

THE TULALIP TRIBES OF WASHINGTON  
RESOLUTION 2022-603

**Raising the age of consent to 18 years of age**

**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); and

**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; and

**WHEREAS**, the Board of Directors finds that the safety and well-being of our children is of paramount importance and a change in the law is required to protect children from adult sexual predators;

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

**Section 1.** *Amending section 3.20.014.* Tulalip Tribal Code section 3.20.014 is hereby amended as attached.

**Section 2.** *Effective date.* This ordinance shall be in full force and effect immediately upon 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 9 day of December, 2022, with a quorum present, by a vote of 6 For, 0 Against, and 0 Abstain.

THE TULALIP TRIBES OF WASHINGTON



Teri Gobin, Chair

ATTEST:



Debra Posey, Secretary

**3.20.014 Sexual abuse of a minor or ward.**

(1) Of a Minor. Whoever knowingly engages or attempts to engage in a sexual act with another person who:

- (a) Has not attained the age of 18 years; and
- (b) Is at least four years younger than the person so engaging shall be guilty of a Class F offense.

(2) Of a Ward. Whoever knowingly engages or attempts to engage in a sexual act with another person who is:

- (a) In official detention; and
- (b) Under the custodial, supervisory, or disciplinary authority of the person so engaging shall be guilty of a Class F offense.

(3) State of Mind Proof Requirement. In a prosecution under subsection (1) of this section, the Tribes need not prove that the defendant knew:

- (a) The age of the other person engaging in the sexual act; or
- (b) That the requisite age difference existed between the persons so engaging.

**TTC 3.20.014 Sexual abuse of a minor or ward.**

(1) Of a Minor. Whoever knowingly engages or attempts to engage in a sexual act with another person who:

(a) Has not attained the age of ~~16~~18 years; and

(b) Is at least four years younger than the person so engaging shall be guilty of a Class F offense.

(2) Of a Ward. Whoever knowingly engages or attempts to engage in a sexual act with another person who is:

(a) In official detention; and

(b) Under the custodial, supervisory, or disciplinary authority of the person so engaging shall be guilty of a Class F offense.

(3) State of Mind Proof Requirement. In a prosecution under subsection (1) of this section, the Tribes need not prove that the defendant knew:

(a) The age of the other person engaging in the sexual act; or

(b) That the requisite age difference existed between the persons so engaging.

**Ordinance Summary**

**Raising the age of consent to 18 years of age**

**Brief Summary of Ordinance**

- Raises the age of consent to 18 years of age.
- A person who engages or attempts to engage in a sexual act with a person who is between 12 and 18 years of age commits a felony, unless there is less than 4 years of age difference between the two persons.

**Background**

Tulalip's current age of consent is 16 years old. A person who engages or attempts to engage in a sexual act with a person who is less than 16 years but older than 11 years of age commits a felony, unless there is less than 4 years of age difference between the two. A child under the age of 12 cannot consent to sexual acts regardless of the age difference between the two persons involved.

**Summary of Ordinance**

This ordinance raises the age of consent from 16 to 18 years of age. If this ordinance is adopted, a person who engages or attempts to engage in a sexual act with a person who is less than 18 years but older than 11 years of age commits a felony, unless there is less than 4 years of age difference between the two. A child under the age of 12 still cannot consent to sexual acts regardless of the age difference between the two persons involved.



Tulalip Tribes Office Of The  
**Reservation  
Attorney**

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**2022**

**LEGAL REVIEW FORM**

Complete Submittal Received by ORA: 12/01/22 10-Day Business Review End: \_\_\_\_\_, 2022

Title of Submittal: amendment to Tulalip Tribal Code 3.20.014 amending the age of consent

Document Type: Resolution

Contract Amount: \$0

Funding Source: **\*\*Choose Funding Source\*\***

Submitted By: Brian Kilgore/Lead Prosecutor/OR  
(Name/Title/Department)

Return Submittal To: Brian Kilgore/Lead Prosecutor/OR  
(Name/Title/Department)

- Submittal is **APPROVED**
- Submittal Requires **ADDITIONAL INFORMATION**
- Submittal is **DISAPPROVED**
- Submittal is Approved With the (Following/Attached) Revisions:

Notes/Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Reviewed By: 12/06/2022  
Date Signed

Reservation Attorney Signature

**Notice/Disclaimer:**

Program or enterprise is responsible for keeping records of Contract and this Legal Review – the Reservation Attorney Office only keeps copies of the Legal Review Cover Sheet for its own records. **Please read: *This review is of the contract as a legal binding document only and does not evaluate the advisability of entering into the contract as a business or governmental decision.***

(Please note that if this review sheet is faxed or emailed to you, the originals will be returned via interoffice mail)

**Legal Review Returned By:**  Email  Interoffice Mail  In-Person  Fax

To: Brian Kilgore on 12/06, 2022 by BK  
Name of Recipient Month/Date Initials



## THE TULALIP TRIBES AGENDA TRANSMITTAL FORM

### Requester's Information

Requester's Name: Katie Jones, Executive Recording Secretary      Date: December 8, 2022

Department: Legal/ORA      Location: \_\_\_\_\_

Email Address: katieljones@tulaliptribes-nsn.gov      Phone: 360 716 4500

### Document Information

Synopsis / Motion: Motion to adopt Resolution 2022 - 603 approving the code amendment to Tulalip Tribal Code 3.20.014 raising the age of consent to 18 years of age as attached.

#### List of Attachments:

1. age of consent Resolution
2. age of consent clean copy
3. age of consent track changes
4. Ordinance Summary - age of consent
5. Age of consent Legal Review Form