

## TITLE 7. PUBLIC PEACE, MORALS, AND WELFARE

### Chapter 7.19

#### FIREARMS

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**7.19.1. Definitions.** (a) “Dangerous weapon” means any sand club, metal knuckles, karate stars, spring blade knife or any knife the blade of which is automatically released by a spring mechanism or other mechanical device, or any knife having a blade which opens, or falls, or is ejected into position by the force of gravity or by an outward, downward, or centrifugal movement.

(b) “Machine gun” shall be defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into such weapon, mechanism, or instrument and fired therefrom at the rate of five (5) or more shots per second.

(c) “Firearm” shall be defined as a weapon or device from which a projectile may be fired by an explosive such as gunpowder. Air guns and other guns fired by the release of compressed gas are firearms. Firearm shall also include any explosive, incendiary, or poison gas (1) bomb, (2) grenade, (3) rocket having a propellant charge of more than four (4) ounces, (4) missile having an explosive or incendiary charge of more than one-quarter (1/4) ounce, (5) mine, or (6) similar device.

(d) “Short firearm or pistol” as used in this chapter means any firearm with a barrel less than twelve (12) inches in length.

(e) "Suquamish government building" means any building owned by the Suquamish tribal government, except that a tribal housing unit managed by the Suquamish tribal housing program is not considered a Suquamish government building for the purposes of §7.19.14. (Res. 93-025 (part), passed Mar. 8, 1993; renumbered for consistency May 24, 2007; amended by motion Apr. 23, 2008, affirmed by Res. 08-074, passed May 5, 2008)

**7.19.2. Committing Crime When Armed — Penalties.** Any person who shall commit or attempt to commit any offense under this title while armed with or in the possession of any firearm shall upon conviction, in addition to the penalty provided by statute for the crime committed without use or possession of a firearm, be guilty of a felony. This section shall not apply to offenses committed while in possession of an unloaded hunting rifle secured in a vehicle if the rifle is in no way connected to the commission of the offense. (Res. 93-025 (part), passed Mar. 8, 1993)

**7.19.3. Being Armed Prima Facie Evidence of Intent.** In the trial of a person for committing or attempting to commit a crime of violence, the fact that he or she was armed with a pistol and had no license to carry the same shall be prima facie evidence of his or her intention to commit said crime of violence. (Res. 93-025 (part), passed Mar. 8, 1993)

**7.19.4. Certain Persons Forbidden to Possess Firearms.** No person who has been convicted under this code or elsewhere of a crime of violence or of a felony in which a firearm has been used or displayed shall own a pistol or short firearm or have one in his or her possession or under his or her control. Such person upon being convicted of a violation of this section shall be guilty of a felony. (Res. 93-025 (part), passed Mar. 8, 1993)

**7.19.5. Sale, Possession, or Use of Certain Weapons.** (a) No person shall:

(1) Sell, dispose of, manufacture, or have in his or her possession a dangerous weapon;

(2) Use a device for suppressing the noise of any firearm;

(3) Carry with intent to conceal a dagger or dangerous weapon; or

(4) Carry a concealed pistol without a license from the Suquamish Tribe, if required, or the State of Washington.

(b) Any violation of this section shall be a gross misdemeanor. (Res. 93-025 (part), passed Mar. 8, 1993; renumbered for consistency May 24, 2007)

**7.19.6. Sale or Possession of Machine Guns, Other Guns.** (a) No person shall sell, furnish, manufacture, or have in possession any:

(1) Machine gun or any part thereof capable of use or assembling or repairing any machine gun;

(2) Shotgun having a barrel(s) of less than eighteen (18) inches in length;

(3) A weapon made from a shotgun if such weapon as modified has an overall length of less than twenty-six (26) inches or a barrel(s) of less than eighteen (18) inches in length;

(4) A rifle having a barrel(s) of less than sixteen (16) inches in length; or

(5) A weapon made from a rifle if such weapon as modified has an overall length of less than twenty-six (26) inches or a barrel(s) of less than sixteen (16) inches in length.

(b) No person shall set a spring gun.

(c) Any violation of this section shall be a felony. (Res. 93-025 (part), passed Mar. 8, 1993; renumbered for consistency May 24, 2007)

**7.19.7. Aiming or Discharging Firearms.** (a) No person shall willfully discharge any firearm or air gun or throw any destructive device within a settled community or any other place where any person might be endangered by it, although no injury results.

(b) No person shall aim a firearm, whether loaded or not, at or toward any person.

(c) Any violation of this section shall be a misdemeanor. (Res. 93-025 (part), passed Mar. 8, 1993; renumbered for consistency May 24, 2007)

**7.19.8. Intimidation by Use of Certain Weapons.** (a) No person shall carry, exhibit, display, or draw any firearm, dagger, sword, knife, club, or any other weapon apparently capable of producing bodily harm in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate another or that warrants alarm for the safety of another.

(b) Violation of this section shall be a gross misdemeanor. (Res. 93-025 (part), passed Mar. 8, 1993; renumbered for consistency May 24, 2007)

**7.19.9. Exceptions to Sections 7.19.7(b), 7.19.8, and 7.19.13.** Sections 7.19.7(b) and 7.19.8 and 7.19.13 shall not apply to the following:

(a) Any person vested by law with a duty to preserve public safety, maintain public order, or make arrests for offenses while performing such duty;

(b) Any person acting to protect himself against the use of presently threatened unlawful force by another or for the purpose of protecting another against the use of such unlawful force by a third person;

(c) Any person making or assisting in making a lawful arrest of a felon; or

(d) Any person engaged in military activities sponsored by the federal government. (Res. 93-025 (part), passed Mar. 8, 1993; renumbered for consistency May 24, 2007)

**7.19.10. Possession of Firearms by a Minor.** (a) No minor under fourteen (14) years shall have in his or her possession any firearm for target practice or any other purpose except:

(1) While accompanied by or under the immediate charge of his or her parent or guardian or other adult approved for the purpose of this section by the parent or guardian; or

(2) While under the supervision of a certified safety instructor at an established gun range or firearm training class.

(b) Violation of this section shall be a misdemeanor. (Res. 93-025 (part), passed Mar. 8, 1993; amended by Tribal Council, Sept. 27, 1993; renumbered for consistency May 24, 2007)

**7.19.11. Delivery of Pistol to Certain Persons.** (a) No person shall deliver a pistol to any person under the age of twenty-one (21) years or to one who he or she has reasonable cause to believe has been convicted of a crime of violence or is a drug addict, an habitual drunkard, or of unsound mind.

(b) Any violation of this section is a misdemeanor. (Res. 93-025 (part), passed Mar. 8, 1993; renumbered for consistency May 24, 2007)

**7.19.12. Alteration of Identifying Marks.** (a) No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which any such mark has been changed, altered, removed, or obliterated shall be prima facie evidence that the possessor changed, altered, removed, or obliterated the same.

(b) Any violation of this section is a misdemeanor. (Res. 93-025 (part), passed Mar. 8, 1993; renumbered for consistency May 24, 2007)

**7.19.13. Forfeiture of Weapons by the Court.** The Court may order forfeiture of any weapon possessed or used in violation of this chapter. The Court in its discretion may order the weapon to be sold, used, or otherwise disposed of for the benefit of the Suquamish Tribe or may order the weapon be destroyed. (Res. 93-025 (part), passed Mar. 8, 1993)

**7.19.14. Carrying a Dangerous Weapon or Firearm in Suquamish Government Buildings Prohibited.** (a) Any person who shall enter or remain in a Suquamish government building located within the exterior boundaries of the Port Madison Indian Reservation while armed with a dangerous weapon or loaded or unloaded machine gun, firearm, short firearm, or pistol as defined in §7.19.1 or as may hereafter be amended, loaded or unloaded, whether or not concealed upon his or her person, shall be guilty of a gross misdemeanor.

(b) This section shall not apply to any law enforcement officer of a tribal, federal, state, or local government agency. (Passed by motion Apr. 23, 2008, affirmed by Res. 08-074, passed May 5, 2008)