

TITLE 7. PUBLIC PEACE, MORALS, AND WELFARE

Chapter 7.7

ARSON, RECKLESS BURNING, MALICIOUS MISCHIEF, AND DAMAGE TO PROPERTY

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7.7.1. Definitions. (a) For the purpose of this chapter, as now or hereinafter amended, unless the context indicates otherwise:

(1) “Building” has the definition in §7.1.5(e), and where a building consists of two or more units separately secured or occupied, each unit shall not be treated as a separate building.

(2) “Damages” in addition to its ordinary meaning includes any charring, scorching, burning, or breaking, or agricultural or industrial sabotage and shall include any diminution in the value of any property as a consequence of an act.

(b) To constitute arson it shall not be necessary that a person other than the actor should have had ownership in the building or structure damaged or set on fire. (Res. 93-025 (part), passed Mar. 8, 1993)

7.7.2. Arson in the First Degree. (a) A person is guilty of arson in the first degree if he or she knowingly and maliciously:

(1) Causes a fire or explosion which is manifestly dangerous to any human life, including firefighters;

(2) Causes a fire or explosion which damages a dwelling; or

(3) Causes a fire or explosion in any building in which there shall be at the time a human being who is not a participant in the crime.

(b) Arson in the first degree is felony. (Res. 93-025 (part), passed Mar. 8, 1993)

7.7.3. Arson in the Second Degree. (a) A person is guilty of arson in the second degree if he or she knowingly and maliciously causes a fire or explosion which damages a building or any structure or erection appurtenant to or joining any building; any wharf, dock, machine, engine, automobile or other motor vehicle; watercraft; aircraft; bridge or trestle; hay, grain, crop, or timber, whether cut or standing; any range land or pasture land; any fence; any lumber, shingle, or other timber products; or any property.

(b) Arson in the second degree is a felony. (Res. 93-025 (part), passed Mar. 8, 1993)

7.7.4. Reckless Burning in the First Degree. (a) A person is guilty of reckless burning in the first degree if he or she recklessly damages a building or other structure or any vehicle, railway car, aircraft, or watercraft or any hay, grain, crop, or timber, whether cut or standing, by knowingly causing a fire or explosion.

(b) Reckless burning in the first degree is a felony. (Res. 93-025 (part), passed Mar. 8, 1993)

7.7.5. Reckless Burning in the Second Degree. (a) A person is guilty of reckless burning in the second degree if he or she knowingly causes a fire or explosion, whether on his or her own property or that of another, and thereby recklessly places a building or other structure, or any vehicle, railway car, aircraft, or watercraft, or any hay, grain, crop or timber, whether cut or standing, in danger of destruction or damage.

(b) Reckless burning in the second degree is a gross misdemeanor. (Res. 93-025 (part), passed Mar. 8, 1993)

7.7.6. Reckless Burning — Defense. In any prosecution for the crime of reckless burning in the first or second degrees, it shall be a defense if the defendant establishes by a preponderance of the evidence that:

(a) No person other than the defendant had a possessory or pecuniary interest in the damaged or endangered property or if other persons had such an interest, all of them consented to the defendant's conduct; and

(b) The defendant's sole intent was to destroy or damage the property for a lawful purpose. (Res. 93-025 (part), passed Mar. 8, 1993)

7.7.7. Malicious Mischief in the First Degree. (a) A person is guilty of malicious mischief in the first degree if he or she knowingly and maliciously:

(1) Causes physical damage to public property or to the property of another in an amount exceeding one thousand and five hundred dollars (\$1,500); or

(2) Causes an interruption or impairment of service rendered to the public by physically damaging or tampering with an emergency vehicle or property of the Suquamish Tribe, the federal government, the state, a political subdivision thereof, or a public utility or mode of public transportation, power, or communication.

(b) Malicious mischief in the first degree is a felony. (Res. 93-025 (part), passed Mar. 8, 1993)

7.7.8. Malicious Mischief in the Second Degree. (a) A person is guilty of malicious mischief in the second degree if he or she knowingly and maliciously:

(1) Causes physical damage to public property or to the property of another in an amount exceeding two hundred and fifty dollars (\$250); or

(2) Creates a substantial risk of interruption or impairment of service rendered to the public by physically damaging or tampering with an emergency vehicle or property of the Suquamish Tribe, the federal government, the state, a political subdivision thereof, or a public utility or mode of public transportation, power, or communication.

(b) Malicious mischief in the second degree is a felony. (Res. 93-025 (part), passed Mar. 8, 1993)

7.7.9. Malicious Mischief in the Third Degree. (a) A person is guilty of malicious mischief in the third degree if he or she knowingly and maliciously causes physical damage to public property or the property of another under circumstances not amounting to malicious mischief in the first or second degree.

(b) Malicious mischief in the third degree is a gross misdemeanor if the damage to the property is in an amount exceeding fifty dollars (\$50); otherwise, it is a misdemeanor. (Res. 93-025 (part), passed Mar. 8, 1993)

7.7.10. Desecration of Religious Sites. (a) A person is guilty of desecration of religious sites if he or she removes artifacts or other items from any burial grounds or from any traditional, sacred, or religious area of the Suquamish Tribe or otherwise desecrates in any fashion such grounds or areas.

(b) Desecration of religious sites is a gross misdemeanor. (Res. 93-025 (part), passed Mar. 8, 1993)

7.7.11. Cutting Timber without a Permit. (a) A person is guilty of cutting timber without a permit if he or she cuts timber, standing or fallen, on tribal property without first obtaining a permit from the Suquamish Tribal Council or if he or she cuts timber, standing or fallen, on the property of another person without first obtaining the owner's permission.

(b) Cutting timber without a permit is a gross misdemeanor. (Res. 93-025 (part), passed Mar. 8, 1993)

7.7.12. Defacing Official Signs, Landmarks, or Navigation Markers. (a) A person is guilty of defacing official signs if he or she removes, alters, or defaces any official sign, landmark, or navigation marker of the Suquamish Tribe, the State of Washington, or the federal government.

(b) Defacing official signs is a misdemeanor. (Res. 93-025 (part), passed Mar. 8, 1993)

7.7.13. Flag Desecration. (a) A person is guilty of flag desecration if he or she publicly mutilates, defaces, or defiles an official flag, color, or design of the Suquamish Tribe or of the United States.

(b) Flag desecration is a misdemeanor. (Res. 93-025 (part), passed Mar. 8, 1993)

7.7.14. Failure to Control or Report a Fire. (a) A person is guilty of failure to control or report a fire if he or she knows that a fire is endangering a human life or property and he or she:

(1) Fails to give a prompt fire alarm; or

(2) Fails to take a reasonable measure to control the fire without danger to him- or herself when he or she knows he or she has an official duty to combat or prevent the fire.

(b) Failure to control or report a fire is a misdemeanor. (Res. 93-025 (part), passed Mar. 8, 1993)

7.7.15. Interference with Fishing Boats, Gear, or Fish. (a) A person is guilty of interference with fishing boats, gear, or fish if he or she uses or tampers with another's boat, fishing gear, or fish without authorization from the Suquamish Tribe, including but not limited to possession of a valid fishing permit.

(b) Interference with fishing boats, gear, or fish is a misdemeanor. (Res. 93-025 (part), passed Mar. 8, 1993)

7.7.16. Cutting Fence. Any person who shall willfully cut the wire of a fence belonging to another person or the Suquamish Tribe shall be guilty of an offense and upon conviction thereof shall be sentenced to confinement for a period of not more than sixty (60) days or to pay a fine of not more than one hundred twenty dollars (\$120) or both, with costs, including restitution for any property damaged. (Prior code Ch. III, Art. I, §19; and §7.8.20 renumbered for 1995 supplement)

7.7.17. Removal of Landmarks, Navigation Markers, etc. Any person who shall willfully remove, alter, or destroy any boundary marker, navigation marker, or other water or landmark erected by the Suquamish Tribe or the United States government within the limits of the Port Madison Indian Reservation shall be guilty of an offense and upon conviction thereof shall be sentenced to confinement for a period of not more than thirty (30) days or to pay a fine of not more than fifty dollars (\$50) or both, with costs. (Prior code Ch. III, Art. I, §61; and §7.8.70 renumbered for 1995 supplement)

7.7.18. Firing Timber. Any person who shall willfully and without lawful authority set on fire any timber, woods, meadow, marsh, field, or prairie shall be guilty of an offense and upon conviction thereof shall be sentenced to confinement for a period of not more than six (6) months or to pay a fine of not more than five hundred dollars (\$500), or both, with costs. (Prior code Ch. III, Art. I, §37; and §7.8.45 renumbered for 1995 supplement)

Note: All subsections in this chapter have been renumbered for consistency, as follows. Additionally, an error in the original numbering within §7.7.1 was corrected. (Res. 2016-090, Jun. 20, 2016)

All Arabic numerals (1, 2, 3, etc.) used as subsection headings have been changed to lower case letters (a, b, c, etc.)

All lower case letters have been changed to Arabic numerals

Example: What was previously 7.7.2(1)(a) is now 7.7.2(a)(1)