




United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
Northwest Regional Office
911 Northeast 11th Ave
Portland, Oregon 97232

In Reply Refer To:
Division of Tribal Government

Memorandum

To: Superintendent, Puget Sound Agency

From: Northwest Regional Director  Digitally signed by BRYAN
MERCIER
Date: 2023.10.04 14:01:37
-0700

Subject: Tulalip Resolution Number 2023-310, Aggravated Assault

The Tulalip Tribes of Washington (Tribes) adopted Resolution 2023-310 (Resolution), amending Tulalip Tribal Code 3.15.050, Aggravated Assault, on June 30, 2023. The Tribes state the Resolution is enacted pursuant to their authority at Article VI, Section 1(K) & (L) of the Tulalip Constitution (Constitution). You reviewed, approved, and forwarded the Resolution to us for further Secretarial review as required under Article VI, Section 2, of the Constitution on July 10, 2023. We received your submittal on July 10, 2023. We reviewed the Resolution and find no legal reason to rescind your approval. Therefore, the subject resolution stands effective as of October 4, 2023. Please contact Sharon Jackson, Tribal Government Specialist at Sharon.jackson@bia.gov for comments.

TULALIP TRIBES
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THE TULALIP TRIBES OF WASHINGTON
Resolution 2023- 310

Amending Tulalip Tribal Code 3.15.050 Aggravated Assault

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; and


WHEREAS, the Board of Directors recognizes the high lethality of strangulation and suffocation thus necessitating a clear definition of the act;

NOW THEREFORE BE IT ENACTED, by the Board of Directors of the Tulalip Tribes: Tulalip Tribal Code 3.15.040, Aggravated Assault; and Res. 2017-090§ 2, are hereby amended as indicated by the attached "track changes" code document. The Board further authorizes the Chair, or the Vice-Chair on their behalf, and Secretary to sign the attached "track changes" code documents.

These attached changes to the Tulalip Tribal Code 3.15.040, Aggravated Assault, shall be in full force and effect 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 30th day of June, 2023, with a quorum present, by a vote of 5 For, 0 Against, and 0 Abstain.

THE TULALIP TRIBES OF WASHINGTON


Teri Gobin, Chairwoman

ATTEST:


Debra Posey, Secretary

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3.15.040 Aggravated Assault.

(1) A person commits aggravated assault if the person commits assault as defined in TTC 3.15.030 under any of the following circumstances:

- (a) If the person causes serious physical injury;
- (b) If the person uses a deadly weapon or dangerous instrument;
- (c) If the person assaults another by strangulation or suffocation;
- (d) If the assault victim is younger than 12 years old and the offender is an adult;
- (e) If the assault victim is a vulnerable adult or a person for whom an elder protection order is in effect;
- (f) If the person commits the assault while the victim is bound or otherwise physically restrained;
- (g) If the person commits the assault while the victim's capacity to resist is substantially impaired;
- (h) The person has previously been convicted of assaulting the same victim;
- (i) If the person commits the assault after entering the private home of another with the intent to commit the assault; or
- (j) If the assault victim is the protected party and the defendant is the restrained party in a court order issued pursuant to Chapter 4.25 TTC or a valid foreign protection order as defined by TTC 4.25.690. A foreign protection order is presumed valid if it appears authentic on its face.

(2) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection:

- (a) "Dangerous instrument" means anything that, under circumstances, is readily capable of causing death or serious physical injury, including, but not limited to, a vehicle.
- (b) "Deadly weapon" means anything designed for lethal use, including a firearm.
- (c) "Firearm" means any loaded or unloaded handgun, pistol, revolver, rifle, shotgun or other weapon which will or is designed to or may readily be converted to expel a projectile by the action of expanding gases, but does not include a firearm in permanently inoperable condition.
- (d) "Serious physical injury" means physical injury that creates a risk of death, or that causes serious and permanent disfigurement, serious impairment of health, or loss or protracted impairment of the function of any bodily organ or limb.

(e) "Strangulation" means to intentionally apply external pressure to the neck, by any means, that impedes airflow, blood flow, or both.

(f) "Suffocation" means to intentionally cause the obstruction of airflow to and from the lungs making it difficult to breathe.

(3) Aggravated Assault is a Class F offense.