

THE TULALIP TRIBES OF WASHINGTON
Resolution 2025- 606

Amendment to Tulalip Tribal Code Chapter 3 35 Offenses Against Public Administration

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. § 5123);

WHEREAS, under the Tulalip Tribes Constitution Article VI, Sections 1 (K) & (L), the Board of Directors has the authority to safeguard and promote the peace, safety, morals, and general welfare of the Tulalip Reservation by regulating the conduct of trade and the use and disposition of property upon the reservation, and 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, which as is custom, these changes are retroactive for all procedural rules, including joinder; and

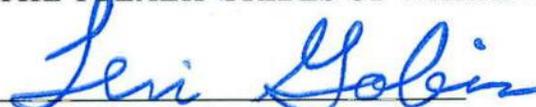
WHEREAS, the Board of Directors recognizes the importance of respecting public administration and the Tulalip Tribal Court system in the right to self-govern;

NOW THEREFORE BE IT ENACTED, by the Board of Directors of the Tulalip Tribes: Tulalip Tribal Code Chapter 3.35, Offenses Against Public Administration; Res. 2014-116; Res. 2012-445 § 69; and Res. 2010-10 (1-8-2010), Ord. 49 § 6.9.12 are hereby amended as indicated by the attached "Ordinance Attachment" code document.

These attached changes to the Tulalip Tribal Code Chapter 3.35, Offenses Against Public Administration, shall be in full force and effect 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 of Washington at a Regular board meeting assembled on the 5 day of December 2025, with a quorum present, by a vote of 5 For, 0 Against, and 0 Abstain.

THE TULALIP TRIBES OF WASHINGTON


Teri Gobin, Chairwoman

ATTEST:



Theresa Sheldon, Secretary

TULALIP TRIBES
OFFICE OF THE RESERVATION ATTORNEY



November 24, 2025

To: Tulalip Board of Directors

From: Markus Surratt, Prosecutor

Re: Bail jumping and Classification of Criminal Offenses in Tulalip

Questions presented:

- 1) What is the criminal offense of bail jumping?
- 2) What are Tulalip's classifications of criminal offenses?

Answers:

- 1) Bail jumping refers to a criminal defendant missing their court hearing or jail commitment on purpose, without a reasonable excuse. This crime is also called "failing to appear" or "contempt" in other jurisdictions. The purpose of bail jumping is to hold accountable a defendant who fails to appear for their criminal court hearing or jail commitment. Prosecutors file this charge when a defendant attempts to avoid prosecution or flee the jurisdiction. Often times, the longer a person is on warrant status, the older the evidence in a case gets and the harder it becomes to prove. Sometimes, a defendant is on warrant status for so long that the case must be dismissed because witnesses move away, their memories fade, or the victim is no longer available. Bail jumping is an example of an obstruction offense (like perjury, witness tampering, and false reporting) that exists to protect the power of the Courts and the integrity of the criminal justice system. As an obstruction offense, it can be charged against non-tribal persons pursuant to the Violence Against Women Act (VAWA) of 2022.

The bail jumping statute also recognizes that people miss court for valid reasons, such as illness, hospitalization, or other emergency issues, and cannot be charged with a crime because of that. The focus of bail jumping is on those individuals who intentionally miss their court hearing or jail commitment to hamper the prosecution and avoid accountability. This is particularly troubling in violent, domestic violence, and sexual abuse cases where the defendant could be having contact with the victim while on warrant status.

- 2) Tulalip has six classes of criminal offenses: Classes A, B, C, D, E, and F. Class A is the lowest level of criminal offense, where a person is facing a monetary fine but not at risk of a jail sentence. Class A offenses are rare, because civil infractions normally perform this function. An example of a Class A offense is a first offense for unlawfully applying graffiti.

TULALIP TRIBES

OFFICE OF THE RESERVATION ATTORNEY



Class B is the next level of criminal offense. The maximum penalty is up to 30 days in jail and a maximum of up to a \$500 fine. Class B offenses include a first offense for possessing drug paraphernalia or negligent driving. Class C offenses are punishable up to 90 days in jail and up to a \$1,000 fine. These offenses include trespassing or harming a police dog. Class D offenses are punishable up to 180 days in jail and up to a \$2,500 fine. Class D offenses include harassment or communication with a minor for immoral purposes. Class E offenses are punishable up to 365 days in jail and up to a \$5,000 fine. Class E offenses include Driving Under the Influence or Possession of a Controlled Substance.

The most severe crime in Tulalip is a Class F offense, punishable up to three years in prison and up to a \$15,000 fine. Class F offenses include drug dealing (Manufacture, Delivery of a Controlled Substance) or unlawful possession of a firearm (Possession of a Firearm by a Prohibited Possessor).

Class F offenses, and all offenses in Tulalip, are limited to a maximum of three years of imprisonment due to the Indian Civil Rights Act (ICRA) of 1968 and the federal Tribal Law and Order Act (TLOA) of 2010. The ICRA initially limited tribes to a one-year maximum jail sentence for crimes. In 2010, U.S. Congress expanded this from one year to three years under TLOA. This three-year limitation remains, regardless of what crime a tribe charges. Due to decades of tribes being limited to a one-year maximum, many tribes still classify crimes in the criminal code that reflect this limitation. Therefore, the Class A through F classification of criminal codes in Tulalip is in part based on previous limitations prior to 2010, as well as based on the current three-year maximum imposed on tribes.

Ordinance Summary

Modifying Crimes Against Public Administration

Brief Summary of Ordinance

- Redefines bail jumping-when a person fails to appear for court or trial
- Increases the maximum possible penalty for witness and evidence tampering
- Reclassifies perjury as a more serious Class E offense

Background. Tribes obtained the ability to prosecute felony offenses fifteen years ago in 2010, under the federal Tribal Law and Order Act. Tulalip adopted this enhanced sentencing shortly after. Then, in 2013, U.S. Congress passed the Violence Against Women Act, which allowed tribes to prosecute non-Indian offenders for domestic violence offenses against their tribal partners, given the high rates of violence against tribal women in particular. This expanded jurisdiction grew once again in 2022, when U.S. Congress enacted Special Tribal Criminal Jurisdiction which, in addition to domestic violence, allows tribes to prosecute non-Indians for obstruction of justice crimes, including resisting arrest, perjury, false statements to law enforcement, and witness tampering. Due to recent and ongoing changes in tribal jurisdiction by U.S. Congress, tribal codes continue to need updates to reflect a departure from decades of misdemeanor court laws and practices, to felonies and non-Indian persons.

Summary of Ordinance. First, this ordinance redefines bail jumping by simplifying the language and listing affirmative defenses for missing court, such as being incarcerated in another jurisdiction, being in the hospital, or being severely ill. It also imposes increased possible maximum penalties for knowingly failing to appear for court on felony charges or for jury trial without a valid reason, and addresses the statute of limitations and joining the bail jumping charge to other charges. This ordinance also enhances the penalty for witness tampering, such as threatening a witness, influencing their testimony, or destroying evidence. Tampering is common in domestic violence cases-usually within the first few days after the offense occurs. This ordinance increases the maximum penalty for perjury—lying under oath.

Redline "Track Changes" Ordinance Attachment

3.35.010 Definitions.

For purposes of this chapter, the following definitions apply:

- (1) "Administrative proceeding" means any Tribal proceeding the outcome of which is required to be based on a record or documentation prescribed by law or in which a law or a regulation is particularized in its application to an individual.
- (2) "Benefit" means gain or advantage or anything regarded by the beneficiary as gain or advantage, including benefit to any other person or entity in whose welfare the beneficiary is interested.
- (3) "Official proceeding" means a proceeding heard or that may be heard before any legislative, judicial, administrative, or other governmental agency or official authorized to take evidence under oath, including any referee, Hearing Examiner, Commissioner, notary, or other person taking testimony or deposition in connection with the proceeding, including all stages of a civil or criminal case.
- (4) "Pecuniary benefit" is benefit in the form of money, property, commercial interests, or anything else the primary significance of which is economic gain.
- (5) "Petition" means a list of signatures submitted to any Tribal government official, program or office pursuant to any ordinance, resolution or constitutional provision providing for the submission of such signatures for the purpose of initiating or requesting governmental action.
- (6) "Tribal public servant" means any officer or employee of the Tribal government including but not limited to a member of the Board of Directors, a Judge, anyone who has been elected or designated to become a Tribal public servant, or any person serving as a juror, administrator, executor, personal representative, guardian, or Court-appointed fiduciary.

3.35.020 Bribery.

(1) A person commits the offense of bribery by knowingly or purposely offering, conferring, agreeing to confer upon another, soliciting, accepting, or agreeing to accept from another any benefit, including pecuniary benefit, as consideration for:

- (a) The recipient's decision, opinion, recommendation, vote, or other exercise of discretion as a Tribal public servant or voter;
- (b) The recipient's decision, vote, recommendation, or other exercise of official discretion in a Tribal judicial or administrative proceeding; or
- (c) A violation of a known duty as a Tribal public servant.

(2) It is not a defense that a person whom the offender sought to bribe was not qualified to act in the desired way.

(3) Bribery is a Class E offense.

(4) A person convicted of the offense of bribery shall forever be disqualified from holding any position as a Tribal public servant.

3.35.030 Improper influence in official matters.

(1) A person commits the offense of improper influence by purposely or knowingly:

(a) Threatening harm to any person, the person's spouse, child, parent, or sibling, or the person's property with the purpose to influence the person's decision, opinion, recommendation, vote or other exercise of discretion as a Tribal public servant or voter;

(b) Threatening harm to any Tribal public servant, to the Tribal public servant's spouse, child, parent, or sibling, or to the public servant's property with the purpose to influence the Tribal public servant's decision, opinion, recommendation, vote or other exercise of discretion in a judicial or administrative proceeding;

(c) Threatening harm to any Tribal public servant, the public servant's spouse, child, parent, or sibling, or the person's property with the purpose to influence the person to violate her or his duty; or

(d) Privately talking about the circumstances of a pending or potential controversy with any Tribal public servant who has or will have official discretion in a judicial or administrative proceeding or any other communication with such Tribal public servant designed to influence or with the potential to influence the outcome of such proceedings on the basis of considerations other than those authorized by Tribal law.

(2) It is not a defense that a person whom the offender sought to influence was not qualified to act in the desired way.

(3) Improper influence in official matters is a Class D offense.

3.35.040 Compensation for past official behavior.

(1) A person commits an offense under this section if he or she knowingly solicits, accepts, or agrees to accept any pecuniary benefit as compensation for having, as a Tribal public servant, given a decision, opinion, recommendation, or vote favorable to another, for having exercised a discretion in another's favor, or for having violated his or her duty. A person commits an offense under this section if he or she knowingly offers, confers, or agrees to confer compensation which is prohibited by this section.

(2) Compensation for past official behavior is a Class C offense.

3.35.050 Gifts to Tribal public servants by persons subject to their jurisdiction.

(1) No Tribal public servant in any department or agency exercising a regulatory function, conducting inspections or investigations, carrying on a civil or criminal litigation on behalf of Tribal government, or having custody of prisoners shall solicit, accept or agree to accept any

pecuniary benefit from a person known to be subject to such regulation, inspection, investigation, or custody or against whom such litigation is known to be pending or contemplated.

(2) No Tribal public servant having any discretionary function to perform in connection with contracts, purchases, payments, claims, or other pecuniary transactions of the government shall solicit, accept, or agree to accept any pecuniary benefit from any person known to be interested in or likely to become interested in any such contract, purchase, payment, claim, or transaction.

(3) No Tribal public servant having judicial or administrative authority and no Tribal public servant employed by a Tribal Court having such authority or participating in the enforcement of its decision shall solicit, accept, or agree to accept any pecuniary benefit from a person known to be interested in or likely to become interested in any matter before such Tribal public servant or tribunal with which he or she is associated.

(4) This section shall not apply to:

(a) Fees or payments prescribed by law to be received by a Tribal public servant or any other benefit for which the recipient gives legitimate consideration or to which he or she is otherwise entitled; or

(b) Trivial benefits incidental to personal, professional, or business contacts and involving no substantial risk of undermining official impartiality.

(5) No person shall knowingly confer or offer or agree to confer any benefit prohibited by subsections (1) through (3) of this section.

(6) An offense committed under this section is a Class C offense.

3.35.060 Perjury.

(1) A person commits the offense of perjury by knowingly making in any Tribal judicial or administrative proceeding a false statement under oath or equivalent affirmation, or by swearing or affirming the truth of a false statement previously made when the statement is material to the proceedings.

(2) Perjury is a Class ~~E~~D offense.

3.35.070 False swearing.

(1) A person commits the offense of false swearing by knowingly making a false statement under oath or equivalent affirmation, or swearing or affirming the truth of such a statement previously made when the person does not believe the statement to be true and:

(a) The falsification occurs in an official proceeding;

(b) The falsification is purposely made to mislead a Tribal public servant in performing his or her official function; or

(c) The statement is one which is required by law to be sworn or affirmed before a notary or other person authorized to administer oaths.

(2) False swearing is a Class C offense.

3.35.080 Unsworn falsification to authorities.

(1) A person commits an offense under this section if, with purpose to mislead a Tribal public servant in performing his or her official function, he or she:

- (a) Makes any written false statement which he or she does not believe to be true;
- (b) Purposely creates a false impression in a written application for any pecuniary or other benefit by omitting information necessary to prevent statements therein from being misleading;
- (c) Submits or invites reliance on any writing which he or she knows to be forged, altered, or otherwise lacking in authenticity; or
- (d) Submits or invites reliance on any sample, specimen, map, boundary mark, or other object which he or she knows to be false.

(2) Unsworn falsification is a Class B offense.

3.35.090 Petition misconduct.

(1) A person commits an offense under this section if he or she:

- (a) Signs a petition with a name of another person or fictitious person, or any name other than his or her true name; or
- (b) Signs a petition knowing that he or she is not eligible to sign under applicable Tribal ordinance, resolution or constitutional provision; or
- (c) In signing a petition, makes a false statement as to his or her residence, age, Tribal membership or other qualifications necessary to sign the petition; or
- (d) Knowing that a petition contains false signatures or statements, files the petition, or puts the petition off with intent that it should be filed, as a true and genuine petition; or
- (e) For any consideration or gratuity or promise thereof, signs or declines to sign any petition; or
- (f) Provides or receives consideration for soliciting or procuring signatures on a petition if any part of the consideration is based on the number of signatures solicited or procured, or offers to provide or agrees to receive such consideration any of which is based on the number of signatures solicited or procured; or

(g) Gives or offers any consideration or gratuity to any person to induce him or her to sign or not to sign any petition; or

(h) Interferes with or attempts to interfere with the right of any voter to sign or not to sign a petition by threats, intimidation, or any corrupt means or practice.

(2) Petition misconduct is a Class C offense.

3.35.100 False alarms to agencies of public safety.

(1) A person commits an offense under this section if he or she knowingly causes a false alarm of fire or other emergency to be transmitted to or within any organization, Tribal or otherwise, official or volunteer, which deals with emergencies involving danger to life or property.

(2) False alarms to public agencies is a Class C offense.

3.35.110 False reports to law enforcement officers.

(1) A person commits the offense of giving false reports to law enforcement officers by knowingly:

(a) Giving false information to any law enforcement officer with the purpose to implicate another;

(b) Reporting to a law enforcement officer an offense or other incident within their concern, knowing that the alleged offense or incident did not occur; or

(c) Pretending to furnish such officers with information relating to an offense or incident when the person does not have information relating to such offense or incident.

(2) Giving false reports to law enforcement officers is a Class C offense.

3.35.120 Tampering with witnesses, informants, or physical evidence.

(1) A person commits the offense of tampering if, believing that an official proceeding or investigation is pending or about to be instituted, the person knowingly or purposely attempts to or does:

(a) Induce or otherwise cause a witness or informant to testify or inform falsely;

(b) Withhold any testimony, information, document or other material evidence;

(c) Cause a witness to elude legal process summoning the witness to testify or supply evidence; or

(d) Alter, destroy, conceal, or remove any record, document, or other physical object in order to impair its availability or reliability in such proceeding or investigation.

(2) Tampering is a Class F offense if the associated official proceeding or investigation is for a felony offense and a Class E offense otherwise. The Tribes has jurisdiction over any offense involving a Tulalip official proceeding regardless of the location of the defendant at the time of his or her actions~~Tampering is a Class D offense over which the Tribes has exclusive jurisdiction.~~

3.35.130 Impersonating a Tribal public servant.

(1) A person commits the offense of impersonating a Tribal public servant by knowingly and purposely pretending to hold a position as a public servant of the Tribes as a means of inducing another to submit to the person's authority or otherwise act in reliance upon such representation.

(2) Impersonating a Tribal public servant is a Class B offense.

3.35.140 False claims to Tribal agencies.

(1) A person commits an offense under this section if he or she purposely and knowingly presents for allowance or for payment a claim already paid by another or a false or fraudulent claim, bill, account, voucher, or writing to a Tribal agency, Tribal public servant, or to a contractor authorized to allow of pay claims presented to a Tribal agency, if genuine.

(2) A false claim is a Class D offense.

3.35.150 Resisting arrest.

(1) A person commits the offense of resisting arrest by knowingly preventing or attempting to prevent a law enforcement officer from making an arrest by:

(a) Using or threatening to use physical force or violence against the law enforcement officer or another; or

(b) Using any other means which creates a risk of causing physical injury to a law enforcement officer or another.

(2) It is no defense to a charge of resisting arrest that the arrest was unlawful, provided the law enforcement officer was acting under the color of his or her official authority.

(3) Resisting arrest is a Class D offense.

3.35.160 Obstructing a law enforcement officer or other Tribal public servant.

(1) A person commits the offense of obstructing a law enforcement officer or other Tribal public servant if he or she knowingly obstructs, impairs, or hinders the enforcement of the criminal law, the preservation of the peace, or the performance of a Tribal governmental function.

(2) It is no defense to a charge under this section that the law enforcement officer or other Tribal public servant was acting in an illegal manner, provided he was acting under the color of his or her official authority.

(3) Obstructing a law enforcement officer or other Tribal public servant is a Class C offense.

3.35.170 Obstructing justice.

(1) For the purpose of this section, "an offender" means a person who has been or is liable to be arrested, charged, convicted, or punished for a Tribal offense.

(2) A person commits the offense of obstructing justice if, knowing another person is an offender, he or she purposely:

(a) Harbors or conceals an offender;

(b) Warns an offender of impending discovery or apprehension, except this does not apply to a warning given in connection with an effort to bring an offender into compliance with the law;

(c) Provides an offender with money, transportation, a weapon, disguise, or other means of avoiding discovery or apprehension;

(d) Prevents or obstructs, by means of force, deception, or intimidation, anyone from performing an act that might aid in the discovery or apprehension of an offender;

(e) Supports, by act of concealment, alteration, or destruction, any physical evidence that might aid in the discovery or apprehension of an offender; or

(f) Aids an offender who is subject to detention to escape from such detention.

(3) Obstructing justice is a Class C offense.

3.35.180 Violation of a protection order.

(1) A person under restraint of a protection order commits the offense of violation of a protection order by, with knowledge of the order, knowingly or purposely engaging in any conduct proscribed by the protection order or by failing to meet any requirement of the order.

(2) The person requesting the protection order or for whose protection it was issued may not be charged with violation of this section.

(3) Violation of a protection order is a Class E offense.

3.35.190 Escape.

(1) A person commits the offense of escape by:

(a) Unlawfully removing herself or himself from official detention or failing to return to detention following temporary leave granted for a specific purpose or limited time period;

(b) Aiding another person to escape from official detention; or

(c) Knowingly procuring, making, possessing or providing a person in official detention with anything which may facilitate escape.

(2) Escape is a Class D offense.

3.35.200 Providing contraband.

(1) A person commits the offense of providing contraband by knowingly providing a person in official Tribal detention with alcoholic beverages, implements of escape or any other items or substances which the person knows are unlawful or improper for the detainee to possess.

(2) Providing contraband is a Class D offense.

3.35.210 Bail-jumping.

(1) A person is guilty of the crime of bail jumping when he or she knowingly fails to appear for their criminal court hearing or report for incarceration. Knowledge is presumed where a person is present in court when their hearing or report date is set or signs for their hearing or report date.

(2) It is an affirmative defense to bail jumping that:

(a) The person was incarcerated in this or another jurisdiction on the date and time of their hearing and was unable to attend due solely to being incarcerated; or

(b) Uncontrollable circumstances made it impossible for the person to appear or surrender, and the person did not contribute to the creation of such circumstances by negligently disregarding the requirement to appear or surrender, and that the person appeared or surrendered as soon as such circumstances ceased to exist.

(3) Bail jumping is:

(a) A class F offense if the person was held for, charged with, or convicted of any Class F offense, or the hearing is for a jury trial; or

(b) A class E offense if the person was held for, charged with, or convicted of any other class of offense that is not a Class F offense.

(4) Bail jumping is a continuing course of conduct that lasts until the offender next appears before the court. Every month that a person fails to appear or surrender constitutes a separate violation of this section. The statute of limitations shall not begin until the defendant has returned from warrant status and re-appeared before the Court.

(5) The prosecution in its discretion may join bail jumping to the underlying offense, notwithstanding TTC 2.25.060(4).

~~(1) A person commits the offense of bail jumping if, having been released on bail, on the person's own recognizance, by Tribal Court order or other lawful Tribal authority upon condition that the person subsequently appear on a charge of an offense, the person fails, without just cause, to appear in person or by counsel at the time and place lawfully designated for the person's appearance.~~

(2) ~~Bail jumping constitutes a Class D offense~~

3.35.220 Criminal contempt.

(1) A person commits the offense of criminal contempt by knowingly engaging in any of the following conduct:

- (a) Disorderly, contemptuous, or insolent behavior committed during the sitting of the Tribal Court or the Court of Appeals, in the immediate view and presence of the Court, and directly tending to interrupt its proceedings or to impair the respect due its authority;
- (b) Breaching the peace by causing a disturbance directly tending to interrupt the proceedings of the Tribal Court or the Court of Appeals;
- (c) Purposely disobeying or refusing any lawful process or other mandate of Tribal Court or the Court of Appeals;
- (d) Unlawfully refusing to be sworn as a witness in any Tribal Court proceeding or, after being sworn, refusing to answer any legal and proper questions;
- (e) Purposely publishing a false or grossly inaccurate report of a Tribal Court proceeding; or
- (f) Purposely failing to obey any mandate, process, or notice relative to serving as a juror.

(2) Criminal contempt is a Class C offense.

3.35.230 Official misconduct.

(1) A Tribal public servant commits the offense of official misconduct when in his or her official capacity he or she commits any of the following acts:

- (a) Purposely or negligently fails to perform any mandatory duty as required by law or by a court of competent jurisdiction;
- (b) Knowingly performs an act in his or her official capacity which he or she knows is forbidden by law;
- (c) With the purpose to obtain advantage for himself or herself or another, performs an act in excess of his or her lawful authority;
- (d) Solicits or knowingly accepts for the performance of any act a fee or reward which he or she knows is not authorized by law.

(2) Official misconduct is a Class D offense.

(3) A public servant who has been charged as provided in this section may be suspended from his or her office without pay pending final judgment.

3.35.240 Misuse of Tribal funds.

(1) Any person who shall, being a Tribal employee or other person charged with receipt, safekeeping, transfer or disbursement of Tribal funds, without lawful authority, appropriates funds to his or her own use or the use of another, or who shall otherwise handle Tribal funds in a manner not authorized by law, shall commit the crime of misuse of public funds.

(2) If the amount of the Tribal funds misused is greater than \$1,000, misuse of Tribal funds is a Class E offense.

(3) If the amount of the Tribal funds misused does not exceed \$1,000, misuse of Tribal funds is a Class C offense.

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3.35.010 Definitions.

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(2) It is not a defense that a person whom the offender sought to bribe was not qualified to act in the desired way.

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(4) A person convicted of the offense of bribery shall forever be disqualified from holding any position as a Tribal public servant.

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(b) Threatening harm to any Tribal public servant, to the Tribal public servant's spouse, child, parent, or sibling, or to the public servant's property with the purpose to influence the Tribal public servant's decision, opinion, recommendation, vote or other exercise of discretion in a judicial or administrative proceeding;

(c) Threatening harm to any Tribal public servant, the public servant's spouse, child, parent, or sibling, or the person's property with the purpose to influence the person to violate her or his duty; or

(d) Privately talking about the circumstances of a pending or potential controversy with any Tribal public servant who has or will have official discretion in a judicial or administrative proceeding or any other communication with such Tribal public servant designed to influence or with the potential to influence the outcome of such proceedings on the basis of considerations other than those authorized by Tribal law.

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(2) No Tribal public servant having any discretionary function to perform in connection with contracts, purchases, payments, claims, or other pecuniary transactions of the government shall solicit, accept, or agree to accept any pecuniary benefit from any person known to be interested in or likely to become interested in any such contract, purchase, payment, claim, or transaction.

(3) No Tribal public servant having judicial or administrative authority and no Tribal public servant employed by a Tribal Court having such authority or participating in the enforcement of its decision shall solicit, accept, or agree to accept any pecuniary benefit from a person known to be interested in or likely to become interested in any matter before such Tribal public servant or tribunal with which he or she is associated.

(4) This section shall not apply to:

(a) Fees or payments prescribed by law to be received by a Tribal public servant or any other benefit for which the recipient gives legitimate consideration or to which he or she is otherwise entitled; or

(b) Trivial benefits incidental to personal, professional, or business contacts and involving no substantial risk of undermining official impartiality.

(5) No person shall knowingly confer or offer or agree to confer any benefit prohibited by subsections (1) through (3) of this section.

(6) An offense committed under this section is a Class C offense.

3.35.060 Perjury.

(1) A person commits the offense of perjury by knowingly making in any Tribal judicial or administrative proceeding a false statement under oath or equivalent affirmation, or by swearing or affirming the truth of a false statement previously made when the statement is material to the proceedings.

(2) Perjury is a Class E offense.

3.35.070 False swearing.

(1) A person commits the offense of false swearing by knowingly making a false statement under oath or equivalent affirmation, or swearing or affirming the truth of such a statement previously made when the person does not believe the statement to be true and:

(a) The falsification occurs in an official proceeding;

(b) The falsification is purposely made to mislead a Tribal public servant in performing his or her official function; or

(c) The statement is one which is required by law to be sworn or affirmed before a notary or other person authorized to administer oaths.

(2) False swearing is a Class C offense.

3.35.080 Unsworn falsification to authorities.

(1) A person commits an offense under this section if, with purpose to mislead a Tribal public servant in performing his or her official function, he or she:

(a) Makes any written false statement which he or she does not believe to be true;

(b) Purposely creates a false impression in a written application for any pecuniary or other benefit by omitting information necessary to prevent statements therein from being misleading;

(c) Submits or invites reliance on any writing which he or she knows to be forged, altered, or otherwise lacking in authenticity; or

(d) Submits or invites reliance on any sample, specimen, map, boundary mark, or other object which he or she knows to be false.

(2) Unsworn falsification is a Class B offense.

3.35.090 Petition misconduct.

(1) A person commits an offense under this section if he or she:

(a) Signs a petition with a name of another person or fictitious person, or any name other than his or her true name; or

(b) Signs a petition knowing that he or she is not eligible to sign under applicable Tribal ordinance, resolution or constitutional provision; or

(c) In signing a petition, makes a false statement as to his or her residence, age, Tribal membership or other qualifications necessary to sign the petition; or

(d) Knowing that a petition contains false signatures or statements, files the petition, or puts the petition off with intent that it should be filed, as a true and genuine petition; or

(e) For any consideration or gratuity or promise thereof, signs or declines to sign any petition; or

(f) Provides or receives consideration for soliciting or procuring signatures on a petition if any part of the consideration is based on the number of signatures solicited or procured, or offers to provide or agrees to receive such consideration any of which is based on the number of signatures solicited or procured; or

(g) Gives or offers any consideration or gratuity to any person to induce him or her to sign or not to sign any petition; or

(h) Interferes with or attempts to interfere with the right of any voter to sign or not to sign a petition by threats, intimidation, or any corrupt means or practice.

(2) Petition misconduct is a Class C offense.

3.35.100 False alarms to agencies of public safety.

(1) A person commits an offense under this section if he or she knowingly causes a false alarm of fire or other emergency to be transmitted to or within any organization, Tribal or otherwise, official or volunteer, which deals with emergencies involving danger to life or property.

(2) False alarms to public agencies is a Class C offense.

3.35.110 False reports to law enforcement officers.

(1) A person commits the offense of giving false reports to law enforcement officers by knowingly:

(a) Giving false information to any law enforcement officer with the purpose to implicate another;

(b) Reporting to a law enforcement officer an offense or other incident within their concern, knowing that the alleged offense or incident did not occur; or

(c) Pretending to furnish such officers with information relating to an offense or incident when the person does not have information relating to such offense or incident.

(2) Giving false reports to law enforcement officers is a Class C offense.

3.35.120 Tampering with witnesses, informants, or physical evidence.

(1) A person commits the offense of tampering if, believing that an official proceeding or investigation is pending or about to be instituted, the person knowingly or purposely attempts to or does:

(a) Induce or otherwise cause a witness or informant to testify or inform falsely;

(b) Withhold any testimony, information, document or other material evidence;

(c) Cause a witness to elude legal process summoning the witness to testify or supply evidence; or

(d) Alter, destroy, conceal, or remove any record, document, or other physical object in order to impair its availability or reliability in such proceeding or investigation.

(2) Tampering is a Class F offense if the associated official proceeding or investigation is for a felony offense, and a Class E offense otherwise. The Tribes has jurisdiction over any offense involving a Tulalip official proceeding regardless of the location of the defendant at the time of his or her actions.

3.35.130 Impersonating a Tribal public servant.

(1) A person commits the offense of impersonating a Tribal public servant by knowingly and purposely pretending to hold a position as a public servant of the Tribes as a means of inducing another to submit to the person's authority or otherwise act in reliance upon such representation.

(2) Impersonating a Tribal public servant is a Class B offense.

3.35.140 False claims to Tribal agencies.

(1) A person commits an offense under this section if he or she purposely and knowingly presents for allowance or for payment a claim already paid by another or a false or fraudulent claim, bill, account, voucher, or writing to a Tribal agency, Tribal public servant, or to a contractor authorized to allow of pay claims presented to a Tribal agency, if genuine.

(2) A false claim is a Class D offense.

3.35.150 Resisting arrest.

(1) A person commits the offense of resisting arrest by knowingly preventing or attempting to prevent a law enforcement officer from making an arrest by:

(a) Using or threatening to use physical force or violence against the law enforcement officer or another; or

(b) Using any other means which creates a risk of causing physical injury to a law enforcement officer or another.

(2) It is no defense to a charge of resisting arrest that the arrest was unlawful, provided the law enforcement officer was acting under the color of his or her official authority.

(3) Resisting arrest is a Class D offense.

3.35.160 Obstructing a law enforcement officer or other Tribal public servant.

(1) A person commits the offense of obstructing a law enforcement officer or other Tribal public servant if he or she knowingly obstructs, impairs, or hinders the enforcement of the criminal law, the preservation of the peace, or the performance of a Tribal governmental function.

(2) It is no defense to a charge under this section that the law enforcement officer or other Tribal public servant was acting in an illegal manner, provided he was acting under the color of his or her official authority.

(3) Obstructing a law enforcement officer or other Tribal public servant is a Class C offense.

3.35.170 Obstructing justice.

(1) For the purpose of this section, "an offender" means a person who has been or is liable to be arrested, charged, convicted, or punished for a Tribal offense.

(2) A person commits the offense of obstructing justice if, knowing another person is an offender, he or she purposely:

(a) Harbors or conceals an offender;

(b) Warns an offender of impending discovery or apprehension, except this does not apply to a warning given in connection with an effort to bring an offender into compliance with the law;

(c) Provides an offender with money, transportation, a weapon, disguise, or other means of avoiding discovery or apprehension;

(d) Prevents or obstructs, by means of force, deception, or intimidation, anyone from performing an act that might aid in the discovery or apprehension of an offender;

(e) Supports, by act of concealment, alteration, or destruction, any physical evidence that might aid in the discovery or apprehension of an offender; or

(f) Aids an offender who is subject to detention to escape from such detention.

(3) Obstructing justice is a Class C offense.

3.35.180 Violation of a protection order.

(1) A person under restraint of a protection order commits the offense of violation of a protection order by, with knowledge of the order, knowingly or purposely engaging in any conduct proscribed by the protection order or by failing to meet any requirement of the order.

(2) The person requesting the protection order or for whose protection it was issued may not be charged with violation of this section.

(3) Violation of a protection order is a Class E offense.

3.35.190 Escape.

(1) A person commits the offense of escape by:

- (a) Unlawfully removing herself or himself from official detention or failing to return to detention following temporary leave granted for a specific purpose or limited time period;
- (b) Aiding another person to escape from official detention; or
- (c) Knowingly procuring, making, possessing or providing a person in official detention with anything which may facilitate escape.

(2) Escape is a Class D offense.

3.35.200 Providing contraband.

(1) A person commits the offense of providing contraband by knowingly providing a person in official Tribal detention with alcoholic beverages, implements of escape or any other items or substances which the person knows are unlawful or improper for the detainee to possess.

(2) Providing contraband is a Class D offense.

3.35.210 Bail-jumping.

- 1) A person is guilty of the crime of bail jumping when he or she knowingly fails to appear for their criminal court hearing or report for incarceration. Knowledge is presumed where a person is present in court when their hearing or report date is set or signs for their hearing or report date.
- 2) It is an affirmative defense to bail jumping that:
 - a) The person was incarcerated in this or another jurisdiction on the date and time of their hearing and was unable to attend due solely to being incarcerated; or
 - b) Uncontrollable circumstances made it impossible for the person to appear or surrender, and the person did not contribute to the creation of such circumstances by negligently disregarding the requirement to appear or surrender, and that the person appeared or surrendered as soon as such circumstances ceased to exist.
- 3) Bail jumping is:
 - a) A class F offense if the person was held for, charged with, or convicted of any Class F offense, or the hearing is for a jury trial; or
 - b) A class E offense if the person was held for, charged with, or convicted of any other class of offense that is not a Class F offense.
- 4) Bail jumping is a continuing course of conduct that lasts until the offender next appears before the court. Every month that a person fails to appear or surrender constitutes a separate violation of this section. The statute of limitations shall not begin until the defendant has returned from warrant status and re-appeared before the Court.
- 5) The prosecution in its discretion may join bail jumping to the underlying offense, notwithstanding TTC 2.25.060(4).

3.35.220 Criminal contempt.

(1) A person commits the offense of criminal contempt by knowingly engaging in any of the following conduct:

- (a) Disorderly, contemptuous, or insolent behavior committed during the sitting of the Tribal Court or the Court of Appeals, in the immediate view and presence of the Court, and directly tending to interrupt its proceedings or to impair the respect due its authority;
- (b) Breaching the peace by causing a disturbance directly tending to interrupt the proceedings of the Tribal Court or the Court of Appeals;
- (c) Purposely disobeying or refusing any lawful process or other mandate of Tribal Court or the Court of Appeals;
- (d) Unlawfully refusing to be sworn as a witness in any Tribal Court proceeding or, after being sworn, refusing to answer any legal and proper questions;
- (e) Purposely publishing a false or grossly inaccurate report of a Tribal Court proceeding;
or
- (f) Purposely failing to obey any mandate, process, or notice relative to serving as a juror.

(2) Criminal contempt is a Class C offense.

3.35.230 Official misconduct.

(1) A Tribal public servant commits the offense of official misconduct when in his or her official capacity he or she commits any of the following acts:

- (a) Purposely or negligently fails to perform any mandatory duty as required by law or by a court of competent jurisdiction;
- (b) Knowingly performs an act in his or her official capacity which he or she knows is forbidden by law;
- (c) With the purpose to obtain advantage for himself or herself or another, performs an act in excess of his or her lawful authority;
- (d) Solicits or knowingly accepts for the performance of any act a fee or reward which he or she knows is not authorized by law.

(2) Official misconduct is a Class D offense.

(3) A public servant who has been charged as provided in this section may be suspended from his or her office without pay pending final judgment.

3.35.240 Misuse of Tribal funds.

(1) Any person who shall, being a Tribal employee or other person charged with receipt, safekeeping, transfer or disbursement of Tribal funds, without lawful authority, appropriates funds to his or her own use or the use of another, or who shall otherwise handle Tribal funds in a manner not authorized by law, shall commit the crime of misuse of public funds.

(2) If the amount of the Tribal funds misused is greater than \$1,000, misuse of Tribal funds is a Class E offense.

(3) If the amount of the Tribal funds misused does not exceed \$1,000, misuse of Tribal funds is a Class C offense.