

# **TITLE 10A**

# **NISQUALLY SEX OFFENDER REGISTRATION AND NOTIFICATION ACT**

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# TITLE 10A – NISQUALLY SEX OFFENDER REGISTRATION AND NOTIFICATION ACT

## Section 10A.01 – Title and Purpose

### 10A.01.01 Title

This Chapter will be known as the Nisqually Sex Offender Registration and Notification Act (NSORNA).

#### HISTORICAL AND STATUTORY NOTES

Title originally created by Resolution \_\_\_-2014, adopted on \_\_\_\_\_, 2014.

### 10A.01.02 Purpose

The intent of this Chapter is to implement the federal Sex Offender Registration and Notification Act (SORNA) (Title 1 of Public Law 109-248) and shall be interpreted liberally to comply with the terms and conditions of SORNA.

Nothing in this Chapter shall be construed as a waiver of sovereign immunity for the Tribe, its departments, agencies, employees or agents.

Any person acting under good faith of this Chapter shall be immune from any civil liability arising out of such actions.

## Section 10A.02 – Sex Offender Registration

### 10A.02.01 Registry

The Tribal Council has determined that it is in the best interests of the Tribe to work cooperatively with the State of Washington, through the Thurston County Sheriff's Office to fulfill SORNA responsibilities. Registration of sex offenders within the jurisdiction of the Nisqually Indian Tribe shall be implemented in a manner consistent with the State of Washington, the Memorandum of Agreement between Thurston County and the Nisqually Indian Tribe regarding sex offender registration and notification and Nisqually tribal law. References to Registry in this Chapter shall mean the Washington Sex Offender Registry Database maintained by the State of Washington.

### 10A.02.02 Covered 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, or who attend school 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 sex offense or kidnapping offense, or convicted of an attempt or conspiracy to commit a sex offense or kidnapping offense, in any jurisdiction including, State, Tribal, Federal, Military and foreign Courts are subject to the requirements of this Chapter.

### 10A.02.03 Pertinent Statutes

Nisqually Tribal Code sections 10.07.11, 10.07.12, 10.07.17, 10.07.18, 10.07.19, 10.07.20, 10.07.21, 10.09.04, 10.11.06, 10.11.08 including those charged under 10.04.02 10.04.03, 10.06.01, and 10.06.02 as presently written or hereafter amended.

### 10A.02.04 Registration

Registration and notification of sex offenders within the jurisdiction of the Nisqually Indian Tribe shall occur in the same manner as if such offender was within the jurisdiction of Thurston County as defined under RCW 9A.44.128 – 9A.44.145 inclusive so long as not in conflict with the Nisqually Tribal Code.

#### **10A.02.05 Community Notification**

Community Notification and risk level of sex offenders within the jurisdiction of the Nisqually Indian Tribe shall occur in the same manner as if such offender was within the jurisdiction of Thurston County..

#### **10A.02.06 Address Verification**

Address verification of a sex offender will be in the same manner as if such offender was within the jurisdiction of Thurston County.

### **Section 10A.03 – Crimes and Civil Penalties**

#### **10A.03.01 Criminal Penalty**

Each violation of this Chapter by a sex offender who is an Indian shall be considered a Class I crime and subject to a period of incarceration of one year and a fine of \$5,000.

#### **10A.03.02 Civil Penalty**

Each violation of this Chapter by a sex offender who is not an Indian shall be considered a civil violation subject to criminal enforcement by means not prohibited by state and/or federal law, including, but not limited to the issuance of fines, forfeitures, and civil contempt.

#### **10A.03.03 Exclusion**

Violations of this Chapter may result in expulsion and/or exclusion at the direction of the Tribal Council and in accordance with Nisqually Tribal Code, Title 46.

#### **10A.03.04 Hindrance of Sex Offender Registration**

A person is guilty of an offense if they:

- (1) Knowingly harbors, or knowingly attempts to harbor, or knowingly assists another person in harboring or attempting to harbor a sex offender who is 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 requirements of this Chapter; or
- (3) Provide information to a law enforcement agency regarding a sex offender, which the person knows to be false.
- (4) Hindrance of Sex Offender Registration is a Class II offense and subject to a period of incarceration of 210 days and a fine of \$2,500.

#### **10A.03.05 Failure to Register**

Prosecution for failure to register as a sex offender will be in the same manner as if such offender was within the jurisdiction of Thurston County as defined under RCW 9A.44.132.

#### **10A.03.06 Relief from Registration**

Offenders who petition for relief pursuant to RCW 9A.44.142-.143 or are administratively relieved pursuant to RCW 9A.44.141 within the jurisdiction of the Nisqually Indian Tribe shall occur in the same manner as if such offender was within the jurisdiction of Thurston County.

### **Section 10A.04 – Severability/Pending Actions**

#### **10A.04.01 Savings Clause/Severability**

If any part of this Title shall be declared invalid, or declared invalid as applied to any person or circumstance, such decision shall not affect the validity of the remaining parts of the Title, and those parts are declared severable.

#### **10A.04.02 Pending Actions**

This Title shall become effective on the date determined by Nisqually Tribal Council resolution and shall govern any action pending on that date.