

Title 4 – Criminal Code
Chapter 9 – Offenses Involving Tribal Government

Sec.

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Legislative History

Enacted:

Swinomish Criminal Code, Ord. 184 (9/30/03), BIA (10/7/03).

Amended:

Adding STC 4-09.130, Ord. 220 (7/7/04), BIA (7/20/04).

Repealed or superseded:

Swinomish Criminal Code, Ord. 75 (4/2/91), Enacting Res. 91-4-37, BIA (6/13/91) (repealing and superseding Ord. 39 and Article XIII of Ord. 32).

Hunting Ordinance, Ord. 59 (1/10/89), Enacting Res. 89-1-5, BIA (1/24/89) (modifying Ord. 57 with respect to scope of tribal jurisdiction. Repealing and superseding all previous hunting ordinances.)

Establishing Criminal Offenses, Ord. 39 (6/7/77) (superseding conflicting provisions of Ord. 32).

Swinomish Law and Order Code, Ord. 32 (3/4/75), BIA (5/30/75).

Swinomish Law and Order Code, Ord. 7 (6/1/38), BIA (3/24/38).

Adoption of Swinomish Law and Order Regulations, Ord. 1 (undated).

[Ed. Note: Ordinance 1 is undated and adopts the Law and Order Regulations approved by the Secretary of the Interior November 27, 1935 as part of the fundamental law governing the Swinomish Reservation. The referenced “regulations” are not located in tribal records.]

4-09.010 Bail Jumping.

Any person who has been released by court order, including release on personal

recognizance, or allowed to post bail but is required to make subsequent personal appearances in court, and who willfully fails to make subsequent court appearances as required, commits the **Class B offense** of bail jumping.

[History] Ord. 184 (9/30/03); Ord. 75 (4/2/91).

4-09.020 Bribery.

- (A) A person commits the crime of bribery if the person either:
- (1) with intent to secure a particular result in a particular matter involving the exercise of any public official's vote, opinion, judgment, exercise of discretion, or other action in his or her official capacity, offers, confers, agrees to confer, or promises anything of value to such public official; or
 - (2) being a public official, requests, accepts, or agrees to accept anything of value, pursuant to an agreement, promise or understanding that his or her vote, opinion, judgment, exercise of discretion, or other official action as a public official will be used to secure or attempt to secure a particular result in a particular matter.

(B) Bribery is a **Class B offense**.

[History] Ord. 184 (9/30/03); Ord. 75 (4/2/91).

4-09.030 Criminal Contempt of Court.

- (A) Any person who willfully disobeys any order, subpoena, summons, warrant or command duly issued, made or given by the Tribal Court or any authorized officer thereof, commits a **Class C offense**.
- (B) Contempt of Court shall include committing violence in the courtroom, appearing in court while under the influence of alcohol or drugs, or repeatedly using insulting or vulgar language in the presence of the court.
- (C) Contempt of court that occurs in the presence of the court may be punished summarily, whereby the court shall prepare a written order stating the contemptuous act, adjudging the guilt of the offender and the punishment imposed.

[History] Ord. 184 (9/30/03); Ord. 75 (4/2/91).

4-09.040 Escape.

- (A) Any person who is in lawful government custody following an arrest for an offense, either prior to trial, while attending court proceedings, or while being punished for an offense, who escapes from such custody or who willfully attempts, assists or permits such escape, commits a **Class B offense**.

(B) For the purposes of this Section, “**arrest**” occurs when an enforcement officer deprives a person of his or her liberty, by physical force, threat of force, or conduct implying force will be used, and the officer intends to make an arrest.

[History] Ord. 184 (9/30/03); Ord. 75 (4/2/91).

4-09.050 False Reports.

Any person who intentionally submits a false report to any tribal agency, including a law enforcement agency, commits a **Class C offense**.

[History] Ord. 184 (9/30/03); Ord. 75 (4/2/91).

4-09.060 Intimidation of Witnesses, Jurors, Judges and Public Officials.

Any person who by use of a threat, without lawful authority, intentionally attempts to influence the conduct of a witness, juror, judge or any public official, commits a **Class B offense**.

[History] Ord. 184 (9/30/03); Ord. 75 (4/2/91).

4-09.070 Obstruction of Public Officials Including Enforcement Officers.

Any person who willfully hinders, delays, or obstructs any public official, including an enforcement officer, in the performance of his or her official duties or powers, or willfully fails to comply with or refuses to comply with the lawful order of a public official, including any enforcement officer, commits a **Class B offense**.

[History] Ord. 184 (9/30/03); Ord. 75 (4/2/91).

4-09.080 Perjury.

Any person who in any official tribal matter, including tribal court proceedings, after having sworn to tell the truth or otherwise being under oath, intentionally makes a materially false statement, orally or in writing, commits a **Class B offense**.

[History] Ord. 184 (9/30/03); Ord. 75 (4/2/91).

4-09.090 Refusing to Aid an Officer.

Any person who, when requested by an enforcement officer to assist in the lawful arrest of another person, or to assist an enforcement officer, firefighter or medic in any other official duty including summoning aid, intentionally refuses or neglects such reasonable assistance, commits a **Class C offense**, unless serious bodily injury or death results, in which case a **Class A offense** is committed.

[History] Ord. 184 (9/30/03); Ord. 75 (4/2/91).

4-09.100 Resisting Lawful Arrest.

Any person who intentionally prevents or attempts to prevent an enforcement officer from lawfully arresting him or her, or who intentionally flees from an enforcement officer with intent to prevent a lawful arrest or detention, commits a **Class C offense**.

[History] Ord. 184 (9/30/03); Ord. 75 (4/2/91).

4-09.110 Disobeying Tribal Fish and Game Officers.

Any person who disobeys a lawful command of a Fish and Game Enforcement Officer, given in the performance of the agent's duties is guilty of a **Class C offense**.

[History] Ord. 184 (9/30/03); Ord. 59 (1/10/89).

4-09.120 Failure to Appear in Court for Fish and Game Citation.

Any person who fails to appear in tribal court at the time and place specified in a citation, summons, notice, order or other lawful document issued in enforcement of the Natural Resources Title is guilty of a **Class C offense**.

[History] Ord. 184 (9/30/03); Ord. 59 (1/10/89).

4-09.130 Failure to Collect or Pay Over Tax.

Any person required under Title 17 to collect, account for, and/or pay over any tax imposed by Title 17 who knowingly fails to collect or account for and pay over such tax shall, in addition to other penalties provided by law, be guilty of a **Class B offense**.

[History] Ord. 220 (7/7/04).