

Title 4 – Criminal Code

Chapter 5 – Offenses Involving Weapons

Sec.

4-05.010	Carrying Concealed Weapon
4-05.020	Carrying Firearm While Under the Influence of Alcohol or Drugs
4-05.030	Unlawful Display or Discharge of a Weapon
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Legislative History

Enacted:

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

Repealed or superseded: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).

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 in tribal records.]

4-05.010 Carrying Concealed Weapon.

- (A) Any person who goes about in public places armed with a dangerous weapon or firearm concealed upon his or her person, without having a current valid concealed weapons permit issued by the Tribe or another jurisdiction, commits the **Class B offense** of carrying a concealed weapon.
- (B) Tribal law enforcement officers are exempted from this section.

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

4-05.020 Carrying a Firearm While Under the Influence of Alcohol or Drugs.

Any person, whether he or she has a concealed weapons permit or not, who carries a firearm on his or her person while under the influence of alcohol or drugs commits a **Class C offense**.

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

4-05.030 Unlawful Display or Discharge of a Weapon.

- (A) Any person who carries, exhibits, displays, discharges or draws any firearm or other weapon apparently capable of producing bodily harm, in a manner, and under circumstances, and at a time and place that either manifests an intent to intimidate another or that warrants alarm for the safety of others commits the offense of unlawful display of a weapon.
- (B) Unlawful display or discharge of a weapon is a **Class B offense**.

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

4-05.040 Unlawful Possession of a Firearm.

- (A) Any person who fits one or more of the following categories and who possesses a firearm commits the crime of unlawful possession of a firearm:
- (1) a person with one or more outstanding warrants for a crime of violence from a court of any jurisdiction;
 - (2) a person who has been convicted by a court of any jurisdiction of an attempt or commission of a crime of violence;
 - (3) a person charged with or awaiting sentencing for or on appeal from conviction of a crime of violence in a court of any jurisdiction;
 - (4) a person who has been ruled mentally incompetent by a court of any jurisdiction; or
 - (5) a person under fourteen (14) years of age not under the direct supervision of an adult.
- (B) A “**crime of violence**” for purposes of this Section has its ordinary meaning and includes domestic violence, child abuse, any crimes where a firearm is displayed, and any crime involving the unlawful use of force.
- (C) Unlawful possession of a firearm is a **Class B offense**.

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

4-05.050 Weapons in Vehicles.

Any person who knowingly leaves a firearm, except an unloaded rifle or shotgun, or other dangerous weapon unattended in an unlocked vehicle, where it is visible from the outside of the vehicle commits a **Class C offense**.

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