

THE TULALIP TRIBES
Resolution No. 2018-324

Establishing Concealed Pistol License Reciprocity

WHEREAS the Board of Directors is the governing body of the Tulalip Tribes under the Constitution and Bylaws of the Tribes approved by the United States Commissioner of Indian Affairs and the Secretary of the Interior on January 24, 1936, pursuant to the Act of June 18, 1934 (48 Stat. 984, 25 U.S.C. §476);

WHEREAS, under the Tulalip Tribes Constitution Article VI, Section 1(K), the Board of Directors has the authority to promulgate and enforce ordinances governing the conduct of members of the Tribes providing for the maintenance of law and order and the administration of justice by establishing a tribal court and defining its duties and powers; and

WHEREAS, allowing the responsible carrying of concealed pistols is important to the safety of the Tulalip Tribal Community;

NOW THEREFORE BE IT **ENACTED** by the Board of Directors of the Tulalip Tribes:

Section 1. Chapter 11.30 of the Tulalip Tribal Code is hereby amended as indicated below, with additions underlined and deletions stricken through:

11.30.010 Reserved License — Issuance.

~~(1) The Chief of Police of the Tulalip Tribes shall, within 30 days after the filing of an application of any person, issue a license to such person to carry a handgun or pistol concealed on his or her person within the Tulalip Reservation for five years from date of issue, for the purposes of protection. However, if the applicant does not have a valid Tulalip membership card or permanent Washington driver's license or Washington State identification card or has not been a resident of the Reservation for the previous consecutive 90 days, the issuing authority shall have up to 60 days after the filing of the application to issue a license. The issuing authority shall not refuse to accept completed applications for concealed pistol licenses during regular business hours.~~

~~(2) The application shall not be denied, unless:~~

~~(a) He or she is ineligible to possess a firearm under the provisions of RCW 9A.040 or 9A.045;~~

~~(b) The applicant's concealed pistol license in any jurisdiction is in a revoked status;~~

~~(c) He or she is under 21 years of age;~~

~~(d) He or she is subject to a Court order or injunction regarding domestic violence, harassment, or firearms pursuant to Tulalip Tribal law or when the applicant is a non-Indian to RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.50.070, or 26.26.590;~~

~~(e) He or she is free on bond or personal recognizance pending trial, appeal, or sentencing~~

~~for a Class A or felony offense;~~

~~(f) He or she has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or serious Tribal offense;~~

~~(g) He or she has been ordered by any jurisdiction to forfeit a firearm within one year before filing an application to carry a pistol concealed on his or her person; or~~

~~(h) He or she has been found by any court to be mentally unstable or legally incompetent.~~

~~(3) No person convicted of a felony or a serious Tribal offense may have his or her right to possess firearms restored or his or her privilege to carry a concealed pistol restored, unless the person has been granted relief from disabilities by the Secretary of the Treasury under 18 U.S.C. 925(c), or RCW 9.41.040(3) or (4) applies.~~

11.30.020 Reserved License—Ineligibility.

~~The Chief of Police shall check with the Tulalip Tribal Court, the national crime information center, the Washington State Patrol electronic database, the Department of Social and Health Services electronic database, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under RCW 9.41.040 or 9.41.045 to possess a firearm and therefore ineligible for a concealed pistol license. This section applies whether the applicant is applying for a new concealed pistol license or to renew a concealed pistol license.~~

11.30.030 Reserved.

11.30.040 Reserved License—Application.

~~(1) The license application shall bear the full name, residential address, telephone number at the option of the applicant, date and place of birth, race, gender, description, not more than two complete sets of fingerprints, and signature of the licensee, and the licensee's driver's license number or State identification number if used for identification in applying for the license. A signed application for a concealed pistol license shall constitute a waiver of confidentiality and written request that the Washington Department of Social and Health Services, mental health institutions, and other health care facilities release information relevant to the applicant's eligibility for a concealed pistol license to an inquiring court or law enforcement agency.~~

~~(2) The application for an original license shall include two complete sets of fingerprints to be forwarded to the Washington State Patrol.~~

~~(3) The license and application shall contain a warning substantially as follows:~~

~~CAUTION: Tribal law, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. A tribal license is not a defense to a state or federal prosecution. A tribal license does not provide for carrying a concealed firearm outside the boundaries of the Tulalip Indian Reservation.~~

~~(4) The license shall contain a description of the major differences between State and Federal law~~

~~and an explanation of the act that local laws and ordinances on firearms are preempted by State law and must be consistent with State law. The application shall contain questions about the applicant's eligibility under RCW 9.41.040 to possess a pistol, the applicant's place of birth, and whether the applicant is a United States citizen. A person who is not a citizen of the United States shall meet the additional requirements of RCW 9.41.170 and produce proof of compliance with RCW 9.41.170 upon application. The license shall be in triplicate and in a form to be prescribed by the Department of Licensing.~~

~~(5) The original thereof shall be delivered to the licensee; the duplicate shall be preserved for six years by the Tulalip Police Department.~~

~~(6) The Tulalip Police Department shall make available to law enforcement and corrections agencies, in an online format, all information received under this section.~~

11.30.050 Reserved License—Fee.

~~(1) The nonrefundable fee, paid upon application, for the original five year license shall be \$36.00 plus any additional charges imposed by the Federal government that are passed on to the applicant. No other State or local branch or unit of government may impose any additional charges on the applicant for the issuance of the license.~~

~~The fee shall be distributed as follows:~~

- ~~(a) Twenty five dollars shall be paid to the Tribal General Fund;~~
- ~~(b) Four dollars shall be paid to the agency taking the fingerprints of the person licensed;~~
- ~~(c) Seventeen dollars shall be paid to the Tulalip Police Department for the purpose of enforcing this chapter.~~

~~(2) The nonrefundable fee for the renewal of such license shall be \$36.00, distributed as above stated.~~

~~(3) The nonrefundable fee for replacement of lost or damaged licenses is \$20.00, to be paid to the issuing authority.~~

~~(4) Payment shall be by cash or money order at the option of the applicant.~~

11.30.060 Reserved License—Renewal.

~~(1) A licensee may renew a license if the licensee applies for renewal within 90 days before or after the expiration date of the license. A license so renewed shall take effect on the expiration date of the prior license. A licensee renewing after the expiration date of the license must pay a late renewal penalty of \$10.00 in addition to the renewal fee specified in TTC 11.30.050. The fee shall be distributed as in TTC 11.30.050 by percentage.~~

~~(2) A person who lawfully obtains and possesses a current Washington State concealed pistol license may obtain a Tribal license by submitting the existing State license to the Tulalip Chief of Police along with the Tribal application. The Chief of Police may grant the Tribal license by endorsing the State license with his or her signature and date. A Tribal endorsement on a State license shall expire on the date the State license expires. The fee for a Tribal endorsement shall be~~

~~\$15.00 distributed as set out in TTC 11.30.050 by percentage.~~

~~11.30.070 False swearing.~~

~~A person who knowingly makes a false statement regarding citizenship or identity on an application for a concealed pistol license is guilty of false swearing. In addition to any other penalty provided for by law, the concealed pistol license of a person who knowingly makes a false statement shall be revoked, and the person shall be permanently ineligible for a concealed pistol license.~~

~~11.30.080 Reserved License—Revocation.~~

~~The license shall be revoked by the license-issuing authority immediately upon:~~

- ~~(1) Discovery by the Chief of Police that the person was ineligible under RCW 9.41.070 for a concealed pistol license when applying for the license or license renewal;~~
- ~~(2) Conviction of the licensee, or the licensee being found not guilty by reason of insanity, of an offense, or commitment of the licensee for mental health treatment, that makes a person ineligible under RCW 9.41.040 to possess a firearm;~~
- ~~(3) Conviction of the licensee for a third Class A offense within five calendar years; or~~
- ~~(4) A Court order that the licensee forfeit a firearm.~~

~~11.30.090 Reserved License—Ineligible persons to transfer ownership.~~

~~(1) Unless the person may lawfully possess a pistol without a concealed pistol license, an ineligible person to whom a concealed pistol license was issued shall, within 14 days of license revocation, lawfully transfer ownership of any pistol acquired while the person was in possession of the license.~~

~~(2) Upon discovering a person issued a concealed pistol license was ineligible for the license, the issuing authority shall contact the Washington Department of Licensing to determine whether the person purchased a pistol while in possession of the license. If the person did purchase a pistol while in possession of the concealed pistol license, if the person may not lawfully possess a pistol without a concealed pistol license, the issuing authority shall require the person to present satisfactory evidence of having lawfully transferred ownership of the pistol. The issuing authority shall require the person to produce the evidence within 15 days of the revocation of the license.~~

~~11.30.100 Reserved License—Forfeited firearms.~~

~~(1) When a licensee is ordered to forfeit a firearm under Tribal law or when the licensee is a non-Indian under RCW 9.41.098(1)(d), the issuing authority shall:~~

- ~~(a) On the first forfeiture, revoke the license for one year;~~
- ~~(b) On the second forfeiture, revoke the license for two years; or~~
- ~~(c) On the third or subsequent forfeiture, revoke the license for five years.~~

~~(2) Any person whose license is revoked as a result of a forfeiture of a firearm under Tribal law or when the licensee is a non-Indian under RCW 9A.098(1)(d) may not reapply for a new license until the end of the revocation period.~~

~~11.30.110 Reserved License—Possession and display.~~

~~(1) Except in the person's place of abode or fixed place of business, a person shall not carry a pistol concealed on his or her person without a license to carry a concealed pistol.~~

~~(2) Every licensee shall have his or her concealed pistol license in his or her immediate possession at all times that he or she is required by this section to have a concealed pistol license and shall display the same upon demand to any Police Officer or to any other person when and if required by law to do so. Any violation of this subsection shall be a civil infraction punishable by a \$200.00 fine.~~

~~11.30.120 Reserved Pistols in vehicles.~~

~~(1) A person shall not carry or place a loaded pistol in any vehicle unless the person has a license to carry a concealed pistol and: (a) the pistol is on the licensee's person, (b) the licensee is within the vehicle at all times that the pistol is there, or (c) the licensee is away from the vehicle and the pistol is locked within the vehicle and concealed from view from outside the vehicle.~~

~~(2) A violation of this section is a Class B Tribal offense.~~

~~(3) Nothing in this section permits the possession of firearms illegal to possess under State or Federal law.~~

~~(4) The Tulalip Tribal Court may order forfeiture of a firearm which is proven to be:~~

~~(a) Found concealed on a person not authorized by Tribal and/or State law to carry a concealed pistol; provided, that it is an absolute defense to forfeiture if the person possessed a valid Washington concealed pistol license within the preceding two years and has not become ineligible for a concealed pistol license in the interim. Before the firearm may be returned, the person must submit a new application, pay the past due renewal fee and the current renewal fee;~~

~~(b) In the possession of a person prohibited from possessing the firearm;~~

~~(c) In the possession or under the control of a person at the time the person committed or was arrested for committing a Class A offense, a felony or committing a nonfelony crime in which a firearm was used or displayed;~~

~~(d) In the possession of a person who is in any place in which a concealed pistol license is required and who is under the influence of any drug or under the influence of intoxicating liquor, as defined in Tribal law or regulation;~~

~~(e) In the possession of a person free on bail or personal recognizance pending trial, appeal, or sentencing for a felony or for a nonfelony crime in which a firearm was used or displayed;~~

~~(f) In the possession of a person found to have been mentally incompetent while in~~

~~possession of a firearm when apprehended;~~

~~(g) Used or displayed by a person in the violation of a proper written order of a Court;~~

~~(h) Used in the commission of a felony or of a nonfelony crime in which a firearm was used or displayed.~~

11.30.130 Reserved Illegal firearms— Forfeiture— Disposition.

~~Upon order of forfeiture, the Court in its discretion may order destruction of any forfeited firearm. A Court may retain forfeited firearms needed for evidence.~~

11.30.140 Definitions. Terms defined in TTC chapter 3.50 shall have the same meaning in this chapter.

11.30.150 Carrying concealed firearms generally prohibited - Exceptions.

- (1) A person shall not carry a firearm concealed on his or her person, except:
 - (a) in the person's place of abode or fixed place of business, or
 - (b) pursuant to a license that qualifies for reciprocity under Tulalip law TTC 11.30.170
- (2) When carrying a pistol as authorized by TTC 11.30.170, the licensee shall have his or her concealed firearm license in his or her immediate possession at all times and shall display the same upon demand to any police officer or to any other person when and if requested to do so. Violation of this subsection is a civil infraction with a \$100 penalty.
- (3) Nothing in this section permits the possession of firearms illegal to possess under tribal, state or federal law.

11.30.160 Exceptions to restrictions on carrying firearms.

TTC 11.30.140 shall not apply to:

- (1) Tulalip police officers and other Tribal, State and Federal law enforcement officers.
- (2) Members of the armed forces of the United States or of the National Guard or organized reserves, when on duty;
- (3) Officers or employees of the United States duly authorized to carry a concealed firearm;
- (4) Any person engaging in a lawful outdoor recreational activity such as hunting, fishing, camping, hiking, or horseback riding, only if, considering all of the attendant circumstances, including but not limited to whether the person has a valid hunting or fishing license, it is reasonable to conclude that the person is participating in lawful outdoor activities or is traveling to or from a legitimate outdoor recreation area; or
- (5) Any person while carrying a firearm unloaded and in a closed opaque case or secure wrapper.

11.30.170 Concealed firearm license – Reciprocity - Revocation.

- (1) A person licensed to carry a concealed pistol under the laws of a Tribe or State is authorized to carry a concealed pistol within the boundaries of the Tulalip Indian Reservation if:
 - (a) The licensing Tribe or State does not issue concealed firearm licenses to persons under twenty-one years of age;

- (b) The licensing Tribe or State requires mandatory fingerprint-based background checks of criminal and mental health history for all persons who apply for a concealed firearm license;
- (c) The person licensed to carry a pistol is not prohibited from possessing firearms under the laws of the Tulalip Tribes or the United States; and
- (d) The Chief of Police has not issued a notice of ineligibility to carry a concealed firearm pursuant to subsection 2 of this section.
- (2) The Chief of Police may issue notice that a person is ineligible to carry a concealed firearm, notwithstanding a valid concealed firearm license from another jurisdiction, if the person:
 - (a) Has a concealed firearm license in any jurisdiction in a revoked status;
 - (b) Is free on bond or personal recognizance pending trial, appeal, or sentencing for any criminal offense;
 - (c) Has an outstanding warrant for his or her arrest;
 - (d) Has been found by any court to be mentally unstable or legally incompetent; or
 - (e) Is ineligible to possess firearms under the laws of the Tulalip Tribes or the United States.
- (3) Notice issued pursuant to subsection 2 of this section shall be served by first class mail to the address associated with the license and shall be effective on the third day following mailing.
- (4) A person may petition the Chief of Police to withdraw a notice issued pursuant to subsection 2 of this section.
- (5) Notice issued pursuant to subsection 2 of this section may be withdrawn in writing by the Chief of Police if the condition(s) forming the basis of the revocation notice no longer apply. Notice of revocation withdrawal shall be served according to subsection (3) of this section.

11.30.180 Forfeiture. A firearm concealed on a person in violation of this chapter is subject to forfeiture pursuant to TTC Chapter 2.60.

11.30.190 Infraction. In addition to any other criminal and civil penalties imposed by Tribal law, a person who conceals a firearm in violation of this chapter commits a civil infraction with a penalty of \$500.

Section 2. Effective date. This ordinance shall be in full force and effect immediately upon the sooner of its approval by the Superintendent of the reservation or ten (10) days following presentation to the Superintendent of the reservation pursuant to the Tulalip Constitution Art. VI, §2.

ADOPTED by the Board of Directors of the Tulalip Tribes at a Regular meeting assembled on the 13 of July, 2018 with a quorum present, by a vote of 6 for and 0 against.

THE TULALIP TRIBES

Marie Zackuse
Marie Zackuse, Chairwoman

ATTEST:

Bonnie Juneau
Bonnie Juneau, Secretary

Approved pursuant to 209 DM 8,
230 DM 1, 3 IAM 4, 4A

Marcelle J. Eaton 8/15/2018
Superintendent Date