

**THE TULALIP TRIBES OF WASHINGTON**  
**RESOLUTION 2024 - 423**

**Amendment to Tulalip Tribal Code -3.60.140 Criminal Penalties**

**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 recognizes that felony traffic crimes are serious and endanger the community;

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

Tulalip Tribal Code 3.60.140, Criminal penalties; and Res. 2010-10 (1-8-2010), Ord. 49 § 6.13.14 are hereby amended. All changes are as indicated by the attached "Ordinance Attachment" code documents. The Board further authorizes the Chair, or the Vice-Chair on their behalf, and Secretary to sign the attached "Ordinance Attachment" code documents.

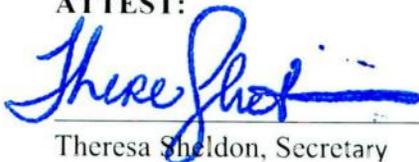
These attached changes to Tulalip Tribal Code 3.60.140 shall be in full force and effect upon the sooner of its approval by the Superintendent of the reservation or ten (10) days following presentation to the Superintendent of the reservation pursuant to the Tulalip Constitution Art. VI, § 2.

**ADOPTED** by the Board of Directors of the Tulalip Tribes of Washington at a regular board meeting assembled on the 6th day of September, 2024, with a quorum present, by a vote of 0 For, 0 Against, and 0 Abstain.

**THE TULALIP TRIBES OF WASHINGTON**

  
Teri Gobin, Chair

**ATTEST:**

  
Theresa Sheldon, Secretary

24- \_\_\_\_\_  
**Resolution Summary**  
Felony Traffic Offenses

Summary of Resolution

- Changes serious traffic offenses from misdemeanors to felonies
- These offenses include vehicular assault, vehicular homicide, and eluding

**Background.** Tulalip’s criminal traffic violations code, Chapter 3.60, incorporates various traffic crimes from the Revised Code of Washington, including Driving Under the Influence, Reckless Driving, Vehicular Assault, and Vehicular Homicide. However, due to prior restrictions by the U.S. government limiting tribal offenses to a penalty of one year or less, a misdemeanor, all traffic offenses in the Tulalip Tribal Code were limited to one year or less, even for more serious traffic crimes. Since then, tribal courts can now impose a penalty of up to 3 years of imprisonment and a \$15,000 fine for felony-level offenses, such as Vehicular Assault, Vehicular Homicide, or felony Driving Under the Influence. While Tulalip exercises this expanded felony jurisdiction, the Tulalip Tribal Code inadvertently leaves a carve out for felony criminal traffic offenses no longer meant to apply.

**Summary of Resolution.** This resolution changes the maximum penalty for felony criminal traffic offenses from a possible maximum of 1 year imprisonment and a \$5,000 fine, to a possible maximum of 3 years imprisonment and a \$15,000 fine. This will apply for felony offenses, such as felony Driving Under the Influence, Vehicular Assault, Vehicular Homicide, and Eluding a Police Vehicle. The Tulalip Tribal Court retains discretion to determine the ultimate penalty for the offense.

**CLEAN COPY**

**3.60.140 Criminal penalties.**

The penalties imposed by the Tribal Court for criminal traffic violations shall be those set forth in the above-referenced sections of the Revised Code of Washington, except that no Tribal Court penalty may exceed three years jail time or a fine of \$15,000, or both. In addition to any other penalties imposed on a person convicted of a traffic offense, the Court may prohibit or set restrictions on the operation of a vehicle by such person on any road within the jurisdiction of the Tulalip Tribes for a period not to exceed one year, or may utilize the provisions for the suspension or revocation of driver's licenses under the laws of the jurisdiction issuing such license.

**ADOPTED** Ordinance Attachment below, by the Board of Directors of the Tulalip Tribes of Washington at a board meeting assembled on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, with a quorum present, by a vote of \_\_\_\_ For, \_\_\_\_ Against, and \_\_\_\_ Abstain.

**THE TULALIP TRIBES OF WASHINGTON**

\_\_\_\_\_  
Teri Gobin, Chairwoman

**ATTEST:**

\_\_\_\_\_  
Debra Posey, Secretary

**ADOPTED** Ordinance Attachment:

**3.60.140 Criminal penalties.**

The penalties imposed by the Tribal Court for criminal traffic violations shall be those set forth in the above-referenced sections of the Revised Code of Washington, except that no Tribal Court penalty may exceed ~~one year~~three years jail time or a fine of \$15,000, or both. In addition to any other penalties imposed on a person convicted of a traffic offense, the Court may prohibit or set restrictions on the operation of a vehicle by such person on any road within the jurisdiction of the Tulalip Tribes for a period not to exceed one year, or may utilize the provisions for the suspension or revocation of driver's licenses under the laws of the jurisdiction issuing such license.



Tulalip Tribes Office Of The  
**Reservation  
Attorney**

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**LEGAL REVIEW FORM**

Complete Submittal Received by ORA: 06/12/24 Is this a policy?  No  Yes

If yes, has this been created/uploaded to PolicyTech?  No  Yes

Title of Submittal: Felony Traffic Code

Document Type: Resolution

Contract Amount: \$ N/A

Funding Source: Not Applicable

Submitted By: Markus Surratt, Prosecutor, Office of Reservation Attorney  
(Name/Title/Department)

Return Submittal To: Markus Surratt, Prosecutor, Office of Reservation Attorney  
(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: 6/12/24  
Date Signed

[Signature]  
Reservation Attorney Signature

**Notice/Disclaimer:**  
Program or enterprise is responsible for keeping records of their documents and this Legal Review – the Reservation Attorney Office only keeps copies of the Legal Review cover sheet for its own Records. **Please Read: This is review for the policy or contract's legal effect only, and the Office of Reservation Attorney does not evaluate the advisability of executing the policy or contract as a business or governmental decision.**

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To: \_\_\_\_\_ on \_\_\_\_\_ by \_\_\_\_\_  
Name of Recipient Month/Date Initials

