

**SKOKOMISH CRIMINAL CODE
CRIMINAL TRAFFIC OFFENSES**

TABLE OF CONTENTS

9.08.010	Vehicular Homicide
9.08.020	Vehicular Assault
9.08.030	Reckless Driving
9.08.040	Attempting to Elude Pursuing Police Vehicle
9.08.050	Obedience to Enforcement Officers
9.08.060	Refusal to Give Identification
9.08.070	Failure to Appear/Respond
9.08.080	Taking Vehicle Without Permission
9.08.090	Driving While License is Suspended, Revoked
9.08.100	Driving While Under the Influence
9.08.110	Actual Physical Control
9.08.120	Leaving Weapon Unattended in Vehicle
9.08.130	Loaded Firearm in Vehicle

9.08.010 Vehicular Homicide

Any person who causes the death of another by operating a motor vehicle while under the influence of an alcoholic beverage or drug to a degree which affects his or her safe operation of a vehicle shall be guilty of a class A offense.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

9.08.020 Vehicular Assault

A person who operates any vehicle in a reckless manner or while under the influence of alcohol or drugs, and his or her conduct is the proximate cause of serious bodily injury to another shall be guilty of a class B offense.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

9.08.030 Reckless Driving

Any person who operates any motor vehicle within the territorial jurisdiction of the Skokomish Indian Tribe in a manner which causes damage to any person or property, or in a manner which endangers or is likely to endanger any person or property shall be guilty of a class B offense.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

9.08.040 Attempting to Elude Pursuing Police Vehicle

Any driver of any vehicle who willfully fails or refuses to immediately bring his or her vehicle to a stop after being given a visual or audible signal to bring the vehicle to a stop by an enforcement officer shall be guilty of a class B offense.

The signal given by the enforcement officer may be by emergency light or siren.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

9.08.050 Obedience to Enforcement Officers

Any person who refuses or fails to comply with any lawful order, signal, or direction of any tribal enforcement officer, or any flagger, or firefighter, who has authority to direct, control, or regulate traffic shall be guilty of a class B offense.

A signal under this section includes signals by hand, voice, siren, or emergency light.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

9.08.060 Refusal to Give Identification

Any person who, while operating or in charge of a vehicle refuses, when requested by a law enforcement officer, to give his or her name, date of birth and address and the name and address of the owner of the vehicle, or gives a false name and address shall be guilty of a class C offense.

Any person who refuses upon demand of such law enforcement officer to produce:

- (a) his or her certificate of license registration for the vehicle; and
- (b) his or her vehicle operator's license or his or her tribal enrollment identification card or refuses to permit the officer to take any such license, certificate, or card for the purpose of examination thereof, or refuses to permit the examination of any equipment of the vehicle or the weighing of the vehicle,

shall be guilty of a class C offense.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

9.08.070 Failure to Appear/Respond

Any person who willfully violates his or her written and signed promise to appear in court or his or her written and signed promise to respond to a notice of civil traffic infraction or who fails to respond to a criminal traffic citation or civil traffic infraction whether or not he or she signed the citation, shall be guilty of a class C offense.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

9.08.080 Taking Vehicle Without Permission

Any person who, without the permission of the owner or person entitled to the possession thereof, intentionally takes or drives away any automobile or vehicle shall be guilty of Taking a Vehicle Without Permission.

Every person voluntarily riding in or upon said automobile or vehicle with knowledge of the fact that the same was unlawfully taken shall be guilty of Taking a Vehicle Without Permission. Taking a Vehicle Without Permission is a class C offense.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

9.08.090 Driving While License is Suspended, Revoked

Any person who operates a motor vehicle within the jurisdiction of the Skokomish Indian Tribe when the person's operator's license has been suspended or revoked by any court or a tribal or state department of licensing, except in compliance with the terms of a valid occupational or limited use license, shall be guilty of a class C offense.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

9.08.100 Driving While Under the Influence

Any person who drives a vehicle while:

- (a) He or she is under the influence of or affected by intoxicating liquor, drug, or any combination of alcohol or drug; or
- (b) He or she has a blood-alcohol concentration (BAC) at 0.08 or above as measured by a test of his or her breath or blood

is guilty of a class C offense.

The fact that any person charged with a violation of this section is lawfully using such drug shall not constitute a defense against any charge of violating this section.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

9.08.110 Actual Physical Control

Any person who has actual physical control of a vehicle while:

- (a) He or she is under the influence of or affected by intoxicating liquor, drug, or any combination of alcohol or drug; or
- (b) He or she has a blood-alcohol concentration (BAC) at 0.08 or above as measured by a test of his or her breath or blood

is guilty of a class C offense.

The fact that any person charged with a violation of this section is lawfully using such drug shall not constitute a defense against any charge of violating this section.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

9.08.120 Leaving Weapon Unattended in Vehicle

Any person who knowingly leaves unattended a firearm or other dangerous weapon in an unlocked vehicle where it is visible from the outside of the vehicle shall be guilty of a class C offense.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

9.08.130 Loaded Firearm in Vehicle

Any person who carries or places a loaded firearm in any vehicle shall be guilty of a class D offense.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

Legislative History prior to July 5, 2017

- +Adopted by Resolution No. 95-57 (June 7, 1995)
- +Amended by Resolution No. 98-12 (March 19, 1998)
- Amended by Resolution No. 98-98 (December 30, 1998)
- +Amended by Resolution No. 04-112 (September 8, 2004)
- Reaffirmed by Resolution No. 17-100 (July 5, 2017)

+Ordinance and/or amendments not attached to the resolution in the Skokomish Tribal Archives