

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

### Chapter 7.5

#### PHYSICAL HARM

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##### 7.5.1. Assault. (a) A person commits assault by:

(1) Intentionally, knowingly or recklessly causing any physical injury to another person; or

(2) Intentionally placing another person in reasonable apprehension of imminent physical injury; or

(3) Knowingly touching another person in an injurious, insulting, or provoking manner.

(b) Assault is a gross misdemeanor. (Res. 93-025 (part), passed Mar. 8, 1993; amended by Res.)

##### 7.5.2. Aggravated Assault. (a) A person commits aggravated assault if the person commits assault as defined in STC §7.5.1 under any of the following circumstances:

(1) If the person inflicts substantial bodily harm upon another with or without a weapon.

(2) If the person uses a deadly weapon or dangerous instrument.

(3) If the person assaults another with a weapon or other instrument or thing likely to produce bodily harm.

(4) If the person assaults another with intent to commit a felony.

(5) If the person, with criminal negligence, causes physical injury to another person by means of a weapon or other instrument or thing likely to produce bodily harm.

(6) If the person assaults another by strangulation or suffocation.

(7) If the person inflicts bodily harm which by design causes such pain or agony as to be the equivalent of that produced by torture.

(8) If the person has previously been convicted of assaulting the same victim.

(9) If the person commits the assault while the victim is bound or otherwise physically restrained or while the victim's capacity to resist is substantially impaired.

(10) If the person commits the assault after entering the private home of another with the intent to commit the assault.

(11) If the assault victim is a minor and the offender is an adult at least three (3) years older than the victim.

(12) If the person is in violation of an order of protection issued against the person by any court of competent jurisdiction.

(13) If the person commits the assault against tribal justice personnel or any individual authorized to act for, or on behalf of, the Suquamish Indian Tribe, or serving the Suquamish Indian Tribe during, or because of, that individual's performance or duties.

(14) If the person is aided by two (2) or more accomplices who aid in committing the assault, the assault is directed at a single person, and the assault results in physical injury.

(b) Aggravated Assault is a felony. (Res. 93-025 (part), passed Mar. 8, 1993; amended by Res.)

7.5.3. Reserved. (Res. 93-025 (part), passed Mar. 8, 1993; previous §7.5.3, Assault in the Third Degree, deleted by Res.)

7.5.4. Reserved. (Res. 93-025 (part), passed Mar. 8, 1993; previous §7.5.4, Assault in the Fourth Degree, deleted by Res.)

~~7.5.1. Assault in the First Degree. (a) Every person who with intent to kill a human being or to commit a felony upon the person or property of the one assaulted or of another is guilty of assault in the first degree when he or she:~~

~~(1) Assaults another with a firearm or any deadly weapon or by any force or means likely to produce death; or~~

~~(2) Administers to or cause to be taken by another poison or any other destructive or noxious thing so as to endanger the life of another person.~~

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

~~7.5.2. Assault in the Second Degree. (a) Every person who under circumstances not amounting to assault in the first degree is guilty of assault in the second degree when he or she:~~

~~(1) With intent to injure, unlawfully administers to or causes to be taken by another poison or any other destructive or noxious thing or any drug or medicine the use of which is dangerous to life or health;~~

~~(2) Knowingly inflicts grievous bodily harm upon another with or without a weapon;~~

~~(3) Knowingly assaults another with a weapon or other instrument or thing likely to produce bodily harm;~~

~~(4) Knowingly assaults another with intent to commit a felony; or~~

~~(5) With criminal negligence, causes physical injury to another person by means of a weapon or other instrument or thing likely to produce bodily harm;~~

~~(6) Assaults another by strangulation or suffocation;~~

~~(7) Knowingly inflicts bodily harm which by design causes such pain or agony as to be the equivalent of that produced by torture; or~~

~~(8) The person has previously been convicted of assaulting the same victim.~~

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

~~7.5.3. Assault in the Third Degree. (a) Every person who under circumstances not amounting to assault in either the first or second degree be guilty of assault in the third degree when he or she uses, attempts to use, or threatens the use of physical force~~

~~against tribal justice personnel or any individual authorized to act for, or on behalf of, the Suquamish Tribe, or serving the Suquamish Tribe during, or because of, the performance or duties of that individual. assaults another with intent to prevent or resist the execution of any lawful process or mandate of any court officer or the lawful apprehension or detention of him- or herself or another person is guilty of assault in the third degree.~~

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

~~**7.5.4. Assault in the Fourth Degree.** (a) Every person who commits an assault or an assault and battery not amounting to assault in the first, second, or third degree is guilty of assault in the fourth degree.~~

~~(b) Assault in the fourth degree is a gross misdemeanor. (Res. 93-025 (part), passed Mar. 8, 1993)~~

~~**7.5.5. Reckless Endangerment.** (a) A person is guilty of reckless endangerment when he or she that person recklessly engages in conduct which creates a substantial risk of death or serious physical injury to another person.~~

~~(b) Reckless endangerment is a felony if a person under the age of eighteen (18) years or a dependent adult person is endangered; in other cases, reckless endangerment is a gross misdemeanor.~~

~~(c) "Dependent adult" means a person who, because of physical or mental disability, or because of extreme advanced age, is dependent upon another person to provide the basic necessities of life. A resident of a nursing home, a resident of an adult family home, and a frail elder or vulnerable adult, is presumed to be a dependent person for purposes of this chapter.~~

~~herself, a person who because of physical or mental disability or because of advanced age is dependent upon another person to provide the basic necessities of life. (Res. 93-025 (part), passed Mar. 8, 1993; amended by Res. 2023-178, passed Aug. 14, 2023; amended by Res.)~~

~~**7.5.6. Attempted Suicide.** Any person who willfully attempts to cause his or her own death, by any means, is guilty of an offense and upon conviction will be sentenced to mandatory counseling for a period not to exceed one (1) year. The nature, form, and duration of the counseling will be determined in accordance with the circumstances of each case. Reserved. (Res. 87-100 (part,) passed Dec. 7, 1987; §7.3.20 renumbered for 1995 supplement; previous §7.5.6, Attempted Suicide, deleted by Res.)~~

~~**7.5.7. Promoting a Suicide Attempt.** (a) A person is guilty of promoting a suicide attempt when he or she knowingly causes or aids another person to attempt suicide.~~

(b) Promoting a suicide attempt is a felony. (Res. 93-025 (part), passed Mar. 8, 1993; renumbered for 1995 supplement)

**7.5.8. Coercion.** (a) A person is guilty of coercion if by use of a threat he or she compels or induces a person:

(1) To engage in conduct which the latter has a legal right to abstain from;  
or

(2) To abstain from conduct which he or she has a legal right to engage in.

(b) "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)(1-10).

(c) Coercion is a gross misdemeanor. (Res. 93-025 (part), passed Mar. 8, 1993; renumbered for 1995 supplement)

**7.5.9. ~~Child Abuse or Neglect.~~** (a) ~~A person who is a child's parent or guardian or any other person who cares for, has custody of, or has authority over a child regardless of the length of time that a child is cared for, in the custody of, or subject to the authority of that person is guilty of child abuse if that person commits an act of violence or abuse, on a child under the age of eighteen (18) years causing harm or injury to that child. A person is guilty of child abuse or neglect if he or she commits an act of violence, abuse, or neglect on a child under the age of eighteen (18) years causing harm or injury to that child.~~

(b) ~~Child abuse is a felony, and upon conviction thereof, the offender may be required by the Court to undergo medical evaluation and treatment in addition to or instead of any other sentence imposed by the Court. Child abuse or neglect is a gross misdemeanor, and upon conviction thereof, the offender may be required by the Court to undergo medical evaluation and treatment in addition to or instead of any other sentence imposed by the Court.~~ (Res. 93-025 (part), passed Mar. 8, 1993; renumbered for 1995 supplement; ~~amended by Res.~~)

**7.5.10. ~~Malicious Harassment.~~** (a) A person is guilty of ~~malicious~~ harassment if ~~he or she~~ ~~that person~~, with intent to intimidate or harass another person ~~because of that person's race, sexual preference, color, religion, ancestry, national origin, or mental, physical, or sensory handicap:~~

(1) Causes physical injury to another person;

(2) By words or conduct threatens harm to another person or another's property or harm to the person or property of a third person; or

(3) Causes physical damage to or destruction of the property of another person.

(b) ~~Malicious h~~arassment is a gross misdemeanor. ~~A person who commits malicious harassment may be required by the Court to compensate the victim(s) for actual and punitive damages.~~ (Res. 93-025 (part), passed Mar. 8, 1993; renumbered for 1995 supplement; amended by Res.)

7.5.11. Criminal Mistreatment. (a) A person is guilty of the crime of criminal mistreatment if the person is the parent of a child, is a person entrusted with the physical custody of a child or other dependent person, is a person who has assumed the responsibility to provide to a dependent person the basic necessities of life, or is a person employed to provide to the child or dependent person the basic necessities of life, and either:

(1) With criminal negligence, creates an imminent and substantial risk of bodily harm to a child or dependent person by withholding any of the basic necessities of life; or

(2) With criminal negligence, mentally mistreats a child or dependent person by withholding the basic necessities of life.

(b) Criminal mistreatment is a gross misdemeanor. (Res.)

7.5.12. Aggravated Criminal Mistreatment. (a) A parent of a child, the person entrusted with the physical custody of a child or dependent person, a person who has assumed the responsibility to provide to a dependent person the basic necessities of life, or a person employed to provide to the child or dependent person the basic necessities of life is guilty of aggravated criminal mistreatment if that person, through criminal negligence, causes bodily harm to a child or dependent person by withholding any of the basic necessities of life.

(b) Aggravated criminal mistreatment is a felony. (Res.)

7.5.13. Abandoning or Endangering a Child. (a) In this section, "abandon" means to leave a child in any place without providing reasonable and necessary care for the child, under circumstances under which no reasonable, similarly situated adult would leave a child of that age and ability.

(b) A person commits the offense of abandoning or endangering a child if:

(1) Having custody, care, or control of a child, that person intentionally abandons the child in any place under circumstances that expose the child to an unreasonable risk of harm; or

(2) That person intentionally, knowingly, recklessly, or with criminal negligence, by act or omission, engages in conduct that places a child younger than fifteen (15) years in imminent danger of death, bodily injury, or physical or mental mistreatment.

(c) For purposes of this section, it is presumed that a person engaged in conduct that places a child in imminent danger of death, bodily injury, unreasonable risk of harm or physical or mental mistreatment if:

(1) The person manufactured, possessed, or in any way introduced into the body of any person an illegal substance as defined by **STC** Chapter 7.26, other than marijuana, in the presence of the child; or

(2) The person's conduct exposes a child to an illegal substance as defined by **STC** Chapter 7.26 and an analysis of a specimen of the child's blood, urine, or other bodily substance indicates the presence of an illegal substance in the child's body.

(d) Abandoning or Eendangering a Gchild is a felony.

**7.5.14. Exposing Child to Domestic or Family Violence.** (a) A person commits the crime of exposing children to domestic or family violence when that person:

(1) Commits a crime of domestic or family violence; and

(2) The crime is committed in the immediate presence of, or is witnessed by, a minor child.

(b) For the purposes of this section, "minor" means under eighteen (18) years of age.

(c) For the purposes of this section, "witnessed" means if any part of the crime is seen or directly perceived in any other manner by the minor child.

(d) Exposing children to domestic or family violence is a gross misdemeanor; if the underlying crime of domestic or family violence is a felony, exposing children to domestic or family violence is a felony. The punishment imposed pursuant to this section will be consecutive to any other sentence arising from the same incident.

(e) When a person is charged with exposing children to domestic or family violence, the Court will enter a criminal no contact order protecting the child(ren) from the defendant at initial appearance.

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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 7.5.1(1)(a) is now 7.5.1(a)(1)