

TITLE 7. PUBLIC PEACE, MORALS, AND WELFARE

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Chapter 7.1

APPLICATION; JURISDICTION

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7.1.1. Title. This title shall be known as the “Suquamish Tribal Criminal Code.” (Res. 93-025 (part), passed Mar. 8, 1993)

7.1.2. Application. The provisions of this title shall apply to any offense committed after the passage of a resolution by the Suquamish Tribal Council authorizing its enactment. (Res. 93-025 (part), passed Mar. 8, 1993)

7.1.3. Severability. If any part of this title shall be held invalid, the remainder shall remain in effect. (Res. 93-025 (part), passed Mar. 8, 1993)

7.1.4. Jurisdiction. The Suquamish Tribal Courts shall have jurisdiction, pursuant to Suquamish Tribal Code Chapter 3.2, over all actions arising under this title. (Res. 93-025 (part), passed Mar. 8, 1993; amended by Res. 94-156 (part), passed Nov. 21, 1994)

7.1.5. Definitions. In this title, unless a different meaning is plainly required:

(a) “Acted” includes, where relevant, omitted to act.

(b) “Actor” includes, where relevant, a person failing to act.

(c) “Benefit” is any gain or advantage to the beneficiary, including any gain or advantage to a third person pursuant to the desire or consent of the beneficiary.

(d) “Bodily injury” or “physical injury” means physical pain, illness, or an impairment of physical condition.

(e) “Building” in addition to its ordinary meaning includes any dwelling, fenced area, vehicle, railway car, cargo container, or any other structure used for lodging of persons or for carrying on business therein or for the use, sale, or deposit of goods. Each unit of a building consisting of two or more units separately secured or occupied is a separate building.

(f) "Deadly weapon" means any explosive or loaded or unloaded firearm and shall include any other weapon, device, instrument, article, or substance, including a "vehicle" as defined in this section, which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or serious bodily injury.

(g) "Dwelling" means any building or structure, though movable or temporary, or a portion thereof, which is used or ordinarily used by a person for lodging.

(h) "Government" includes any branch, subdivision, or agency of the Suquamish tribal government or the United States government.

(i) "Government function" includes any activity which a public servant is legally authorized or permitted to undertake on behalf of a government.

(j) "Indicted" and "indictment" include "informed against" and "information," and "informed against" and "information" include "indicted" and "indictment."

(k) "Judge" includes every judicial officer or court officer authorized alone or with others to hold or preside over a court.

(l) "Malice" and "maliciously" shall import an evil intent, wish, or design to vex, annoy, or injure another person. Malice may be inferred from an act done in willful disregard of the rights of another or an act wrongfully done without just cause or excuse or an act or omission of duty betraying a willful disregard of social duty.

(m) "Officer" and "public officer" means a person holding office under tribal government or the federal government who performs a public function and in so doing is vested with the exercise of some sovereign power of government and includes all assistants, deputies, clerks, and employees of any public officer and all persons lawfully exercising or assuming to exercise any of the powers or functions of a public officer.

(n) "Omission" means a failure to act.

(o) "Peace officer" means a duly appointed or authorized tribal or federal law enforcement officer.

(p) "Pecuniary benefit" means any gain or advantage in the form of money, property, commercial interest, or anything else the primary significance of which is economic gain.

(q) "Person," "he," "she," or "actor" include any natural person and, where relevant, a corporation, joint stock association, or an unincorporated association.

(r) "Place of work" includes but is not limited to all the lands and other real property of a farm or ranch in the case of an actor who owns, operates, or is employed to work on such a farm or ranch.

(s) "Prison" means any place designated by law for the keeping of persons held in custody under process of law or under lawful arrest, including but not limited to any state correctional institution or any county or city jail.

(t) "Prisoner" includes any person held in custody under process of law or under lawful arrest.

(u) "Property" means anything of value, whether tangible or intangible, real or personal.

(v) "Public servant" means any person other than a witness who presently occupies the position of or has been elected, appointed, or designated to become any officer or employee of government, including a legislator, judge, judicial officer, juror, and any person participating as an advisor, consultant, or otherwise in performing a governmental function.

(w) "Signature" includes any memorandum, mark, or sign made with intent to authenticate any instrument or writing or the subscription of any person thereto.

(x) "Statute" means the Tribal Constitution or an act of the Tribal Council or General Council.

(y) "Threat" means to communicate, directly or indirectly, the intent:

(1) To cause bodily injury in the future to the person threatened or to any other person;

(2) To cause physical damage to the property of a person other than the actor;

(3) To subject the person threatened or any other person to physical confinement or restraint;

(4) To accuse any person of a crime or cause criminal charges to be instituted against any person;

(5) To expose a secret or publicize an asserted fact, whether true or false, tending to subject any person to hatred, contempt, or ridicule;

(6) To reveal any information sought to be concealed by the person threatened;

(7) To testify or provide information or withhold testimony or information with respect to another's legal claim or defense;

(8) To take wrongful action as an official against anyone or anything or wrongfully withhold official action or cause such action or withholding;

(9) To bring about or continue a strike, boycott, or other similar collective action to obtain property which is not demanded or received for the benefit of the group which the actor purports to represent; or

(10) To do any other act which is intended to harm substantially the person threatened or another with respect to his or her health, safety, business, financial condition, or personal relationships.

(z) "Vehicle" means a "motor vehicle" as defined in the vehicle and traffic laws, any aircraft, or any vessel equipped for propulsion by mechanical means or by sail.

(aa) Words in the present tense shall include the future tense; and in the masculine shall include the feminine and neuter genders; and in the singular shall include the plural; and in the plural shall include the singular. (Res. 93-025 (part), passed Mar. 8, 1993)

7.1.6. Proof beyond a Reasonable Doubt. (a) Every person charged with the commission of a crime is presumed innocent unless proved guilty. No person may be convicted of a crime unless each element of such crime is proved by competent evidence beyond a reasonable doubt.

(b) When a crime has been proven against a person and there exists a reasonable doubt as to which of two or more degrees he or she is guilty, he or she shall be convicted only of the lowest degree. (Res. 93-025 (part), passed Mar. 8, 1993)

7.1.7. Peace Officers — Immunity. No peace officer may be held criminally or civilly liable for actions under this title if the police officer acts in good faith and without malice. (Res. 93-025 (part), passed Mar. 8, 1993)

Note: The following subsections renumbered for consistency. (Res. 2016-090, Jun. 20, 2016)

7.1.5(1)-(27) changed to 7.1.5(a)-(aa); 7.1.5(25)(a)-(j) changed to 7.1.5(y)(1)-(10)
7.1.6(1)-(2) changed to 7.1.6(a)-(b)