

## TITLE 18

### HUNTING CODE

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## TITLE 18

### HUNTING CODE

#### Chapter 18.01 On-Reservation and Treaty Hunting

##### 18.01.01 Title

This Title shall be known as the Port Gamble S'Klallam Hunting Code and applies to on-reservation and treaty hunting.

[HIST: Source - Adopted 11/20/86. Codified by Resolution No. 95-A-070, passed 6/13/95.]

##### 18.01.02 Declaration of Policy

This Title is enacted for the protection, enhancement and management of the tribal wildlife resource. Nothing in this Title shall be construed as a relinquishment, abrogation, or abridgment of any Port Gamble S'Klallam Treaty rights.

[HIST: Source - Adopted 11/20/86. Codified by Resolution No. 95-A-070, passed 6/13/95. Amended by Resolution 99-A-062, passed 8/10/99.]

##### 18.01.03 Definitions

The words below shall have the meanings set forth, when those words appear in this Title.

1. "Adult" means any person who is eighteen (18) years or older.
2. "Artificial light" means any light produced by other than natural sources, including but not limited to, spotlights, jacklights, flashlights, vehicular headlights, illuminated nocks attached to a bow or arrow, illuminated bow peep sights, or night vision equipment.
3. "Bag Limit" means the maximum number of animals which may be taken, caught, killed, or possessed by any person, specified by this Title or by regulation, for any particular period of time, and may include limits on size, sex, or species.
4. "Big Game" means elk, deer, mountain goat, cougar or mountain lion, and black bear.
5. "Closed area" means any place described or designated by regulation where it is unlawful to hunt.
6. "Closed season" means all times during the entire year except those times an "open season" is designated by regulation.

7. "Game agent" means any person authorized by the Port Gamble S'Klallam Tribe to enforce this Title or Port Gamble S'Klallam Tribe's game regulations
8. "Game animals" means wild animals other than "big game" animals and marine mammals that are classified by regulation as game animals.
9. "Game birds" means all wild birds that are classified by regulation as game birds.
10. "Hunt" and its derivatives, "Hunting", "Hunted", etc., and "trap" and its derivatives, "trapping", etc., means any effort to kill, injure, capture, or disturb a wild animal or wild bird.
11. "Marine Mammals" means mammals who live the majority of their lives in marine waters and are classified by regulation as marine mammals.
12. "Muzzle-loading rifle" means a single or double-barrel wheel lock, matchlock, flintlock or percussion rifle with exposed ignition in which the black powder and ball or bullet must be loaded from the muzzle.
13. "Open season" means those times, manners of taking and areas established by regulation for lawful hunting. "Open season" includes the first and last days of the established time, unless otherwise specified.
14. "Public roads" means those roads maintained by a county or the State of Washington.
15. "Regulation" means any rule or regulation promulgated by the Port Gamble S'Klallam Tribe's Hunting Committee or the Tribal Council.
16. "Revocation of hunting privileges" means the recall of all rights and privileges granted by a Port Gamble S'Klallam Tribal Identification and Game Tag, and the loss of eligibility to apply for the duration specified by this Title.
17. "Port Gamble S'Klallam Tribal Member" or "member" means an enrolled member or the Port Gamble S'Klallam Tribe.
18. "Tribal Council" means the Port Gamble S'Klallam Tribal Council.
19. "Tag" means a card, label or other identification device issued for attachment to the carcass of any game animal.
20. "Tribe" means the Port Gamble S'Klallam Indian Tribe.

21. "Wildlife" means all species of the animal kingdom whose members exist within the jurisdiction of the Port Gamble S'Klallam Tribe except fish and domesticated animals.

[HIST: Source - Adopted 11/20/86. Codified and marine mammal references added by Resolution No. 95-A-070, passed 6/13/95, permanent adoption of marine mammal references passed 9/20/95 by Resolution No. 95-A-080. Amended by Resolution 99-A-062, passed 8/10/99. Amended by Resolution No. 15-A-113, passed 9/28/15, included definition of "Artificial light."]

#### 18.01.04 Jurisdiction

1. Territory: The provisions of this Title and all rules and regulations adopted under it shall apply to the full extent of the sovereign jurisdiction of the Port Gamble S'Klallam Tribe including but not limited to the territory described under Article I of the Constitution of the Port Gamble S'Klallam Indian Tribe, the Tribe's usual and accustomed grounds and stations and within all open and unclaimed lands as provided in the Treaty of Point No Point and shall apply in conformity with all agreements and other cooperative arrangements entered into by the Port Gamble S'Klallam Tribe which are designed to provide tribal access to wildlife and to provide effective management of the Tribe's wildlife resource.
2. Persons: The provisions of this Title and all rules and regulations adopted under it shall apply to all persons who are eligible to hunt under this Title, all persons who claim to be exercising hunting rights secured to the Port Gamble S'Klallam Tribe by the Treaty of Point No Point, and to all persons hunting within the exterior boundaries of the Port Gamble S'Klallam Reservation to the fullest extent permissible under applicable law

[HIST: Source - Adopted 11/20/86. Codified and amended by Resolution No. 95-A-070, passed 6/13/95 permanent adoption of 6/13/95 amendments passed 9/20/95 by Resolution No. 95-A-080. Amended by Resolution 99-A-062, passed 8/10/99.]

#### 18.01.05 Violation of 18 U.S.C. § 1165

Any person who hunts on the Port Gamble S'Klallam Indian Reservation in violation of the provisions of this Title or hunting regulations, shall be deemed to be hunting on the Port Gamble S'Klallam Indian Reservation without lawful authority or permission, as those terms are used in 18 U.S.C. § 1165.

[HIST: Source - Adopted 11/20/86. Codified by Resolution No. 95-A-070, passed 6/13/95. Amended by Resolution 99-A-062, passed 8/10/99.]

#### 18.01.06 Port Gamble S'Klallam Hunting Committee

The Tribal Council shall appoint a Hunting Committee to advise the Council on Hunting Code provisions and to recommend hunting regulations to the Council.

1. The Port Gamble S'Klallam Tribal Council shall appoint a Hunting Committee which shall be made up of at least (4) tribal members who are familiar with hunting techniques and the game resources within the Tribe's jurisdiction. The Council may appoint additional persons from the tribal community to serve on the Hunting Committee.
2. Hunting Committee members shall be appointed for three-year staggered terms. At its first meeting after adoption of staggered terms, the Hunting Committee shall assign to each member a term between one and three years and so advise the Tribal Council. Thereafter, the Council will appoint members for three year terms.
3. The Hunting Committee shall elect a Chairman who will be responsible to report to the Council.
4. A quorum of the Hunting Committee shall be three (3) members.

[HIST: Source - Adopted 11/20/86. Codified by Resolution No. 95-A-070, passed 6/13/95. Amended by Resolution 99-A-062, passed 8/10/99.]

#### 18.01.07 Annual Regulations

1. Prior to each hunting season, the Hunting Committee shall formulate and recommend to the Tribal Council any annual and seasonal regulations that are necessary to carry out the purposes of this Title. The regulations may establish open seasons, areas closed or open to hunting or trapping, bag limits, limitations on methods of taking game, and other measures for the management, protection and wise harvest of game resources.
2. Before proposing regulations as provided in this section, the Hunting Committee shall make an effort to get available information on the abundance and territories of various animal species within areas of the Port Gamble S'Klallam Tribe's jurisdiction.

[HIST: Source - Adopted 11/20/86. Codified by Resolution No. 95-A-070, passed 6/13/95. Amended by Resolution 99-A-062, passed 8/10/99.]

#### 18.01.08 Emergency Regulations

1. The Tribal Council may make emergency changes in annual or seasonal hunting regulations whenever information is received that

indicates that the changes are necessary for proper management of game resources in areas under tribal jurisdiction.

2. Emergency regulations shall take effect as soon as they are adopted or at the time specified in the regulations. They shall remain in effect until withdrawn by the Tribal Council, until they lapse by their own terms, or until the tribal council withdraws them.
3. All emergency regulations must be posted promptly at several public locations on the reservation and must indicate the date and hour they were adopted. No penalty shall be imposed for violation of an emergency regulation unless 24 hours have passed since the regulation was issued or unless the violator was served personally with a notice of the regulation before the violation occurred.

[HIST: Source - Adopted 11/20/86. Codified by Resolution No. 95-A-070, passed 6/13/95. Amended by Resolution 99-A-062, passed 8/10/99.]

#### 18.01.09 General Closure

The Port Gamble S'Klallam Indian Reservation is closed to hunting of wildlife unless specifically opened by regulations adopted pursuant to this Title. All other areas within the Tribe's jurisdiction are closed to hunting of wildlife by persons purporting to exercise Port Gamble S'Klallam hunting rights, unless those areas have been specifically opened by regulations adopted pursuant to this Title.

[HIST: Source - Adopted 11/20/86. Codified and amended slightly by Resolution No. 95-A-070, passed 6/13/95, permanent adoption of 6/13/95 amendments passed 9/20/95 by Resolution No. 95-A-080. Amended by Resolution 99-A-062, passed 8/10/99.]

#### 18.01.10 Eligible Hunters

The following persons are eligible to exercise hunting rights under the authority of this Title:

1. Enrolled members of the Port Gamble S'Klallam Tribe who are 18 years old or older.
2. Enrolled members of the Port Gamble S'Klallam Tribe under the age of 18, provided they have been awarded a certificate of satisfactory completion from a qualified safety course and are accompanied by an eligible Tribal member who is 18 years old or older.

[HIST: Source - Adopted 11/20/86. Codified by Resolution No. 95-A-070, passed 6/13/95. Amended by Resolution 99-A-062, passed 8/10/99. Amended by Resolution 06-A-053, passed 8/8/2006, which lowered the age from fourteen to twelve. Amended by Resolution No. 15-A-113, passed 9/28/15, which removed the age restriction to hunt and replaced with requirement to pass a hunter safety course if hunter is under 18.]

### 18.01.11 Hunting for Ceremonial Use

The Hunting Committee may issue hunting tags to allow wildlife to be bagged for funerals and tribal ceremonies. The hunting tag shall specify the type, sex, and number of animals to be hunted, and any other conditions the Committee attaches. Hunting tags under this section may be issued for use during an otherwise closed season. The Hunting Committee shall authorize a “designated hunter” to receive the hunting tag. Requests for hunting tags under this section must be submitted in writing to the Hunting Committee.

[HIST: Source - Adopted 11/20/86. Amended by Resolution 99-A-062, passed 8/10/99. Amended by Resolution No. 15-A-113, passed 9/28/15, removed the Hunting Committees authorization to approve hunting with artificial light under ceremonial tag license.]

### 18.01.12 Designated Hunter- How to Request One

The Hunting Committee may issue hunting tags to allow a “designated hunter” to hunt for another member of the Port Gamble S’Klallam Tribe who is unable to hunt. Requests for hunting tags under this section must be submitted in writing to the Hunting Committee. Requests must state a) why the person or family making the request is unable to hunt for himself or themselves, b) who in the household has hunting tags for the current season, and c) why he/she feels a designated hunter is needed. In addition the member making the request may indicate who he or she would like to have as a designated hunter. A designated hunter must be an eligible hunter as defined by this Title. All the provisions of this Title and Port Gamble S’Klallam Tribe’s wildlife regulations shall apply to hunting under this section.

[HIST: Source - Adopted 11/20/86. Codified by Resolution No. 95-A-070, passed 6/13/95. Amended by Resolution 99-A-062, passed 8/10/99.]

### 18.01.13 Designated Hunter- Who is Eligible

Designated Hunters may be appointed for a period of one hunting season. Any member of the Port Gamble S’Klallam Tribe possessing a valid Port Gamble S’Klallam hunting tag may submit a signed application to the Hunting Committee to be considered for placement on a list of “designated hunters.” The Hunting Committee shall screen applicants to determine whether they meet eligibility requirements. Eligibility requirements for designated hunters are:

1. Demonstrated hunting ability;
2. Be an enrolled member of the Port Gamble S’Klallam Tribe;
3. Be at least 18 years old;
4. Having no tribal hunting conviction for the previous two years; and

5. Persons prohibited from carrying a firearm under applicable tribal, state, or federal law are not eligible.

Any person who meets the eligibility requirements may be appointed by the Hunting Committee as a designated hunter. When the Hunting Committee grants a request under section 18.01.11 or 18.01.12 of this Title, it shall notify a designated hunter and issue the appropriate hunting tag. The designated hunter shall comply with the terms of the hunting tag and all other applicable laws and regulations.

[HIST: Source - Adopted 11/20/86. Codified by Resolution No. 95-A-070, passed 6/13/95. Amended by Resolution 99-A-062, passed 8/10/99.]

#### 18.01.14 Archery Hunting

Eligible hunters may hunt big game with the following crossbows, bows, and arrows:

1. A conventional or compound bow that possesses forty (40) or more pounds of pull, measured at more than twenty-eight (28) inches of draw length.
2. A crossbow with a draw weight of one hundred twenty-five (125) pounds or more, a limb width of twenty-four (24) inches or more, and a draw length of fourteen (14) inches or more. Any crossbow used for hunting must have a properly functioning trigger safety.
3. Arrows that have sharp fixed or mechanical broadhead blade or blades at least seven-eighths of an inch wide.
4. Crossbow bolts at least sixteen (16) inches long and weighing at least three hundred fifty (350) grains that have sharp fixed or mechanical broadhead blade or blades with a cutting diameter at least one inch wide.

[HIST: Source - Adopted by Resolution No. 15-A-113, passed 9/28/15, added this section to allow archery hunting with specific bow and arrow equipment.]

#### 18.01.15 Use of Bait

Eligible hunters may use bait for trapping fur-bearing animals and for hunting deer and elk.

[HIST: Source - Adopted by Resolution 16-A-097, passed 7/25/16, created this section to specifically allow baiting of deer and elk for hunting. Cross-reference Section 18.03.25 Laying Out Bait.]

## Chapter 18.02 Civil Infractions

### 18.02.01 Hunting Without Identification and Tags in Possession

Any person who exercises or purports to exercise any treaty hunting right without having in his or her possession valid and current tribal identification and tags, as required in this Title and applicable regulations, has committed a civil infraction. Upon finding that the person committed the infraction the Court shall impose a civil fine. The mandatory, minimum fine is \$100.00. The maximum fine the Court may impose is \$500.00.

[HIST: Source - Adopted by Resolution 99-A-062, passed 8/10/99. Amended by Resolution No. 15-A-113, passed 9/28/15, created a new chapter for civil infractions and moved this section (previously 18.03.02) from a criminal offense to a civil infraction.]

### 18.02.02 Returning Game Tags; Reporting Bagged Game

Any person who fails to return any game tag issued to him or her, within the time limit specified by regulation, regardless of whether an animal was harvested and any person who fails to completely and accurately report all harvest information required under regulation, within the time limit specified by regulation, to the Hunting Committee, or its designee, has committed a civil infraction. Upon finding that the person committed the infraction the Court shall impose a civil fine. The mandatory, minimum fine is \$100.00. The maximum fine the Court may impose is \$250.00.

[HIST: Source - Adopted 11/20/86. Codified by Resolution No. 95-A-070, passed 6/13/95. Amended by Resolution 99-A-062, passed 8/10/99. Amended by Resolution No. 15-A-113, passed 9/28/15, moved this section (previously 18.03.09) from a criminal offense to a civil infraction.]

### 18.02.03 Transporting Big Game Without Tag

Any person who transports a big game animal by any means other than human power without a valid tag attached to the animal, with the correct date of harvest notched out or marked with ink, and the harvest report form fully and accurately completed, has committed a civil infraction. Upon finding that the person committed the infraction the Court shall impose a civil fine. The mandatory, minimum fine is \$100.00. The maximum fine the Court may impose is \$250.00.

[HIST: Source - Adopted 11/20/86. Codified by Resolution No. 95-A-070, passed 6/13/95. Amended by Resolution 99-A-062, passed 8/10/99. This section acknowledges the problem that tags become detached when a hunter drags the animal from the woods but should be attached once the animal is put on the truck for transporting home. Amended by Resolution No. 15-A-113, passed 9/28/15, moved this section (previously 18.03.15) from a criminal offense to a civil infraction.]

#### 18.02.04 Hunting by Minors Without Safety Course Completion

Any minor under the age of eighteen (18) years who hunts without first completing a hunter safety course, or who hunts unaccompanied by a Tribal member who is aged eighteen (18) years or above and who is eligible to hunt, has committed a civil infraction. Upon finding that the minor committed the infraction the Court shall impose a civil fine. The mandatory, minimum fine is \$25.00. The maximum fine the Court may impose is \$100. If the minor has not completed a hunter safety course, the Court shall also mandate that the minor complete a hunter safety course.

The Court, in its discretion, may allow the minor to provide work for the Tribe in lieu of all or part of the fine, at a rate not to exceed the Federal minimum wage. This section shall not apply to any persons certified by the Hunting Committee to be a head of household.

[HIST: Source - Amended by Resolution No. 15-A-113, passed 9/28/15, created this section to impose a civil infraction on minors who hunt without first passing a hunter safety course or who hunt unaccompanied by an adult tribal hunter. Cross reference Section 18.03.21 Hunting By Children Under Age Fourteen – Repealed.]

#### 18.02.05 Parental Responsibility for Minors Who Hunt

A parent or guardian of a minor under the age of eighteen (18) years who hunts without first completing a hunter safety course, or who hunts unaccompanied by a Tribal member who is aged eighteen (18) years or above and who is eligible to hunt, is guilty of a civil infraction. Upon finding that a minor committed an infraction under Section 18.02.04, the Court shall impose a mandatory civil fine on the minor's parent or guardian of \$250.00.

[HIST: Source - Amended by Resolution No. 15-A-113, passed 9/28/15, created this section to impose a civil infraction on parents or guardians of minors who hunt without first passing a hunter safety course or who hunt unaccompanied by an adult tribal hunter. Cross reference Section 18.03.22 Parental Responsibility for Children Under Age Fourteen Who Hunt – Repealed.]

### **Chapter 18.03 Offenses**

#### 18.03.01 Hunting Without Obtaining Identification and Tags

Any person who exercises or purports to exercise any treaty hunting right without first obtaining valid and current tribal identification and tags, as required in this Title and applicable regulations, is guilty of an offense, and upon conviction shall be sentenced to:

1. A mandatory, minimum fine of \$250.00. The maximum fine that may be imposed is \$500.00, and
2. Mandatory revocation of hunting privileges for one year.

[HIST: Source - Adopted by Resolution 99-A-062, passed 8/10/99.]

#### 18.03.02 Refusal to Produce Identification and Tags to Law Enforcement Officers

Any person who willfully fails or refuses to produce for examination his or her identification and permits required by this Title or regulations, upon demand by any tribal, state or federal law enforcement officer, is guilty of an offense, and upon conviction shall be sentenced to:

1. A mandatory, minimum fine of \$100.00. The maximum fine that may be imposed is \$500.00, and
2. Mandatory revocation of hunting privileges for one year.

[HIST: Source - Adopted by Resolution 99-A-062, passed 8/10/99.]

#### 18.03.03 Unauthorized Transfer of Identification or Tags Prohibited

Any person who transfers any tag or identification issued to him or her under this Title or regulation to another person for the purpose of allowing the transferee to engage in hunting, and any person who uses any tag or identification issued to another under this Title or regulation, is guilty of an offense, and upon conviction shall be sentenced to:

1. A mandatory, minimum fine of \$250.00. The maximum fine that may be imposed is \$500.00, and
2. Mandatory revocation of hunting privileges for one year.

[HIST: Source - Adopted by Resolution 99-A-062, passed 8/10/99.]

#### 18.03.04 Hunting During Closed Season

Any person who hunts during a closed season as established by this Title or by regulation is guilty of an offense, and upon conviction shall be sentenced to:

1. A mandatory, minimum fine of \$500.00. The maximum fine that may be imposed is \$5,000.00, and
2. Mandatory revocation of hunting privileges for one year.

[HIST: Source - Adopted 11/20/86. Codified by Resolution No. 95-A-070, passed 6/13/95. Cross reference: 18.01.09 General Closure. Amended by Resolution 99-A-062, passed 8/10/99.]

#### 18.03.05 Animal Wrongfully Taken

Any person who kills, injures, takes or captures wildlife in any manner or by any means contrary to this Title or regulation or who possesses wildlife which has been killed, injured, taken or captured in any manner or by any

means contrary to this Title or regulation, is guilty of an offense and upon conviction shall be sentenced to:

1. A mandatory fine for each animal as follows:  
Eagles - see section 18.02.27  
Elk - \$1,000.00 Minimum to \$1,500.00 Maximum  
Cougar - \$250.00  
Deer - \$500.00  
Bear - \$250.00  
Marine Mammals - \$50.00 Minimum to \$500.00 Maximum  
Mountain Goats - \$250.00  
Game Animals - \$50.00 Minimum to \$250.00 Maximum  
Game Birds - \$100.00 Minimum to \$250.00 Maximum  
Swans - \$1,000.00.
2. Mandatory revocation of hunting privileges for one year.
3. For persons 18 years of age and older, jail for a period not to exceed 30 days.

For minors between the age of 14 and 18 years of age, the Court may, at its discretion, sentence the minor to a jail period not to exceed 30 days. The Court shall not sentence minors who are 13 years old or younger to jail time.

[HIST: Source - Adopted 11/20/86. Codified and marine mammal references added by Resolution No. 95-A-070, passed 6/13/95, permanent adoption of 6/13/95 amendments passed 9/20/95 by Resolution No. 95-A-080. Amended by Resolution 99-A-062, passed 8/10/99. Amended by Resolution No. 15-A-113, passed 9/28/15, removed Eagles from this list because of conflict with Section 18.03.24 Hunting Eagles; included a mandatory revocation of hunting privileges for one year, and specified acceptable penalties for minors.]

[Cross reference: Section 17.05.12 of the Port Gamble S'Klallam Fishing Code allows a tribal member to injure or kill a marine mammal under specified conditions.]

### 18.03.06 Hunting in Closed Area

Any person who hunts within the boundaries of a closed area designated by this Title or by regulation is guilty of an offense, and upon conviction shall be sentenced to:

1. A mandatory, minimum fine of \$500.00. The maximum fine that may be imposed is \$5,000.00, and
2. Mandatory revocation of hunting privileges for one year.

[HIST: Source - Adopted 11/20/86. Codified by Resolution No. 95-A-070, passed 6/13/95. Amended by Resolution 99-A-062, passed 8/10/99.]

### 18.03.07 Bag Limits

Any person who exceeds the bag limit set by regulation, is guilty of an offense, and upon conviction shall be sentenced to:

1. A mandatory, minimum fine of \$250.00. The maximum fine that may be imposed is \$750.00, and
2. Mandatory revocation of hunting privileges for one year.

[HIST: Source - Adopted 11/20/86. Codified by Resolution No. 95-A-070, passed 6/13/95. Amended by Resolution 99-A-062, passed 8/10/99.]

### 18.03.08 Trap Inspection

Any person who fails to inspect any trap or trapline he has set resulting in spoilage of game, is guilty of an offense, and upon conviction shall be sentenced to:

1. A mandatory, minimum fine of \$100.00. The maximum fine that may be imposed is \$250.00.
2. Mandatory revocation of hunting privileges for one year.

[HIST: Source - Adopted 11/20/86. Codified by Resolution No. 95-A-070, passed 6/13/95. Amended by Resolution 99-A-062, passed 8/10/99. Amended by Resolution No. 15-A-113, passed 9/28/15, added mandatory revocation of hunting privileges for one year.]

### 18.03.09 Interference with Traps

Any person who takes wildlife from another person's trap without permission, or springs, damages, possesses or removes another person's trap, is guilty of an offense, and upon conviction shall be sentenced to:

1. A mandatory, minimum fine of \$100.00. The maximum fine that may be imposed is \$250.00.
2. Mandatory revocation of hunting privileges for one year.

[HIST: Source - Adopted 11/20/86. Codified by Resolution No. 95-A-070, passed 6/13/95. Amended by Resolution 99-A-062, passed 8/10/99. Amended by Resolution No. 15-A-113, passed 9/28/15, added mandatory revocation of hunting privileges for one year.]

### 18.03.10 Wasting Big Game

Any person who kills big game and causes it to go to waste, is guilty of an offense, and upon conviction shall be sentenced to:

1. A mandatory, minimum fine of 250.00. The maximum fine that may be imposed is \$1,000.00, and

2. Mandatory revocation of hunting privileges for one year.

[HIST: Source - Adopted 11/20/86. Codified by Resolution No. 95-A-070, passed 6/13/95. Amended by Resolution 99-A-062, passed 8/10/99.]

#### 18.03.11 Wasting Game Birds or Game Animals

Any person who kills game birds or game animals and causes them to go to waste, is guilty of an offense, and upon conviction shall be sentenced to:

1. A mandatory, minimum fine of \$50.00. The maximum fine that may be imposed is \$250.00.
2. Mandatory revocation of hunting privileges for one year.

[HIST: Source - Adopted 11/20/86. Codified by Resolution No. 95-A-070, passed 6/13/95. Amended by Resolution 99-A-062, passed 8/10/99. Amended by Resolution No. 15-A-113, passed 9/28/15, added mandatory revocation of hunting privileges for one year.]

#### 18.03.12 Selling Wildlife

Any person who sells meat from wildlife is guilty of an offense, and upon conviction shall be sentenced to:

1. A mandatory, minimum fine of \$500.00. The maximum fine that may be imposed is \$5,000.00, and
2. Mandatory revocation of hunting privileges for one year.
3. The Court may also, in its discretion, impose jail time for a period not to exceed 6 months.

[HIST: Source - Adopted 11/20/86. Codified by Resolution No. 95-A-070, passed 6/13/95. Amended by Resolution 99-A-062, passed 8/10/99.]

#### 18.03.13 Transporting Loaded Firearm

Any person, except authorized law enforcement officers, who carries, transports, conveys, or possesses a) a shotgun or rifle containing shells or cartridges in the magazine or chamber, or b) a muzzle-loading firearm loaded and capped or primed; in or on a motor vehicle is guilty of an offense, and upon conviction shall be sentenced to:

1. A mandatory fine of \$250.00
2. Mandatory revocation of hunting privileges for one year.

[HIST: Source - Adopted 11/20/86. Codified by Resolution No. 95-A-070, passed 6/13/95. Amended by Resolution 99-A-062, passed 8/10/99. Amended by Resolution No. 15-A-113, passed 9/28/15, added mandatory revocation of hunting privileges for one year.]

#### 18.03.14 Shooting Firearms Across Public Roads

Any person, except authorized law enforcement officers, who discharges a firearm from, across or along the maintained portion of a public road is guilty of an offense, and upon conviction shall be sentenced to:

1. A mandatory, minimum fine of \$250.00. The maximum fine that may be imposed is \$500.00.
2. Mandatory revocation of hunting privileges for one year.

[HIST: Source - Adopted 11/20/86. Codified by Resolution No. 95-A-070, passed 6/13/95. Amended by Resolution 99-A-062, passed 8/10/99. Amended by Resolution No. 15-A-113, passed 9/28/15, added mandatory revocation of hunting privileges for one year.]

#### 18.03.15 Shooting Arrows Across Public Roads

Any person who shoots an arrow from a vehicle or shoots an arrow from, across or along the maintained portion of a public road is guilty of an offense, and upon conviction shall be sentenced to:

1. A mandatory fine of \$250.00.
2. Mandatory revocation of hunting privileges for one year.

[HIST: Source - Adopted 11/20/86. Codified by Resolution No. 95-A-070, passed 6/13/95. Amended by Resolution 99-A-062, passed 8/10/99. Amended by Resolution No. 15-A-113, passed 9/28/15, added mandatory revocation of hunting privileges for one year.]

#### 18.03.16 Hunting from a Vehicle

Any person who hunts from within a motor vehicle or pursues, harasses or chases game off a road with a motor vehicle, is guilty of an offense, and upon conviction shall be sentenced to:

1. A mandatory, minimum fine of \$50.00. The maximum fine that may be imposed is \$250.00.
2. Mandatory revocation of hunting privileges for one year.

[HIST: Source - Adopted 11/20/86. Codified by Resolution No. 95-A-070, passed 6/13/95. Amended by Resolution 99-A-062, passed 8/10/99. Amended by Resolution No. 15-A-113, passed 9/28/15, added mandatory revocation of hunting privileges for one year.]

#### 18.03.17 Hunting Other than Daylight Hours

Any person who hunts earlier than one half hour before official sunrise or later than one half hour after sunset is guilty of an offense, and upon conviction shall be sentenced to:

1. A mandatory minimum fine of \$100.00. The maximum fine that may be imposed is \$250.00.

The Court may, at its discretion, revoke the defendant's hunting privileges for one year.

[HIST: Source - Adopted 11/20/86. Codified by Resolution No. 95-A-070, passed 6/13/95. Amended by Resolution 99-A-062, passed 8/10/99. Amended by Resolution No. 15-A-113, passed 9/28/15, added Court's discretion to revoke hunting privileges for one year.]

#### 18.03.18 Hunting with Artificial Light

Any person who hunts with an artificial light, except in the case of bow hunting with illuminated bow peep sights and/or illuminated nocks on arrows, is guilty of an offense, and upon conviction shall be sentenced to:

1. A minimum, mandatory fine of \$250.00. The maximum fine that may be imposed is \$500.00, and
2. Mandatory revocation of hunting privileges for one year.

[HIST: Source - Adopted 11/20/86. Codified by Resolution No. 95-A-070, passed 6/13/95. Amended by Resolution 99-A-062, passed 8/10/99. Amended by Resolution No. 15-A-113, passed 9/28/15, added exception to allow hunting with specific artificial light equipment meant to help hunters prevent the loss of arrows, and removed exception to allow hunters to hunt with artificial light under a Ceremonial Tag.]

#### 18.03.19 Use of Dogs

Any person accompanied by a dog while deer or elk hunting, is guilty of an offense, and upon conviction shall be sentenced to:

1. A mandatory, minimum fine of \$50.00. The maximum fine that may be imposed is \$150.00.
2. Mandatory revocation of hunting privileges for one year.

[HIST: Source - Adopted 11/20/86. Codified by Resolution No. 95-A-070, passed 6/13/95. Amended by Resolution 99-A-062, passed 8/10/99. Amended by Resolution No. 15-A-113, passed 9/28/15, added mandatory revocation of hunting privileges for one year.]

#### 18.03.20 Hunting While Intoxicated

Any person who hunts while under the influence of alcohol or illegal drugs is guilty of an offense, and upon conviction shall be sentenced to:

1. A mandatory, minimum fine of \$250.00. The maximum fine that may be imposed is \$500.00, and
2. Mandatory revocation of hunting privileges for one year.

[HIST: Source - Adopted 11/20/86. Codified by Resolution No. 95-A-070, passed 6/13/95. Amended by Resolution 99-A-062, passed 8/10/99.]

#### 18.03.21 Hunting by Children Under Age Fourteen - REPEALED

[HIST: Source - Adopted 11/20/86. Codified by Resolution No. 95-A-070, passed 6/13/95. Amended by Resolution 99-A-062, passed 8/10/99. Amended by Resolution No. 15-A-113, passed 9/28/15, removed the age restriction for tribal hunters and replaced with requirement that tribal hunters under 18 must first pass a hunter safety course.]

#### 18.03.22 Parental Responsibility for Children Under Age Fourteen Who Hunt – REPEALED

[HIST: Source - Adopted by Resolution 99-A-062, passed 8/10/99. Amended by Resolution No. 15-A-113, passed 9/28/15, which removed the age restriction to hunt and replaced with requirement to pass a hunter safety course if hunter is under 18.]

#### 18.03.23 Hunting by Children Age Fourteen Through Seventeen - REPEALED

[HIST: Source - Adopted 11/20/86. Codified by Resolution No. 95-A-070, passed 6/13/95. Amended by Resolution 99-A-062, passed 8/10/99. Amended by Resolution No. 15-A-113, passed 9/28/15, which removed the age restriction to hunt and replaced with requirement to pass a hunter safety course if hunter is under 18.]

#### 18.03.24 Hunting Eagles

Any person who kills, takes, catches, or possesses any eagle, or eagle part, nest, or egg in violation of any federal statute passed for the protection of eagles is guilty of an offense, and upon conviction shall be sentenced to:

1. A mandatory, minimum fine of \$1,500.00 to a maximum fine of \$2,500 or;
2. Jail time not to exceed 6 months; or both.
3. Mandatory revocation of hunting privileges for one year.

For minors between the age of 14 and 18 years of age, the Court may, at its discretion, sentence the minor to a jail period not to exceed 30 days. The Court shall not sentence minors who are 13 years old or younger to jail time.

[HIST: Source - Adopted 11/20/86. Codified by Resolution No. 95-A-070, passed 6/13/95. Amended by Resolution 99-A-062, passed 8/10/99. Amended by Resolution No. 15-A-113, passed 9/28/15, which changed the set fine of \$1,500 to the minimum fine and made \$2,500 the maximum fine, added mandatory revocation of hunting privileges for one year, gave Court discretion on sentencing minors aged 14-17, and prohibited Court from sentencing minors 13 and under to jail time.]

### 18.03.25 Laying out Bait

A person who lays or sets out any kind or type of bait, including but not limited to salt licks, to lure wildlife for hunting, with the exception of deer and elk, is guilty of an offense, and upon conviction shall be sentenced to:

1. A minimum, mandatory fine of \$50.00. The maximum fine that may be imposed is \$250.00.
2. Mandatory revocation of hunting privileges for one year.

[HIST: Source - Adopted 11/20/86. Codified by Resolution No. 95-A-070, passed 6/13/95. Amended by Resolution 99-A-062, passed 8/10/99. Amended by Resolution No. 15-A-113, passed 9/28/15, added mandatory revocation of hunting privileges for one year. Resolution 16-A-097, passed 7/25/16, modified this section to specifically allow baiting of deer and elk for hunting. Cross-reference Section 18.01.15 Use Of Bait.]

### 18.03.26 Laying out Poison

Any person who lays or sets out a drug, explosive or poison that may endanger, injure or kill wildlife is guilty of an offense, and upon conviction shall be sentenced to:

1. A minimum, mandatory fine of \$250.00. The maximum fine that may be imposed is \$500.00.
2. Mandatory revocation of hunting privileges for one year.

[HIST: Source - Adopted 11/20/86. Codified by Resolution No. 95-A-070, passed 6/13/95. Amended by Resolution 99-A-062, passed 8/10/99. Amended by Resolution No. 15-A-113, passed 9/28/15, added mandatory revocation of hunting privileges for one year.]

### 18.03.27 Mutilation of Wildlife

Any person who mutilates wildlife so that the species and sex cannot be determined visually in the field or while being transported is guilty of an offense, and upon conviction shall be sentenced to:

1. A minimum, mandatory fine of \$250.00. The maximum fine that may be imposed is \$500.00.
2. Mandatory revocation of hunting privileges for one year.

[HIST: Source - Adopted 11/20/86. Codified by Resolution No. 95-A-070, passed 6/13/95. Amended by Resolution 99-A-062, passed 8/10/99. Amended by Resolution No. 15-A-113, passed 9/28/15, added mandatory revocation of hunting privileges for one year.]

### 18.03.28 Shooting Livestock

Any person who shoots any domestic livestock while hunting is guilty of an offense, and upon conviction shall be sentenced to:

1. Restitution in an amount sufficient to compensate the owner for the loss of, or injury to, domestic livestock.
2. Mandatory revocation of hunting privileges for one year.

[HIST: Source - Adopted 11/20/86. Codified by Resolution No. 95-A-070, passed 6/13/95. Amended by Resolution 99-A-062, passed 8/10/99. Amended by Resolution No. 15-A-113, passed 9/28/15, added mandatory revocation of hunting privileges for one year.]

### 18.03.29 Big Game Hunting - Firearms Restrictions

Any person who hunts big game with any of the following, is guilty of an offense:

1. A fully automatic firearm;
2. A rifle with a bore diameter less than .240 of an inch (6mm), or barrel length less than 16 inches;
3. A rifle cartridge with a bullet weighing less than 85 grains, or that develops less than 900 foot pounds of energy at 100 yards;
4. A rifle cartridge containing a bullet other than a mushrooming or expanding type, designed for big game hunting;
5. A shotgun; except that a shotgun which is 20 gauge or larger, using shells loaded with slugs or buckshot size #1 or larger, may be used to hunt deer and bear;
6. A handgun; except that deer, bear or cougar may be hunted with a 41 magnum, 44 automatic magnum, 45 Winchester magnum;
7. The following bows, crossbows, crossbow bolts, and arrows:
  - a) A conventional or compound bow that possesses less than 40 pounds of pull, measured at twenty-eight 28 inches or less draw length; or
  - b) A crossbow with a draw weight less than one hundred twenty-five (125) pounds, a limb width less than twenty-four (24) inches, a draw length less than fourteen (14) inches, or a trigger safety that does not work properly; or
  - c) Crossbow bolts that are less than sixteen (16) inches long or weigh less than three hundred fifty (350) grains and that do not have a

sharp fixed or mechanical broadhead blade or blades with a cutting diameter at least one (1) inch wide; or

- d) Arrows that do not have sharp fixed or mechanical broadhead blade or blades at least seven-eighths of an inch wide

and upon conviction shall be sentenced to:

1. A minimum, mandatory fine of \$250.00. The maximum fine that may be imposed is \$500.00.
2. Mandatory revocation of hunting privileges for one year.

[HIST: Source - Adopted 11/20/86. Codified by Resolution No. 95-A-070, passed 6/13/95. Amended by Resolution 99-A-062, passed 8/10/99. Amended by Resolution No. 15-A-113, passed 9/28/15, removed requirement that a broadhead blade be unbarbed and completely smooth, added language to allow for specific bow and arrow equipment under Section 18.01.14 Archery Hunting, and added mandatory revocation of hunting privileges for one year.]

#### 18.03.30 Crossbow Hunting Prohibited - REPEALED

[HIST: Source - Adopted 11/20/86. Codified by Resolution No. 95-A-070, passed 6/13/95. Amended by Resolution 99-A-062, passed 8/10/99. Amended by Resolution No. 15-A-113, passed 9/28/15, which removed the prohibition on crossbow hunting.]

#### 18.03.31 Game Birds - Weapon and Ammunition Restrictions

No person shall hunt game birds with:

1. Lead shot; or
2. A rifle or pistol, with the exception of blue grouse, spruce grouse, and ruffed grouse.

Violation of this section is an offense and upon conviction shall be sentenced to:

1. A mandatory fine of \$100.00.
2. Mandatory revocation of hunting privileges for one year.

[HIST: Source - Adopted 11/20/86. Codified by Resolution No. 95-A-070, passed 6/13/95. Amended by Resolution 99-A-062, passed 8/10/99. Amended by Resolution No. 15-A-113, passed 9/28/15, added mandatory revocation of hunting privileges for one year.]

#### 18.03.32 Muzzle-Loading Rifles

No person shall carry or possess any muzzle-loading rifle that does not meet the following requirements:

1. If the rifle has a removable breech plug, such removal must require the use of tools.
2. Minimum barrel length is 20 inches and minimum caliber is 40, such measurement to be taken from land to land in a barrel.
3. Ignition is to be wheel lock, matchlock, flintlock, or percussion using original style percussion caps that fit on the nipple and are exposed to the elements.
4. Sights must be metal. Telescope sights or sights containing glass are prohibited.

Violation of this section is an offense, and upon conviction a person shall be sentenced to:

1. A mandatory fine of \$100.00.
2. Mandatory revocation of hunting privileges for one year.

[HIST: Source - Adopted 11/20/86. Codified by Resolution No. 95-A-070, passed 6/13/95. Amended by Resolution 99-A-062, passed 8/10/99. Amended by Resolution No. 15-A-113, passed 9/28/15, added mandatory revocation of hunting privileges for one year.]

#### 18.03.33 Defacing Signs

Any person who destroys, tears down, shoots at, defaces or erases any printed matter or signs placed or posted to assist in the enforcement of hunting regulations is guilty of offense and upon conviction shall be sentenced to:

1. A minimum, mandatory fine of \$50.00. The maximum fine that may be imposed is \$150.00.
2. Mandatory revocation of hunting privileges for one year.

[HIST: Source - Adopted 11/20/86. Codified by Resolution No. 95-A-070, passed 6/13/95. Amended by Resolution 99-A-062, passed 8/10/99. Amended by Resolution No. 15-A-113, passed 9/28/15, added mandatory revocation of hunting privileges for one year.]

#### 18.03.34 Resisting

Any person who resists, willfully interferes with or obstructs any duly authorized game agent in the lawful discharge of his duties under this Title or regulations is guilty of an offense, and upon conviction shall be sentenced to:

1. A minimum, mandatory fine of \$100.00. The maximum fine that may be imposed is \$500.00.

2. Mandatory revocation of hunting privileges for one year.

[HIST: Source - Adopted 11/20/86. Codified by Resolution No. 95-A-070, passed 6/13/95. Amended by Resolution 99-A-062, passed 8/10/99. Amended by Resolution No. 15-A-113, passed 9/28/15, added mandatory revocation of hunting privileges for one year.]

18.03.35 Assault

Any person who uses or threatens to use force or violence against a Game Agent or any other person is guilty of an offense, and upon conviction shall be sentenced to:

1. A minimum, mandatory fine of \$500.00. The maximum fine that may be imposed is \$5,000.00.
2. Mandatory revocation of hunting privileges for at least one year.

[HIST: Source - Adopted by Resolution 99-A-062, passed 8/10/99. Amended by Resolution No. 15-A-113, passed 9/28/15, added mandatory revocation of hunting privileges for at least one year.]

18.03.36 Eluding

Any person who fails to or refuses to stop after being given a visible or audible signal by a Game Agent is guilty of an offense, and upon conviction shall be sentenced to:

1. A minimum, mandatory fine of \$500.00. The maximum fine that may be imposed is \$5,000.00.
2. Mandatory revocation of hunting privileges for one year.

[HIST: Source - Adopted by Resolution 99-A-062, passed 8/10/99. Amended by Resolution No. 15-A-113, passed 9/28/15, added mandatory revocation of hunting privileges for one year.]

18.03.37 Escape

Any person who escapes, attempts escape, or assists another to escape from lawful custody for any hunting offense is guilty of an offense, and upon conviction shall be sentenced to:

1. A minimum, mandatory fine of \$500.00. The maximum fine that may be imposed is \$5,000.00.
2. Mandatory revocation of hunting privileges for one year.

[HIST: Source - Adopted by Resolution 99-A-062, passed 8/10/99. Amended by Resolution No. 15-A-113, passed 9/28/15, added mandatory revocation of hunting privileges for one year.]

### 18.03.38 Interference with Wildlife Management Personnel

Any person who willfully interferes with or prevents wildlife management personnel of the Tribe, the Treaty Council, or state or federal agencies, from carrying out their professional management duties is guilty of an offense, and upon conviction shall be sentenced to:

1. A minimum, mandatory fine of \$100.00. The maximum fine that may be imposed is \$500.00.
2. Mandatory revocation of hunting privileges for one year.

[HIST: Source - Adopted by Resolution 99-A-062, passed 8/10/99. Amended by Resolution No. 15-A-113, passed 9/28/15, added mandatory revocation of hunting privileges for one year.]

### 18.03.39 Giving False Information to a Game Agent

Any person who knowingly gives false information to a Game Agent is guilty of an offense, and upon conviction shall be sentenced to:

1. A minimum, mandatory fine of \$100.00. The maximum fine that may be imposed is \$500.00.
2. Mandatory revocation of hunting privileges for one year.

[HIST: Source - Adopted by Resolution 99-A-062, passed 8/10/99. Amended by Resolution No. 15-A-113, passed 9/28/15, added mandatory revocation of hunting privileges for one year.]

### 18.03.40 Failure to Appear/Respond

Any person who fails to appear and respond as required by a civil or criminal citation, summons, subpoena or notice of hearing issued under this Title is guilty of an offense, and upon conviction shall be sentenced to:

1. A minimum, mandatory fine of \$100.00. The maximum fine that may be imposed is \$250.00.

[HIST: Source - Adopted by Resolution 99-A-062, passed 8/10/99.]

### 18.03.41 Hunting While Privilege is Revoked or Suspended

Any person who hunts while his or her hunting privilege is revoked is guilty of an offense, and upon conviction shall be sentenced to:

1. A mandatory fine of \$500.00; and
2. For persons 18 years of age and older, a minimum of fourteen (14) days in jail. The maximum jail sentence that may be imposed is six months.

3. Mandatory revocation of hunting privileges for at least one year.

For minors between the age of 14 and 18 years of age, the Court may, at its discretion, sentence the minor to a jail period not to exceed 30 days. The Court shall not sentence minors who are 13 years old or younger to jail time.

[HIST: Source - Adopted 11/20/86. Codified by Resolution No. 95-A-070, passed 6/13/95. Amended by Resolution 99-A-062, passed 8/10/99. Amended by Resolution No. 15-A-113, passed 9/28/15, clarified that the required jail time under subsection 2) can only be applied to defendants eighteen (18) and older, added mandatory revocation of hunting privileges for at least one year, gave Court discretion on sentencing minors aged 14-17, and prohibited Court from sentencing minors 13 and under to jail time.]

18.03.42 Hunting from a Boat Under Power

Any person who discharges a firearm from a boat under power (in gear) is guilty of an offense, and upon conviction shall be sentenced to:

1. A mandatory, minimum fine of \$50.00. The maximum fine that may be imposed is \$250.00.
2. Mandatory revocation of hunting privileges for one year.

[HIST: Source - Adopted by Resolution 99-A-062, passed 8/10/99. Amended by Resolution No. 15-A-113, passed 9/28/15, added mandatory revocation of hunting privileges for one year.]

18.03.43 Aiding and Abetting

Any person who knowingly aids and abets another person to engage in conduct that is unlawful under this Title or regulation is guilty of an offense, and upon conviction shall be sentenced to the same degree as if he or she had committed the primary offense.

The Court may, at its discretion, revoke the defendant's hunting privileges for one year.

[HIST: Source - Adopted 11/20/86. Codified by Resolution No. 95-A-070, passed 6/13/95. Amended by Resolution 99-A-062, passed 8/10/99. Amended by Resolution No. 15-A-113, passed 9/28/15, gave the Court discretion to revoke a defendant's hunting privileges for one year.]

18.03.44 Violations of Code, Regulations and Tags

Any person who fails to comply with, any provision of this Title, any Port Gamble S'Klallam hunting regulation, or the terms or conditions stated on any hunting tag, when such failure has not been specifically designated as an offense under this Title or which does not carry with it a specific penalty, is guilty of an offense, and upon conviction shall be sentenced to:

1. A minimum, mandatory fine of \$100.00. The maximum fine that may be imposed is \$500.00.

[HIST: Source - Adopted by Resolution 99-A-062, passed 8/10/99.]

## **Chapter 18.04 Sentencing**

### 18.04.01 Sentencing – First Violation

Sentences listed for each offense apply to convictions for the first violation under this Title. The Port Gamble S'Klallam Tribal Court shall not suspend or reduce any mandatory minimum sentence under this Title. The Court shall not have authority to impose community service hours in lieu of all or part of any fine except as expressly provided under this Title.

[HIST: Source - Adopted 11/20/86. Codified by Resolution No. 95-A-070, passed 6/13/95. Amended by Resolution 99-A-062, passed 8/10/99.]

### 18.04.02 Sentencing – Significant Impact on the Resource as Aggravating Factor

Violations that have a significant impact on the resource are more serious than other offenses. If an offense has a penalty range, the Court shall consider whether the violation had a significant impact on the resource and shall impose a penalty higher than the minimum. The Hunting Committee and the Tribe's wildlife management personnel are authorized to provide information to the Court on the issue of impact to the resource, upon request.

### 18.04.03 Sentencing – Second and Subsequent Violations

1. Any person who is convicted of a second or subsequent violation of this Title (whether the same or a different offense) within five years of the first conviction shall be sentenced as set forth below.
  - a) A mandatory, minimum fine in an amount which is twice the mandatory, minimum fine for a first violation for that offense. However, the maximum fine which may be imposed for that offense may not be exceeded; and
  - b) A mandatory, minimum jail sentence of two days in jail with a maximum of 90 days in jail; and
  - c) Forfeiture of all property seized pursuant to a lawful arrest or issuance of a citation; and
  - d) Revocation of all hunting privileges granted by the Tribe for one year. Provided, the Court shall impose more than one year and not to exceed three years revocation of all hunting privileges for those violations which already have a mandatory one year revocation for a first offense.

2. For minors between the age of 14 and 18 years of age, the Court may, at its discretion, sentence the minor to a jail period not to exceed 30 days. The Court shall not sentence minors who are 13 years old or younger to jail time.

[HIST: Source - Adopted 11/20/86. Codified by Resolution No. 95-A-070, passed 6/13/95. Amended by Resolution 99-A-062, passed 8/10/99. Amended by Resolution No. 15-A-113, passed 9/28/15, gave Court discretion on sentencing minors aged 14-17, and prohibited Court from sentencing minors 13 and under to jail time.]

[Cross reference: section 18.05.08 Forfeiture Procedures.]

#### 18.04.04 Forfeiture of Bail in Lieu of Court Appearance - Conditions

The first time a person is cited for allegedly violating this Title, the person may forfeit bail instead of appearing in court to defend the charge if the offense does not require revocation of hunting privileges. The amount of money required to forfeit bail in lieu of a court appearance shall be equal to the highest dollar amount within the range set for the offense for which the person was cited. Appearance in court is mandatory if the offense requires revocation of hunting privileges.

[HIST: Source - Adopted by Resolution 99-A-062, passed 8/10/99.]

#### 18.04.05 Forfeiture of Bail - Same as Guilty Plea

Forfeiture of bail shall be considered as a guilty plea and shall have the same effect as a conviction.

[HIST: Source - Adopted by Resolution 99-A-062, passed 8/10/99.]

#### 18.04.06 Hunting Prohibited Until Sentence Completed

Persons convicted of violations under this Title who have their hunting privilege revoked are not eligible to hunt or obtain tags until the revocation, all court fines and other conditions of the sentence are fully satisfied.

[HIST: Source - Adopted by Resolution 99-A-062, passed 8/10/99.]

### **Chapter 18.05 Enforcement**

#### 18.05.01 Game Agents

The Port Gamble S'Klallam Tribal Council may appoint one or more persons to serve as game agents. A game agent shall have the authority to enforce the provisions of this Title and all emergency and annual regulations promulgated hereunder. The Tribal Council may, upon request from a game agent, appoint and deputize a person to assist a game agent in the performance of his or her duties.

[HIST: Source - Adopted 11/20/86. Codified by Resolution No. 95-A-070, passed 6/13/95. Amended by Resolution 99-A-062, passed 8/10/99.]

#### 18.05.02 Arrest

1. Game agents shall have the authority to arrest any Indian person purporting to exercise tribal hunting rights who is in violation of any provision of Chapter 18.03 of this Title or any regulation adopted hereunder. Game agents shall have authority to detain any non-Indian who violates this Title in order to commit that person to the custody of county, state, or federal officers for prosecution. No game agent shall arrest any person for a violation of this Title or the above-mentioned regulations except when:
  - a) The offense occurs in the presence of the arresting officer; or
  - b) The agent has probable cause to believe that the person being arrested has committed the alleged offense; or
  - c) The agent has a warrant signed by a tribal judge commanding the arrest of such person or knows as a certainty that such warrant has been issued.
2. In those situations where the game agent is authorized to make an arrest, the agent may instead, in his or her discretion, issue either a written warning or a citation on a form approved by the Tribe commanding the alleged violator to appear before the Tribal Court to answer the charges.

[HIST: Source - Adopted 11/20/86. Codified by Resolution No. 95-A-070, passed 6/13/95. Amended by Resolution 99-A-062, passed 8/10/99.]

#### 18.05.03 Cross-Deputization

The Tribal Council may enter into an agreement with another Tribe, Treaty Council, or State, Federal, or County government providing for the cross-deputization of game agents and/or law enforcement officers.

[HIST: Source - Adopted 11/20/86. ]

#### 18.05.04 Notification of Rights

1. Immediately upon arrest an alleged violator shall be advised of the following:
  - a) The charges against him or her;
  - b) That he or she has a right to remain silent;
  - c) That anything he or she says may be used against him or her in the court;

- d) That he or she has a right to be represented by an attorney or spokesperson at his or her own expense.
2. If arrest is made pursuant to a warrant, the accused shall be given a copy of the warrant at the time of the arrest or as soon thereafter as possible.

[HIST: Source - Adopted 11/20/86. Amended by Resolution 99-A-062, passed 8/10/99.]

#### 18.05.05 Searches With or Without Warrant

1. A game agent may search without warrant any gear, vehicle, tent, camper, or any place or premises at or near a hunting site which the agent has probable cause to believe contains evidence of violations of this Title or of regulations or tags issued or adopted under this Title.
2. The Tribal Court may issue a search warrant as provided under Title 2 of the Port Gamble S'Klallam Law and Order Code.

[HIST: Source - Adopted 11/20/86. Codified by Resolution No. 95-A-070, passed 6/13/95. Amended by Resolution 99-A-062, passed 8/10/99.]

#### 18.05.06 Seizure of Wildlife

1. Upon arrest or upon issuance of a citation, the game agent may seize all wildlife and parts of wildlife that the agent has reasonable grounds to believe have been taken or killed by the alleged violator contrary to the provisions of this Title, or any regulations promulgated hereunder. A game agent may, in addition, seize any weapons or other paraphernalia (excluding the hunter's vehicle) that the agent has reasonable grounds to believe has been used in the commission of a violation of this Title or any regulation promulgated hereunder.
2. A game agent who has seized wildlife, weapons or other items pursuant to this section shall prepare a written inventory of all items seized which shall be signed by the game agent and the alleged violator. When unattended gear and/or its contents are seized, the inventory shall be given to the alleged violator, if known, one copy filed with the Tribal Court, and one copy returned to the Port Gamble S'Klallam Hunting Committee.
3. All items, other than perishable wildlife and wildlife parts, seized pursuant to this section shall, as soon as practicable, be brought to the Tribal office or other place designated by the Tribe for the storage of seized property. Seized property shall be stored in such a manner as to minimize further damage to it and shall be held until disposed of pursuant to order of the Tribal Court.

[HIST: Source - Adopted 11/20/86. Codified by Resolution No. 95-A-070, passed 6/13/95. Amended by Resolution 99-A-062, passed 8/10/99.]

#### 18.05.07 Return of Seized Property - Perishable

1. Any person who has had perishable meat seized under the authority of this Title may elect to have the meat frozen and stored at his or her expense, pending the outcome of court proceedings, or to have the Hunting Committee dispose of the meat for tribal purposes. If the person is acquitted or charges are dismissed, the frozen meat shall be returned or, if the meat was disposed of by the Hunting Committee, the person may be issued a tag to bag a replacement animal.
2. If the person whose property has been seized under this Title is acquitted or charges against the person are dismissed, the court shall issue an order for immediate return of the property.

[HIST: Source - Adopted 11/20/86. Codified by Resolution No. 95-A-070, passed 6/13/95. Amended by Resolution 99-A-062, passed 8/10/99.]

#### 18.05.08 Forfeiture Procedures

1. When a person has been convicted of violating a provision of this Title or any regulation promulgated pursuant thereto, the court may order forfeiture of any items seized in connection with the violation if it is a first violation of this Title. The convicted person shall be given the opportunity to present evidence and argument to the Tribal Court regarding why it would be inequitable to forfeit those items seized. Forfeiture is mandatory for second and subsequent violations of this Title as provided under section 18.04.03.
2. In all cases where the owner of items seized is unknown, the Tribal Court shall have the power to order the forfeiture of any articles so seized.
3. The game agent who makes a seizure shall immediately post at prominent public locations on the reservation a notice describing the items and the time and place of seizure. The notice shall provide that persons wishing to claim the articles must do so within ten (10) days after the notice is posted.
4. If no one claims unmarked articles seized under this Title within the time limit provided, the Hunting Committee may dispose of it. Any proceeds from disposition of the property shall be turned over to the Tribe.
5. If a person does claim unmarked articles seized by a game agent, the Tribal Court shall hold an expedited hearing to determine whether the property shall be returned to the owner, as provided in section 18.05.07. If the articles were seized pursuant to a game agents belief

that an offense was committed, the Tribal Court shall make a finding on whether there is probable cause to believe that the owner committed the offense.

[HIST: Source - Adopted 11/20/86. Codified by Resolution No. 95-A-070, passed 6/13/95. Amended by Resolution 99-A-062, passed 8/10/99.]

[Cross reference: section 18.03.03 Sentencing - Second and Subsequent Violations, providing for mandatory forfeiture.]

#### 18.05.09 Disposition of Property Forfeited

In the event the Tribal Court orders forfeiture of articles seized, the articles shall be turned over to the Port Gamble S'Klallam Hunting Committee for the use and benefit of the Tribe. Any items or proceeds not forfeited by the order of the Tribal Court shall be returned to the person from whom seized, after the completion of the case and after the fines, if any, have been paid.

[HIST: Source - Adopted 11/20/86. Codified by Resolution No. 95-A-070, passed 6/13/95.]

#### 18.05.10 Severability

If any provisions of this Title or its application of the provisions to other persons or legal entity or circumstances is held invalid, the remainder of the Title or the application of the provision to other persons or legal entities or circumstances shall not be affected.

[HIST: Source - Adopted 11/20/86. Codified by Resolution No. 95-A-070, passed 6/13/95. Amended by Resolution 99-A-062, passed 8/10/99.]