

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

### Chapter 7.14

#### OBSTRUCTING GOVERNMENTAL OPERATION

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**7.14.1. Definitions.** The following definitions are applicable in this chapter unless the context otherwise requires:

- (a) “Custody” means restraint pursuant to a lawful arrest or an order of a court.
- (b) “Detention facility” means any place used for the confinement of a person:
  - (1) Arrested for, charged with, or convicted of an offense;
  - (2) Charged with being or adjudicated to be a dependent or delinquent child as now or hereafter amended;
  - (3) Held for extradition or as a material witness;
  - (4) Otherwise confined pursuant to an order of a court; or
  - (5) In any work release, furlough, or other such facility or program.

(c) "Contraband" means any article or thing which a person confined in a detention facility is prohibited from obtaining or possessing by statute, rule, regulation, or order of a court. (Res. 93-025 (part), passed Mar. 8, 1993)

**7.14.2. Obstructing.** Every person who:

(a) Without lawful excuse ~~shall~~ refuses or knowingly fails to make or furnish any statement, report, or information lawfully required of ~~him or her~~ that person by a law enforcement officer or public servant;

(b) In any such statement or report ~~shall~~ makes any knowingly untrue statement or report to a public servant or law enforcement officer; or

(c) ~~Shall~~ knowingly hinders, delays, obstructs, or interferes in any way with a public servant or law enforcement officer in the discharge of ~~his or her~~ that public servant's or law enforcement officer's official powers or duties ~~shall be~~ is guilty of a misdemeanor. (Res. 93-025 (part), passed Mar. 8, 1993)

**7.14.3. Refusing to Summon Aid for a Peace Officer.** (a) A person is guilty of refusing to summon aid for a peace officer if, upon request by a person ~~he or she~~ that person knows to be a peace officer, ~~he or she~~ the person unreasonably refuses or fails to summon aid for such peace officer.

(b) Refusing to summon aid for a peace officer is a misdemeanor. (Res. 93-025 (part), passed Mar. 8, 1993)

**7.14.4. Refusing to Aid an Officer.** (a) A person is guilty of refusing to aid an officer if ~~he or she~~ the person neglects or refuses, when called upon by a law enforcement officer of the Suquamish Indian Tribe, to assist that officer or any other law enforcement officer in the lawful arrest of any person charged or convicted of any offense or to assist in conveying the offender to the nearest place of confinement. It ~~shall be~~ is a defense to this offense that the person refused to aid an officer because ~~he or she~~ the person had a reasonable belief that ~~he or she~~ the person would be physically endangered by assisting the officer.

(b) Refusing to aid an officer is a gross misdemeanor. (Res. 93-025 (part), passed Mar. 8, 1993)

**7.14.5. Resisting Arrest.** (a) A person is guilty of resisting arrest if ~~he or she~~ that person intentionally prevents or attempts to prevent a peace officer from lawfully arresting ~~him or her~~ the person.

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

**7.14.6. Reserved. Rendering Criminal Assistance—Definition of Term.** A person "~~renders criminal assistance~~" if, with intent to prevent, hinder, or delay the apprehension

~~or prosecution of another person who he or she knows has committed a crime or is being sought by law enforcement officials for the commission of a crime or has escaped from a detention facility, he or she:~~

~~(a) Harbors or conceals such person;~~

~~(b) Warns such person of impending discovery or apprehension;~~

~~(c) Provides such person with money, transportation, disguise, or other means of avoiding discovery or apprehension;~~

~~(d) Prevents or obstructs, by use of force, deception, or threat, anyone from performing an act that might aid in the discovery or apprehension of such person;~~

~~(e) Conceals, alters, or destroys any physical evidence that might aid in the discovery or apprehension of such person; or~~

~~(f) Provides such person with a weapon. (Res. 93-025 (part), passed Mar. 8, 1993; previous §7.14.6, Rendering Criminal Assistance – Definition of Term, deleted by Res.)~~

**7.14.7. Reserved. Relative Defined.** ~~As used in §7.14.8 and §7.14.9, “relative” means a person:~~

~~(a) Who is related as husband or wife, brother or sister, parent or grandparent, child or grandchild, stepchild or stepparent to the person to whom criminal assistance is rendered; and~~

~~(b) Who does not render criminal assistance to another person in one or more of the means defined in §7.14.6(d-f). (Res. 93-025 (part), passed Mar. 8, 1993; previous §7.14.7, Relative Defined, deleted by Res.)~~

**7.14.8. Reserved. Rendering Criminal Assistance in the First Degree.** ~~(a) A person is guilty of rendering criminal assistance in the first degree if he or she renders criminal assistance to a person who has committed or is being sought for murder in the first degree or any felony.~~

~~(b) Rendering criminal assistance in the first degree is:~~

~~(1) A gross misdemeanor if it is established by a preponderance of the evidence that the actor is a relative as defined in §7.14.7.~~

~~(2) A felony in all other cases. (Res. 93-025 (part), passed Mar. 8, 1993; previous §7.14.8, Rendering Criminal Assistance in the First Degree, deleted by Res.)~~

~~7.14.9. Reserved. Rendering Criminal Assistance in the Second Degree. (a) A person is guilty of rendering criminal assistance in the second degree if he or she renders criminal assistance to a person who has committed or is being sought for a felony.~~

~~(b) Rendering criminal assistance in the second degree is:~~

~~(1) A misdemeanor if it is established by a preponderance of the evidence that the actor is a relative as defined in §7.14.7;~~

~~(2) A gross misdemeanor in all other cases. (Res. 93-025 (part), passed Mar. 8, 1993; previous §7.14.9, Rendering Criminal Assistance in the Second Degree, deleted by Res.)~~

~~7.14.10. Accessory After the Fact. (a) A person is guilty of accessory after the fact when, knowing that an offender has committed an offense contrary to the Suquamish Tribal Code, that person relieves, comforts, or assists that offender in order to hinder or prevent the offender's apprehension, trial, or punishment.~~

~~(b) Accessory after the fact is a gross misdemeanor if the principal offender committed a felony. In all other cases, accessory after the fact is a misdemeanor. Rendering Criminal Assistance in the Third Degree. (a) A person is guilty of rendering criminal assistance in the third degree if he or she renders criminal assistance to a person who has committed a gross misdemeanor or misdemeanor.~~

~~(b) Rendering criminal assistance in the third degree is a misdemeanor. (Res. 93-025 (part), passed Mar. 8, 1993; previous §7.14.10, Rendering Criminal Assistance in the Third Degree, deleted and replaced by Res.)~~

~~7.14.11. Compounding. (a) A person is guilty of compounding if:~~

~~(1) He or she That person requests, accepts, or agrees to accept any pecuniary benefit pursuant to an agreement or understanding that he or she the person will refrain from initiating a prosecution for a crime; or~~

~~(2) He or she The person confers, offers, or agrees to confer any pecuniary benefit upon another pursuant to an agreement or understanding that such other person will refrain from initiating a prosecution for a crime.~~

~~(b) In any prosecution under this section, it is a defense if established by a preponderance of the evidence that the pecuniary benefit did not exceed an amount which the defendant reasonably believed to be due as restitution or indemnification for harm caused by the crime.~~

~~(c) Compounding is a gross misdemeanor. (Res. 93-025 (part), passed Mar. 8, 1993)~~

**7.14.12. Escape in the First Degree.** (a) A person is guilty of escape ~~in the first degree~~ if ~~he or she~~ the person escapes from custody or a detention facility ~~while being detained pursuant to a conviction of a felony.~~

(b) Escape ~~in the first degree~~ is a felony. (Res. 93-025 (part), passed Mar. 8, 1993; amended by Res.)

**7.14.13. Reserved. Escape in the Second Degree.** (a) A person is guilty of escape in the second degree if:

(1) ~~He or she escapes from a detention facility; or~~

(2) ~~Having been charged with a felony, he or she escapes from custody.~~

(b) ~~Escape in the second degree is a felony.~~ (Res. 93-025 (part), passed Mar. 8, 1993; previous §7.14.13, Escape in the Second Degree, deleted by Res.)

**7.14.14. Reserved. Escape in the Third Degree.** (a) A person is guilty of escape in the third degree if ~~he or she escapes from custody.~~

(b) ~~Escape in the third degree is a gross misdemeanor.~~ (Res. 93-025 (part), passed Mar. 8, 1993; previous §7.14.14, Escape in the Third Degree, deleted by Res.)

**7.14.15. Bail Jumping.** (a) Any person having been released by court order or admitted to bail with the requirement of a subsequent personal appearance before the Suquamish Tribal Court who knowingly fails without lawful excuse to appear as required is guilty of bail jumping. Unless otherwise established, the failure to appear when required ~~shall~~ will be inferred to have been without lawful excuse.

(b) Bail jumping is a felony if the person was held for, charged with, or convicted of a felony; a gross misdemeanor if a gross misdemeanor; and a misdemeanor if a misdemeanor. (Res. 93-025 (part), passed Mar. 8, 1993)

**7.14.16. Flight to Avoid Prosecution.** (a) A person is guilty of flight to avoid prosecution if ~~he or she~~ that person willfully and knowingly flees from the jurisdiction of the Suquamish Indian Tribe or the Suquamish Tribal Court to avoid prosecution in any case pending before the Tribal Court.

(b) Flight to avoid prosecution is a gross misdemeanor. (Res. 93-025 (part), passed Mar. 8, 1993)

**7.14.17. Intimidation.** (a) A person is guilty of intimidating a public servant or a law enforcement officer if by use of a threat ~~he or she~~ that person attempts to influence the vote, opinion, decision, or other official action of a public servant or a law enforcement officer.

(b) For purposes of this section, “public servant” ~~shall~~does not include jurors.

(c) “Threat” as used in this section means:

(1) To communicate, directly or indirectly, the intent immediately to use force against any person who is present at the time; or

(2) Threats as defined in §7.1.5(~~y~~m).

(d) Intimidation is a felony. (Res. 93-025 (part), passed Mar. 8, 1993;amended by Res.)

**7.14.18.** Disobedience of Lawful Order-Criminal Contempt of the Court. (a) A person is guilty of contempt of court when they:

(1) Act disorderly, contemptuously, or insolently during the sitting of the Tribal Court, in the immediate view and presence of the Court, and directly tending to interrupt its proceedings or to impair the respect due to its authority, or;

(2) Commit breach of the peace, noise, or other disturbance directly tending to interrupt the proceedings of the Court, or;

(3) Willfully disobey the terms, as written, of a process or court order or out-of-state court order, lawfully issued by a court of competent jurisdiction, including orders pending trial, or;

(4) Willfully resist the lawful order or process of the Tribal Court or court of competent jurisdiction, or;

(5) Unlawfully refuse to be sworn as a witness or, when so sworn, the like refusal to answer a material question, or;

(6) Willfully disobey the terms of an injunction, lawfully issued by a court, including an order pending trial.

(b) Nothing in this section may be construed to alter the Court's power to punish civil contempt.

(c) Criminal contempt of court is a gross misdemeanor. (Prior code Ch. III, Art. I, §24; and §7.4.20 renumbered during the 1995 supplement;amended by Res.)

**7.14.19.** Obstructing Governmental Operations. (a) A person commits the crime of obstructing governmental operations if, by means of intimidation, physical force or interference or by any other independently unlawful act, that person:

(1) Intentionally obstructs, impairs or hinders the administration of law or other governmental function; or

(2) Intentionally prevents a public servant from performing a governmental function.

(b) This section does not apply to the obstruction, impairment or hindrance of the making of an arrest.

(c) Obstructing governmental operations is gross misdemeanor. (Res.)

~~—Any person who shall willfully disobey any order, subpoena, warrant, or command duly issued, made, or given by any court of the Suquamish Tribe of the Port Madison Indian Reservation or any judge thereof shall be guilty of an offense and upon conviction thereof shall be sentenced to confinement for a period of not more than three (3) months or to pay a fine of not more than one hundred and eighty dollars (\$180) or both, with costs.~~

Note: All subsections in this chapter have been renumbered for consistency, as follows. (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 7.14.1(2)(a) is now 7.14.1(b)(1)