

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

### Chapter 7.19

### FIREARMS

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**7.19.1. Definitions.** (a) “Ammunition” means cartridge cases, primers, bullets, or propellant powder designed for use in any firearm.

(b) “Armor-piercing ammunition” means:

(1) A projectile or projectile core that may be used in a handgun and that is constructed entirely (excluding the presence of traces of other substances)

from one or a combination of tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium; or

(2) A full-jacketed projectile larger than .22 caliber designed and intended for use in a handgun and whose jacket has a weight of more than ~~25~~twenty-five percent (25%) of the total weight of the projectile.

(c) "Bump-fire stock" means a butt stock designed to be attached to a semiautomatic firearm with the effect of increasing the rate of fire achievable with the semiautomatic firearm to that of a fully automatic firearm by using the energy from the recoil of the firearm to generate reciprocating action that facilitates repeated activation of the trigger.

(d) "Community event" means any event that is open to the public, or any community-sponsored event, or any event on the grounds of a community building or facility, including, but not limited to, the following: funerals, memorials, wakes, dances, parades, pow wows, Canoe Journeys, community sporting events, Fourth of July events, Thanksgiving events, Christmas or winter holiday events, New Year's Eve and New Year's Day events, and other cultural celebrations or events.

(e) "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.

(f) "Deface" means to remove, alter, or destroy the manufacturer's serial number.

(g) "Destructive device" means:

(1) Bomb;

(2) Rocket;

(3) Grenade;

(4) Missile having an explosive or incendiary charge of more than one-quarter (1/4) ounce;

(5) Mine;

(6) Any device similar to any of the devices described in the preceding clauses;

(7) Any type of weapon by whatever name known that will, or that may be readily converted to, expel a projectile by the action of an explosive or other

propellant, and ~~that~~ has any barrel with a bore of more than one-half inch in diameter; or

(8) Any combination of parts either designed or intended for use in converting any device into any destructive device described in subsection (a) or (b) of this definition and from which a destructive device may be readily assembled.

The term “destructive device” ~~does~~ not include any device ~~that~~ is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; or any other device that is not likely to be used as a weapon or is an antique. “Destructive device” does not include fireworks that are not prohibited by ~~STC~~ Chapter 11.3, Fireworks.

(h) “Explosive” means any dynamite, nitroglycerin, black powder, or other similar explosive material, including plastic explosives. “Explosive” does not include ammunition or ammunition components such as primers, percussion caps, smokeless powder, black powder and black powder substitutes used for hand-loading purposes. “Explosives” does not include fireworks that are not prohibited by ~~STC~~ Chapter 11.3, Fireworks.

(i) “Firearm” means:

(1) Any weapon (including a starter gun) which will, or is designed to, or may readily be converted to, expel a projectile by the action of an explosive but does not include an antique firearm;

(2) The frame or receiver of any such weapon;

(3) Air guns and other guns fired by the release of compressed gas;

(4) Any firearm muffler or firearm silencer; or

(5) Any destructive device.

(j~~b~~) “Machine gun” ~~shall be defined as means~~ 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.

(k~~e~~) “Prohibited possessor” means a person who:

(1) Is subject to a court order that:

(A) Was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

(B) Restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

(C) Either:

(i) Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

(ii) By its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury;

(2) Has been convicted in any court of a crime of domestic violence or family violence;

(3) Has been convicted of a crime punishable by imprisonment for a term exceeding one (1) year;

(4) Has been adjudicated as a mental defective or who has been committed to a mental institution; or

(5) Is, at the time of possession, prohibited from possessing a firearm by a court order from any jurisdiction.

(6) The term "prohibited possessor" does not include a person who would be a prohibited possessor solely by reason of a conviction, judgment, or adjudication from another jurisdiction that has been expunged or set aside, or when that other jurisdiction has restored that person's right to possess a firearm. "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.

(l) "Prohibited weapon" includes the following:

(1) Armor-piercing ammunition;

(2) A firearm that is defaced;

(3) A destructive device;

(4) A firearm muffler, firearm silencer, or any device that is designed, made, or adapted to muffle the report of a firearm;

(5) A firearm that is capable of shooting more than one shot automatically, without manual reloading, by a single function of the trigger;

(6) A short-barreled shotgun, a short-barreled rifle, or rifle with a barrel length of less than ~~sixteen~~ (16) inches, or shotgun with a barrel length of less than ~~eighteen~~ (18) inches, or any firearm that is made from a rifle or shotgun and that, as modified, has an overall length of less than ~~twenty-six~~ (26) inches;

(7) A breakable container that contains a flammable liquid with a flash point of 150 degrees Fahrenheit or less and that has a wick or similar device capable of being ignited;

(8) A bump fire stock;

(9) An improvised explosive device;

(10) An untraceable firearm; or

(11) An undetectable firearm.

The term “prohibited weapon” does not include any fireworks that are not prohibited by ~~STC~~ Chapter 11.3, Fireworks.

(am) “Rifle” means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of an explosive to fire only a single projectile through a rifled bore for each single pull of the trigger.

(ned) “Short firearm or pistol” as used in this chapter means any firearm with a barrel less than twelve (12) inches in length ~~that is designed to be held in one hand~~.

(op) “Short-barreled rifle” means a rifle having one or more barrels less than ~~sixteen~~ (16) inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon, as modified, has an overall length of less than ~~twenty-six~~ (26) inches.

(fp) “Short-barreled shotgun” means a shotgun having one or more barrels less than ~~eighteen~~ (18) inches in length and any weapon made from a shotgun (whether by alteration, modification or otherwise) if such a weapon as modified has an overall length of less than ~~twenty-six~~ (26) inches.

(sq) “Shotgun” means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of an explosive to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(rte) “Suquamish government building” includes but is not limited to: Suquamish administrative buildings, Suquamish Wellness Center, Suquamish justice buildings, Suquamish gaming facilities, schools and educational institutions, Suquamish community cemeteries, any community parks, any Tribal community building housing the various departments performing community governmental functions, any building housing the various entities or businesses owned and operated by Port Madison Enterprises or the Suquamish Indian Tribe, or any other building owned and controlled by the Suquamish Indian Tribe or Port Madison Enterprises, not being lawfully used for a private residence.~~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.~~

(us) “Trafficking” means to sell, transfer, distribute, dispense or otherwise dispose of a weapon or explosive to another person, or to buy, receive, possess or obtain control of a weapon or explosive, with the intent to sell, transfer, distribute, dispense or otherwise dispose of the weapon or explosive to another person.

(t) “Untraceable firearm” means any firearm, that is not an antique firearm, and that cannot be traced by law enforcement by means of a serial number affixed to the firearm by a federal firearms manufacturer, federal firearms importer, or federal firearms dealer in compliance with all federal laws and regulations.

(viiu) “Undetectable firearm” means any firearm that is not as detectable as 3.7 ounces of 17-4 PH stainless steel by walk-through metal detectors or magnetometers commonly used at airports or any firearm where the barrel, the slide or cylinder, or the frame or receiver of the firearm would not generate an image that accurately depicts the shape of the part when examined by the types of X-ray machines commonly used at airports.

(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; amended by Res.)

**7.19.2. ~~C~~-Armed Criminal Action.**~~ommitting Crime When Armed — Penalties.~~ (a) Any person who commits or attempts to commit any felony -offense while armed by, with, or through the use, assistance, or aid of a firearm is also guilty of the crime of armed criminal action.

(b) The punishment imposed pursuant to this subsection will be in addition to any punishment provided by law for the crime committed by, with, or through the use, assistance, or aid of a firearm.

(c) Armed criminal action is a felony offense.

~~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; amended by Res.)

**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 that~~ person was armed with a pistol and had no license to carry the same ~~shall be is~~ prima facie evidence of ~~his or her that person's~~ intention to commit said crime of violence. (Res. 93-025 (part), passed Mar. 8, 1993)

**7.19.4. ~~Certain Persons Forbidden to Possess Firearms~~ Possession by a Prohibited Possessor.** (a) It is unlawful for any prohibited possessor to operate, possess, receive, transport, or ship any firearm or ammunition.

(b) Possession by a prohibited possessor is a felony.

~~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; amended by Res.)

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

(1) Sell, dispose of, manufacture, or have in ~~his or her that person's~~ possession a dangerous weapon;

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

~~(23)~~ Carry with intent to conceal a dagger or dangerous weapon; or

~~(34)~~ Carry a concealed pistol without a license from the Suquamish Indian Tribe, if required, or the State of Washington.

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

**7.19.6. Sale or Possession of Machine Guns or, Other Guns Prohibited Weapons.** (a) No person ~~shall~~may 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; or

(2) ~~Shotgun having a barrel(s) of less than eighteen (18) inches in length; Any prohibited weapon.~~

(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~~may set a spring gun.

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

**7.19.7. Aiming or Discharging Firearms.** (a) No person ~~shall~~may willfully discharge, without legal justification, 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.~~

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

**7.19.8. Pointing Firearm at Another Intimidation by Use of Certain Weapons.** (a) It is unlawful for any person to, with or without malice, intentionally and without legal justification point or aim any loaded or empty firearm at or toward any other person. 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 is~~ a ~~gross misdemeanor~~felony. (Res. 93-025 (part), passed Mar. 8, 1993; renumbered for consistency May 24, 2007; amended by Res.)

**7.19.9. Reserved. 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; previous §7.19.9, Exceptions to Sections 7.19.7(b), 7.19.8, and 7.19.13, deleted by Res.)

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

(1) While accompanied by or under the immediate charge of ~~his or her the~~ minor's 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 is~~ 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 may~~ deliver a pistol to any person under the age of twenty-one (21) years or to one who ~~he or she that~~ person 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 is a prohibited possessor.~~

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

**7.19.12. Alteration of Identifying Marks.** (a) No person ~~shall may~~ change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other

mark of identification on any ~~pistol~~firearm. Possession of any ~~pistol~~firearm upon which any such mark has been changed, altered, removed, or obliterated ~~shall be is~~ prima facie evidence that the possessor changed, altered, removed, or obliterated the same.

(b) This section does not apply to replacement barrels in old firearms, which barrels are produced by current manufacturers and therefore do not have the markings on the barrels of the original manufacturers who are no longer in business.

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

**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. Forfeited weapons will be forfeited to the Suquamish Police Department for the ~~benefit of the~~ Suquamish Indian Tribe's benefit. ~~The Court~~ Suquamish Police Department, in its discretion, may ~~order the weapon to be sold~~sell, used, or otherwise disposed of the weapon for the ~~benefit of the~~ Suquamish Indian Tribe's benefit or may ~~destroy~~order the weapon ~~be destroyed~~. (Res. 93-025 (part), passed Mar. 8, 1993; amended by Res.)

**7.19.14. Carrying a Dangerous Weapon or Firearm in Suquamish Government Buildings Prohibited.** (a) Any person who ~~shall enter~~s or ~~remains~~s 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, destructive device, 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~~ that person's person, ~~shall be is~~ guilty of a gross misdemeanor.

(b) This section ~~shall does~~ 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; amended by Res.)

**7.19.15. Trafficking of a Prohibited Weapon.** (a) It is unlawful for any person to engage in trafficking of any prohibited weapon unless such weapon has been rendered permanently inoperable and such inoperability has been certified by the Suquamish Police Department.

(b) Trafficking a prohibited weapon is a felony. (Res.)

**7.19.16. Reckless or Malicious Use of Explosives.** (a) It is unlawful for a person to recklessly or maliciously use, handle, or have in that person's possession any explosive substance whereby any human being is intimidated, terrified, or endangered.

(b) Reckless or malicious use of explosives is a felony. (Res.)

**7.19.17. Abandonment of Explosives.** (a) It is unlawful for any person to abandon explosives or improvised devices.

(b) Abandonment of explosives is a gross misdemeanor. (Res.)

7.19.18. Malicious Possession of a Destructive Device. (a) A person commits the offense of malicious possession of a destructive device when:

(1) A person willfully and unlawfully makes, possesses, throws, projects, places, discharges, or attempts to make, possess, throw, project, place, or discharge any destructive device; and

(2) The act is perpetrated with the intent to do bodily harm to any person, or with the intent to do property damage, or if the act results in a disruption of governmental operations, commerce, or the private affairs of another person.

(b) Malicious possession of a destructive device is a felony.

(c) The punishment imposed pursuant to this section will be in addition to any punishment provided by law for the possession of a prohibited weapon. (Res.)

7.19.19. Aggravated Possession of Explosives. (a) A person commits the offense of aggravated possession of explosives if that person possesses, manufactures, transports, buys, or sells explosives, flammable material, or timing, detonating, or similar device for use with an explosive compound or incendiary device and:

(1) Has the purpose to use such explosive material or device to commit an offense; or

(2) Knows that another has the purpose to use such explosive material or device to commit an offense.

(b) This subsection does not apply to the transportation, possession, use, or transfer of any improvised explosive device by any armed forces or National Guard personnel or to any peace officer in the line of duty or as part of a duty-related function or exercise. The restriction on transportation in this subsection does not apply to common carriers.

(c) Possession of explosives is a felony. (Res.)

7.19.20. Possession of Explosives or Destructive Devices. (a) A person commits the crime of possession of explosives or destructive devices when, without a current and valid federal explosives permit or license, that person:

(1) Possesses, transports, ships, causes to be transported, or receives any explosive or destructive device; or

(2) Distributes explosives or destructive devices to any person other than a federal licensee or permittee.

(b) Possession of explosives or destructive devices is a gross misdemeanor.  
(Res.)

7.19.21. Unlawful Discharge or Use of Fireworks. (a) A person commits the crime of unlawful discharge or use of fireworks if that person discharges or uses fireworks in a reckless manner which creates a substantial risk of death or physical injury to another person or damage to the property of another.

(b) Unlawful discharge or use of fireworks is a gross misdemeanor. (Res.)

7.19.220. Unlawful Possession of Concealed Firearm. (a) Any person who carries a pistol ~~upon his or her person~~ without a valid concealed firearm license issued in compliance by the permitting jurisdiction, or who carries a concealed firearm other than a pistol ~~upon his or her person~~, commits the crime of unlawful possession of a concealed firearm.

(b) A person carries a firearm is ~~“upon his or her person”~~ within the meaning of this section if the firearm is within the passenger compartment of a vehicle, provided, however, that if the vehicle is a motorcycle, an all-terrain vehicle, a vessel, or a snowmobile. A person is not carrying a firearm is not upon his person within the meaning of this section if the firearm is in a locked container within or affixed to the vehicle, or the firearm is equipped with a trigger lock or other locking mechanism that prevents the discharge of the firearm.

(c) This section does not apply to law enforcement officers or to persons in their place of residence.

(d) Unlawful possession of a concealed firearm is a gross misdemeanor. (Res.)

7.19.234. Carrying a Firearm While Under the Influence. (a) A person commits the offense of carrying a firearm while under the influence if that person carries a firearm while under the influence of an intoxicating substance. For the purpose of this section, “under the influence” means that as a result of taking into the body alcohol, drugs, or any combination of alcohol and drugs, a person is impaired.

(b) It is not a defense that the person is licensed to carry a concealed firearm.

(cd) Carrying a firearm while under the influence is a gross misdemeanor. (Res.)

7.19.242. Unlawful Use of Weapon. (a) A person commits the crime of unlawful use of a weapon if the person:

(1) Attempts to use unlawfully against another, or carries or possesses with intent to use unlawfully against another, any dangerous or deadly weapon; or

(2) Intentionally discharges a firearm, blowgun, bow and arrow, crossbow, or explosive device at or in the direction of any person, building, structure or vehicle within the range of the weapon without having legal authority for such discharge.

(b) This section does not apply to:

(1) Police officers or military personnel in the lawful performance of their official duties;

(2) Persons lawfully defending life or property;

(3) Persons discharging firearms, blowguns, bows and arrows, crossbows or explosive devices upon public or private shooting ranges, shooting galleries or other areas designated and built for the purpose of target shooting;

(4) Persons lawfully engaged in hunting in compliance with rules and regulations adopted by the Suquamish Indian Tribe.

(c) Unlawful use of a weapon is a felony. (Res.)

7.19.253. Restoration of Firearms Rights – Eligibility. (a) A person who is prohibited from possessing a firearm as defined by STC §7.19.1 by reason of having been found by the Suquamish Tribal Court to constitute a danger to self or to others, or having been committed to a mental institution, may petition for restoration of that person's firearm rights if:

(1) At least two (2) years have passed since the individual was found to constitute a danger to self or others; and

(2) The individual is not currently committed to a mental institution.

(b) A person who is prohibited from possessing a firearm as defined by STC §7.19.1 by reason of a Suquamish conviction for a crime punishable by imprisonment for a term exceeding one (1) year, other than murder, manslaughter, robbery, assault, arson, kidnapping, or any offense in STC Chapter 7.17, other than §7.17.19, may petition for restoration of that person's firearm rights if:

(1) It has been more than five (5) years since the individual's most recent disqualifying conviction;

(2) The individual has not been convicted of a felony or misdemeanor crime involving the use of a firearm or deadly weapon within the last ten (10) years;

(3) The individual has not been convicted of or found not guilty by reason of insanity of any crimes in the past two (2) years;

(4) The individual is not currently on probation and/or parole supervision;  
and

(5) The individual is not currently charged with a crime.

(c) A person who is prohibited from possessing a firearm as defined by §7.19.1 by reason of a Suquamish conviction for a misdemeanor crime of domestic violence, family violence, stalking, or dating violence may petition for restoration of that person's firearm rights if:

(1) It has been more than three (3) years since the individual's most recent disqualifying conviction;

(2) The individual has not been convicted of a felony or misdemeanor crime involving the use of a firearm or deadly weapon within the last ten (10) years;

(3) The individual has not been convicted of or found not guilty by reason of insanity of any crimes in the past two (2) years;

(4) The individual is not currently on probation and/or parole supervision;  
and

(5) The individual is not currently charged with a crime. (Res.)

**7.19.264. Restoration of Firearms Rights – Petition Process.** (a) A person eligible to petition for restoration of that person's firearm rights must file the petition in the Suquamish Tribal Court and pay any required filing fees.

(b) Within five (5) judicial days of filing the petition, the petitioner will serve a copy of the petition on the Chief of Police.

(c) The Court will schedule a hearing within thirty (30) judicial days of the petitioner filing proof of service of the petition and provide notice of the hearing to the petitioner and Chief of Police.

(d) The Tribe and any other individual, without an attorney, may appear as a party to a proceeding under this section.

(e) The Court will grant a petition under §7.19.25(a) if the petitioner demonstrates, by clear and convincing evidence, that:

(1) The petitioner is eligible under §7.19.25 to file a petition for firearm restoration;

(2) The petitioner is no longer required to participate in court-ordered inpatient or outpatient treatment;

(3) The petitioner has successfully managed the condition related to the commitment or court finding;

(4) The petitioner no longer presents a danger to self or the public; and

(5) The symptoms related to the commitment or court finding are not reasonably likely to recur.

(f) The Court will grant a petition under §7.19.25(b) or (c) if the petitioner demonstrates, by clear and convincing evidence, that the petitioner is eligible under §7.19.25 to file a petition for firearms restoration and does not pose a threat to the safety of either the public or the petitioner.

(g) Any party to a judgment under this chapter may appeal to the Court of Appeals in the same manner as for any other civil action. The Court will serve a copy of any judgment under this chapter on the Office of Tribal Attorney.

(h) When a person's right to possess a firearm has been restored under this chapter, the Tribe will forward, within five (5) business days after receiving service of the restoration order, notification that the person's right to possess a firearm has been restored to the National Instant Criminal Background Check System Index, Denied Persons File. (Res.)