Registration.**

- (A) Duty to Recapture. The Swinomish Police Department shall have in place policies and procedures to ensure that individuals convicted of a registerable sex offense by the Swinomish Tribal Court within the past ten years are subject to the registration and updating requirements of this Title.
- (B) Timing of Recapture. The Swinomish Police Department shall ensure the recapture of individuals mentioned in STC 4A-02.150(A) within the following timeframe, to be calculated from the date of passage of this Title:
- (1) For Risk Level I registered sex offenders, 365 days;
  - (2) For Risk Level II registered sex offenders, 180 days; and
  - (3) For Risk Level III registered sex offenders, 90 days.
- (C) Prior Registration. The registered sex offender shall be given credit for the time he or she has been in compliance with the previous registration requirements passed in Ordinance



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