

# CRIMINAL OFFENSES ACT

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Section 1            Short Title

This Act may be cited as the Criminal Offenses Act.

Section 2            Application

- A.    This Act shall apply to all Indian and non-Indian persons violating its provisions within the territorial jurisdiction of the Tribe, provided, that the provisions of Chapter Four of this Act shall apply to all members of the Tribe and all Indian residents of the jurisdiction of the Tribe where ever such violation may occur, if such violation has any actual or intended effect upon the political integrity or political or economic security of the Tribe.
- B.    This Act shall apply to non-Indians violating its provisions within the territorial jurisdiction of the Tribe to the extent not inconsistent with federal law, and to the extent that any person found to have violated any provision of this Act may be prosecuted in a civil action, and shall be subject to all of the remedies, sanctions, and punishments available at law, except that the non-Indian offender shall not be subject to jail or incarceration by the Court as a possible punishment for a tribal offense. The non-Indian, in such cases, shall have all the procedural rights of a criminal defendant, and such cases shall be tried by the rules of criminal procedure. The Courts shall retain the inherent and statutory powers of civil contempt and legal and equitable relief which are herein expressly preserved.
- C.    This Act shall apply to non-Indians violating its provisions within the territorial jurisdiction of the Tribe to the extent not inconsistent with federal law, and to the extent that any person found to have violated any provision of this Act may be banished from the jurisdiction of the Tribe for a period of not more than ten (10) years, or for such longer term as may be imposed by the section violated, in a civil proceeding brought by the Attorney General. The non-Indian, in such cases, shall have all the procedural rights of a criminal defendant, and such cases shall be tried by the rules of criminal procedure.
- D.    Each violation of any provision of this Act or any other tribal law by a non-Indian shall be considered a civil violation subject to enforcement by any means not prohibited by federal law, including but not limited to, the issuance of fines, forfeitures, costs, civil contempt and exclusion.

Section 3            C.F.R. Not Applicable

Any and all provisions of Part 11 of Title 25 of the United States Code of Federal Regulations as presently or hereafter constituted are declared to be not applicable to the Tribe.

#### Section 4 Civil and Criminal Immunity for Persons Aiding Police Officers

Private citizens aiding a police officer in the performance of his duties as a police officer, shall have the same civil and criminal immunity as a police officer, as a result of any act or commission for aiding or attempting to aid a police officer, when such officer is in imminent danger of loss of life or grave bodily injury or when such officer requests such assistance and when such action was taken under emergency conditions and in good faith.

Every federal, state, and local law enforcement officer engaged in the performance of official duties as a federal, state, and local law enforcement officer or when serving as a police officer for the Iowa Tribe of Oklahoma shall have the same immunity from civil and criminal actions as any other officer performing official duties within this jurisdiction. The Iowa Tribe of Oklahoma or any of its political subdivisions shall not assume the liability for or provide the legal representation for any federal, state, and local law enforcement officer serving as police officers of the Iowa Tribe of Oklahoma.

#### Section 5 Constitution and Interpretation

Each act, event or occurrence in violation of the tribal criminal laws shall constitute a separate offense and shall be punishable as a separate violation. Each day that any violation occurs or continues shall constitute a separate offense and shall be punishable as a separate violation. Every act, conduct, thing, or transaction in violation of the tribal criminal laws shall constitute a separate offense as to each item, issue or title involved and shall be punishable as such.

#### Section 6 Definitions

- A. "Courts" or "Tribal Courts" means the Courts of the Iowa Tribe of Oklahoma
- B. "Indian country" or "Indian lands" means that land or territory subject to the jurisdiction of the Iowa Tribe of Oklahoma, including lands defined at 18 U.S.C. § 1151 or 25 U.S.C. § 2710, and any interest in realty, held in fee or otherwise, by the Iowa Tribe of Oklahoma, its agencies or political subdivisions.
- C. "Judge" means any Magistrate, Judge, or Justice of the Courts of the Iowa Tribe of Oklahoma.

- D. "Legislature" means the Business Committee of the Iowa Tribe of Oklahoma
- E. "Person" or "One" means means and includes an individual, firm, partnership, corporation or association.
- F. "Tribe" or "Tribal" means the Iowa Tribe of Oklahoma. The term includes political subdivisions, agencies, departments, sections of tribal management, tribal business enterprises, tribally-chartered corporations, all elected or appointed officers or members of any tribal governing body, and other individuals designated or authorized to act for any of the above who are acting in good faith within that designation or authority, and all of their employees, except independent contractors, acting in good faith within the scope of that employment, whether performing governmental or proprietary functions and whether acting together or singularly.

#### Section 7      Rehabilitative, Restorative and Remedial Sanctions Authorized

In addition to the maximum range of punishments authorized for each violation of law, the Courts are authorized to impose upon the offender such requirements and measures as the Courts deem just and proper and which would serve the interests of the Tribe, the parties, and justice. The orders of the Courts may include, but are not limited to: restoration, restitution, community service, rehabilitation, treatment, counseling, education, supervised release, probation, protection, fees, costs, seizure, forfeiture, and exclusion.

#### Section 8      Criminal Forfeiture Authorized

- A. The Court, in imposing sentence on a person convicted of an offense in violation of the Constitution or any criminal offense, shall order that the person forfeit to the Tribe any property, real or personal, possessed, used or involved in such offenses, or any property traceable to such property, regardless of whether the property has already been seized.
- B. The Court, in imposing sentence on a person convicted of a violation of, or a conspiracy to violate, any provision of the Constitution and Bylaws or other criminal offense shall order that the person forfeit to the Tribe any property constituting, or derived from, proceeds the person obtained directly or indirectly, as the result of such violation.
- C. The Court, in imposing a sentence upon a person convicted of a crime against property shall order that the person forfeit to the Tribe any property, real or personal, which represents or is traceable to the gross receipts obtained, directly or indirectly, as a result of such violation.

- D. With respect to an offense of a crime against property, committed for the purpose of executing or attempting to execute any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent statements, pretenses, representations, or promises, the gross receipts of such an offense shall include any property, real or personal, tangible or intangible, which is obtained, directly or indirectly, as a result of such offense.
- E. The Court, in imposing sentence on a person convicted of a crime against property shall order that the person forfeit to the Tribe any property, real or personal, which represents or is traceable to the gross proceeds obtained, directly or indirectly, as a result of such violation.
- F. The Court, in imposing sentence on a person convicted of a criminal offense shall order that the person forfeit to the Tribe:
  - 1. any conveyance, including any vessel, vehicle, or aircraft or any other property used in the commission of the offense of which the person is convicted; and
  - 2. any property real or personal—
    - a. that constitutes, or is derived from or is traceable to the proceeds obtained directly or indirectly from the commission of the offense of which the person is convicted; or
    - b. that is used to facilitate, or is intended to be used to facilitate, the commission of the offense of which the person is convicted.
- G. The Court, in imposing sentence on a person described in subsection F shall order that the person forfeit to the Tribe all property described in that subsection.
- H. The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be governed by the provisions of tribal law.

Section 9 Conduct On Tribal Property: Certain Conduct Regulated, Prohibited

The Tribe, through its executive branch, has the plenary authority to conduct warrantless routine searches of persons and property to protect persons and to prevent the introduction of contraband. The Tribe, through its executive, legislative, and judicial branches possesses the authority to establish and enforce minimum standards of conduct and to provide remedies and penalties designed to promote public safety, provide for the general welfare, and to promote the orderly administration of tribal programs, services, operations, and activities. The branches of tribal government retain such authority and shall establish and maintain adequate security measures in tribal facilities and on tribal property designed to better protect the Tribe's critical infrastructure and key resources.

## CHAPTER ONE: CRIMES AGAINST PROPERTY

### Section 101 Arson in the First Degree

- A. It shall be unlawful to knowingly and willfully start a fire or cause an explosion with the purpose of:
  - 1. Destroying or damaging any building, dwelling, occupied structure or other property of another exceeding One Thousand Dollars (\$1,000.00) in value; or
  - 2. Destroying or damaging any property, by whoever owned, to collect insurance for such loss.
- B. Arson in the First degree shall be punishable by a fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Thousand Dollars (\$5,000.00); or by imprisonment in the Tribal jail for a term of not less than three (3) months nor more than one (1) year; or by banishment for a period of not less than five (5) nor more than ten (10) years; or any combination of the above sentences.
- C. Should the commission of the offense result in the death of or serious bodily injury to any person, a sentence of banishment may be imposed for any period not exceeding life in addition to the punishment authorized above.

### Section 102 Arson in the Second Degree

- A. It shall be unlawful to knowingly or recklessly, carelessly, or negligently, without regard to the consequences start a fire or cause an explosion which:
  - 1. Endangers human or safety life, or
  - 2. Damages or destroys the property of another.
- B. Arson in the Second degree shall be punishable by a fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Thousand Dollars (\$5,000.00), or by imprisonment in the Tribal jail for a term not exceeding one (1) year, or both.

### Section 103 Arson in the Third Degree

- A. It shall be unlawful after having started any fire, even though started safely for a lawful purpose, to fail to either:
  - 1. Take reasonable measures to put out or control the fire, or;
  - 2. To give prompt alarm, if the fire is spreading in such manner that it may endanger the life or property of another.

- B. Arson in the third degree shall be punishable by a fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Thousand Dollars (\$5,000.00), or by imprisonment in the Tribal jail for a period not exceeding three (3) months, or both.

Section 104      Criminal Mischief

- A. It shall be unlawful:
  - 1. Injure, deface, damage or destroy any real or personal property of another, or;
  - 2. Tamper with the property of another so as to recklessly endanger the safety of another, or recklessly cause any damage to any property or utility service, or;
  - 3. Damage, destroy, maim, or deface any domestic animal property of another, or;
  - 4. Purposely or recklessly shoot or propel a missile or other object upon or against a motor vehicle, airplanes, boat, locomotive or train.
- B. Criminal mischief shall be punishable by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment in the Tribal jail for not more than three (3) months, or both.

Section 105      Litter from Vehicle; Flaming and Glowing Substances; Burn Bans

- A. It shall be unlawful for the operator of a vehicle, unless any other person in the vehicle admits to or is identified as having committed the act, to commit any act of throwing, dropping, depositing, or otherwise placing any litter from a vehicle, including motor vehicles, trailers, or parts thereof, upon highways, roads, or public property.
- B. If any other person in the vehicle admits to or is identified as having committed the act of throwing, dropping, depositing, or otherwise placing any litter from a vehicle, including motor vehicles, trailers, or parts thereof, upon highways, roads, or public property, he shall be punishable under this section.
- C. Litter from vehicle shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00) or by imprisonment in the Tribal jail for not more than one (1) year, or both.
- D. During a declared burn ban by the Chairman, any person convicted of violating the provisions of subsection A of this section with any flaming or glowing substances except those which by law may be placed upon highway rights-of-way, or any substance which may cause a fire shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00) or by imprisonment in the Tribal jail for not more than one (1) year, or both. The penalties collected from the payment of the citations shall, after deduction of court costs, be paid to the fire department of the district in which the flaming or glowing substance was discarded.

- E. As used in this section, “litter” means any flaming or glowing substances except those which by law may be placed upon highway rights-of-way, any substance which may cause a fire, any bottles, cans, trash, garbage, or debris of any kind. As used in this section, “litter” shall not include trash, garbage, or debris placed beside a public road for collection by a garbage or collection agency, or deposited upon or within public property designated by the Tribe or by any of its agencies or political subdivisions as an appropriate place for such deposits if the person making the deposit is authorized to use the property for such purpose.

Section 106            Dumping Trash on Public or Private Property Without Consent; Flaming and Glowing Substances

- A. It shall be unlawful for any person to deliberately place, throw, drop, dump, deposit, or discard any garbage, trash, waste, rubbish, refuse, debris, or other deleterious or combustible substance on any public property or on any private property of another without consent of the property owner.
- B. Dumping trash on public or private property without consent shall be punishable by a fine of not more than Five Thousand Dollars (\$5,000.00), or by imprisonment in the Tribal jail for not more than one (1) year, or both.
- C. Violation of the provisions of subsection A of this section with any flaming or glowing substance, or any substance which may cause a fire, including during a burn ban declared by the Chairman, shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by imprisonment in the tribal jail for not more than one (1) year, or by both such fine and imprisonment. The penalties collected from the payment of the citations shall, after deduction of court costs, be paid to the fire department of the district in which the flaming or glowing substance was discarded. Any person violating the provisions of this subsection shall be liable for all damages caused by the violation.
- D. In addition to the punishment prescribed by subsections B and C of this section, the court shall direct the person to make restitution to the property owner affected; to remove and properly dispose of the garbage, trash, waste, rubbish, refuse, or debris from the property; to pick up, remove, and properly dispose of garbage, trash, rubbish, refuse, debris, and other nonhazardous deleterious substances from public property; or perform community service or any combination of the foregoing which the court, in its discretion, deems appropriate. The dates, times, and locations of such activities shall be scheduled by the Police Chief pursuant to the order of the court in such a manner as not to interfere with the employment or family responsibilities of the person.
- E. The discovery of two or more items which have been dropped, dumped, deposited, discarded, placed, or thrown at one location and which bear a common address in a form which tends to identify the latest owner of the items shall create a rebuttable presumption that any competent person residing at such address committed the unlawful act.



- B. Nothing contained herein shall be construed to apply to, or repeal any laws pertaining to, the acts of mischief of juveniles involving no injurious firecrackers or devices commonly called "stink bombs".
- C. Violation of this section shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00) or by imprisonment in the Tribal jail for not more than one (1) year, or both.

Section 108 Malicious Mischief To Government Property Or Contracts

- A. It shall be unlawful to willfully injure or commit any depredation against any property of the Tribe, or of any department or agency thereof, or any property which has been or is being manufactured or constructed for the Tribe, or any department or agency thereof, or attempts to commit any of the foregoing offenses.
- B. Malicious Mischief To Government Property Or Contracts shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by imprisonment in the Tribal Jail for not more than one (1) year, or both.

Section 109 Trees Cut Or Injured

- A. It shall be unlawful to cut, or wantonly injure or destroy any tree growing, standing, or being upon any land of the United States which, in pursuance of law, has been reserved or purchased by the United States for any public use, or upon any Indian reservation, or lands belonging to or occupied by any tribe of Indians under the authority of the United States, or any Indian allotment while the title to the same shall be held in trust by the Government, or while the same shall remain inalienable by the allottee without the consent of the United States.
- B. Trees Cut Or Injured shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000.00), or by imprisonment in the Tribal Jail for not more than three (3) months, or both.

Section 110      Burglary

- A. It shall be unlawful to break into by any force whatsoever and enter in any manner any dwelling, building, office, room, apartment, tenement, shop warehouse, store, mill, barn, stable, garage, tent, vessel, railroad car, airplane, motor vehicle, trailer, or semi-trailer, mobile home, or any similar enclosed structure of another without consent with the intent to steal or commit any offense punishable by imprisonment.
- B. Burglary shall be punishable by a fine of not less than Two Hundred and Fifty Dollars (\$250.00) nor more than Five Thousand Dollars (\$5,000.00); or, by imprisonment in the Tribal jail for not less than three (3) months nor more than one (1) year; or, by banishment for a period of not less than five (5) years nor more than ten (10) years; or by any combination of the above sentences.
- C. Should the commission of the offense result in the death of or serious bodily injury to any person, a sentence of banishment may be imposed for any period not exceeding life in addition to the punishment authorized above.

Section 111      Breaking and Entering

- A. It shall be unlawful to break into by any force whatsoever and enter in any manner any dwelling, building, office, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, garage, tent, vessel, railroad car, airplane, motor vehicle trailer or semi-trailer, mobile home, trunk, drawer, box, coin operated machine, or similar structure, object, or device of another without consent with the intent to:
  - 1. Cause annoyance or injury to any person therein, or;
  - 2. Cause damage to any property therein, or;
  - 3. Commit any offense therein, or
  - 4. Steal, or
  - 5. Cause, or does actually cause, whether intentionally or recklessly, fear for the safety of another.
- B. Breaking and Entering shall be punishable by a fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Thousand Dollars (\$5,000.00), or by imprisonment in the Tribal jail for a period not exceeding three (3) months, or both.

Section 112      Criminal Trespass

- A. It shall be unlawful to enter onto, or remain upon the property of another if notice against entry or notice to leave the property had been given by:

1. Personal communication by the owner or someone having authority to act for the owner, or
  2. Fencing, other than barbed wire or similar field fences except as hereafter provided, or other enclosure obviously designed to exclude intruders, or
  3. Posting of signs restricting unauthorized entry or prohibiting entry reasonably designed to come to the attention of intruders.
- B. Criminal Trespass shall include, but not be limited to:
1. Cutting down or destroying any kind of wood or timber, standing or growing upon the lands of another; or, driving or riding through, into, or across any cultivated hedge or tree row, or any grove of ornamental trees or orchard of fruit trees growing upon the land of another, or in any other manner injuring the same; or,
  2. Carrying away any kind of wood or timber that has been cut down, and is lying on such lands; or,
  3. Maliciously severing from the freehold any produce thereof, or anything attached thereto; or,
  4. Digging, taking, or carrying away from any property without the license of the owner, or legal occupant thereof, any earth, soil or stone, being a part of the freehold, or severed therefrom at some previous time, under such circumstances as would render the trespass a larceny, if the thing so severed or carried away were personal property; or,
  5. Digging, taking, or carrying away from any land within the Tribe's territory, laid down on the map or plan of the Tribe as a street or avenue, or otherwise established or recognized as a street or avenue, without the license of the Governor, or owner of the fee thereof, any earth, soil or stone under such circumstances as would render the trespass a larceny, if the thing so severed or carried away were personal property; or
  6. Entering upon the premises or property of a child care shelter or facility without permission being first obtained; or
  7. Without permission or privilege to do so, enter in or upon any property or building, or surreptitiously remaining upon any property or in any building or structure.
- C. Criminal Trespass shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment in the Tribal jail for a term not exceeding three (3) months, or both.
- D. It is a complete affirmative defense to the offense of criminal trespass, except as defined in subsection B of this section, that:
1. The property was open to the public upon entry and upon being ordered to leave the person did so without undue delay, or

2. Even though not open to the public, the person did not substantially interfere with the use of the property or damage of any property, and upon being ordered to leave the person did so without undue delay.
- E. On rural lands fenced with barbed wire or other types of fencing normally meant to enclose or exclude domestic animals, signs prohibiting entry or use at least six (6) inches by eight (8) inches placed upon or in plain sight next to such fence not more than one hundred fifty (150) feet apart shall create a rebuttable presumption that reasonable notice against entry or entry for certain purposes had been given.

Section 113          Defacing or Injuring House of Worship

- A. It shall be unlawful to willfully break, deface, or otherwise injure any house of worship, or any part thereof, or any appurtenance thereto, or any book, furniture, ornament, musical instrument, article of silver or plated ware, or other chattel kept therein for use in connection with religious worship.
- B. Defacing or injuring a house of worship shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment in the Tribal jail for a term not exceeding one (1) year, or both.

Section 114          Theft or receipt of stolen mail

It shall be unlawful to:

- A. Steal, take, or abstract, or by fraud or deception obtain, or attempt so to obtain, from or out of any mail, post office, or station thereof, letter box, mail receptacle, or any mail route or other authorized depository for mail matter, or from a letter or mail carrier, any letter, postal card, package, bag, or mail, or abstract or remove from any such letter, package, bag, or mail, any article or thing contained therein, or secrete, embezzle, or destroy any such letter, postal card, package, bag, or mail, or any article or thing contained therein; or
- B. Steal, take, or abstract, or by fraud or deception obtain any letter, postal card, package, bag, or mail, or any article or thing contained therein which has been left for collection upon or adjacent to a collection box or other authorized depository of mail matter; or
- C. Buy, receive, or conceal, or unlawfully have in his possession, any letter, postal card, package, bag, or mail, or any article or thing contained therein, which has been stolen, taken, embezzled, or abstracted, as herein described, knowing the same to have been stolen, taken, embezzled, or abstracted.

- D. Theft or receipt of stolen mail shall be punishable by a fine not exceeding Two Thousand Dollars (\$2,000.00), or by imprisonment in the Tribal Jail not exceeding six (6) months, or both.

Section 115          Destruction of Letter Boxes or Mail

- A. It shall be unlawful to willfully or maliciously injure, tear down or destroy any letter box or other receptacle intended or used for the receipt or delivery of mail on any mail route, or break open the same or willfully or maliciously injure, deface or destroy any mail deposited therein.
- B. Destruction of letter boxes or mail shall be punishable by a fine not exceeding Two Thousand Dollars (\$2,000.00), or by imprisonment in the Tribal Jail not exceeding six (6) months, or both.

Section 116          Obstruction of Mails

- A. It shall be unlawful to knowingly and willfully obstruct or retard the passage of the mail, or any carrier or conveyance carrying the mail.
- B. Obstruction of mails shall be punishable by a fine not exceeding Two Thousand Dollars (\$2,000.00), or by imprisonment in the Tribal Jail not exceeding six (6) months, or both.

Section 117          Obstruction of Correspondence

- A. It shall be unlawful to, without authority, open or destroy any mail not directed to him, or take any letter, postal card, or package out of any post office or any authorized depository for mail matter, or from any letter or mail carrier, or which has been in any post office or authorized depository, or in the custody of any letter or mail carrier, before it has been delivered to the person to whom it was directed, with design to obstruct the correspondence, or to pry into the business or secrets of another, or open, secrete, embezzle, or destroy the same.
- B. Obstruction of correspondence shall be punishable by a fine not exceeding Two Thousand Dollars (\$2,000.00), or by imprisonment in the Tribal Jail not exceeding six (6) months, or both.

Section 118          Reserved

Section 119      Blackmail

- A. It shall be unlawful to verbally or by written or printed communication and with intent to extort or gain any thing of value from another or to compel another to do an act against his will:
  - 1. Accuse or threaten to accuse any person of a crime or conduct which would tend to degrade and disgrace the person accused; or
  - 2. Expose or threaten to expose any fact, report or information concerning any person which would in any way subject such person to the ridicule or contempt of society, coupled with the threat that such accusation or exposure will be communicated to a third person or persons unless the person threatened or some other person pays or delivers to the accuser or some other person some thing of value or does some act against his will.
- B. Blackmail shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment in the Tribal jail for a term not exceeding one (1) year, or both.

Section 120      Larceny

- A. It shall be unlawful to take or carry away any tangible or intangible personal property by fraud or stealth with the intent to deprive the owners thereof.
- B. Larceny shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment in the Tribal jail for a term not exceeding one (1) year, or both.
- C. If the value of the property taken exceeds One Thousand Dollars, (\$1,000.00) a sentence of banishment for a period of not exceeding ten (10) years may be imprisoned in addition to the punishment authorized above.

Section 121      Extortion

- A. It shall be unlawful to take, receive, obtain, or control the use or disposition of property of another with his consent induced by a wrongful use of force or fear or under color of official right.
- B. Fear such as will constitute extortion, may be induced by a threat, either:
  - 1. To do an unlawful injury to the person or property of the individual threatened, or to any relative of his or member of his family; or
  - 2. To accuse him, or any relative of his or member of his family, of any crime; or

3. To expose, or impute to him, or any relative of his or member of his family, any deformity or disgrace; or
  4. To expose any personal information or secret not public knowledge tending to expose any person to hatred, contempt, or ridicule, or to impair his business or reputation, except by institution of legal proceedings to recover the debt demanded or proper reports to bona fide credit agencies, or;
  5. To unlawfully take or withhold official action.
- C. Any person who extorts or attempts to extort any money or other property from another, under circumstances not amounting to robbery, by means of force or any threat such as mentioned in subsection B, or under color of official right is guilty of violating this section.
- D. Any person, who by an extortionate means, obtains from another his signature to any paper or instrument, whereby, if such signature were freely given, any property would be transferred, or any debt, demand, charge or right of action created, is punishable in the same manner as if the actual delivery of such property or payment of the amount of such debt, demand, charge or right of action were obtained.
- E. Any person who, with intent to extort any money or other property from another, sends to any person any letter or other writing, whether subscribed or not, expressing or implying, or adapted to imply, any threat, such as is specified in this section, is punishable in the same manner as if such money or property were actually obtained by means of such threat.
- F. Extortion shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment in the Tribal jail for a term not exceeding one (1) year, or both.
- G. If the value of the property extorted exceeds One Thousand Dollars (\$1,000.00), a sentence of banishment for a period not exceeding ten (10) years may be imposed in addition to the punishment authorized above.

Section 122      False Pretenses

- A. It shall be unlawful to obtain or attempt to obtain, take or attempt to take, or receive or attempt to receive from any person, agency, department, firm or corporation any money, property of thing of value, by means or by use of any trick or deception, or false or fraudulent representation, or statement or pretense, or by any other means or instruments or device commonly called the “confidence game”, or by means or use of any false or bogus checks, or by any other written or printed or engraved instrument or spurious coin, with the intent to deprive the owner thereof.
- B. False Pretenses shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment in the Tribal jail for a term not exceeding one (1) year, or both.

- C. If the value of the property gained by False Pretenses exceeds One Thousand Dollars (\$1,000.00), a sentence of banishment for a period not exceeding ten (10) years may be imposed in addition to the punishment authorized above.

Section 123      Embezzlement

- A. It shall be unlawful to wrongfully or fraudulently appropriate for a person's own use or the use of another any property of another with which the person has been entrusted.
- B. Embezzlement shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment in the Tribal jail for a term not exceeding one (1) year, or both.
- C. If the value of the property embezzled exceeds One Thousand Dollars (\$1,000.00), a sentence of banishment for a period not exceeding ten (10) years may be imposed in addition to the punishment authorized above.

Section 124      Receiving Stolen Property

- A. It shall be unlawful to possess, receive, buy, or conceal any personal property that has been stolen or otherwise obtained from its true owner in violation of this Act with the intent to deprive the true owner thereof.
- B. Receiving stolen property shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00) or by imprisonment in the Tribal jail for a term not exceeding one (1) year, or both.
- C. If the value of the property exceeds One Thousand Dollars (\$1,000.00), a sentence of banishment for a period not exceeding ten (10) years may be imposed in addition to the punishment authorized above.

Section 125      Theft of Property Lost, Mislaid or Delivered By Mistake

- A. It shall be unlawful to fail to take reasonable measures to restore property to a person entitled thereto, with the intent to deprive the owner thereof, when it is known or reasonable suspected that the property has been lost, mislaid, or delivered under a mistake as to the nature or amount of the property or the identity of the recipient.
- B. Theft of property lost, mislaid, or delivered by mistake shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment in the Tribal jail for a term not exceeding one (1) year, or both.

- C. If the value of the property exceeds One Thousand Dollars (\$1,000.00), a sentence of banishment for a period not exceeding ten (10) years may be imposed in addition to the punishment authorized above.

Section 126      Theft of Services

- A. It shall be unlawful to obtain services known to be available only for compensation by deception, threat, force or any other means with the intent to avoid due payment therefore.
- B. Theft of services shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment in the Tribal jail for a term not exceeding one (1) year, or both.
- C. If the value of the service rendered exceeds One Thousand Dollars (\$1,000.00), a sentence of banishment for a period not exceeding ten (10) years may be imposed in addition to the punishment authorized above.

Section 127      Unauthorized Use of a Vehicle

- A. It shall be unlawful to take, drive, or operate another's motor vehicle, motorcycle, bicycle, or wheeled conveyance without the consent of the owner, with the intent to temporarily deprive the owner of its use or possession.
- B. Unauthorized use of a vehicle shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment in the Tribal jail for a term not exceeding one (1) year, or both.
- C. If the vehicle sustains damages while in the custody, possession, or under the control of the person violating this section, the violator shall be required to make double restitution of the amount of the actual damage to the vehicle.

Section 128      Embezzlement and Theft From Indian Tribal Organizations

- A. It shall be unlawful to embezzle, steal, knowingly convert to his use or the use of another, willfully misapply or willfully permit to be misapplied, any of the moneys, funds, credits, goods, assets, or other property belonging to any Indian tribal organization or intrusted to the custody or care of any officer, employee, or agent of an Indian tribal organization; or
- B. Knowing any such moneys, funds, credits, goods, assets, or other property to have been so embezzled, stolen, converted, misapplied or permitted to be misapplied,

receive, conceal, or retain the same with intent to convert it to his use or the use of another.

- C. Embezzlement and theft from Indian tribal organizations shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment in the Tribal jail for a term not exceeding one (1) year, or both.

Section 129      Theft From Gaming Establishments On Indian Lands

- A. It shall be unlawful to abstract, purloin, willfully misapply, or take and carry away with intent to steal, any money, funds, or other property belonging to an establishment operated by or for or licensed by an Indian tribe pursuant to an ordinance or resolution approved by the National Indian Gaming Commission.
- B. Theft from gaming establishments on Indian lands shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment in the Tribal jail for a term not exceeding one (1) year, or both.

Section 130      Theft By Officers Or Employees Of Gaming Establishments On Indian Lands

- A. It shall be unlawful for a person, being an officer, employee, or individual licensee of a gaming establishment operated by or for or licensed by an Indian tribe pursuant to an ordinance or resolution approved by the National Indian Gaming Commission, to embezzle, abstract, purloin, willfully misapply, or take and carry away with intent to steal, any moneys, funds, assets, or other property of such establishment.
- B. Theft by officers or employees of gaming establishments on Indian lands shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment in the Tribal jail for a term not exceeding one (1) year, or both.

Section 131      Offenses Relating To Stamps

- A. It shall be unlawful to:
  - (1) Counterfeiting - With intent to defraud, alter, forge, make, or counterfeit any stamp, coupon, ticket, book, or other device prescribed under tribal authority for the collection or payment of any tax imposed, or sell, lend, or has in his possession any such altered, forged, or counterfeited stamp, coupon, ticket, book, or other device, or make, use, sell, or has in his possession any material in imitation of the material used in the manufacture of such stamp, coupon, ticket, book, or other device; or
  - (2) Mutilation or removal - Fraudulently cut, tear, or remove from any vellum, parchment, paper, instrument, writing, package, or article, upon which any

tax is imposed, any adhesive stamp or the impression of any stamp, die, plate, or other article provided, made, or used in pursuance of tribal law; or

- (3) Use of Mutilated, insufficient, or counterfeited stamps - Fraudulently use, join, fix, or place to, with, or upon any vellum, parchment, paper, instrument, writing, package, or article, upon which any tax is imposed,
    - (a) any adhesive stamp, or the impression of any stamp, die, plate, or other article, which has been cut, torn, or removed from any other vellum parchment, paper, instrument, writing, package, or article, upon which any tax is imposed; or
    - (b) any adhesive stamp or the impression of any stamp, die, plate, or other article of insufficient value; or
    - (c) any forged or counterfeited stamp, or the impression of any forged or counterfeited stamp, die, plate, or other article; or
  - (4) Reuse of Stamps -
    - (a) Preparation for reuse - Willfully remove or alter the cancellation or defacing marks of, or otherwise prepare, any adhesive stamp, with intent to use, or cause the same to be used, after it has already been used; or
    - (b) Trafficking - Knowingly or willfully buy, sell, offer for sale, or give away, any such washed or restored stamp to any person for use, or knowingly use the same; or
    - (c) Possession - Knowingly and without lawful excuse (the burden of proof of such excuse being on the accused) has in possession any washed, restored, or altered stamp, which has been removed from any vellum, parchment, paper, instrument, writing, package, or article.
- B. Conviction of the offense of Offenses Relating To Stamps shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment in the Tribal jail for a term not exceeding One (1) year, or by a sentence of banishment for a period not less than one (1) year nor exceeding five (5) years, or any combination of the above punishments.

Section 132 Unauthorized Use Or Sale Of Stamps

- A. It shall be unlawful to buy, sell, offer for sale, use, transfer, take or give in exchange, or pledge or give in pledge, except as authorized by law or in regulations made pursuant thereto, any stamp, coupon, ticket, book, or other device prescribed for the collection or payment of any tax imposed.
- B. Conviction of the offense of Unauthorized Use Or Sale Of Stamps shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment in the Tribal jail for a term not exceeding One (1) year, or by a sentence of banishment for a period not less than one (1) year nor exceeding five (5) years, or any combination of the above punishments.

Section 133 Reserved

Section 134 Reserved

Section 135 Reserved

Section 136 Forgery

- A. It shall be unlawful to alter any writing of another without his authority, or to make, complete, execute, authenticate, issue or transfer any writing so that it purports to be the act of another who did not authorized that act, with the intent to defraud or injure anyone.
- B. "Writing" includes printing or any other method of recording information, money, coins, tokens, stamps, seals, credit cards, badges, trademarks, money, and other symbols of value, right, privilege, or identification.
- C. Forgery shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment in the Tribal jail for a term not exceeding one (1) year, or by a sentence of banishment for a period not less than one (1) year nor exceeding five (5) years, or any combination of the above punishments. Upon a second or subsequent conviction for forgery, a sentence of banishment for a period not less than five (5) years, nor exceeding ten (10) years, may be imposed in addition to the punishment authorized above.

Section 137 Criminal Simulation

- A. It shall be unlawful to make, alter or utter or attempt to circulate or sell as genuine any object so that it appears to have value because of antiquity, rarity, source, or authorship which it does not possess, with intent to defraud anyone.

- B. Criminal simulation shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment in the Tribal jail for a term not exceeding one (1) year, or both.

Section 138      Fraudulent Handling of Recordable Instruments

- A. It shall be unlawful to destroy, remove or conceal any will, deed, mortgage, security instrument, Tribal resolution, any Tribal record, for which the law provides public recording, or to knowingly record a false or forged instrument, with the intent to deceive or injure anyone, or to conceal wrong doing.
- B. Fraudulent handling of recordable instruments shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment in the Tribal jail for a term not exceeding one (1) year, or by sentence of banishment for a period not less than one (1) year nor exceeding five (5) years, or any combination of the above punishments. Upon a second conviction for fraudulent handling of recordable instruments, a sentence of banishment for a period not less than five (5) years nor exceeding ten (10) years may be imposed in addition to the punishment authorized above.

Section 139      Tampering With Records

- A. It shall be unlawful to falsify, destroy, remove, or conceal any writing or record, with the intent to deceive or injure anyone or to conceal any wrong doing.
- B. Tampering with records shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment in the Tribal jail for a term not exceeding one (1) year, or by both fine and imprisonment, or by a sentence of banishment for a period not less than one (1) year nor exceeding five (5) years, or any combination of the above punishments. Upon a second conviction for tampering with records, a sentence of banishment for a period not less than five (5) years nor exceeding ten (10) years may be imposed in addition to the punishment authorized above.

Section 140      Bad Checks

- A. It shall be unlawful to issue or pass a check or similar sight order for the payment of money, for the purpose of obtaining any money, property, or other thing of value or paying for any services, rent, wages or salary, knowing or believing that it will not be honored by the drawee.

- B. Bad checks shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment in the Tribal jail for a term not exceeding one (1) year, or both. Restitution shall be required.

Section 141      Fraudulent Use of a Credit Card

- A. It shall be unlawful to use a credit card for the purpose of obtaining property or services with knowledge that:
  - 1. The card was stolen; or
  - 2. The card has been revoked or canceled; or
  - 3. For any other reason his use of the credit card is unauthorized by either the issuer or the person to whom the card has been issued.
- B. Fraudulent use of a credit card shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment in the Tribal jail for a term not exceeding one (1) year, or both. Restitution shall be required.

Section 142      Fraudulently Obtaining Personal Identity of Other Persons

- A. It shall be unlawful for any person to willfully and with fraudulent intent obtain the name, address, social security number, date of birth, place of business or employment, debit, credit or account numbers, driver license number, or any other personal identifying information of another person, living or dead, with intent to use, sell, or allow any other person to use or sell such personal identifying information to obtain or attempt to obtain money, credit, goods, property, or service in the name of the other person without the consent of that person.
- B. It shall be unlawful for any person to use with fraudulent intent the personal identity of another person, living or dead, or any information relating to the personal identity of another person, living or dead, to obtain or attempt to obtain credit or anything of value.
- C. It shall be unlawful for any person with fraudulent intent to lend, sell, or otherwise offer the use of such person's own name, address, social security number, date of birth, or any other personal identifying information or document to any other person with the intent to allow such other person to use the personal identifying information or document to obtain or attempt to obtain any identifying document in the name of such other person.
- D. It shall be unlawful for any person to willfully create, modify, alter or change any personal identifying information of another person with fraudulent intent to obtain any money, credit, goods, property, service or any benefit or thing of value, or to

control, use, waste, hinder or encumber another person's credit, accounts, goods, property, title, interests, benefits or entitlements without the consent of that person.

- E. Fraudulently obtaining personal identity of other persons shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment in the Tribal jail for a term not exceeding one (1) year, or both. Restitution shall be required.

Section 143      Defrauding Casinos, Hotels, Inns, Restaurants, Apartments, etc.

- A. It shall be unlawful to obtain food, lodging, services or other accommodations at any casino, hotel, inn, restaurant, boarding house, rooming house, motel or auto camp, with intent to defraud the owner or keeper thereof.
- B. It shall be unlawful to obtain shelter, lodging, or any other services at any apartment house, apartment, rental unit, rental house, or trailer camp, with intent to defraud the owner or keeper thereof.
- C. Defrauding casinos, hotels, inns, restaurants, apartments, etc., shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment in the Tribal jail for a term not exceeding one (1) year, or both. Restitution shall be required.
- D. Proof that such lodging, food, services or other accommodations were obtained by false pretense or by false or fictitious show or pretense of any baggage or other property, or that he gave a check on which payment was refused, or that he left the hotel, inn, restaurant, boarding house, rooming house, motel, apartment house, apartment, rental unit or rental house, trailer camp or auto camp, without payment or offering to pay for such food, lodging, services or other accommodation, or that he surreptitiously removed or attempted to remove his baggage, or that he registered under a fictitious name, shall be prima facie proof of the intent to defraud mentioned in this section; but this section shall not apply where there has been an agreement in writing for delay in payment.

Section 144      Unlawful Procurement of Electronic, Telephone or Utility Services

- A. It shall be unlawful to defraud any individual, corporation, or other person, with intent to defraud or to aid and abet another to defraud any individual, corporation, or other person, of the lawful charge, in whole or in part, for any electronic, telephone or utility service, or to avoid or attempt to avoid or to cause or assist another to avoid or attempt to avoid any such charge for such service:
  - 1. by charging such service to an existing account, or using such services from an existing account, telephone number or credit card number without the authority of the subscriber thereto or the legitimate holder thereof; or

2. by charging such service to a nonexistent, false, fictitious, or counterfeit account, telephone number or credit card number or to a suspended, terminated, expired, cancelled or revoked account, telephone number or credit card number; or
  3. by use of a code, prearranged scheme, or other similar stratagem or device whereby said person in effect sends or receives information; or
  4. by rearranging, tampering with or making connection with any facilities or equipment of a telephone or other communications or utility company, whether physically, inductively, acoustically, or electrically, or by utilizing such service, having reason to believe that such rearrangement, connection, or tampering existed or occurred.
- B. Unlawful procurement of electronic, telephone or utility services shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment in the Tribal jail for a term not exceeding one (1) year, or both.

Section 145          False Statements Made as Basis of Imposing Tax or Assessment

- A. It shall be unlawful to willfully state any material matter which he knows to be false in making any statement, oral or written, which is required or authorized by law to be made as the basis of imposing any tax or assessment, or of an application to reduce any tax or assessment.
- B. False statements made as basis of imposing tax or assessment shall be punishable by a fine not exceeding Five Thousand Fifty Dollars (\$5,000.00), or by imprisonment in the Tribal jail for a term not exceeding one (1) year, or both.

Section 146          Reserved

Section 147          Deceptive Business Practices

- A. It shall be unlawful to, in the course of business, intentionally:
1. Use or possess for use a false weight or measure, or any other device for falsely determining or recording any quality or quantity; or
  2. Sell, offer, or expose for sale, or deliver less than the represented quality or quantity of any commodity or service; or
  3. Take or attempt to take more than the represented quantity of any commodity or service when as buyer he furnishes the weight or measure; or
  4. Sell, offer or expose for sale adulterated or mislabeled commodities:

- a. “adulterated” means varying from the standard of composition or quality prescribed by law or commercial usage; or
  - b. “mislabeled” means varying from the standard of truth or disclosure in labeling prescribed by law or commercial usage; or
- 5. Make a substantial false or misleading statement in any advertisement addressed to the public or a substantial segment thereof for the purpose of promoting the purchase or sale of property or services; or
- 6. Make a false or misleading written statement for the purpose of obtaining property or credit; or
- 7. Make a false or misleading written statement for the purpose of promoting the sales of securities, or omit information required by law to be disclosed in written documents relating to securities.
- B. Deceptive business practice shall be punishable by a fine not exceeding Five Thousand Fifty Dollars (\$5,000.00), or by imprisonment in the Tribal jail for a term not exceeding three (3) months, or both.
- C. It is an affirmative defense to deceptive business practice that the defendant's conduct was not knowingly or recklessly deceptive.
- D. Upon a second or subsequent offense, banishment for a period of not more than ten (10) years may be imposed in addition to the punishment authorized above.

Section 148      Defrauding Creditors

- A. It shall be unlawful to:
  - 1. Destroy, remove, conceal, encumber, transfer, or otherwise deal with property subject to a security interest with the intent to hinder enforcement of that interest; or
  - 2. Deal with property with the intent to defeat or obstruct the operation of any law relating to administration of property for the benefit of creditors; or knowingly falsify any writing or record relating to the property; or knowingly misrepresent or refuse to disclose to a person entitled to administer property for the benefit of creditors, the existence, amount or location of the property, or any other information which the actor could be legally required to furnish in relation to such administration.
- B. Defrauding creditors shall be punishable by a fine not exceeding Two Hundred Fifty Dollars (\$250.00), or by imprisonment in the Tribal jail for a term not exceeding three (3) months, or both.

Section 149      Securing Execution of Documents by Deception

- A. It shall be unlawful to intentionally, and by deception, cause another to execute any instrument affecting or likely to affect the pecuniary interest of any person.
- B. Securing execution of documents by deception shall be punishable by a fine not exceeding Two Hundred Fifty Dollars (\$250.00), or by imprisonment in the Tribal jail for a term not exceeding three (3) months, or both.

Section 150      Criminal Usury

- A. It shall be unlawful to intentionally provide financing or make loans at a rate of interest higher than the following:
  - 1. If the amount to which the interest applies is less than One Hundred Dollars (\$100.00) or the period of the loan or financing is less than one (1) year, or both, the rate of interest shall not exceed a 24% per annum simple interest rate.
  - 2. If the amount to which the interest applies is greater than One Hundred Dollars (\$100.00) or the period of the loan or financing is greater than one (1) year, or both, the rate of interest shall not exceed an 18% per annum simple interest rate.
- B. Criminal usury shall be punishable by a fine not exceeding Two Hundred Fifty Dollars (\$250.00), or by imprisonment in the Tribal jail for a term not exceeding three (3) months, or both. The victim shall be entitled to restitution for double the actual amount of interest which was actually paid and cancellation of all interest owing for the term of the financing.

Section 151      Unlawful Dealing with Property by a Fiduciary

- A. It shall be unlawful to knowingly deal with property that has been entrusted to one in a fiduciary capacity, or property of the Tribal government or of a financial institution, in a manner which is known to be a violation of his fiduciary duty, or which involves a substantial risk or loss to the owner or to a person for whose benefit the property was entrusted.
- B. As used in this section, “fiduciary” includes a trustee, guardian, executor, administrator, receiver or any person carrying on fiduciary functions on behalf of a corporation or other organization which is a fiduciary.
- C. Unlawful dealing with property by a fiduciary shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment in the Tribal jail for a term not exceeding one (1) year, or both.

Section 152 Making a False Credit Report

- A. It shall be unlawful to knowingly make a materially false or misleading statement to obtain property or credit for oneself or another or to keep some other person from obtaining credit.
- B. Making a false credit report shall be punishable by a fine not exceeding Two Hundred Fifty Dollars (\$250.00), or by imprisonment in the Tribal jail for a term not exceeding three (3) months, or both.

Section 153 Reserved

Section 154 Reserved

Section 155 Reserved

Section 156 Reserved

Section 157 Reserved

Section 158 Reserved

Section 159 Reserved

Section 160 Reserved

Section 161 Reserved

Section 162 Reserved

## CHAPTER 2: CRIMES AGAINST PERSONS

### Section 201 Assault in the First Degree

- A. It shall be unlawful to wrongfully, purposely, knowingly, or recklessly under circumstances manifesting indifference to the value of human life, to:
  - 1. Attempt to cause or cause serious bodily injury to another; or
  - 2. To use a deadly weapon with the intent to cause serious bodily injury, or with the intent to put in fear of imminent serious bodily injury with the apparent ability to do so.
- B. Assault in the first degree shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or banishment for a term of not less than one (1) year, nor more than ten (10) years, or any combination of the above punishments.

### Section 202 Assault in the Second Degree

- A. It shall be unlawful to wrongfully, purposely, knowingly, or recklessly:
  - 1. Attempt to cause or cause bodily injury to another; or
  - 2. Negligently cause bodily injury to another with a weapon; or
  - 3. Attempt by a show of force or violence to put another in fear of imminent bodily injury with the apparent ability to do so; or
  - 4. Recklessly endanger another by an act or omission to act which threatens to cause serious bodily injury to another, whether or not such harm actually occurs.
- B. Assault in the second degree shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.

### Section 203 Mayhem

- A. It shall be unlawful to wrongfully, purposely, or knowingly deprive a human being of a member of his body or render it useless, or to cut out or disable the tongue, put out an eye or eyes, or slit the nose, ear or lip of another.
- B. Mayhem shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1)

year, or banishment for a term of not less than one (1) year nor more than life, or any combination of the above punishments.

Section 204      Verbal or Written Assault

- A. It shall be unlawful to threaten verbally or in writing to commit any offense involving violence with apparent ability to do so:
  - 1. With intent to terrorize another or place such other in fear of imminent serious bodily injury or
  - 2. To cause evacuation of a building, place of assembly, or facility of public transportation, or otherwise to cause serious public inconvenience.
- B. Verbal or written assault shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.

Section 205      Verbal Abuse by a Caretaker

- A. It shall be unlawful for a caretaker to verbally abuse any person entrusted to the care of the caretaker, or knowingly cause, secure, or permit an act of verbal abuse to be done.
- B. Verbal abuse by a caretaker shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.
- C. For the purpose of this section, “verbal abuse” means the repeated use of words, sounds, or other forms of communication by a caretaker, including but not limited to, language, gestures, actions or behaviors, that are calculated to humiliate or intimidate or cause fear, embarrassment, shame, or degradation to the person entrusted to the care of the caretaker.

Section 206      Omission to Provide for a Child

- A. It shall be unlawful, unless otherwise provided for by law, for any parent, guardian, or person having custody or control of a child as defined by tribal statute who willfully omits, without lawful excuse, to furnish necessary food, clothing, shelter, monetary child support, medical attendance, payment of court-ordered day care or payment of court-ordered medical insurance costs for such child which is imposed by law.

- B. Omission to provide for a child shall include any person obligated to make child support payments who willfully and without lawful excuse becomes delinquent in said child support payments and such delinquent child support accrues without payment by the obligor for a period of one (1) year, or exceeds Five Thousand Dollars (\$5,000.00).
- C. Omission to provide for a child shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000.00), or by a term of imprisonment in the Tribal jail not to exceed six (6) months, or both. Any subsequent conviction pursuant to this section shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.
- D. As used in this section, the duty to furnish medical attendance shall mean that the parent or person having custody or control of a child must furnish medical treatment in such manner and on such occasions as an ordinarily prudent person, solicitous for the welfare of a child, would provide; such parent or person having custody or control of a child is not criminally liable for failure to furnish medical attendance for every minor or trivial complaint with which the child may be afflicted.
- E. It shall be unlawful for any person to leave the jurisdiction to avoid providing necessary food, clothing, shelter, court-ordered monetary child support, or medical attendance for such child. Violation of this subsection shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.
- F. Nothing in this section shall be construed to mean a child is endangered for the sole reason the parent, guardian or person having custody or control of a child, in good faith, selects and depends upon spiritual means alone through prayer, in accordance with the tenets and practice of a recognized church or religious denomination, for the treatment or cure of disease or remedial care of such child; provided, that medical care shall be provided where permanent physical damage could result to such child; and that the laws, rules, and regulations relating to communicable diseases and sanitary matters are not violated.

Section 207      Child Endangerment

- A. It shall be unlawful for a person who is the parent, guardian, or person having custody or control over a child as defined by tribal statute, to knowingly permit physical or sexual abuse of a child or to knowingly permit a child to be present at a location where alcoholic beverages or intoxicating substances are being consumed or ingested or where a controlled dangerous substance is present or is being manufactured or attempted to be manufactured as defined by tribal statute. However, it is an affirmative defense to this section if the person had a reasonable apprehension that any action to stop the abuse would result in substantial bodily harm to the person or the child.

- B. The provisions of this section shall not apply to any parent, guardian or other person having custody or control of a child for the sole reason that the parent, guardian or other person in good faith selects and depends upon spiritual means or prayer for the treatment or cure of disease or remedial care for such child. This subsection shall in no way limit or modify the protections afforded said child in Section 206 of this Act or in the Tribe's child protection laws.
- C. Child Endangerment shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.

Section 208      Child Neglect

It shall be unlawful:

- A. For a parent, guardian, or other person supervising the care or custody of a minor child to negligently, carelessly, or knowingly fail a duty to provide care, safety, protection, or support for the child; or
- B. For a parent, guardian, or other person supervising the care or custody of a minor child to negligently, carelessly, or knowingly fail a duty to require the child to maintain school attendance.
- C. Child Neglect shall be punishable by a fine not exceeding Five Hundred Dollars (\$500.00), or by a term of imprisonment in the Tribal jail not to exceed Thirty (30) days, or both.

Section 209      Failure To Provide Support

- A. It shall be unlawful for any parent, guardian or person having custody of a child or other dependent to, without lawful excuse, fail to furnish or provide necessary food, clothing, health, shelter, monetary child support, or medical attendance to a child or other dependent.
- B. Failure To Provide Support shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00), or by a term of imprisonment in the Tribal jail not to exceed Thirty (30) days, or both.

Section 210      Truancy

- A. It shall be unlawful for a parent of a minor who is over the age of six years and under the age of 18 years to neglect or refuse to cause or compel such a minor to attend and

comply with the rules of a public, private or other school of the parent's choosing in which the minor is enrolled.

B. It shall be unlawful for any minor who is over the age of six and who has not finished four years of high school work to neglect or refuse to attend and comply with the rules of some public, private or other school or receive an education by other means for the full term the schools of the district in which the minor attends are in session, provided that this section shall not apply if any such minor is:

1. Prevented from attending school because of mental or physical disability, as determined by the board of education of the district, upon a certificate of the school physician or public health physician or, if no such physician is available, a duly licensed and practicing physician;
2. Excused from attending school, due to an emergency, by the principal of the school in which the minor is enrolled, at the request of the parent of the minor;
3. Excused from attending school by:
  1. The administrator of the school or district where the minor attends school; and
  2. The parent of the minor.

Provided, further, that no minor shall be excused from attending school by such joint agreement between the school administrator and the parent of the minor unless and until it has been determined that such action is in the best interest of the minor and/or the community and that such minor shall thereafter be under the supervision of the parent until the minor has reached the age of 18 years; and

4. Observing religious holy days if, prior to the absence, the parent of the minor submits a written request for the absence. The school district shall excuse a student pursuant to this subsection for the days on which the religious holy days are observed and for the days in which the student must travel to and from the site where the student will observe the holy days.

C. Any parent convicted of violating this section shall be punished by a fine of not more than \$500.00, plus costs, or by imprisonment for not more than 60 days or by both such fine and imprisonment. Each separate day of violation shall constitute a separate offense.

D. Any minor convicted of violating this section shall be punished on the first offense by a fine of not more than \$50.00, on the second offense by a fine of not more than \$100.00, and on every subsequent offense by a fine of not more than \$500.00, plus costs. Each separate day of violation shall constitute a separate offense.

Section 211      Homicide in the First Degree

A. It shall be unlawful to:

1. Purposely, knowingly and wrongfully with the malice aforethought cause the death of another human being , or
  2. Cause the death of another human being due to the commission or attempted commission of a felony or offense punishable by banishment.
- B. Homicide in the first degree shall be punishable by a fine of Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year; or by banishment for a period not less than ten (10) years nor more than life; or any combination of the above.

Section 212          Homicide in the Second Degree

- A. It shall be unlawful to:
1. Recklessly or negligently with disregard of the possible consequence of ones conduct to cause the death of another human being; or
  2. Cause the death of another human being by operating a motor vehicle in a reckless, negligent, or careless manner, or while under the influence of an alcoholic beverage, intoxicating liquor, a controlled substance, or any drug, to a degree which renders the person incapable of safely driving a vehicle.
    - a. A blood alcohol content in excess of .10 shall create a rebuttable presumption that the person was under the influence of an alcoholic beverage.
    - b. For purposes of this section, a motor vehicle is any self-propelled vehicle and includes, but is not limited to, any automobile, truck, van, motorcycle, train, engine, watercraft, aircraft or snowmobile.
  3. Cause the death of a human being due to the commission of any criminal offense.
- B. Homicide in the second degree shall be punishable by a fine of Five Thousand Dollars (\$5,000.00), or by term of imprisonment in the Tribal jail not to exceed one (1) year; or by banishment for a period not less than one (1) year nor more than twenty (20) years; or any combination of the above.

Section 213          Causing a Suicide

- A. It shall be unlawful to intentionally cause a suicide by force, duress, or deception.
- B. Causing a suicide shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or by banishment for a period of not less than one (1) year nor more than twenty (20) years or any combination of the above.

Section 214      Aiding or Soliciting a Suicide

- A. It shall be unlawful to intentionally aid or solicit another to attempt or commit suicide.
- B. Punishment.
  - 1. Aiding or soliciting a suicide shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both, if the defendant's conduct has actually caused or contributed substantially to a suicide, or attempted suicide.
  - 2. Otherwise, aiding or soliciting a suicide is punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00), or by a term of imprisonment in the Tribal jail not to exceed three (3) months, or both.

Section 215      Reserved

Section 216      Reserved

Section 217      Reserved

Section 218      Reserved

Section 219      Reserved

Section 220      Reserved

Section 221      Kidnapping

- A. It shall be unlawful to intentionally and wrongfully remove another from his place of residence, business, or from the vicinity where he is found, or to unlawfully confine or conceal another for a substantial period, with any of the following purposes:
  - 1. To hold for ransom or reward, or as a shield or hostage; or
  - 2. To facilitate commission of any offense or flight thereafter; or
  - 3. To inflict bodily injury on or to terrorize the victim or another; or
  - 4. To interfere with the performance of any Tribal governmental or political function.
- B. A removal, restraint, or confinement is wrongful within the meaning of this Act if it is accomplished by force, threat or deception, or, in the case of a person under the age of fourteen (14) or incompetent, if it is accomplished without the consent of a parent, guardian or other person responsible for general supervision of his welfare.

- C. Kidnapping shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year; or by banishment for a period not less than five (5) years nor more than ten (10) years if the kidnapping resulted in bodily injury; or by banishment for a period not less than five (5) years nor more than life in the case of a second or subsequent conviction for kidnapping or if death resulted; or any combination of the above.

Section 222      False Imprisonment

- A. It shall be unlawful to knowingly and wrongfully restrain or imprison another so as to interfere with his liberty.
- B. False imprisonment shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00). or by a term of imprisonment in the Tribal jail not to exceed three (3) months, or both, unless the detention occurs under circumstances which expose the victim to a risk of serious bodily injury, in which case the offense shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.

Section 223      Custodial Interference

- A. It shall be unlawful to wrongfully:
  - 1. Take, entice, conceal, or detain a child under the age of sixteen (16) from his parent, guardian or other lawful custodian, knowing he has no legal right to do so, and
    - a. with the intent to hold the child for period substantially longer than any visitation or custody period previously awarded by a court of competent jurisdiction; or
    - b. with the intent to deprive another person of their lawful visitation or custody rights; or
  - 2. Intentionally take, entice or detain an incompetent or other person who has been committed by authority of law to the custody of another person or institution from the other person or institution, without good cause and with knowledge that there is no legal right to do so.
- B. Custodial interference shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000.00) or by a term of imprisonment in the Tribal jail not to exceed six (6) months or both.

Section 224 Criminal Coercion

- A. It shall be unlawful to intentionally and wrongfully restrict another's freedom of action to his detriment, by threatening to:
  - 1. Commit any criminal offense; or
  - 2. Accuse anyone wrongfully of a criminal offense; or
  - 3. Expose any secret tending to subject any person to hatred, contempt or ridicule, or to impair his credit or business reputation; or
  - 4. Unlawfully take or withhold action as an official, or cause an official to take or withhold action.
- B. It is an affirmative defense to prosecution based on this section, except for subsection (1) above, that the actor believed the accusation or secret to be true or the proposed official action justified and that his purpose was limited to compelling the other in a lawful manner to behave in a way reasonably related to the circumstances which were the subject of the accusation, exposure, or proposed official action; for example, as by refraining from further misbehavior, making good a wrong done, refraining from taking any action or responsibility for which the actor believes the other disqualified.
- C. Criminal coercion shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.

Section 225 Pointing Weapons at Others

- A. It shall be unlawful, to point any pistol, rifle, or shotgun, or any other deadly weapon, whether loaded or not, at any other person or persons, except for an act of self-defense.
- B. Pointing weapons at others shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.
- C. If the person violating this section has been issued a concealed handgun license, nothing in this section prevents the person from being subject to an administrative violation.

Section 226 Assault On Process Server

It shall be unlawful to:

- A. Knowingly and willfully obstruct, resist, or oppose any officer of the Tribe, or other person duly authorized, in serving, or attempting to serve or execute, any legal or judicial writ or process of any court of the Tribe, or tribal judge; or
- B. Assault, beat, or wound any officer or other person duly authorized, knowing him to be such an officer, or other person so duly authorized, in serving or executing any such writ, rule, order, process, warrant, or other legal or judicial writ or process.
- C. Assault on process server shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not exceeding one (1) year, or both.

Section 227      Assaulting, Resisting, or Impeding Certain Officers or Employees

It shall be unlawful to:

- A. Forcibly assault, resist, oppose, impede, intimidate, or interfere with any officer, agent, or employee while such officer, agent, or employee is engaged in or on account of the performance of official duties, or any person assisting such officer, agent, or employee in the performance of such duties or on account of that assistance; or
- B. Forcibly assault, harass, or intimidate any person who formerly served as a person designated in subsection A on account of the performance of official duties during such person's term of service.
- C. Assault, Resisting, or Impeding Certain Officers or Employees shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not exceeding one (1) year, or both.

Section 228      Resistance to Extradition Agent

- A. It shall be unlawful to knowingly and willfully obstruct, resist, or oppose an extradition agent of any federal, tribal, state, or local government in the execution of his duties.
- B. Resistance to extradition agent shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not exceeding one (1) year, or both.

Section 229        Reserved

Section 230        Reserved

Section 231        Rape in the First Degree

- A.     It shall be unlawful to intentionally and wrongfully:
  - 1.    Compel another to submit to sexual intercourse by force or by the threat of imminent death, serious bodily injury, extreme pain, or kidnapping to be inflicted on that person or anyone else; or
  - 2.    Engage in sexual intercourse with a person under the age of fourteen (14), regardless of consent.
- B.     Rape in the first degree shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or by banishment for a period not less than five (5) years nor more than life, or any combination of the above.

Section 232 Rape in the Second Degree

- A. It shall be unlawful to intentionally and wrongfully:
1. Compel another to submit to sexual intercourse by any threat that would prevent resistance by a person of ordinary resolution; or
  2. Engage in sexual intercourse with another whose power to appraise or control their conduct has been substantially impaired by the administration or employment of drugs or other intoxicants, without their knowledge, and for the purpose of preventing resistance; or
  3. Engage in sexual intercourse with a person with the knowledge that the person suffers from a mental disease or defect which renders that person incapable of appraising the nature of their conduct; or
  4. Engage in sexual intercourse with a person who is unconscious or with a person who is unaware, or with a person who submits because they falsely suppose that the person is their spouse; or
  5. Engage in sexual intercourse with a person under the age of sixteen (16) but over the age of fourteen (14), regardless of consent, the perpetrator being at least four (4) years older than the victim.
- B. Rape in the second degree shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00); or by a term of imprisonment in the Tribal jail not to exceed one (1) year; or by banishment for a period not less than one (1) year nor more than five (5) years; or any combination of the above.

Section 233 Deviate Sexual Intercourse

- A. It shall be unlawful to engage in deviate sexual intercourse, defined as sexual intercourse per os or per anum between human beings who are not husband and wife, or any form of sexual intercourse with an animal, and it shall be unlawful to cause another to engage in deviate sexual intercourse if:
1. That person is compelled to participate by any threat that would prevent resistance by a person of ordinary resolution; or
  2. That person is compelled to participate by force or by threat of imminent death, serious bodily injury, extreme pain or kidnapping, to be inflicted on anyone; or
  3. The other person's power to appraise or control his conduct has been substantially Impaired by the administration or employment of drugs or other intoxicants, without his knowledge, and for the purpose of preventing resistance; or
  4. The offender has knowledge that the other person suffers from a mental disease or defect which renders him incapable of appraising the nature of this conduct or the

offender has knowledge that the other person is unconscious or submits because he is unaware that a sexual act is being committed upon him; or

- B. Deviate sexual intercourse shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.

Section 234      Sexual Assault

- A. It shall be unlawful to intentionally, wrongfully, and without consent subject another, not his/her spouse, to any sexual contact:
  - 1. With knowledge that the conduct is offensive to the other person; or
  - 2. With knowledge that the other person suffers from a mental disease or defect which renders him incapable of appraising the nature of his conduct; or
  - 3. With knowledge that the other person is unaware that a sexual act is being committed; or
  - 4. After having substantially impaired the other person's power to appraise or control his conduct by administering or employing without the other's knowledge drugs, intoxicants, or other means for the purpose of preventing resistance; or
  - 5. If that person is less than fourteen (14) years old regardless of consent; or
  - 6. If that person is less than sixteen (16) years old and the actor is at least four (4) years older than the person regardless of consent; or
  - 7. If that person is less than twenty-one (21) years old and the actor is his parent, guardian or otherwise responsible for general supervision of his welfare regardless of consent; or
  - 8. If that person is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over him regardless of consent.
- B. Sexual contact is any touching of the sexual or other intimate parts of the person of another or otherwise taking indecent liberties with another for the purpose of arousing or gratifying sexual desire of either party.
- C. Sexual assault shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.

Section 235      Reserved

Section 236      Reserved

Section 237 Reserved

Section 238 Reserved

Section 239 Reserved

Section 240 Reserved

Section 241 Robbery

- A. It shall be unlawful to take anything of value from the person of another or from the immediate control of another by use of force or violence, with the intent to permanently deprive the owner thereof.
- B. Robbery shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00); or by a term of imprisonment in the Tribal jail not to exceed one (1) year; or, when any person is seriously injured as a result of a violation of this section, banishment for a period not less than one (1) year nor more than five (5) years may be imposed.

Section 242 Reserved

Section 243 Reserved

Section 244 Reserved

Section 245 Reserved

Section 246 Reserved

Section 247 Reserved

Section 248 Reserved

Section 249 Reserved

Section 250 Reserved

Section 251 Reserved

## CHAPTER THREE: INCHOATE CRIMES

### Section 301      Attempt

- A. It shall be unlawful to engage in conduct within the Tribal jurisdiction constituting a substantial step toward commission of any offense under Tribal, Federal, or State laws applicable to the jurisdiction in which any part of the offense was to be completed with the kind of culpability otherwise required for the commission of the offense.
- B. Any act constituting a substantial step toward the commission of any Tribal or Federal offenses within the Tribal jurisdiction while acting with the kind of culpability otherwise required for the commission of the offense shall constitute attempt.
- C. Attempts shall be punishable by the same penalties as the completed crime.

### Section 302      Criminal Conspiracy

- A. It shall be unlawful to agree within the Tribal jurisdiction with one or more persons to engage in or cause the performance of conduct with the intent to commit any offense punishable by Tribal, Federal, or State laws applicable to the jurisdiction in which the conduct is agreed to be performed, and any one person commits an overt act in pursuance of the conspiracy.
- B. Any agreement with one or more persons to engage or cause the performance of conduct with the intent to commit any Tribal or Federal offense within the Tribal jurisdiction by any one person commits an overt act in pursuance of the conspiracy.
- C. Conspiracy to commit an offense carries the same possible punishment as the completed offense.

### Section 303      Solicitation

- A. It shall be unlawful within the Tribal jurisdiction to entice, advise, incite, order, or otherwise encourage another to commit any offense, with the intent that such other person commit an offense punishable under the laws of the jurisdiction where the conduct was to be performed.
- B. Solicitation shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000.00), or by a term of imprisonment in the Tribal jail not to exceed six (6) months, or both.

Section 304 Reserved  
Section 305 Reserved  
Section 306 Reserved  
Section 307 Reserved  
Section 308 Reserved  
Section 309 Reserved  
Section 310 Reserved  
Section 311 Reserved  
Section 312 Reserved  
Section 313 Reserved

## CHAPTER FOUR: CRIMES AGAINST PUBLIC JUSTICE

### Section 401 Bribery

- A. It shall be unlawful to ask for, give, offer, accept, or agree to accept, any money, goods, right in action, property, thing of value or advantage, present or prospective, or any promise or undertaking, given with intent to influence unlawfully in respect to any act, decision, vote, opinion, or other proceeding of the person to whom it is given.
- B. Bribery shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00); or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or by banishment for not less than five (5) years nor more than ten (10) years; or any combination of the above authorized punishments. For a second or subsequent conviction under this section, banishment may be imposed for not less than ten (10) years nor more than life.

### Section 402 Improper Influence in Official Matters

- A. It shall be unlawful to:
  - 1. Threaten unlawful harm to any person with intent to influence another's decision, opinion, recommendation, vote or other exercise of discretion as a public servant, party official, or voter; or
  - 2. Threaten harm to any public servant or relative of a public servant with the intent to influence his decision, opinion, recommendation, vote or other exercise of discretion in a judicial, legislative, or administrative, or administrative proceeding; or
  - 3. Threaten harm to any public servant or official or relative of either with the intent to influence him to violate his duty; or
  - 4. Willfully either by force, physical interference, fraud intimidation, threat of violence, or by means of any independently unlawful act, deter or prevent or attempt to deter or prevent, any public servant or official from performing any official act, function or power or duty imposed upon such person by law; or
  - 5. Privately address any public servant who has or will have an official discretion in a judicial or administrative proceeding and making thereby any representation, entreaty, argument, or, other communication designed to influence the outcome on the basis of considerations other than those authorized by law.
- B. It is no defense to prosecution under this section that a person whom the actor sought to influence was not qualified to act in the desired way, whether because he had not yet assumed office, or lacked jurisdiction, or for any other reason.
- C. Improper influence in official matters shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00); or by a term of imprisonment in the Tribal jail not to exceed six (6) months; or by banishment for not less than five (5) years nor more than ten

(10) years; or any combination of the above authorized punishments. For a second or subsequent conviction under this section, banishment may be imposed for not less than ten (10) years nor more than life.

Section 403          Retaliation for Past Official Action

- A. It shall be unlawful; to harm any person by any unlawful act in retaliation for anything lawfully done by another person in his capacity as a public servant.
- B. Retaliation for past official action shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00); or by a term of imprisonment in the Tribal jail not to exceed one (1) year; or by banishment for not less than five (5) years nor more than ten (10) years; or any combination of the above authorized punishments. For a second or subsequent conviction under this section, banishment may be imposed for not less than ten (10) years not more than life.

Section 404          Improper Gifts to Public Servants

- A. It shall be unlawful to knowingly confer or offer, or agree to confer or offer, any benefit to a public servant with the intent to induce an exercise of their discretion in an unlawful manner, or to undermine official impartiality.
- B. This section shall not apply to:
  - 1. Fees prescribed by law to be received by public servant, or any benefit for which the recipient gives lawful consideration or to which he is otherwise entitled; or
  - 2. Gifts or other benefits conferred on account of kinship, traditional ceremonies, or other personal, professional or business relationship independent of the official status of the receiver; or
  - 3. Trivial benefits incidental to personal, professional or business contacts and involving no substantial risk of undermining official impartiality.
- C. Improper gifts to public servants shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00); or by a term of imprisonment in the Tribal jail not to exceed six (6) months; or by banishment for not less than five (5) years nor more than ten (10) years; or any combination of the above authorized punishments. For a second or subsequent conviction under this section, banishment may be imposed for not less than ten (10) years nor more than life.

Section 405          Unofficial Misconduct

- A. It shall be unlawful to exercise or attempt to exercise any of the functions of a public office when one has not been elected or appointed to office.
- B. Unofficial misconduct shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00); or by a term of imprisonment in the Tribal jail not to exceed one (1) year; or by banishment for not less than five (5) years nor more than ten (10) years; or any combination of the above authorized punishments. For a second or subsequent conviction under this section, banishment may be imposed for not less than ten (10) years nor more than life.

Section 406          Oppression in Office

- A. It shall be unlawful when acting or purporting to act in an official capacity or taking advantage of such actual or purported capacity, with knowledge that such conduct is illegal, to:
  - 1. Subject another to arrest, detention, search, seizure, mistreatment, dispossession, assessment, lien or other infringement or personal or property rights; or;
  - 2. Deny or impede another in the exercise or enjoyment of any right, power, or immunity.
- B. Oppression in office shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00); or by a term of imprisonment in the Tribal jail not to exceed one (1) year; or by banishment for not less than five (5) years nor more than ten (10) years; or any combination of the above authorized punishments. For a second or subsequent conviction under this section, banishment may be imposed for not less than ten (10) years nor more than life.

Section 407          Misusing Public Money

- A. It shall be unlawful for a person charged with the receipt, safekeeping, transfer or disbursement of public monies to:
  - 1. Without lawful authority appropriate the money or any portion of it to his own use or the use of another; or
  - 2. Loan the money or any portion thereof without lawful authority; or
  - 3. Fail to keep the money in his possession until lawfully disbursed or paid out according to law; or

4. Deposit the money in an unauthorized bank or with a person not lawfully authorized to receive such; or
  5. Knowingly keep any false account, or make a false entry or erasure in any account of or relating to the money; or
  6. Fraudulently alter, falsify, conceal, destroy, or obliterate any such account; or
  7. Knowingly refuse or omit to pay over on lawful demand by competent authority any public monies in his hands; or
  8. Knowingly omit to transfer money when transfer is required by proper authority; or
  9. Make a profit for himself or another when not lawfully entitled to such, or in an unlawful manner, out of public monies; or
  10. Fail to pay over to the proper account or authority any fines, forfeitures, or fees received by him; or
  11. Otherwise handle public money in a manner not authorized by law for his own benefit or the benefit of another; or
  12. Handle public money in a reckless manner as a result of which a risk of loss of such money is significant.
- B. “Public money” includes all money, bonds, and evidences of indebtedness or their equivalent, belonging to, or received or held by the Tribe or any other government, or any account or money held by the Tribe or government for any individual or group.
- C. Misusing public money shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00); or by a term of imprisonment in the Tribal jail not to exceed one (1) year; or by banishment for not less than five (5) years or more than ten (10) years; or any combination of the above authorized punishments. For a second or subsequent conviction under this section, banishment may be imposed for not less than ten (10) years nor more than life.

Section 408      Perjury in the First Degree

- A. It shall be unlawful, in any official proceeding, to make a false statement under oath or equivalent affirmation, or swear or affirm the truth of a statement previously made, when the statement is material and he does not believe it to be true.
- B. Falsification is material, regardless of the admissibility of the statement under rules of evidence, if it could have affected the course or outcome of the proceeding. It is no defense that the declarant mistakenly believed the falsification to be immaterial. Whether a falsification is material in a given factual situation is a question of law to be decided by the Court.
- C. It is no defense to prosecution under this section that the oath or affirmation was administered or taken in an Irregular manner or that the declarant was not competent to

make the statement. A document purporting to be made on oath or affirmation at any time when the actor presents it as being so verified shall be deemed to have been duly sworn or affirmed.

- D. No person shall be guilty of an offense under this section if he retracted the falsification in the course of the proceeding in which it was made before it became manifest that the falsification was or would be exposed and before the falsification substantially affected the proceeding.
- E. No person shall be convicted of an offense under this section where proof of falsity rests solely upon contradiction by testimony of a single person other than the defendant.
- F. Perjury in the first degree shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00); or by a term of imprisonment in the Tribal jail not to exceed one (1) year; or by banishment for not less than five (5) years nor more than ten (10) years; or any combination of the above authorized punishments. For a second or subsequent conviction under this section, banishment may be imposed for not less than ten (10) years nor more than life.

#### Section 409      Perjury in the Second Degree

- A. It shall be unlawful to:
  - 1. Make any written false statement which he does not believe to be true; or
  - 2. Purposely create a false impression in a written application for any benefit by omitting information necessary to prevent statements therein from being misleading; or
  - 3. Submit or invite reliance on any writing which he knows to be forged, altered or otherwise lacking in authenticity; or
  - 4. Submit or invite reliance on any sample, specimen, map, boundary mark, or other object which he knows to be false; with a purpose to mislead a public servant in performing his official function.
- B. A person is guilty of perjury in the second degree if he makes a written false statement which he does not believe to be true, on or pursuant to a form bearing notice, authorized by law, to the effect that false statements made therein are punishable.
- C. It is no defense to prosecution under this section that the oath or affirmation was administered or taken in an irregular manner or that the declarant was not competent to make the statement. A document purporting to be made on oath or affirmation at any time when the actor presents it as being so verified shall be deemed to have been duly sworn or affirmed.
- D. No person shall be guilty of an offense under this section if he retracted the falsification in the course of the proceeding in which it was made before it became manifest that the falsification was or would be exposed and before the falsification was or would be exposed and before the falsification substantially affected the proceeding.

- E. No person shall be convicted of an offense under this section where proof of falsity rests solely upon contradiction by testimony of a single person other than the defendant.
- F. Perjury in the second degree shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00); or by a term of imprisonment in the Tribal jail not to exceed one (1) year; or by banishment for not less than five (5) years nor more than ten (10) years; or any combination of the above authorized punishments. For a second or subsequent conviction under this section, banishment may be imposed for not less than ten (10) years nor more than life.

Section 410      Tampering with Witnesses

- A. It shall be unlawful:
  - 1. While believing that an official proceeding or investigation is pending or about to be instituted, to attempt to induce or otherwise cause a person to:
    - a. testify or inform falsely; or
    - b. withhold any testimony, information, document or thing, or
    - c. elude legal process summoning him to testify or supply evidence; or
    - d. absent himself from any proceeding or investigation to which he has been legally summoned; or
  - 2. To harm another by an unlawful act in retaliation for anything done by another in his capacity as a witness or informant; or
  - 3. To solicit, accept or agree to accept any benefit in consideration for doing any of the things specified in this section.
- B. Tampering with witnesses shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year or both.

Section 411      Tampering with Evidence

- A. It shall be unlawful, while believing that an official proceeding or investigation is pending or about to be instituted, to:
  - 1. Alter, destroy, conceal or remove any record, document, or thing with the intent to impair its verity or availability in such proceeding or investigation; or
  - 2. Make, present, or use any record, document, or thing knowing it to be false and with a purpose to mislead a public servant who is or may be engaged in such proceeding or investigation.

- B. Tampering with evidence shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00); or by a term of imprisonment in the Tribal jail not to exceed one (1) year; or by banishment for not less than five (5) years nor more than ten (10) years; or any combination of the above authorized punishments. For a second or subsequent conviction under this section, banishment may be imposed for not less than ten (10) years nor more than life.

Section 412          Tampering With Public Records

- A. It shall be unlawful to:
  - 1. Knowingly make a false entry in, or false alteration of, any record, document or thing belonging to or received or kept by, the Tribe or government for information or record, or required by law to be kept by others for information of the Tribe or government; or
  - 2. Make, present or use any record, document, or thing knowing it to be false, and with purpose that it be taken as a genuine part of information or records referred to in subsection (1) above; or
  - 3. Purposely and unlawfully destroy, conceal, remove or otherwise impair the truth or availability of any such record, document or thing.
- B. Tampering with Public Records shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00); or by a term of imprisonment in the Tribal jail not to exceed one (1) year; or by banishment for not less than five (5) years nor more than ten (10) years; or both combination of the above authorized punishments. For a second or subsequent conviction under this section, banishment may be imposed for not less than ten (10) years nor more than life.

Section 413          Impersonating a Public Servant; Impersonating a Police Officer

- A. It shall be unlawful to falsely pretend to hold a position in the public service with purpose to induce another to submit to such pretended official authority or otherwise to act in reliance upon that pretense to his prejudice.
- B. It shall be unlawful to exercise, or attempt to exercise, the functions of or hold oneself out to any one as a police officer without due authority. The provisions of this subsection shall not be so construed as to prevent private persons from making arrests for criminal offenses committed in their presence.
- C. It shall be unlawful for to affix on a motor vehicle, either temporarily or permanently, any insignia typically used by a law enforcement agency for the purpose of causing any other motor vehicle operator to yield the right-of-way and stop, or which actually causes any other motor vehicle operator to yield the right-of-way and stop, whether intended or not. The provisions of this subsection shall not apply to vehicles of any fire department,

fire patrol, law enforcement vehicles, ambulances, or other authorized emergency vehicles.

- D. Impersonating a public servant or impersonating a police officer shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.

Section 414          Obstructing Governmental Function

A. It shall be unlawful to:

1. Use force, violence, intimidation, or engage in any other unlawful act with a purpose to interfere with a public servant performing or purporting to perform an official function; or
2. Knowingly resist, by the use of force or violence, any executive officer in the performance of his duty; or
3. Purposely obstruct, impair, or prevent the administration of law or other governmental function by force, violence, physical interference or obstacle, breach of official duty, or any other unlawful act; except that this section does not apply to flight by a person charged with crime, refusal to submit to arrest, failure to perform a duty other than an official duty, or any other means of avoiding compliance with law without affirmative interference with governmental functions.

- B. Obstructing governmental function shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00) or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.

Section 415          Willfully Disturbing, Interfering With or Disrupting Tribal Business, Agency or Department Operations, or Employees

- A. It shall be unlawful to, alone or in concert with others, and without authorization, willfully disturb, interfere or disrupt tribal business, agency or department operations or any employee, agent, official or representative of the Tribe.
- B. It shall be unlawful for any person who is without authority or who is causing any disturbance, interference or disruption to willfully refuse to disperse or leave any property, building or structure owned, leased or occupied by tribal officials, employees, agents or representatives or used in any manner to conduct tribal business or operations after proper notice by a police officer, sergeant-at-arms, or other security personnel.
- C. Willfully disturbing, interfering or disrupting tribal business, agency or department operations or employees shall be punishable by a fine not to exceed Five Thousand

Dollars (\$5,000.00) or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.

- D. For purposes of this section, “disturb, interfere or disrupt” means any conduct that is violent, threatening, abusive, obscene, or that jeopardizes the safety of self or others.

Section 416 Prevention of Legislative Meetings; Disturbing Legislative Proceedings; Refusal to Leave; Forceful or Fraudulent Adjournment

A. It shall be unlawful to:

1. Willfully and by force or fraud, alone or in concert with others, prevent the Legislature, or any of the members thereof, from meeting or organizing;
2. Willfully disturb, disrupt or interfere with, alone or in concert with others, any session, meeting or proceeding of the Legislature, or any committee of thereof, whether within or outside the presence of the Legislature or any committee, by:
  - a. Engaging in violent, tumultuous or threatening behavior;
  - b. Using abusive or obscene language or making an obscene gesture;
  - c. Making unreasonable noise; or
  - d. Congregating with other persons and refusing to comply with a lawful order of the police or security officer to disperse;
3. Refuse to leave, alone or in concert with others, and without proper authorization, any part of the chambers, galleries or offices of the Legislature or building in which such chambers, galleries or any such office is located, or within any room or building or upon the property of a building in which a legislative hearing or meeting is being conducted upon a lawful order of the police or a security officer to disperse, leave, or move to a designated area;
4. Willfully and by force or fraud compel or attempt to compel the Legislature to adjourn or disperse.

- B. Violation of this section shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00) or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.

Section 417 Advocating or Teaching Necessity, Etc., of Crime, Criminal Syndicalism or Sabotage; Printing, Publishing, Etc., Books, Pamphlets, Etc.; Organizing or Becoming Member of Society or Assembly; Criminal Syndicalism Defined; Sabotage Defined

- A. It shall be unlawful to, by word of mouth or writings, advocate, affirmatively suggest or teach the duty, necessity, propriety or expediency of crime, criminal syndicalism, or

sabotage, or to advocate, affirmatively suggest or teach the duty, necessity, propriety or expediency of doing any act of violence, the destruction of or damage to any property, the bodily injury to any person or persons, or the commission of any crime or unlawful act as a means of accomplishing or effecting any industrial or political ends, change, or revolution, or for profit; or to print, publish, edit, issue, or knowingly circulate, sell, distribute, or publicly display any books, pamphlets, paper, handbill, poster, document, or written or printed matter in any form whatsoever, containing matter advocating, advising, affirmatively suggesting, or teaching crime, criminal syndicalism, sabotage, the doing of any act of physical violence, the destruction of or damage to any property, the injury to any person, or the commission of any crime or unlawful act as a means of accomplishing, effecting or bringing about any industrial or political ends, or change, or as a means of accomplishing, effecting or bringing about any industrial or political revolution, or for profit; or to openly, or at all attempt to justify by word of mouth or writing, the commission or the attempt to commit sabotage, any act of physical violence, the destruction of or damage to any property, the injury to any person or the commission of any crime or unlawful act, with the intent to exemplify, spread or teach or affirmatively suggest criminal syndicalism; or to organize, or help to organize or become a member of or voluntarily assemble with any society or assemblage of persons which teaches, advocates, or affirmatively suggests the doctrine of criminal syndicalism, sabotage, or the necessity, propriety or expediency of doing any act of physical violence or the commission of any crime or unlawful act as a means of accomplishing or effecting any industrial or political ends, change or revolution, or for profit.

- B. “Criminal syndicalism” is the doctrine which advocates crime, physical violence, arson, destruction of property, sabotage, or other unlawful acts or methods, as a means of accomplishing or effecting industrial or political ends, or as a means of effecting industrial or political revolution, or for profit.
- C. “Sabotage” is a malicious, felonious, intentional or unlawful damage, injury to or destruction of real or personal property of any employer or owner by his or her employee or employees, or any employer or employers or by any person or persons at their own instance, or at the instance, request or instigation of such employees, employers, or any other person.
- D. Violation of this section is punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00) or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.

Section 418          Public Officer Making False Certificate or Writing

- A. It shall be unlawful for any public officer who, being authorized by law to make or give any certificate or other writing, to knowingly make and deliver as true any such certificate or writing containing any statement which he knows to be false.
- B. Public officer making a false certificate or writing shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00) or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.

Section 419          Fraudulent Alteration of Bill or Resolution

- A.     It shall be unlawful to fraudulently alter the draft of any bill or resolution which has been presented to the Legislature, to be passed or adopted, with intent to procure it to be passed or adopted, in language different from that intended by the Legislature.
- B.     Fraudulent alteration of a bill or resolution shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00) or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.

Section 420          Acceptance of Emolument, Gratuity, Reward or Unearned Fees

- A.     It shall be unlawful for a public official to ask or receive any emolument, gratuity or reward, or any promise of any emolument, gratuity or reward, excepting such as may be authorized by law, for doing any official act or for omitting or deferring the performance of any official duty.
- B.     It shall be unlawful for any tribal employee, with responsibility or oversight for processing a benefit or allowance, to solicit any portion of the benefit or allowance as a gratuity, kickback, or loan from a recipient who is otherwise entitled to the benefit or allowance.
- C.     It shall be unlawful for a public official or any tribal employee to ask for or receive compensation for any official service which has not been actually rendered, except in cases of charges for prospective costs, or of fees demandable in advance in the cases allowed by law
- D.     Acceptance of emolument, gratuity, reward or unearned fees shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00) or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.

Section 421          Gratuity or Reward for Appointment

- A.     It shall be unlawful to give or agree or offer to give, any gratuity or reward in consideration that himself or any other person shall be appointed to any public office, or shall be permitted to, or to exercise, perform or discharge the prerogatives or duties of any office.
- B.     It shall be unlawful to directly or indirectly, ask or receive or promise to receive any gratuity or reward, or any promise of a gratuity or reward for appointing another person or procuring for another person an appointment to any public office or any clerkship, deputation or other subordinate position in any public office.

- C. It shall be unlawful to appoint, for any gratuity or reward, another person to a public office, or permit, for any gratuity or reward, another person to exercise, perform or discharge any of the prerogatives or duties of his office.
- D. Gratuity or reward for appointment shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00) or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.

Section 422 Conviction of Legislator Requires Forfeiture of Office

The conviction of a member of the Legislature of any of the crimes defined in this Chapter, involves as a consequence, in addition to the punishment prescribed by this Act, a forfeiture of his office, and disqualifies him from ever afterwards holding any office with the Tribe.

Section 423 Personal Interest of Official in Transaction

- A. It shall be unlawful for a public official, being authorized to sell or lease any property, or make any contract in his or her official capacity, to voluntarily become interested individually in such sale, lease or contract, directly or indirectly.
- B. Personal interest of official in transaction shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00) or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.

Section 424 Offenses By Officers And Employees

- A. It shall be unlawful for any officer or employee of the Iowa Tribe acting in connection with his office or employment to:
  - (1) knowingly demand other or greater sums than are authorized by law, or receives any fee, compensation, or reward, except as by law prescribed, for the performance of any duty; or
  - (2) with intent to defeat the application of any provision of Tribal law fail to perform any of the duties of his office or employment; or
  - (3) conspire or collude with any other person to defraud the Iowa Tribe; or
  - (4) knowingly make opportunity for any person to defraud the Iowa Tribe; or
  - (5) do or omit to do any act with intent to enable any other person to defraud the Iowa Tribe; or

- (6) make or sign any fraudulent entry in any book, or make or sign any fraudulent certificate, return, or statement; or
- (7) having knowledge or information of the violation of any law by any person, or of fraud committed by any person against the Iowa Tribe under any law, fail to report, in writing, such knowledge or information to the Chairman; or
- (8) demand, or accept, or attempt to collect, directly or indirectly as payment or gift, or otherwise, any sum of money or other thing of value for the compromise, adjustment, or settlement of any charge or complaint for any violation or alleged violation of law, except as expressly authorized by law so to do.

B. Conviction of the offense of Offenses By Officers And Employees shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment in the Tribal jail for a term not exceeding One (1) year, or by a sentence of banishment for a period not less than one (1) year nor exceeding five (5) years, or any combination of the above punishments.

Upon final conviction, the person shall be dismissed from office or discharged from employment.

Section 425 Failure to Obey an Officer

- A. It shall be unlawful to knowingly or recklessly fail to obey the command or direction of any law enforcement officer.
- B. Failure to obey the direction of a law enforcement officer shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000.00), or a term of imprisonment in the Tribal jail not to exceed six (6) months or both.

Section 426 False Arrest

- A. It shall be unlawful for any public officer or person pretending to be a public officer to, under the pretense or color of any process or other legal authority, arrest or detain any person against his will, except where such person reasonably believes he is authorized by law to do so.
- B. False arrest shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.

Section 427 Refusing to Aid an Officer

- A. It shall be unlawful to knowingly or recklessly refuse to aid a law enforcement officer or fireman in the performance of his official duties when called upon by the officer to do so.
- B. Refusing to aid an officer shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00), or by a term of imprisonment in the Tribal jail not to exceed three (3) months, or both.

Section 428 Obstructing Justice

- A. It shall be unlawful, with the purpose to hinder the apprehension, prosecution, conviction or punishment of another for the commission of an offense, to:
  - 1. Harbor or conceal the other; or
  - 2. Provide or aid in providing a weapon, transportation, disguise or other means of avoiding apprehension or effecting escape; or
  - 3. Conceal or destroy evidence of the offense, or tamper with a witness, informant, document or other source of information, regardless of its admissibility in evidence; or
  - 4. Warn the other of impending discovery or apprehension, except if such warning is given in an attempt to get the other person to comply with the law; or
  - 5. Volunteer false information to a law enforcement officer for the purpose of preventing the apprehension of another; or
  - 6. Obstruct by force, threat, bribery or deception anyone from performing an act which might aid in the discovery, apprehension, prosecution or conviction of another person.
- B. Obstructing justice shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both, unless the recipient of any of the above aid has been previously sentenced to banishment, in which case a conviction under this section may result in both parties being banished for a term equal to one half of the original sentence of banishment, plus a fine up to Five Thousand Dollars (\$5,000.00).

Section 429 Providing Contraband

- A. It shall be unlawful to provide any person in official detention with alcoholic beverages, drugs, weapons, implements of escape, or any other thing or substance which the actor knows is improper or unlawful for the detainee to possess.

- B. Providing contraband shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00), or by a term of imprisonment in the Tribal jail not to exceed three (3) months, or both.

Section 430      Resisting Lawful Arrest

- A. It shall be unlawful to create a substantial risk of bodily harm to anyone or employ means of resistance justifying or requiring force to overcome the resistance for the purpose of preventing a law enforcement officer from effecting an arrest or detention of himself or of any other person.
- B. Resisting lawful arrest shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00), or by a term of imprisonment in the Tribal jail not to exceed three (3) months, or both.

Section 431      Escape

- A. It shall be unlawful to:
  - 1. Remove oneself from official detention or fail to return to official detention following temporary leave granted for a specific purpose or period; or
  - 2. Knowingly procure, make, or possess anything which may facilitate escape while being held in official detention; or
  - 3. Aid another person to escape official detention; or
  - 4. Knowingly provide a person in official detention with anything which may facilitate such a person's escape.
- B. "Official detention" means arrest, detention in any facility for custody of person under charge or convicted of crime; or any other detention for law enforcement purposes; but "official detention" does not include supervision of probation or parole, or constraint incident to release on bail.
- C. Escape shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00) or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.

Section 432      Bail Jumping

- A. It shall be unlawful to fail without just cause to appear in person, after having been released on bail or on his own recognizance by court order or other lawful authority upon condition that he subsequently appear on a charge of an offense.

- B. Bail jumping shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.

Section 433 Failure to Obey a Lawful Order of the Court

- A. It shall be unlawful to purposely or knowingly fail to obey an order, subpoena, warrant or command duly made, issued, or given by a Court of the Tribe or any officer thereof or otherwise issued according to law without just cause.
- B. This section shall not apply to a failure to appear as a party in a civil action where default or a similar remedy is available to the other party.
- C. Failure to obey a lawful order of the court shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00) or by a term or imprisonment in the Tribal jail not to exceed one (1) year, or both.

Section 434 Unlawful Return of Banished Persons

- A. It shall be unlawful for any person under sentence of banishment during the term of such banishment, to:
  - 1. Physically return to the territorial jurisdiction of the Tribe except while actually traveling upon a public highway, or as allowed by law, or
  - 2. To apply for or attempt to claim any right, privilege or immunity by virtue of membership in the Tribe except as provided by law.
- B. Unlawful return of Banished persons shall be punishable by a fine of Five Thousand Dollars (\$5,000.00), and by imprisonment in the Tribal jail for a term not exceeding one (1) year, and by banishment for a term equal to the original term of banishment which was violated.
- C. In addition, any personal property of every kind and description which the banished person brought with him or used to return to the Tribal jurisdiction shall be contraband and forfeited to the Tribe, by civil forfeiture provided, that if any of said property belongs to another, that person, if known, shall served with civil process, as in forfeiture proceedings and may defend by showing that the banished person did not have permission to use or possess the property or to enter the Tribal jurisdiction with that property.

Section 435 Aiding Return of Banished Persons

- A. It shall be unlawful for any person to aid, abet, or assist a person under sentence of banishment to:
  - 1. Physically return to the territorial jurisdiction of the Tribe except while actually traveling upon a public highway, or as allowed by law: or
  - 2. Apply for or attempt to claim any right, privilege, or immunity by virtue of membership in the Tribe except as allowed by law.
- B. Aiding return of banished persons shall be punishable by a fine of Five Thousand Dollars (\$5,000.00) and by imprisonment in the Tribal jail for a term not exceeding one (1) year, and by banishment for a period not in excess of one-half of the term for which the returned person was banished.
- C. In addition, any personal property of every kind and description which the banished person brought with him or used to return to the Tribal jurisdiction shall be contraband and forfeited to the Tribe, by civil forfeiture provided, that if any of said property belongs to another, that person, if known, shall served with civil process, as in forfeiture proceedings and may defend by showing that the banished person did not have permission to use or possess the property or to enter the Tribal jurisdiction with that property.

Section 436      Tampering With A Witness, Victim, Or An Informant

It shall be unlawful to:

- A. Kill or attempt to kill another person, with intent to:
  - 1. prevent the attendance or testimony of any person in an official proceeding;
  - 2. prevent the production of a record, document, or other object, in an official proceeding; or
  - 3. prevent the communication by any person to a law enforcement officer or judge of the Tribe of information relating to the commission or possible commission of an offense or a violation of conditions or probation, parole, or release pending judicial proceedings; or
- B. Uses bribery, physical force or the threat of physical force against any person, or attempt to do so, with intent to
  - 1. influence, delay, or prevent the testimony of any person in an official proceeding;
  - 2. cause or induce any person to
    - a. withhold testimony, or withhold a record, document, or other object, from an official proceeding;
    - b. alter, destroy, mutilate, or conceal an object with intent to impair the integrity or availability of the object for use in an official proceeding;

- c. evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or
    - d. be absent from an official proceeding to which that person has been summoned by legal process; or
  3. hinder, delay, or prevent the communication to a law enforcement officer or judge of the Tribe of information relating to the commission or possible commission of any offense or a violation of conditions of probation, supervised release, parole, or release pending judicial proceedings;
- C. Knowingly use intimidation, threaten, or corruptly persuade another person, or attempt to do so, or engage in misleading conduct toward another person, with intent to:
  1. influence, delay, or prevent the testimony of any person in an official proceeding;
  2. cause or induce any person to:
    - a. withhold testimony, or withhold a record, document, or other object, from an official proceeding;
    - b. alter, destroy, mutilate, or conceal an object with intent to impair the object's integrity or availability for use in an official proceeding;
    - c. evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or
    - d. be absent from an official proceeding to which such person has been summoned by legal process; or
  3. hinder, delay, or prevent the communication to a law enforcement officer or judge of the Tribe of information relating to the commission or possible commission of any offense or a violation of conditions of probation, supervised release, parole, or release pending judicial proceedings;
- D. Corruptly:
  1. alters, destroys, mutilates, or conceals a record, document, or other object, or attempts to do so, with the intent to impair the object's integrity or availability for use in an official proceeding; or
  2. otherwise obstructs, influences, or impedes any official proceeding, or attempts to do so,
- E. Whoever intentionally harasses another person and thereby hinders, delays, prevents, or dissuades any person from:
  1. attending or testifying in an official proceeding;
  2. reporting to a law enforcement officer or judge of the Tribe the commission or possible commission of any offense or a violation of conditions of probation, supervised release, parole, or release pending judicial proceedings;

3. arresting or seeking the arrest of another person in connection with any offense;  
or
4. causing a criminal prosecution, or a parole or probation revocation proceeding, to be sought or instituted, or assisting in such prosecution or proceeding;

F. Tampering with a witness, victim, or an informant shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment in the Tribal Jail for a term not exceeding one (1) year, or both.

#### Section 437 Unlawful Use of License or Identification Card

A. It shall be unlawful to:

- (1) display or cause or permit to be displayed one's own license after such license has been suspended, revoked or canceled or to possess one's own license after having received notice of its suspension, revocation, or cancelling; or
- (2) lend one's own license or identification card to any other person or knowingly permit the use thereof by another; or
- (3) display or cause or permit to be displayed or to possess a license or identification card issued to oneself which bears altered information concerning the date of birth, expiration date, sex, height, eye color, weight or license or card number; or
- (4) to fail or refuse to surrender upon its lawful demand any license or identification card which has been suspended, revoked or canceled; or
- (5) permit any unlawful use of a license or identification card issued to oneself; or
- (6) add to, delete from, alter, or deface the required information on a driver license or identification card; or
- (7) display or cause or permit to be displayed or to knowingly possess any counterfeit or fictitious license or identification card; or
- (8) display or cause to be displayed or to knowingly possess any license or identification card bearing a fictitious or forged name or signature; or
- (9) display or cause to be displayed or to knowingly possess any license or identification card bearing the photograph of any person, other than the person named thereon as licensee; or
- (10) display or represent as one's own, any license or identification card not issued to him, for the purpose of committing a fraud in any commercial transaction or to

mislead a peace officer in the performance of his duties; or

(11) use a false or fictitious name in any application for a license or identification card or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any such application.

B. Conviction of the offense of Unlawful Use of License or Identification Card shall be punishable by a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in the Tribal jail for a term not exceeding Six (6) months, or any combination of the above punishments.

The term "licenses" includes a motor vehicle license plate or tag.

#### Section 438 Attempt To Evade Or Defeat Tax

A. It shall be unlawful to willfully attempt in any manner to evade or defeat any tax or fee imposed by the Iowa Tribe of Oklahoma or the payment thereof.

B. Attempt To Evade Or Defeat Tax shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year; or by banishment for not less than five (5) years or more than ten (10) years; or any combination of the above authorized punishments.

#### Section 439 Willful Failure To File Return, Supply Information, Or Pay Tax Or Fee

A. It shall be unlawful for any person required to pay any estimated tribal tax or tribal tax or fee, imposed or required by law or regulation, or to make a return, keep any records, or supply any information, to willfully fail to pay such estimated tax or tax or estimated fee or fee, make such return, keep such records, or supply such information at the time or times required by law or regulation.

B. Willful Failure To File Return, Supply Information, Or Pay Tax Or Fee shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year; or by banishment for not less than five (5) years or more than ten (10) years; or any combination of the above authorized punishments.

#### Section 440 False Alarms

A. It shall be unlawful to knowingly:

1. Cause a false fire alarm or alarm of other emergency to be transmitted to or within any organization, official or volunteer, for dealing with emergencies involving danger to life or property; or
  2. Give false information to any law enforcement officer with purpose to Implicate another in an offense; or
  3. Report to law enforcement authorities an offense or other incident within their concern knowing or believing that it did not occur; or
  4. Pretend to furnish law enforcement authorities with information relating to an offense or incident when one knows he has no information relating to such offense or incident; or
  5. Give a false name or address or information to a law enforcement officer in the lawful discharge of his official duties.
- B. False alarms shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000.00), or by a term of imprisonment in the Tribal jail not to exceed three (3) months, or both.

Section 441        Doing Business without a License

- A. It shall be unlawful to commence or carry on any business, trade, profession, or calling the transaction or carrying on of which is required by law to be licensed, without having an appropriate license.
- B. Doing business without a license shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00), or by a term of imprisonment in the Tribal jail not to exceed three (3) months, or both.

Section 442        Tampering With Public Property

- A. It shall be unlawful to:
1. Steal, deface, mutilate, alter, falsify, or remove all or part of any record, map, book, document or thing, or any court documents or records, placed or filed in any public office, or with any public officer, or to permit another to do so; or
  2. Knowingly injure, deface or remove any signal, monument or other marker placed or erected as part of an official survey of the tribe or federal government without authority to do so; or
  3. Intentionally deface, obliterate, tear down, or destroy any copy or transcript or extract from any law or any proclamation, advertisement, or notice set up or displayed by any public officer or court, without authority to do so and before the expiration of the time for which the same was to remain set up.

- B. Tampering with public property shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00), or by a term of imprisonment in the Tribal jail not to exceed three (3) months, or both.

Section 443      Injuring Public Property

- A. It shall be unlawful to:
  - 1. Intentionally break down, pull down or otherwise injure or destroy any jail or other place of confinement: or
  - 2. Intentionally and without authority dig up, remove, displace or otherwise injure or destroy any public roadway highway or bridge or private road or bridge or other public building or structure; or
  - 3. Remove or injure any milepost, guidepost or road or highway sign or marker or any inscription on them while such is erected along a road or highway.
  - 4. Knowingly and without authority to do so, remove, injure, deface, or destroy any public building or structure, or any personal property belonging to the Tribe to any other government or government agency.
- B. Injuring public property shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.

Section 444      Abuse of Office

It shall be unlawful for a person acting or purporting to act in an official capacity or taking advantage of such actual or purported capacity, knowing that his or her conduct is illegal, to:

- A. Subject another to arrest, detention, search, seizure, harassment, mistreatment, dispossession, assessment, lien or other infringement of personal or property rights; or
- B. Deny or impede another in the exercise or enjoyment of any right, privilege, power or immunity.
- C. Abuse of Office shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not exceeding one (1) year, or both.

Section 445      Fraud and False Statements

- A. It shall be unlawful to:
  - (1) Declaration under penalties of perjury - Willfully make and subscribe any return,

statement, or other document, which contains or is verified by written declaration that is made under the penalties of perjury, and which he does not believe to be true and correct as to every material matter; or

- (2) Aid or assistance - Willfully aid or assist in, or procure, counsel, or advise the preparation or presentation under, or in connection with any matter arising under, the tribal laws, of a return, affidavit, claim, or other document, which is fraudulent or is false as to any material matter, whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such return, affidavit, claim, or document; or
- (3) Fraudulent bonds, permits, and entries - Simulate or falsely or fraudulently execute or sign any bond, permit, entry, or other document required by the provisions of the tribal laws, or by any regulation made in pursuance thereof, or procure the same to be falsely or fraudulently executed, or advise, aid in, or connive at such execution thereof; or
- (4) Removal or concealment with intent to defraud - Remove, deposit, or conceal or is concerned in removing, depositing, or concealing, any goods or commodities for or in respect whereof any tax is or shall be imposed, or any property upon which levy is authorized by law, with intent to evade or defeat the assessment or collection of any tax imposed by law.

B. Fraud And False Statements shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year; or by banishment for not less than five (5) years or more than ten (10) years; or any combination of the above authorized punishments.

#### Section 446 Fraudulent Returns, Statements, Or Other Documents

- A. It shall be unlawful to willfully deliver or disclose to the Tribe, any of its agencies, or political subdivisions, or any officer or employee thereof, any list, return, account, statement, or other document, known by him to be fraudulent or to be false as to any material matter.
- B. Fraudulent Returns, Statements, Or Other Documents shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year; or by banishment for not less than five (5) years or more than ten (10) years; or any combination of the above authorized punishments.

Section 447        Reserved  
Section 448        Reserved  
Section 449        Reserved  
Section 450        Reserved

Section 451        Compensation for Past Official Behavior

- A.    It shall be unlawful to solicit accept or agree to accept any financial benefit as compensation for having, as a public servant, given a decision, opinion, recommendation or vote favorable to another, or for having otherwise exercised a discretion in his favor, or for having violated his duty; or offer, confer or agree to confer compensation acceptance of which is prohibited by this section.
- B.    Compensation for past official behavior shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year; or by banishment for not less than five (5) years nor more than ten (10) years; or any combination of the above authorized punishments. For a second or subsequent conviction under this section, banishment may be imposed for not less than ten (10) years nor more than life.

Section 452        Official Unlawful Action

- A.    It shall be unlawful, being a public servant, and with the intent to materially benefit himself or another or to harm another, to:
  - 1.    Knowingly commit an unauthorized act which purports to be an act of his office, or knowingly refrains from performing a non- discretionary duty imposed on him by law, or
  - 2.    Knowing that official action is contemplated or in reliance on information which he has acquired by virtue of his office or from another public servant, which information has not been made public, he:
    - a.    acquires or divests himself of a valuable interest in any property, transaction, or enterprise which may be affected by such action or information; or
    - b.    speculates or wagers on the basis of such action or information, or knowingly aid another to do any of the foregoing.
- B.    Official unlawful action shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00) or by a term of imprisonment in the Tribal jail not to exceed one (1) year; or by banishment for not less than five (5) years nor more than ten (10) years; or

any combination of the above authorized punishments. For a second or subsequent conviction under this section, banishment may be imposed for not less than ten (10) years nor more than life.

Section 453 Special Influence

- A. It shall be unlawful to solicit, receive, or agree to receive any financial benefit as consideration for exerting special unlawful influence upon a public servant, in order to influence that public servant to violate the law or to exercise his discretion in a particular fashion or procuring another to do so; or to offer, confer or agree to confer any financial benefit receipt of which is prohibited by this section.
- B. Special influence shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year; or by banishment for not less than five (5) years nor more than ten (10) years; or any combination of the above authorized punishments. For a second or subsequent conviction under this section, banishment may be imposed for not less than ten (10) years nor more than life.

Section 454 Reserved

Section 455 Reserved

Section 456 Reserved

Section 457 Reserved

Section 458 Reserved

Section 459 Reserved

Section 460 Reserved

Section 461 Reserved

Section 462 Reserved

Section 463 Reserved

## CHAPTER FIVE: CRIMES AGAINST PUBLIC HEALTH, SAFETY, AND WELFARE

### Section 501 Rioting

- A. It shall be unlawful to:
  - 1. Simultaneously, with two or more other persons, engage in tumultuous or violent conduct in a public place which endangers person or property, and thereby knowingly or recklessly create a substantial risk of causing public alarm; or
  - 2. Use force or violence, or any threat to use force or violence if accompanied by immediate power of execution, by three or more persons acting together and without authority of law; or
  - 3. Assemble with two or more persons with the purpose of engaging soon thereafter in the above described conduct.
- B. Rioting shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000.00), or by a term of imprisonment in the Tribal jail not to exceed six (6) months, or both.
- C. For the purpose of this section, rioting includes advocating revolution, teaching or justifying a program of sabotage, force and violation, sedition or treason against the government of the Tribe, or directly or indirectly advocating or teaching by any means the overthrow of the government of the Tribe by force or any unlawful means.

### Section 502 Failure to Disperse

- A. It shall be unlawful to refuse or knowingly fail to obey an order to disperse or leave the immediate vicinity given by a law enforcement officer or other public servant performing an enforcement function, at the scene of a riot, fire, or other public disorder or given in the course of the investigation of the commission of an accident, fire, offense or suspected offense.
- B. Failure to disperse shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00) or by a term of imprisonment in the Tribal jail not to exceed three (3) months, or both.

Section 503      Disorderly Conduct

- A. It shall be unlawful to purposely cause public inconvenience, annoyance or alarm, or recklessly create a risk thereof, by:
1. Engaging in fighting, or threatening to engage in violent or tumultuous behavior; or
  2. Making unreasonable noise or offensively coarse utterances, gestures, or displays, or addressing abusive language to any person present; or
  3. Creating a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor; or
  4. Appearing in public places in an intoxicated condition and doing any of the following:
    - a. passing out or falling or sleeping in a public place or on the property of another without permission; or
    - b. bothering, disrupting or otherwise intruding upon another person or group of persons; or
    - c. wandering about without being able to give a reasonable account of a destination to a law enforcement officer; or
    - d. appearing or being found in an area set aside for religious or ceremonial activities which have traditionally, or by order of the Tribal or conducting authorities, been set aside for use, free from alcoholic beverage consumption or the presence of intoxicated persons, during the period of such a religious or ceremonial or public activity.
- B. "Public" means affecting or likely to affect persons in a place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, the common areas of schools, hospital, apartment houses, and office buildings, transport facilities, businesses open to the public, and places of entertainment or amusement.
- C. Disorderly conduct shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00) or by a term of imprisonment in the Tribal jail not to exceed three (3) months, or both.
1. Upon a second or subsequent conviction under this section, a punishment of a fine not to exceed Five Hundred Dollars (\$500.00), or a term of imprisonment in the Tribal jail not to exceed three (3) months, or both may be imposed.
  2. Upon a second or subsequent conviction under subsection A(4)(d) of this section, an additional sentence of banishment for a period not to exceed two (2) years may be imposed.

Section 504 Harassment

- A. It shall be unlawful, with the purpose to annoy or alarm another, to insult, taunt, or challenge another in a manner likely to provoke a violent or disorderly response; or to make repeated communications anonymously or at extremely inconvenient hours, or in offensively coarse language.
- B. Harassment shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00), or by a term of imprisonment in the Tribal jail not to exceed three (3) months, or both.

Section 505 Public Nuisance

- A. It shall be unlawful to do any act, or fail to perform any duty, without lawful authority to do so, which act or omission either:
  - 1. Unreasonably and substantially annoys and injures or endangers the comfort, repose, health, or safety of three or more persons; or
  - 2. Offends public decency; or
  - 3. Unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for use or passage any lake, stream, or campground, pow-wow ground, public park, square, street, highway or road; or
  - 4. Permits his or her property to fall into such condition as to threaten, injure or endanger the safety, health, comfort, or property of his or her neighbors; or
  - 5. In any way unreasonably renders three or more persons insecure in life or the use of the property.
- B. Public nuisance shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00), or by a term of imprisonment in the Tribal jail not to exceed three (3) months, or both.

Section 506 Disrupting a Public or Religious Assembly

- A. It shall be unlawful to intentionally prevent or disrupt a lawful meeting or religious assembly, by doing any act tending to obstruct or interfere with it physically; or by making any utterance, gesture or display designed to outrage the sensibilities of the group or prevent the assembly from conducting its business.
- B. Disrupting a public or religious assembly shall be punishable by a fine not to exceed Three Hundred Fifty Dollars (\$350.00), or by a term of imprisonment in the Tribal jail not to exceed three (3) months, or both.

Section 507      Weapons Offense

- A.      It shall be unlawful to:
1.      Have a dangerous weapon in one's actual possession while being addicted to any narcotic drug; or after having been declared mentally incompetent; or while being intoxicated or otherwise under the influence of alcoholic beverages or other intoxicating substance, drug, or medicine; or while possessing the intent to unlawfully assault another; or while under the age of sixteen (16) years old, and without the consent of his parent or guardian.
  2.      Carry a loaded firearm in a vehicle on a public road without lawful authority to do so; or to discharge any kind of firearm from a motor vehicle without lawful authority to do so; or to discharge a firearm from, upon or across any public highway without lawful authority to do so.
- B.      Definitions:
1.      “Dangerous weapon” means any item that in the manner of its use or intended use is capable of causing death or serious bodily injury. In determining whether an item, object or thing not commonly known as a dangerous weapon is a dangerous weapon, the character of the instrument, object or thing the character of the wound produced, if any, and the manner in which the instrument, item or thing was used shall be determinative.
  2.      “Firearms” mean pistols, revolvers, rifles, shotguns, and any device that is capable of being used as a weapon because it expels a projectile by some means of force.
  3.      A firearm or other weapon shall be deemed loaded when there is an unexpended cartridge, shell or projectile in the firing position except in the case of pistols and revolvers, in which case they shall be deemed loaded when the unexpended cartridge, shell or projectile is in such position as next to be fired.
- C.      Weapons offense shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000.00), or by a term of imprisonment in the Tribal jail not to exceed six (6) months, or both.

Section 508      Aggravated Weapons Offense

- A.      It shall be unlawful to carry a dangerous weapon concealed on the person or to threaten to use or exhibit a dangerous weapon in a dangerous and threatening manner, or use a dangerous weapons in a fight or quarrel; or to possess a shotgun or rifle having a barrel or barrels of less than sixteen (16) inches in a length or an altered or modified shotgun or rifle less than twenty-four (24) inches overall length.

- B. Aggravated weapons offense shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.

Section 509      Dangerous Devices

- A. It shall be unlawful to:
  - 1. Deliver or cause to be delivered to any express, railway company or common carrier, or place in the mail or deliver to any person, or throw or place on or about the premises or property of another or in any place where another may be injured thereby, a dangerous device, knowing it to be such, unless the threatened person is informed of the nature thereof and its placement is for some lawful purpose; or
  - 2. Knowingly construct or contrive any dangerous device, or with the intent to injure another in his person or property, have a dangerous device in one's possession.
- B. For purposes of this section, a “dangerous device” is any box, package, contrivance, bomb, or apparatus containing or arranged with an explosive or acid or poisonous or inflammable substance, chemical, or compound, or knife, loaded firearm or other dangerous or harmful weapon or thing, constructed, contrived, or arranged so as to explode, ignite, or throw forth its contents, or to strike with any of its parts, unexpectedly when moved handled, or opened or after the lapse of time or under conditions or in a manner calculated to endanger health, life, limb, or property.
- C. Dangerous devices shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.

Section 510      Possessing Firearm with Removed or Defaced Serial or Identification Number During Commission of Criminal Offense

- A. It shall be unlawful to, while in the commission or attempted commission of a criminal offense, have in his possession or under his control a firearm, the factory serial number or identification number of which has been removed, defaced, altered, obliterated or mutilated in any manner.
- B. It shall be unlawful to remove, deface, alter, obliterate or mutilate in any manner the factory serial number or identification number of a firearm, or in any manner participate therein.
- C. Possessing a firearm with removed or defaced serial or identification number during commission of criminal offense shall be punishable by a fine not to exceed Five

Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.

- D. Removing, defacing, altering, obliterating or mutilating in any manner the factory serial number or identification number of a firearm, or in any manner participating therein, shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.

Section 511          Unlawful Acts Against Constitutional Government

- A. It shall be unlawful to knowingly or willfully:
  - 1. Commit, attempt to commit, or aid in the commission of any act intended to overthrow, destroy, or alter, or to assist in the overthrow, destruction, or alteration of, the constitutional form of the government of the Tribe, or of any political subdivision thereof, by force or violence; or
  - 2. Advocate, abet, advise, or teach by any means any person to commit, attempt to commit, or aid in the commission of any such act, under such circumstances as to constitute a clear and present danger to the security of the Tribe, or of any political subdivision thereof; or
  - 3. Conspire with one or more persons to commit any of the above acts.
- B. Unlawful acts against constitutional government under this section shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both, or by a term of banishment not to exceed ten (10) years.

Section 512          Organization to Overthrow the Tribal Government

- A. It shall be unlawful to organize or assist to organize any group, company, assembly of persons, or association with the intent of advocating or encouraging the overthrow of the tribal government, or to act to overthrow the government, by force or violence, or to be or become a member or affiliate of any such organization knowing its purposes.
- B. Organization to overthrow the tribal government shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both, or by a term of banishment not to exceed ten (10) years.

- A. It shall be unlawful to commit, or conspire to commit, terrorism, terrorist activity, biochemical terrorism, terrorism hoax or biochemical assault.
- B. For the purpose of this section:
  - 1. “Biochemical terrorism” means an act of terrorism involving any biological organism, pathogen, bacterium, virus, chemical or its toxins, isomers, salts or compounds, or any combination of organisms, viruses or chemicals that is capable of and intended to cause death, disease, injury, illness or harm to any human or animal upon contact or ingestion, or harm to any food supply, plant, water supply, drink, medicine or other product used for or consumed by humans or animals;
  - 2. “Terrorism” means an act of violence resulting in damage to property or personal injury perpetrated to coerce a civilian population or government into granting illegal political or economic demands; or conduct intended to incite violence in order to create apprehension of bodily injury or damage to property in order to coerce a civilian population or government into granting illegal political or economic demands. Peaceful picketing or boycotts and other nonviolent action shall not be considered terrorism;
  - 3. “Terrorism hoax” means the willful conduct to simulate an act of terrorism as a joke, hoax, prank or trick against a place, population, business, agency or government by:
    - a. The intentional use of any substance to cause fear, intimidation or anxiety and a reasonable belief by any victim that such substance is used, placed, sent, delivered or otherwise employed as an act of biochemical terrorism requiring an emergency response or the evacuation or quarantine of any person, place or article, or
    - b. Any act or threat of violence, sabotage, damage or harm against a population, place or infrastructure that causes fear, intimidation or anxiety and a reasonable belief by any victim that such act or threat is an act of terrorism to disrupt any place, population, business, agency or government;
  - 4. “Biochemical assault” means the intentional delivery of any substance or material to another person without lawful cause, whether or not such substance or material is toxic, noxious or lethal to humans, to:
    - a. Cause intimidation, fear or anxiety and a reasonable belief by the victim that death, disease, injury or illness will occur as a result of contamination by such substance or material and, based upon that belief, an emergency response is necessary, or
    - b. Poison, injure, harm or cause disease or illness to any person; and

5. "Terrorist activity" means to plan, aid or abet an act of terrorism or aid or abet any person who plans or commits an act of terrorism.
- C. Terrorism shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both, or a term of banishment not to exceed ten (10) years.

Section 514 Attempt To Interfere With Administration of Laws

- A. It shall be unlawful for any person to:
  - (1) Corrupt or forcible interference - corruptly or by force or threat of force (including any threatening letter or communication) endeavor to intimidate or impede any officer or employee of the Iowa Tribe acting in an official capacity, or in any other way corruptly or by force or threat of force (including any threatening letter or communication) obstruct or impede or endeavor to obstruct or impede, the due administration of any tribal law or regulation; or
  - (2) Forcible rescue of seized property - forcibly rescue or cause to be rescued any property after it shall have been seized under tribal law or regulation, or shall attempt or endeavor so to do.
- B. Attempt To Interfere With Administration Of Laws shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year; or by banishment for not less than five (5) years or more than ten (10) years; or any combination of the above authorized punishments.

Section 515 Disturbing or Interrupting Funeral

- A. It shall be unlawful to willfully disturb, interrupt or disquiet any assemblage of people met for the purpose of any funeral, or to, without authority of law, obstruct or detain any persons engaged in carrying or accompanying any dead body of a human being to a place of burial.
- B. Disturbing or interrupting a funeral shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), a term of imprisonment in the tribal jail not to exceed one (1) year, or both.

Section 516 Desecration

- A. It shall be unlawful to willfully with malicious intent destroy, mutilate, deface, injure, remove or in any other way desecrate any tomb, monument or gravestone, or other

structure or public monument placed in any cemetery, private or traditional burying ground or other sacred place, or any fence, railing, or other work for the protection or ornament of any such cemetery or place of burial or other sacred place of any human being, or tomb, or monument or gravestone, memento, veteran marker from any war, or memorial, or other structure aforesaid, or of any lot within a cemetery or place of burial.

- B. “Desecrate” means to deface, damage, pollute, destroy, take or otherwise physically mistreat in a way that the actor knows, or believes will outrage, the sensibilities of persons likely to observe or discover his action.
- C. Desecration shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00), or by a term of imprisonment in the Tribal jail not to exceed six (6) months, or both.

Section 517      Littering

- A. It shall be unlawful to throw, dump, place or deposit upon the lands of another or any Tribal or public property, or highway, street, road, or other area not his own, without the consent of the owner or other lawful permission, any garbage, debris, junk, carcasses, trash, refuse or other substances of any nature whatsoever which could mar the appearance or detract from the cleanliness of the area; or to store, keep, or allow to accumulate an unreasonable number of any wrecked, junked, or unserviceable vehicles, appliances, or implements, unless one has a permit from the Tribe to maintain a junk yard.
- B. Littering shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00), or by a term of imprisonment in the Tribal jail not to exceed three (3) months, or both.

Section 518      Smoking in Certain Public Places Prohibited

- A. It shall be unlawful to possess lighted tobacco in any indoor place used by or open to the public, public transportation, or any indoor workplace, except where specifically allowed by law.
- B. As used in this section, “indoor workplace” means any indoor place of employment or employment-type service for or at the request of another individual or individuals, or any public or private entity, whether part-time or full-time and whether for compensation or not. Such services shall include, without limitation, any service performed by an owner, employee, independent contractor, agent, partner, proprietor, manager, officer, director, apprentice, trainee, associate, servant or volunteer. An indoor workplace includes work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, hallways, any other spaces used or visited by employees, and all space between a floor and ceiling that is predominantly or totally enclosed by walls or windows, regardless of doors, doorways, open or closed windows, stairways, or the like. The provisions of this section shall apply to such indoor workplace at any given time, whether or not work is being performed.
- C. All buildings, or portions thereof, owned or operated by the Tribe shall be designated as nonsmoking; provided, however, each building may have one designated smoking room. As used in this paragraph, “buildings” shall not include up to twenty-five percent (25%) of any hotel or motel rooms rented to guests if the rooms are properly ventilated so that smoke is not circulated to nonsmoking areas.
- D. All buildings, or portions thereof, owned or operated by the tribal government, at the discretion of the Chairman, may be designated as entirely nonsmoking or may be designated as nonsmoking with one designated smoking room.
- E. A smoking room as provided for in subsections B and C of this section:

1. Shall not be used for the conduct of public business; and
  2. Shall be in a location which is fully enclosed, directly exhausted to the outside, under negative air pressure so smoke cannot escape when a door is opened, and no air is re-circulated to nonsmoking areas of the building. No smoking exhaust shall be located within twenty-five (25) feet of any entrance, exit or air intake.
- F. No smoking shall be allowed within twenty-five (25) feet of the entrance or exit of any building specified in subsection B or C of this section.
- G. The restrictions provided in this section shall not apply to the following:
1. The room or rooms where licensed charitable bingo games are being operated, but only during the hours of operation of such games;
  2. Up to twenty-five percent (25%) of the guest rooms at a hotel or other lodging establishment;
  3. Retail tobacco stores predominantly engaged in the sale of tobacco products and accessories and in which the sale of other products is merely incidental and in which no food or beverage is sold or served for consumption on the premises;
  4. Workplaces where only the owner or operator of the workplace, or the immediate family of the owner or operator, performs any work in the workplace, and the workplace has only incidental public access. "Incidental public access" means that a place of business has only an occasional person, who is not an employee, present at the business to transact business or make a delivery. It does not include businesses that depend on walk-in customers for any part of their business;
  5. Workplaces occupied exclusively by one or more smokers, if the workplace has only incidental public access;
  6. Private offices occupied exclusively by one or more smokers;
  7. Workplaces within private residences, except that smoking shall not be allowed inside any private residence that is used as a licensed child care facility during hours of operation;
  8. Medical research or treatment centers, if smoking is integral to the research or treatment; and
  9. Any outdoor seating area of a restaurant; provided, smoking shall not be allowed within fifteen (15) feet of any exterior public doorway or any air intake of a restaurant.
- H. An employer not otherwise restricted from doing so may elect to provide smoking rooms where no work is performed except for cleaning and maintenance during the time the room is not in use for smoking, provided each smoking room is fully enclosed and exhausted directly to the outside in such a manner that no smoke can drift or circulate into a nonsmoking area. No exhaust from a smoking room shall be located within fifteen (15) feet of any entrance, exit or air intake.

- I. If smoking is to be permitted in any space exempted in subsection F of this section, such smoking space must either occupy the entire enclosed indoor space or, if it shares the enclosed space with any nonsmoking areas, the smoking space shall be fully enclosed, exhausted directly to the outside with no air from the smoking space circulated to any nonsmoking area, and under negative air pressure so that no smoke can drift or circulate into a nonsmoking area when a door to an adjacent nonsmoking area is opened. Air from a smoking room shall not be exhausted within fifteen (15) feet of any entrance, exit or air intake. Any employer may choose a more restrictive smoking policy, including being totally smoke free.
- J. The person who owns or operates a place where smoking or tobacco use is prohibited by law shall be responsible for posting a sign or decal, at least four (4) inches by two (2) inches in size, at each entrance to the building indicating that the place is smoke-free or tobacco-free.
- K. Responsibility for posting signs or decals shall be as follows:
  - 1. In privately owned facilities, the owner or lessee, if a lessee is in possession of the facilities, shall be responsible;
  - 2. In corporately owned facilities, the manager and/or supervisor of the facility involved shall be responsible; and
  - 3. In publicly owned facilities, the manager and/or supervisor of the facility shall be responsible.
- L. Violation of this section shall be punishable by a fine of not less than One Hundred Dollars (\$100.00) not more than Five Hundred Dollars (\$500.00), by a term of imprisonment in the tribal jail not to exceed thirty (30) days, or both.

Section 519      Dumping Within 100 Yards of Public Roadway

- A. It shall be unlawful to throw or leave or deposit garbage, tin cans, junk, rubbish or refuse and other items and matters commonly referred to as trash within one hundred (100) yards of any state highway, public roadway or any county road. Provided, however, that any governmental agency or department operating or desiring to operate a solid waste disposal site within the distance above prescribed may establish said solid waste disposal site when said solid waste disposal site is approved by the Tribal Department of Environmental Quality.
- B. Dumping within one hundred (100) yards of public roadway shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.

Section 520      Unlawful Hazardous Waste Transportation

- A. It shall be unlawful to knowingly and willfully transport or cause the transportation of hazardous waste within the territory of the Tribe without a proper manifest, as prescribed by law.
- B. Unlawful hazardous waste transportation shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.
- C. As used in this section:
  - 1. “Waste” means at least twenty-eight (28) gallons or two hundred twenty (220) pounds, whether liquid or solid, of discarded or abandoned materials and by-products including but not limited to trash, refuse, garbage, biomedical waste, sewage, ash, sludge, deleterious substances, oil field wastes, commercial and industrial waste and chemical waste; and
  - 2. “Hazardous waste” means:
    - a. waste that is subject to regulation as a hazardous waste under the federal Resource Conservation and Recovery Act, Title 42 U.S.C., Section 6901 et seq., and regulations adopted pursuant thereto,
    - b. waste that is subject to regulation as a hazardous waste under the law, or
  - 3. waste that is ignitable, corrosive, reactive or toxic as determined by testing for the characteristics of ignitability, corrosivity, reactivity or toxicity as provided in 40 Code of Federal Regulations, Sections 261.21 through 261.24.
- D. The minimum quantity requirements in paragraph 1 of subsection C of this section shall not apply to chemical wastes used or intended for use in the manufacture of controlled substances in violation of the law and shall not apply to hazardous wastes in circumstances involving unlawful disposal or concealment of hazardous waste as prohibited by law.
- E. The term hazardous waste shall not include the handling, hauling, storage and disposition of salt water, mineral brines, waste oil and other deleterious substances produced from or obtained or used in connection with the drilling, development, producing and processing of oil and gas, including reclaiming of oil from tank bottoms located on leases and tank farms located outside the boundaries of a refinery.

Section 521      Interfering with or Preventing Firemen or Others from Extinguishing Fires

- A. It shall be unlawful, at any burning of a grassfire or of a building, to disobey lawful orders of any public officer or fireman, or to resist or interfere with the lawful efforts of any fireman or company of firemen to extinguish the same, or to engage in any

disorderly conduct calculated to prevent the same from being extinguished, or to forbid, prevent or dissuade others from assisting to extinguish the same.

- B. Interfering with or preventing firemen or others from extinguishing fires shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), a term of imprisonment in the tribal jail not to exceed one (1) year, or both.

Section 522 Burn Ban Violation

- A. It shall be unlawful to intentionally, negligently, carelessly, or recklessly, to cause, or allow to be caused, an outdoor fire, during a time the Chairman of the Tribe has issued a burn ban, and which creates a risk, however slight, of personal injury or property damage or destruction.
- B. This section shall not apply to any fire used as part of a religious or tribal traditional ceremony.
- C. Burn ban violation shall be punishable by a fine not to exceed Two Thousand Five Hundred Dollars (\$2,500.00), or the payment of all costs of the police and fire department incurred in the control or extinguishment of a fire, or a term of imprisonment in the tribal jail for not to exceed six (6) months, or a combination of fines, jail, and police or fire department restitution.

Section 523 Projecting Object at Public Event

- A. It shall be unlawful to project in any manner an object which could cause bodily harm to another person in attendance at an athletic or other public entertainment event.
- B. Any person violating the provisions of this section shall be subject to ejection from the event by the officials supervising the event.
- C. Projecting object at public event shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), a term of imprisonment in the tribal jail not to exceed one (1) year, or both.
- D. The provisions of this section shall not apply to the participants in the athletic or other public entertainment event.

Section 524 Planning or Threatening Violent Act

- A. It shall be unlawful to attempt, conspire or endeavor to perform an act of violence involving or intended to involve serious bodily harm or death of another person.

- B. Planning or threatening a violent act shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), a term of imprisonment in the tribal jail not to exceed one (1) year, or both.

Section 525 Violation of Gaming Law

- A. It shall be unlawful to willfully violate any gaming law, rule or regulation of the Iowa Tribe.
- B. Violation of Gaming Law shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year; or by banishment for not less than five (5) years or more than ten (10) years; or any combination of the above authorized punishments.

Upon final conviction, the person shall forfeit any license or permit in his possession.

Section 526 Abusing a Corpse

- A. It shall be unlawful to purposely and unlawfully remove, conceal, dissect, or destroy a corpse or any part of a corpse; or to disinter a corpse that has been buried or otherwise interred.
- B. Abusing a corpse shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or banishment for a term of not less than one (1) year nor more than five (5) years or any combination of the above punishments.

Section 527 Prostitution

- A. It shall be unlawful to:
  - 1. Be an inmate or resident of a house of prostitution or otherwise engage in sexual activity as a business or for hire; or
  - 2. Loiter in or within view of a public place for the purpose of being hired to engage in sexual activity; or
  - 3. Engage in or offer or agree to engage in any sexual activity with another person for a fee; or
  - 4. Pay or offer or agree to pay another person a fee for the purpose of engaging in an act of sexual activity; or
  - 5. Enter or remain in a house of prostitution for the purpose of engaging in sexual activity; or

6. Own, control, manage, supervise, or otherwise keep, alone or in association with another, a house of prostitution or a prostitution business; or
  7. Solicit a person to patronize a prostitute; or
  8. Procure or attempt to procure a prostitute for another; or
  9. Lease or otherwise permit a place controlled by the actor, alone or In association with others, to be used for prostitution or the promotion of prostitution; or
  10. Procure an inmate for a house of prostitution; or
  11. Encourage, induce, or otherwise purposely cause another to become or remain a prostitute; or
  12. Transport a person with a purpose to promote that person's engaging in prostitution or procuring or paying for transportation with that purpose; or
  13. Share in the proceeds of a prostitute pursuant to an understanding that one is to share therein, unless one is the child or legal dependent of a prostitute; or
  14. Own, operate, manage or control a house of prostitution; or
  15. Solicit, receive, or agree to receive any benefit for doing any of the acts prohibited by this subsection.
- B. Definitions:
1. "Sexual activity" means intercourse or any sexual act involving the genitals of one person and the mouth or anus of another person, regardless of the sex of either participant.
  2. "House of prostitution" means a place where prostitution or promotion of prostitution is regularly carried on by one or more persons under the control, management, or supervision of another.
  3. "Inmate" means a person who engages in prostitution in or through the agency of a house of prostitution.
  4. "Public place" means any place to which the public or a substantial group thereof has access.
- C. On the issue of whether a place is a house of prostitution, the following shall be admissible in evidence: its general reputation; the reputation of the persons who reside in or frequent the place; the frequency, timing and duration of visits by non-residents. Testimony of a person against his spouse shall be admissible to prove offense under this section.
- D. Prostitution shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00), or by a term of imprisonment in the Tribal jail not to exceed six (6) months, or both. Upon a second or subsequent conviction for prostitution, banishment may also be imposed for a term not to exceed two (2) years.

Section 528      Spreading Venereal Disease

- A. It shall be unlawful to infect another person with venereal disease, if one knows or has reason to believe she/he is infected with a venereal disease.
- B. The Court shall, upon conviction, have the power to order the medical examination and treatment of the convicted offender and may also order an investigation to determine to what extent others have or may have been infected by the convicted offender.
- C. Spreading venereal disease shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00), or by a term of imprisonment in the Tribal jail not to exceed (3) three months, or both.

Section 529      Indecent Exposure; Indecent Exhibitions; Obscene or Indecent Writings, Pictures, Etc.

- A. It shall be unlawful to:
  - 1. Lewdly expose his person or genitals in any public place, or in any place where there are present other persons to be offended or annoyed thereby;
  - 2. Procure, counsel, or assist any person to expose such person, or to make any other exhibition of such person to public view or to the view of any number of persons, for the purpose of sexual stimulation of the viewer;
  - 3. Sell, deliver or provide, or offer or agree to sell, deliver or provide, any obscene writing, picture, record or other representation or embodiment that is obscene; or
  - 4. Write, compose, stereotype, print, photograph, design, copy, draw, engrave, paint, mold, cut, or otherwise prepare, publish, sell, distribute, keep for sale, knowingly download on a computer, or exhibit or otherwise make available any obscene material or child pornography; or
  - 5. Make, prepare, cut, sell, give, loan, distribute, keep for sale, or exhibit any disc record, metal, plastic, or wax, wire or tape recording, or any type of obscene material or child pornography; or
  - 6. Present or direct an obscene play, dance, or performance, or participate in that portion thereof which makes it obscene; or
  - 7. Possess any obscene material for purposes of sale or other commercial dissemination; or
  - 8. Buy, procure, or possess child pornography; or
  - 9. Sell, advertise or otherwise commercially disseminate material, whether or not obscene, by representing or suggesting that it is obscene.

- B. As used in this section, “obscene material” means and includes any representation, performance, depiction or description of sexual conduct, whether in any form or medium including still photographs, undeveloped photographs, motion pictures, undeveloped film, videotape, CD-ROM, magnetic disk memory, magnetic tape memory or a purely photographic product or a reproduction of such product in any book, pamphlet, magazine, or other publication, if said items contain the following elements:
1. depictions or descriptions of sexual conduct, nudity or excretion which are patently offensive as found by the average person applying contemporary community standards,
  2. taken as a whole, have as the dominant theme an appeal to prurient interest in sex as found by the average person applying contemporary community standards, and
  3. a reasonable person would find the material or performance taken as a whole lacks serious literary, artistic, educational, political, or scientific purposes or value.

The standard for obscenity applied in this section shall not apply to child pornography

- C. As used in this section, “child pornography” means and includes any film, motion picture, videotape, photograph, negative, undeveloped film, slide, photographic product, reproduction of a photographic product, CD-ROM, magnetic disk memory, magnetic tape memory, play or performance wherein a minor under the age of eighteen (18) years is engaged in any act with a person, other than his or her spouse, of sexual intercourse which is normal or perverted, in any act of anal sodomy, in any act of sexual activity with an animal, in any act of sadomasochistic abuse including, but not limited to, flagellation or torture, or the condition of being fettered, bound or otherwise physically restrained in the context of sexual conduct, in any act of fellatio or cunnilingus, in any act of excretion in the context of sexual conduct, in any lewd exhibition of the uncovered genitals in the context of masturbation or other sexual conduct, or where the lewd exhibition of the uncovered genitals has the purpose of sexual stimulation of the viewer, or wherein a person under the age of eighteen (18) years observes such acts or exhibitions.
- D. A person who disseminates or possesses obscene material in the course of his business is presumed to do so knowingly or recklessly.
- E. Predominant appeal shall be judged with reference to ordinary adults unless it appears from the character of the material or the circumstances of its dissemination to be designed for children or some other specially susceptible audience.
- F. Undeveloped photographs molds, printing plates and the like, shall be deemed obscene notwithstanding that processing or other acts may be required to make the obscenity patent or to disseminate it.
- G. It shall be a defense to a prosecution under this section that the dissemination of the obscene material was restricted to institutions or persons having scientific, educational, governmental or other similar justification for possessing obscene material.

- H. Obscenity shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00) and all obscene material shall be confiscated and destroyed.

Section 530      Lewd or Indecent Proposals or Act to Child Under Age 16

- A. It shall be unlawful to knowingly and intentionally:
  - 1. Make any oral, written or electronically or computer-generated lewd or indecent proposal to any child under sixteen (16) years of age for the child to have unlawful sexual relations or sexual intercourse with any person; or
  - 2. Look upon, touch, maul, or feel the body or private parts of any child under sixteen (16) years of age in any lewd or lascivious manner by any acts against public decency and morality, as defined by law; or
  - 3. Ask, invite, entice, or persuade any child under sixteen (16) years of age to go alone with any person to a secluded, remote, or secret place, with the unlawful and willful intent and purpose then and there to commit any crime against public decency and morality, as defined by law, with the child; or
  - 4. In any manner lewdly or lasciviously look upon, touch, maul, or feel the body or private parts of any child under sixteen (16) years of age in any indecent manner or in any manner relating to sexual matters or sexual interest; or
  - 5. In a lewd and lascivious manner and for the purpose of sexual gratification, urinate or defecate upon a child under sixteen (16) years of age or ejaculate upon or in the presence of a child, or force or require a child to look upon the body or private parts of another person or upon sexual acts performed in the presence of the child or force or require a child to touch or feel the body or private parts of said child or another person.
- B. Lewd or indecent proposals or acts to a child under age 16 shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.

Section 531      Obscene Language in a Public Place, Etc.

- A. It shall be unlawful to utter or speak any obscene or lascivious language or word in any public place, or in the presence of females, or in the presence of children under ten (10) years of age.
- B. Obscene language in a public place, etc., is punishable by a fine not to exceed One Hundred Dollars (\$100.00), or a term of imprisonment in the tribal jail not to exceed thirty (30) days, or both.

Section 532      Loitering Around Residence, Etc., to Watch Occupants

- A. It shall be unlawful to hide, wait or otherwise loiter in the vicinity of any private dwelling house, apartment building, any other place of residence, or in the vicinity of any locker room, dressing room, restroom or any other place where a person has a right to a reasonable expectation of privacy, with the unlawful and willful intent to watch, gaze, or look upon any person in a clandestine manner.
- B. Loitering around residence, etc., to watch occupants shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), a term of imprisonment in the tribal jail not to exceed one (1) year, or both.
- C. For the purpose of this section, loitering around the residence, etc., to watch occupants shall include the use of photographic, electronic or video equipment in a clandestine manner for any illegal, illegitimate, prurient, lewd or lascivious purpose with the unlawful and willful intent to view, watch, gaze or look upon any person without the knowledge and consent of such person when the person viewed is in a place where there is a right to a reasonable expectation of privacy, or the publication or distribution of any image obtained from such act.
- D. For the purpose of this section, loitering around the residence, etc., to watch occupants shall include the use of photographic, electronic or video equipment in a clandestine manner for any illegal, illegitimate, prurient, lewd or lascivious purpose with the unlawful and willful intent to view, watch, gaze or look upon any person and capture an image of a private area of a person without the knowledge and consent of such person and knowingly doing so under circumstances in which a reasonable person would believe that the private area of the person would not be visible to the public, regardless of whether the person is in a public or private place.

Section 533      Obscenity, Threats, or Harassment by Telephone or Other Electronic Communication

- A. It shall be unlawful to willfully, by means of a telecommunication or other electronic communication device, either:
  - 1. Make any comment, request, suggestion, or proposal which is obscene, lewd, lascivious, filthy, or indecent;
  - 2. Make a telecommunication or other electronic communication with intent to terrify, intimidate or harass, or threaten to inflict injury or physical harm to any person or property of that person;
  - 3. Make a telecommunication or other electronic communication, whether or not conversation ensues, with intent to put the party called in fear of physical harm or death;

4. Make a telecommunication or other electronic communication, whether or not conversation ensues, without disclosing the identity of the person making the call or communication and with intent to annoy, abuse, threaten, or harass any person at the called number;
  5. Knowingly permit any telecommunication or other electronic communication under the control of the person to be used for any purpose prohibited by this section; or
  6. In conspiracy or concerted action with other persons, make repeated calls or electronic communications or simultaneous calls or electronic communications solely to harass any person at the called number(s).
- B. As used in this section, "telecommunication" and "electronic communication" mean any type of telephonic, electronic or radio communications, or transmission of signs, signals, data, writings, images and sounds or intelligence of any nature by telephone, including cellular telephones, wire, cable, radio, electromagnetic, photoelectronic or photo-optical system or the creation, display, management, storage, processing, transmission or distribution of images, text, voice, video or data by wire, cable or wireless means, including the Internet. The term includes:
1. A communication initiated by electronic mail, instant message, network call, or facsimile machine; and
  2. A communication made to a pager.
- C. Use of a telephone or other electronic communications facility under this section shall include all use made of such a facility between the points of origin and reception. Any offense under this section is a continuing offense and shall be deemed to have been committed at either the place of origin or the place of reception.
- D. Obscenity, threats, or harassment by telephone or other electronic communication shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), a term of imprisonment in the tribal jail not to exceed one (1) year, or both.

Section 534      Stalking

- A. It shall be unlawful to willfully, maliciously, and repeatedly follow or harass another person in a manner that:
1. Would cause a reasonable person or a member of the immediate family of that person to feel frightened, intimidated, threatened, harassed, or molested; and
  2. Actually causes the person being followed or harassed to feel terrorized, frightened, intimidated, threatened, harassed, or molested,
- B. Stalking shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), a term of imprisonment in the tribal jail not to exceed one (1) year, or both.
- C. Violation of the provisions of subsection A of this section when:

1. There is a permanent or temporary restraining order, a protective order, an emergency ex parte protective order, or an injunction in effect prohibiting the behavior described in subsection A of this section against the same party, when the person violating the provisions of subsection A of this section has actual notice of the issuance of such order or injunction; or
2. Said person is on probation or parole, a condition of which prohibits the behavior described in subsection A of this section against the same party or under the conditions of a community or alternative punishment; or
3. Said person, within ten (10) years preceding the violation of subsection A of this section, completed the execution of sentence for a conviction of a crime involving the use or threat of violence against the same party, or against any member of the immediate family of such party,

Shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), a term of imprisonment in the tribal jail not to exceed one (1) year, or both.

Section 535      Sale of Intoxicating Beverage, Drug, or Other Intoxicating Substance to Minors

It shall be unlawful:

- A. For any person to knowingly sell, furnish or give any intoxicating beverage, drug, or other controlled substance to a person under twenty-one (21) years of age.
- B. Sale of Intoxicating Beverage, Drug, or Other Intoxicating Substance to Minors shall be punishable by a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in the Tribal Jail for a term not exceeding six (6) months, or both.

Section 536      Intoxication

- A. It shall be unlawful to be under the influence of an intoxicating beverage, drugs, or other controlled substance, or a substance having the property of releasing vapors, to any degree, in a public place or in a private place where one unreasonably disturbs another person, under circumstances not amounting to disorderly conduct.
- B. Intoxication shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00), or by a term of imprisonment in the Tribal jail not to exceed three (3) months, or both. However, a judge or the arresting law enforcement officer may order the release from custody and the dropping of a charge under this section if he believes further imprisonment is unnecessary for the protection of the individual or another and the individual is in a sober condition at the time of release. The Judge may also commit the person convicted to a facility for treatment if it appears that the

person is dependent upon the intoxicating beverage, drugs, controlled substance, or vapor producing substance, for a period not to exceed six (6) months.

Section 537 Possession of an Alcoholic Beverage

- A. It shall be unlawful to buy, sell, serve, give away, consume, furnish, or possess any beer, ale, wine, liquor, spirits, or any other beverage or product containing alcohol for ingestion by human beings; or to appear or be found in a place where alcoholic beverages are sold and/or consumed, without lawful authority.
- B. Possession of an alcoholic beverage shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00), or by a term of imprisonment in the Tribal jail not to exceed three (3) months, or both.
- C. Any such alcoholic beverage handled in violation of this section is hereby declared to be contraband and civil proceedings may be had against such alcoholic beverages for forfeiture as provided by law.

Section 538 Tobacco Offenses

- A. It shall be unlawful to:
  - 1. Furnish to any minor by gift, sale or otherwise any cigarettes, cigarette papers, cigars, bidis, snuff, chewing tobacco, or any other form of tobacco product;
  - 2. Knowingly permit a person under the age of twelve (12) to operate a machine dispensing tobacco products in his place of business or in an area of a place of business over which he is charged with the management or operation; or
  - 3. Purchase, obtain, possess, smoke, chew, inhale or ingest any product made from or with tobacco if under the age of sixteen (16) years.
- B. Tobacco offenses shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00), or by a term of imprisonment in the Tribal jail not to exceed three (3) months, or both.

Section 539 Abuse of Psychotoxic Chemical Solvents

- A. It shall be unlawful to purposely smell or inhale the fumes of any psychotoxic chemical solvent, or to possess, purchase, or attempt to possess or purchase any psychotoxic chemical solvent, with the intention of causing a condition of intoxication, inebriation, excitement, stupefaction, or the dulling of the brain or nervous system; or to sell, give away, dispense, or distribute, or offer to sell, give

away, dispense, or distribute any psychotoxic chemical solvent knowing or believing that the purchaser or another intends to use the solvent in violation of this section.

- B. This section shall not apply to the inhalation of anesthesia for medical or dental purposes.
- C. As used in this section, “psychotoxic chemical solvent” includes any glue, cement, or other substance containing one or more of the following chemical compounds: acetone and acetate, benzene, butyl-alcohol, methyl ethyl, petone, pentachlorophenol, petroleum ether, or other chemical substance capable of causing a condition of intoxication, inebriation, excitement, stupefaction, or the dulling of the brain or nervous system as a result of the inhalation of the fumes or vapors of such chemical substance. The statement of listing of the contents of a substance packaged in a container by the manufacturer or producer thereof shall be proof of the contents of such substances without further expert testimony if it reasonably appears that the substance in such container is the same substance placed therein by the manufacturer or producer.
- D. Abuse of psychotoxic chemical solvents shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00), or by a term of imprisonment in the Tribal jail not to exceed three (3) months, or both, and the Court may order any person using psychotoxic chemical solvents for inhalation to be committed to some facility for treatment for a term not exceeding six (6) months.
- E. Such psychotoxic chemical solvents kept or used in violation of this section are hereby declared to be contraband and civil proceedings may be had against such psychotoxic chemical solvents as provided by law.

Section 540      Dangerous Drug Offense

- A. It shall be unlawful, except as authorized and controlled by Federal law, to manufacture, distribute, possess with intent to distribute, dispense, create, possess, or cultivate a controlled or a counterfeit substance; or to obtain or acquire possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge; or to knowingly or intentionally use any communication facility in committing any of the above prohibited acts.
- B. Controlled or counterfeit substances shall consist of the substances listed in 21 U.S.C. Section 812 (2006), and any other chemical substance, natural or artificial, defined as a controlled or dangerous substance the possession, sale, distribution, or use of which is prohibited by federal law, except peyote. Controlled or counterfeit substances include, but are not limited to, precursor substances, drug paraphernalia, or any thing or device used to contain, measure, or weigh a controlled or counterfeit substance.
- C. A dangerous drug offense shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both. Upon conviction under this section for sales distribution, possession

with intent to distribute, manufacture with intent to sell, or cultivation with intent to distribute, banishment may also be imposed for a term not to exceed ten (10) years.

- D. Any substance handled in violation of this section is hereby declared to be contraband and civil forfeiture proceedings may be had against such substance as provided by law.
- E. Any personal property used to transport, conceal manufacture, cultivate, or distribute the controlled dangerous substance in violation of this section shall be subject to forfeiture as contraband by civil proceeding as provided by law.
- F. Any person who shall introduce into the Indian country, sell, use or have in his possession within said Indian country the bean button known as peyote shall be deemed guilty of an offense and upon conviction thereof shall be sentenced to labor for a period of not to exceed nine (9) months or a fine not to exceed One Hundred Dollars (\$100.00) or both. Provided that it shall not be unlawful for any member of the Native American Church to transport into Indian country, buy, sell, possess or use peyote in any form in connection with the religious practices, sacraments or services of the Native American Church.

Section 541        Reserved

Section 542        Unlawful Flight

- A. It shall be unlawful to move or travel to Indian Country lands within the jurisdiction of the Tribe with intent either to
  - 1. Avoid prosecution, or custody, or confinement after conviction, under the laws of the place from which he or she flees, for a crime which is an offense under the laws of the place from which the fugitive flees; or
  - 2. Avoid giving testimony in any criminal proceedings in such place in which a felony is charged; or
  - 3. Avoid service of, or contempt proceedings for alleged disobedience of, or lawful process requiring attendance and the giving of testimony or the production of documentary evidence before a court of the place from which he or she flees.
- B. Unlawful flight shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), a term of imprisonment in the tribal jail not to exceed one (1) year, or both.
- C. Upon a showing of probable cause, a judge of the Tribal Court is authorized to issue a warrant to apprehend and arrest a person suspected of committing this offense, and to deliver that person to the authorities in the jurisdiction where he or she is subject to arrest or lawful process, either before or after prosecution for the tribal offense of Unlawful Flight.

Section 543 Prohibition against carry-out of open containers

It shall be unlawful:

- A. For any person, owner, operator, manager, employee, or agent to permit or allow any patron or person to exit the premises of any establishment licensed by the Tribe where beer or non-intoxicating beverages are sold for consumption on the premises with an open container of intoxicating beverage or non-intoxicating beverage; or
- B. For any person to take from any establishment licensed by the Tribe or establishment where non-intoxicating beverages are sold for consumption on the premises an open container of intoxicating beverage or non-intoxicating beverage.
- C. Prohibition against carry-out of open containers shall be punishable by a fine not exceeding Five Hundred Dollars (\$500.00), or by a term of imprisonment in the Tribal jail not exceeding six (6) months, or both.

Section 544 Possession or Sale of Drug Related Paraphernalia

- A. "Drug Paraphernalia" means all equipment, products and materials of any kind which are used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body, a drug or other controlled dangerous substance in violation of law. It includes but is not limited to:
  - 1. Kits used or intended for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled dangerous substance or from which a controlled dangerous substance can be derived;
  - 2. Kits used or intended for use in manufacturing, compounding, converting, producing, processing, or preparing controlled dangerous substances, isomerization devices used or intended for use in increasing the potency of any species of plant which is a controlled dangerous substance;
  - 3. Testing equipment used or intended to use in identifying, or in analyzing the strength, effectiveness or purity of controlled dangerous substances; scales and balances used or intended for use in weighing or measuring controlled dangerous substances;
  - 4. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used or intended for use in cutting controlled dangerous substances;
  - 5. Separation gins and sifters used or intended for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;

6. Blenders, bowls, containers, spoons and mixing devices used or intended for use in compounding controlled dangerous substances;
7. Capsules, balloons, envelopes and other containers used or intended for use in packaging small quantities of controlled dangerous substances;
8. Containers and other objects used or intended for use in parenterally injecting controlled dangerous substances into the human body;
9. Hypodermic syringes, needles and other objects used or intended for use in parenterally injecting controlled dangerous substances into the human body;
10. Objects used or intended for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:
  - a. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;
  - b. Water pipes;
  - c. Carburetion tubes and devices;
  - d. Smoking and carburetion masks;
  - e. Roach clips: Meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
  - f. Miniature cocaine spoons and cocaine vials;
  - g. Chamber pipes;
  - h. Carburetor pipes;
  - i. Electric pipes;
  - j. Air-driven pipes;
  - k. Chillums;
  - l. Bongs;
  - m. Ice pipes or chillers.

- B. Drug paraphernalia--Factors used in determining. In determining whether an object is "drug paraphernalia," consider, in addition to all other logically relevant factors, the following:
1. Statements by an owner or by anyone in control of the object concerning its use;
  2. The proximity of the object, in time and space, to a direct violation of the criminal laws;
  3. The proximity of the object to controlled dangerous substances;
  4. The existence of any residue of controlled dangerous substances on the object;

5. Instructions, oral or written, provided with the object which either state directly or imply that the object is to be used for the consumption of controlled substances;
  6. Descriptive materials accompanying the object which explain or depict its use as an object for the consumption of controlled substances;
  7. The manner in which the object is displayed for sale;
  8. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
  9. The existence and scope of legitimate uses for the object in the community.
- C. It shall be unlawful for any person to use or possess drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled dangerous substance in violation of the criminal laws.
- D. It shall be unlawful for any person to deliver, possess or manufacture drug paraphernalia knowing it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled dangerous substance in violation of the criminal laws.
- E. Possession or Sale of Drug Related Paraphernalia shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not exceeding one (1) year, or both.

Section 545          Displaying Material Harmful to Minors

- A. Definitions. Minor means any unmarried person under the age of eighteen (18) years. "Harmful to Minors" means that quality of any description, exhibition, presentation or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sado-masochistic abuse when the material or performance, taken as a whole, has the following characteristics:
- a. The average adult person applying contemporary community standards would find that the material or performance has a predominant tendency to appeal to a prurient interest in sex to minors; and
  - b. The average adult person applying contemporary community standards would find that the material or performance depicts or describes nudity, sexual conduct, sexual excitement or sado-masochistic abuse in a manner that is patently offensive to prevailing standards in the adult community with respect to what is suitable for minors; and

- c. The material or performance lacks serious literary, scientific, artistic, or political value for minors.

"Nudity" means the showing of the human male or female genitals, pubic area, or buttocks with less than a full opaque covering; the showing of the female breast with less than a full opaque covering of any portion thereof below the top of the nipple; or the depiction of covered male genitals in a discernibly turgid state.

"Sexual conduct" means acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person be a female, breast.

"Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

"Sado-masochistic abuse" means flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

"Material" means any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, record, or recording tape, video tape.

"Performance" means any motion picture, film, video tape, played record, phonograph or tape, preview, trailer, play, show, skit, dance, or other exhibition performed or presented to or before an audience of one or more, with or without consideration.

"Knowingly" means having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry of both:

- a. The character and content of any material or performance which is reasonably susceptible of examination by the defendant, and
- b. The age of the minor; however, an honest mistake shall constitute an excuse from liability hereunder if the defendant made a reasonable bona fide attempt to ascertain the true age of such minor.

"Person" means any individual, partnership, association, corporation, or other legal entity of any kind.

"A reasonable bona fide attempt" means an attempt to ascertain the true age of the minor by requiring production of a driver's license, marriage license, birth certificate or other governmental or educational identification card or paper and not relying solely on the oral allegations or apparent age of the minor.

B. Offenses. It shall be unlawful for any person to knowingly:

- a. possess, provide, or display material which is harmful to minors in such a way that minors will be exposed to view such material provided;
- b. sell, furnish, present, distribute, allow to view, or otherwise disseminate to a minor, with or without consideration, any material which is harmful to minors; or

- c. present to a minor or participate in presenting to a minor, with or without consideration, any performance which is harmful to a minor.
- C. Defenses. It shall be an affirmative defense to any prosecution under this section that:  
The material or performance involved was displayed, presented, or disseminated to a minor at a recognized and established school, church, museum, medical clinic, hospital, public library, governmental agency, quasi-governmental agency and persons acting in their capacity as employees or agents of such persons or organizations, and which institution displays, presents or disseminates such material or performance for a bona fide governmental, educational or scientific purpose.
- D. Displaying Material Harmful to Minors shall be punishable by a fine not exceeding One Thousand Dollars (\$1,000.00), or by a term of imprisonment in the Tribal jail not exceeding six (6) months, or both.

Section 546          Smoking in Indoor Public Places and Workplaces

- A. The possession of lighted tobacco in any form is a public nuisance and dangerous to public health and is hereby prohibited when such possession is in any indoor place used by or open to the public, in any enclosed indoor area where individuals other than employees are invited or permitted, in any indoor workplace, within fifteen (15) feet of any entrance, exit or air intake of any such places, or in any vehicle providing public transportation, except where specifically allowed by law. As used in this section, "indoor workplace" means any indoor place of employment or employment-type service for or at the request of another individual or individuals, or any public or private entity, whether part-time or full-time and whether for compensation or not. Such services shall include, without limitation, any service performed by an owner, employee, independent contractor, agent, partner, proprietor, manager, officer, director, apprentice, trainee, associate, servant or volunteer. An indoor workplace includes work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, hallways, any other spaces used or visited by employees, and all space between a floor and ceiling that is predominantly to totally enclosed by walls or windows, regardless of doors, doorways, open or closed windows, stairways, or the like. The provisions of this section shall apply to such indoor workplace at any given time, whether or not work is being performed. An employer not otherwise restricted from doing so may elect to provide smoking rooms where no work is performed except for cleaning and maintenance during the time the room is not in use for smoking, provided each smoking room is fully enclosed, exhausted directly to the outside with no air from the smoking space circulated to any nonsmoking area, under negative air pressure so that no smoke can drift or circulate into a nonsmoking area when a door to an adjacent nonsmoking area is opened, and the air from the smoking space is not exhausted within fifteen (15) feet of any entrance, exit or air intake.
- B. Smoking is permitted in the following space if (1) the smoking space occupies the entire building or (2), if the smoking space shares space in the building with any indoor public

places or indoor workplaces in which smoking is prohibited, is fully enclosed, exhausted directly to the outside with no air from the smoking space circulated to any nonsmoking area within the building, and under negative air pressure so that no smoke can drift or circulate into a nonsmoking area within the building when a door to an adjacent nonsmoking area is opened, and the air from the smoking space is not exhausted within fifteen (15) feet of any entrance, exit or air intake:

1. The room or rooms where licensed bingo games are being operated, but only during the hours of operation of such games;
2. Up to twenty-five percent (25%) of the guest rooms at a hotel or other lodging establishment;
3. Retail tobacco stores predominantly engaged in the sale of tobacco products and accessories and in which the sale of other products is merely incidental and in which no food or beverage is sold or served for consumption on the premises;
4. Workplaces where only the owner or operator of the workplace, or the immediate family of the owner or operator, performs any work in the workplace, and the workplace has on incidental public access. "Incidental public access" means that a place of business has only an occasional person, who is not an employee, present at the business to transact business or make a delivery. It does not include businesses that depend on walk-in customers for any part of their business;
5. Workplaces occupied exclusively by one or more smokers, if the workplace has only incidental public access;
6. Private offices occupied exclusively by one or more smokers;
7. Workplaces within private residences, except that smoking shall not be allowed inside any private residence that is used as a licensed child care facility during hours of operation;
8. Medical research or treatment centers, if smoking is integral to the research or treatment;
9. A facility operated by a post or organization of past or present members of the Armed Forces of the United States which is exempt from taxation pursuant to Section 501(c)(19) of the Internal Revenue Code, 26 U.S.C., Section 501(c)(19), when such facility is utilized exclusively by its members and their families and for the conduct of post or organization nonprofit operations except during an event or activity which is open to the public;
10. Any outdoor seating area of a restaurant; provided, smoking shall not be allowed within fifteen (15) feet of any exterior public doorway or any air intake of a restaurant;
11. A stand-alone bar, stand-alone tavern, or cigar bar that (1) derives more than sixty percent (60%) of its gross receipts, subject to verification by competent authority, from the sale of alcoholic beverages and low-point beer, (2) admits no person under twenty-one (21) years of age except for members of a musical band employed or hired, and (3) is not located within, and does not share any common

entryway or common indoor area with, any other enclosed indoor workplace, including a restaurant; and

12. Restaurants shall be totally nonsmoking or may provide nonsmoking areas and designated smoking rooms. Food and beverage may be served in such designated smoking rooms, which shall be in a location that is fully enclosed, directly exhausted to the outside, under negative air pressure so smoke cannot escape when a door is opened, and no air is re-circulated to nonsmoking areas of the building. No exhaust from such room shall be located within twenty-five (25) feet of any entrance, exit or air intake. Such room shall be subject to verification for compliance with the provisions of this subsection by the Tribal Department of Health.

C. The person who owns or operates a place where smoking or tobacco use is prohibited by law shall be responsible for posting a sign or decal, at least four (4) inches by two (2) inches in size, at each entrance to the building indicating that the place is smoke-free or tobacco-free.

D. Responsibility for posting signs or decals shall be as follows:

1. In privately owned facilities, the owner or lessee, if a lessee is in possession of the facilities, shall be responsible;
2. In corporately owned facilities, the manager and/or supervisor of the facility involved shall be responsible; and
3. In publicly owned facilities, the manager and/or supervisor of the facility shall be responsible.

E. Smoking in Indoor Public Places and Workplaces shall be punishable by a fine not exceeding Two Hundred Fifty Dollars (\$250.00), or by a term of imprisonment in the Tribal jail not exceeding one (1) month, or both.

#### Section 547 Leaving Child Unattended In Vehicle, Residence Or Building

A. No person shall at any time leave any child unattended under the age of twelve years in any residence or building, or in any motor vehicle or other vehicle parked on any avenue, street, alley, or public place except when such child is at all times within the custody and care of some person over the age of 16 years.

B. Leaving child unattended in vehicle, residence or building shall be punishable by a fine not exceeding One Thousand Dollars (\$1,000.00), or by a term of imprisonment in the Tribal jail not exceeding six (6) months, or both.

Section 548 Allowing Or Encouraging Minor To Commit Offenses

- A. It shall be unlawful for any person to aid, abet, encourage or, by omission of a duty, encourage or assist a minor to commit any municipal, state, tribal or federal offense.
- B. Allowing or encouraging minor to commit offenses shall be punishable by a fine not exceeding Five Hundred Dollars (\$500.00), or by a term of imprisonment in the Tribal jail not exceeding six (6) months, or both.

Section 549 Parental Responsibility Failure

- A. It shall be unlawful for any parent to fail to control a minor who is under the parent's supervision by, after notification of a prior offense committed by the minor, failing to prevent the minor from committing the same offense or more than one offense within one year of the date the minor committed the first offense.
- B. Parental responsibility failure shall be punishable by a fine not exceeding Five Hundred Dollars (\$500.00), or by a term of imprisonment in the Tribal jail not exceeding six (6) months, or both.

Section 550 Commission Of Crime In Presence Of Minor

- A. It shall be unlawful for any person to commit any municipal, state, tribal, or federal offense in the presence of any person under 18 years of age.
- B. Commission of crime in presence of minor shall be punishable by a fine not exceeding Five Hundred Dollars (\$500.00), or by a term of imprisonment in the Tribal jail not exceeding six (6) months, or both.

Section 551 Cruelty to Animals

- A. It shall be unlawful to carelessly, recklessly, purposely, or knowingly:
  - 1. Torture, destroy or kill, or cruelly beat or injure, maim, mutilate or seriously overwork any animal in subjugation or captivity, whether wild or tame, and whether belonging to the person or to another; or
  - 2. Neglect or deprive any such animal of necessary food, drink, shelter, or veterinary care to prevent suffering; or
  - 3. Cause, procure or permit any such animal to be so mistreated, tortured, destroyed or killed, or cruelly beaten or injured, maimed, mutilated or

seriously overworked, or deprived of necessary food, drink, shelter, or veterinary care to prevent suffering; or

4. Abandon an animal in one's custody; or
  5. Transport or confine an animal in a cruel manner; or
  6. Kill, injure, or administer poison to an animal without legal privilege to do so; or
  7. Cause one mammal to fight with another; or
  8. Willfully set on foot, instigate, engage in, or in any way further any act of cruelty to any animal, or any act tending to produce such cruelty.
- B. Cruelty to animals shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00), or by a term of imprisonment in the Tribal jail not to exceed six (6) months, or both. It is a defense to prosecution under this section that the conduct of the actor toward the animal was an accepted veterinary practice or directly related to a bonafide experimentation for scientific research provided that if the animal is to be destroyed, the manner employed will not be unnecessarily cruel unless directly necessary to the veterinary purpose or scientific research involved.

Section 552      Livestock Offense

- A. It shall be unlawful to:
1. Knowingly or recklessly refuse or fail to mark or brand his livestock when such is required in the interest of livestock identification or directed by Tribal or government officials; or
  2. Alter, obliterate, or remove a brand or mark, or misbrand or mismark livestock with a purpose to deceive another for any reason; or
  3. Knowingly permit livestock to graze or trespass on the property of another or of the Tribe without permission to do so in excess of permitted time or amount; or
  4. Knowingly fail to treat or dispose of a sick animal where there is a substantial danger of infecting other livestock; or
  5. Knowingly fail to treat or dispose of a sick animal where there is a substantial danger of infecting other animals; or
  6. Fail to dip, inoculate or otherwise treat livestock in the manner which the designated representative of the Tribe shall direct; or
  7. Make a false report of livestock owned.
- B. Except in cases in which the owner or person having custody of livestock believed to be in violation of this section cannot be found, for subparagraphs 1, 3, 4, 5, or 6 set forth above, no conviction may be sustained unless the owner or person having

custody of the livestock involved is given forty-eight (48) hours written notice of his alleged violation.

- C. Livestock found to be in violation of this section may be impounded without prior notice to the owner if a court so orders upon receipt of evidence that such animals seriously threaten the property of the Tribe or another or the health of other livestock and that immediate action is necessary to protect such interests from serious harm. A reasonable fee for the care of such animals maybe collected prior to their release.
- D. A livestock offense shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00), or by a term of imprisonment in the Tribal jail not to exceed three (3) months, or both.
- E. Livestock handled or kept in violation of this section are hereby declared to be contraband and civil proceedings may be had against such animals for forfeiture as provided by law.

Section 553        Fires Left Unattended And Unextinguished

- A. It shall be unlawful to start, having kindled or caused to be kindled, a fire in or near any forest, timber, or other inflammable material upon any lands owned, controlled or leased by, or under the partial, concurrent, or exclusive jurisdiction of the United States, including lands under contract for purchase or for the acquisition of which condemnation proceedings have been instituted, and including any Indian reservation or lands belonging to or occupied by any tribe or group of Indians under the authority of the United States, or any Indian allotment while the title to the same is held in trust by the United States, or while the same shall remain inalienable by the allottee without the consent of the United States, and leaves said fire without totally extinguishing the same, or permits or suffers said fire to burn or spread beyond his control, or leaves or suffers said fire to burn unattended.
- B. Fires left unattended and unextinguished shall be punishable by a fine not exceeding Two Thousand Dollars (\$2,000.00), or by a term of imprisonment in the Tribal jail not exceeding six (6) months, or both.

Section 554        Failure To Report Child Abuse

It shall be unlawful to fail to report child abuse.

- a. Any person who---
  - 1. is a ---
    - A. physician, surgeon, dentist, podiatrist, chiropractor, nurse, dental hygienist, optometrist, medical examiner, emergency medical technician, paramedic, or health care provider,

- B. teacher, school counselor, instructional aide, teacher's aide, teacher's assistant, or bus driver employed by any tribal, Federal, public or private school,
  - C. administrative officer, supervisor of child welfare and attendance, or truancy officer of any tribal, Federal, public or private school,
  - D. child day care worker, headstart teacher, public assistance worker, worker in a group home or residential or day care facility, or social worker,
  - E. psychiatrist, psychologist, or psychological assistant,
  - F. licensed or unlicensed marriage, family, or child counselor,
  - G. person employed in the mental health profession, or
  - H. law enforcement officer, probation officer, worker in a juvenile rehabilitation or detention facility, or person employed in a public agency who is responsible for enforcing statutes and judicial orders;
2. knows, or has reasonable suspicion, that---
- A. a child was abused in Indian country, or
  - B. actions are being taken, or are going to be taken, that would reasonably be expected to result in abuse of a child in Indian country; and
3. fails to immediately report such abuse or actions described in paragraph (2) to the local child protective services agency or local law enforcement agency,  
shall be fined under this title or imprisoned for not more than six (6) months or both.
- b. Any person who---
- 1. supervises, or has authority over, a person described in subsection (a)(1), and
  - 2. inhibits or prevents that person from making the report described in subsection (a),
- shall be fined in an amount not to exceed One Thousand Dollars (\$1,000.00) or imprisoned for not more than six (6) months, or both fine and imprisonment.
- c. For purposes of this section, the term---
- 1. "abuse" includes---
    - A. any case in which---
      - i. a child is dead or exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling, and
      - ii. such condition is not justifiably explained or may not be the product of an accidental occurrence; and
    - B. any case in which a child is subjected to sexual assault, sexual molestation, sexual exploitation, sexual contact, or prostitution;

2. "child" means an individual who---
    - A. is not married, and
    - B. has not attained 18 years of age;
  3. "local child protective services agency" means that agency of the Federal Government, of a State, or of an Indian tribe that has the primary responsibility for child protection on any Indian reservation or within any community in Indian country; and
  4. "local law enforcement agency" means that Federal, Tribal, or State law enforcement agency that has the primary responsibility for the investigation of an instance of alleged child abuse within the portion of Indian country involved.
- d. Any person making a report described in subsection (a) which is based upon their reasonable belief and which is made in good faith shall be immune from civil or criminal liability for making that report.

Section 555 Interjurisdictional Violation Of Protection Order

It shall be unlawful:

- A. For a person to enter or leave Indian country with the intent to engage in conduct that violates the portion of a protection order that prohibits or provides protection against violence, threats, or harassment against, contact or communication with, or physical proximity to, another person, or that would violate such a portion of a protection order in the jurisdiction in which the order was issued, and subsequently engages in such conduct;
- B. For a person to cause another person to enter or leave Indian country by force, coercion, duress, or fraud, and in the course of, as a result of, or to facilitate such conduct or travel engages in conduct that violates the portion of a protection order that prohibits or provides protection against violence, threats, or harassment against, contact or communication with, or physical proximity to, another person, or that would violate such a portion of a protection order in the jurisdiction in which the order was issued.
- C. Interjurisdictional violation of protection order shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not exceeding One (1) year, or both.

Section 556 Failure To Register As Sex Offender

- A. It shall be unlawful for any person who has been convicted in any jurisdiction and declared to be a sex offender to fail to register with the designated authorities as required within the tribal jurisdiction.
- B. Conviction of the offense of Failure To Register As Sex Offender shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00) or imprisonment in the

Tribal jail for a period not to exceed one (1) year, or both fine and imprisonment; or by banishment for a period not less than ten (10) years nor more than life; or any combination of the above.

- C. Civil Penalty. Each violation of any provision of this Act or any other tribal law by a sex offender who is not an Indian shall be considered a civil violation subject to enforcement by any means not prohibited by federal law, including, but not limited to, the issuance of fines, forfeitures, civil contempt and exclusion.
- D. Customs and traditions and banishment/exclusion. All inherent, traditional, or customary tribal powers, including any federal grants of authority, of relinquishment, banishment and exclusion are authorized and available for the administration and enforcement of any provision of this Act or other tribal law.

Section 557 Obstruction of Sex Offender Registration

- A. It shall be unlawful to:
  - (1) Knowingly harbor or knowingly attempt to harbor, or knowingly assists another person in harboring or attempting to harbor a sex offender who is in violation of this Act or any other tribal law;
  - (2) Knowingly assist a sex offender in eluding a law enforcement agency that is seeking to find the sex offender to question the sex offender about, or to arrest the sex offender for, noncompliance with the requirements of this Act or any other tribal law; or
  - (3) Provide information to any law enforcement regarding a sex offender which the person knows to be false.
- B. Conviction of the offense of Obstruction of Sex Offender Registration shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or imprisonment in the Tribal jail for One (1) year, or both fine and imprisonment; or by banishment for a period not less than ten (10) years nor more than life; or any combination of the above.

Section 558 Reserved

Section 559 Reserved

Section 560 Reserved

Section 561 False Reports

- A. It shall be unlawful to willfully, knowingly and without probable cause make a false report to any person of any crime or circumstances indicating the possibility of crime having been committed, including the unlawful taking of personal property, which report causes or encourages the exercise of police action or investigation.
- B. It shall be unlawful to initiate or circulate a report or warning of a fire, bombing, or other crime or catastrophe, knowing that the report or warning is false or baseless and that it is likely to cause evacuation of any building, place or assembly, or facility of public transport, or to cause public inconvenience or alarm or action of any sort by an official or volunteer agency organized to deal with emergencies.
- C. It shall be unlawful to willfully, knowingly, and without probable cause communicate false information concerning a missing child to a law enforcement agency that causes or encourages the activation of an AMBER alert warning system.
- D. False reports shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000.00), or by a term of imprisonment in the Tribal jail not to exceed six (6) months, or both.

Section 562 Emergency Telephone Abuse

- A. It shall be unlawful to knowingly refuse to yield or surrender the use of a party line or public pay telephone to another person upon being informed that said telephone is needed to report a fire, or summon police, medical or other aid in case of an emergency, unless the actor is already using said telephone to report an emergency; or to ask for or request the use of a party line or public pay phone on the pretext that an emergency exists, knowing that no emergency exists.
- B. "Emergency" means a situation in which property or human life or safety is in jeopardy and the prompt summoning of aid is or reasonable appears to be essential to preservation of human, life, safety, or property.
- C. Emergency telephone abuse shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00), or by a term of imprisonment in the Tribal jail not to exceed three (3) months, or both.

Section 563 Violation of Privacy

- A. It shall be unlawful, except as authorized by law, to:
  - 1. Trespass on property with intent to subject anyone to eavesdropping or other surveillance in a private place; or

2. Install in any private place, without the consent of the person or persons entitled to privacy there, any device for observing, photographing, recording, amplifying, or broadcasting sounds or events in such place, or use any such unauthorized installation; or
3. Install or use outside of any private place any device for hearing, recording, amplifying, or broadcasting sounds originating in such place which would not ordinarily be audible or comprehensible outside, without the consent of the person or persons entitled to privacy there; or
4. Divulge without the consent of the sender or receiver the existence or contents of any such message if the actor knows that the message was illegally intercepted, or if he learned of the message in the course of employment with an agency engaged in transmitting it.

B. Definitions:

1. "Eavesdrop" means to overhear, record, amplify, or transmit any part of an oral or written communication of others without the consent of at least one party thereto by means of any electrical, mechanical or other device.
2. "Private place" means a place where one can reasonably expect to be safe from casual or hostile intrusion or surveillance.
3. Violation of privacy shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00), or by a term of imprisonment in the Tribal jail not to exceed three (3) months, or both.

Section 564 Criminal Defamation

- A. It shall be unlawful to knowingly and with malicious intent communicate to any person orally or in writing any information which one knows or should know to be false and knowingly that the information tends to impeach the honesty, integrity, virtue or reputation, or publish the natural defects of one who is alive, or who has not been declared missing or dead for a period exceeding twenty (20) years, and thereby expose him to public hatred, contempt or ridicule. An injurious publication is presumed to have been malicious if no justifiable motive for making it is shown by way of defense.
- B. Criminal defamation shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00), or by a term of imprisonment in the Tribal jail not to exceed three (3) months, or both. However, it shall be a defense to criminal defamation that the person making the publication was at the time engaged in the formal broadcast or publication of news by some public news media of communication and in good faith believed he was reporting a newsworthy event concerning a public figure with a basis in truth.

- A. Except as otherwise provided by tribal statute, it shall be unlawful to:
1. Open, cause to be opened, or conduct, whether for hire or not, or carry on either poker, roulette, craps, or any banking or percentage, or any gambling game played with dice, cards or any device, for money, checks, credits or any representatives of value; or
  2. Either as owner or employee, whether for hire or not, deal for those engaged in any such scheme listed above; or
  3. Bet or play at any of said prohibited games, or bet or play at any games whatsoever, for money property, checks, credits or other representatives of value with cards, dice or any other device which may be adapted to or used in playing any game of chance or in which chance is material element; or
  4. Knowingly permit any gaming table, bank or gaming device to be set up or used for the purpose of gambling, or gambling to be played, conducted or dealt upon in any house, building, shed, shelter, booth, lot or other premises belonging to him, or occupied by him, or of which he has, at the time, possession or control, whether in whole or in part; or
  5. Win or acquire to himself or another any gambling proceeds when one knows he has a lesser risk of losing or a greater chance of winning than one or more of the other participants, and the risk is not known to all participants; or
  6. Derive or intend to derive an economic benefit, other than personal winnings, from gambling and either:
    - a. induce or aid another to engage in gambling; or
    - b. knowingly invest in, finance, own, control, supervise, manage, or participate in any gambling operation; or
  7. Knowingly possess or have custody or control, as owner, lessee, agent, employee, bailee or otherwise, of any gambling device with knowledge or reason to know that said devices will be used in making or settling commercial gambling transactions and deal in said gambling devices with the intent to facilitate commercial gambling transactions.
- B. Definitions:
1. "Gambling" means risking anything of value for a return or risking anything of value upon the outcome of a contest, game, gaming scheme, or gaming device when the return or outcome is based upon an element of chance and is in accord with an agreement or understanding that someone will receive something of value in the event of a certain outcome, or a lottery, but does not include any lawful business transaction or playing amusement device that confers only an immediate and unrecorded right of replay not exchangeable for value.

2. "Gambling device" means anything specifically designed for use in gambling or used primarily for gambling.
  3. "Lottery" means any scheme for the disposal or distribution of property by chance among persons who have paid or promised to pay any valuable consideration for the chance of obtaining the property, upon any agreement, understanding or expectation that it is to be distributed or disposed of by lot or chance, regardless of whatever name such scheme may be known by.
- C. The Tribe may issue a permit authorizing a lottery pursuant to a Tribal statute on lotteries, provided all benefit therefrom, except prizes, go to a charitable or religious organization and provided further that such permit or the statute pursuant to which it is issued specify the details of the lottery.
- D. It shall not be an offense under this Section for a person to engage in bingo licensed pursuant to Tribal law, in any of its forms, conducted under the rules set out by a Tribal Bingo Ordinance or statute, nor shall it be an offense under this section for a person to engage in any traditional Indian games designated by Tribal law as exempt from the provisions of this Section, nor shall traditional raffles and similar activities conducted at pow-wows and similar functions be considered gambling under this section.
- E. A gambling offense shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.
- F. Every person who is authorized or enjoined to arrest any person for a violation of the provisions of this section, is equally authorized and enjoined to seize any table, cards, dice, or other articles or apparatus suitable to be used for gambling purposes found in the possession or under the control of the person so arrested, and to deliver the same to the magistrate before whom the person so arrested is required to be taken.

Section 566      Waters Offense

- A. It shall be unlawful to:
1. Interfere with or alter the flow of water in any stream, river, or ditch, without lawful authority to do so, or a permit from the Tribe, and in violation of the right of any other person; or
  2. Knowingly break, injure, alter or destroy any bridge, dam, levee, embankment, reservoir, water tank, water line, or other structure intended to create hydraulic power or pressure or direct the flow of water, without lawful authority to do so; or
  3. Pollute or befoul any water in any of the following ways:
    - a. construct or maintain a corral, sheep pen, goat pen, stable, pig pen, chicken coop, or other offensive yard or outhouse where the waste or

drainage therefrom shall flow directly into the waters of any stream, well, spring, or source of water used for domestic purposes; or

- b. deposit, pile, unload or leave any manure heap, rubbish, or the carcass of any dead animal where the waste or drainage therefrom will flow directly into the waters of any stream, well, spring or source of water used for domestic purposes; or
  - c. construct, establish, or maintain any corral, yard, vat, pond, camp, or bedding place for the shearing, dipping, washing, storing, herding, holding or keeping of livestock in such proximity to a stream, or other source of water used for domestic purposes or which flows through a city or town, so that the waste, refuse or filth therefrom find their way into said source of water; or
  - d. knowingly cause or allow any substance harmful or potentially harmful to human life to enter into a source of water used for domestic purposes.
4. A water offense shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00), or by a term of imprisonment in the Tribal jail not to exceed three (3) months, or both.

Section 567      Contributing to the Delinquency of a Minor

- A. It shall be unlawful for a person eighteen (18) years of age to older to:
1. Knowingly or recklessly sell or give to or otherwise make beer, liquor, wine or other alcoholic beverages available to a person under the age of eighteen (18) years; or
  2. Knowingly or recklessly, by act or omission, encourage, cause or contribute to the delinquency or unlawful conduct of a minor under eighteen (18) years of age; or
  3. Knowingly or willfully cause, aid, abet or encourage a minor to be, to remain, or to become a delinquent child or a runaway child, except as otherwise specifically provided by law; or
  4. Knowingly or willfully cause, aid, abet, or encourage a minor to commit or participate in committing an act that would be a criminal offense if committed by an adult. Violation of this subparagraph shall be punishable by the maximum penalty allowed for conviction of the offense or offenses which the person caused, aided, abetted, or encouraged the minor to commit or participate in committing.
- B. For purposes of prosecution under subsection A, subparagraph 3, a “runaway child” means an unemancipated minor who is voluntarily absent from the home without a compelling reason, without the consent of a custodial parent or other custodial adult

and without the parent or other custodial adult's knowledge as to the child's whereabouts. "Compelling reason" means imminent danger from incest, a life-threatening situation, or equally traumatizing circumstance. A person aiding a runaway child based upon a reasonable belief that the child is in physical, mental or emotional danger and with notice to the Social Services Department or a local law enforcement agency of the location of the child within twelve (12) hours of aiding the child shall not be subject to prosecution under this section.

- C. Contributing to the delinquency of a minor shall be punishable by a fine of not more than Five Hundred Dollars (\$500.00), or by a term or imprisonment in the Tribal jail not to exceed six (6) months, or both.

Section 568          Harboring an Endangered Runaway Child

- A. It shall be unlawful to knowingly and willfully harbor an endangered runaway child.
- B. Harboring an endangered runaway child shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), a term of imprisonment in the tribal jail not to exceed one (1) year, or both.
- C. For purposes of this section, an "endangered runaway child" means an unemancipated minor who is voluntarily absent from the home for seventy-two (72) hours or more without a compelling reason and without the consent of a custodial parent or other custodial adult or an unemancipated minor who is voluntarily absent from the home without a compelling reason and without the consent of a custodial parent or other custodial adult and the child needs medication or other special services. For purposes of this section, "compelling reason" shall be defined as provided in Section 567 of this Act.

Section 569          Causing Delinquency

- A. It shall be unlawful for any parent or other person to knowingly and willfully:
  - 1. Cause, aid, abet or encourage a minor to be, to remain or to become delinquent, in need of supervision, dependent, deprived, or neglected; or
  - 2. Omit the performance of any duty, which act or omission causes or tends to cause, aid, abet, or encourage any minor to be delinquent, in need of supervision, dependent, deprived, or neglected; or
  - 3. By any act or omission to act have caused, encouraged or contributed to the deprivation, or the need of supervision of the minor, or to such minor becoming deprived, or in need of supervision.

- B. Causing delinquency shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000.00), a term of imprisonment in the tribal jail not to exceed one year, or both.

Section 570      Neglect of Child on Probation

- A. In all cases where a minor has been adjudged delinquent, in need of supervision or deprived by a court of competent jurisdiction and such court by order for care or probation, has placed such minor in the care or on probation to the parent, legal guardian, legal custodian of such minor, stepparent or other adult person living in the home, it shall be unlawful for any parent, legal guardian or legal custodian of such minor to neglect, fail or refuse to give such minor proper parental care, or to comply with the order for care or probation.
- B. Neglect of child on probation shall be punishable by a fine of not more than Two Hundred Fifty Dollars (\$250.00), or by a term of imprisonment in the Tribal jail not to exceed three (3) months, or both.

Section 571      Trafficking In Children

- A. It shall be unlawful to:
  - 1. Accept any compensation, in money, property or other thing of value, at any time, from the person or persons adopting a child, for services of any kind performed or rendered, or purported to be performed or rendered, in connection with such adoption; or
  - 2. Accept any compensation, in money, property or other thing of value, from any other person, in return for placing, assisting to place, or attempting to place a child for adoption or for permanent care in a foster home; or
  - 3. Offer to place, or advertise to place, a child for adoption or for care in a foster home, as an inducement to any woman to enter an institution or home or other place for maternity care or for the delivery of a child.
- B. “Child” means an unmarried or unemancipated person under the age of eighteen (18) years.
- C. This section does not apply to attorneys or advocates licensed by the Tribal Courts receiving reasonable fees for legal services actually rendered in the course of lawful adoption proceedings, nor shall subsection (A)(1) or (A)(2) apply to any bonafide social worker or government employee receiving their normal salary and making such placements as a part of their official duties.

- D. Trafficking in children shall be punishable by a fine not to exceed Two Hundred fifty Dollars (\$250.00), or by a term of imprisonment in the Tribal jail not to exceed three (3) months, or both.

Section 572 Curfew Violation

A. Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Curfew hours" means those hours during the period ending at 6:00 a.m. all days of the week and beginning at 11:00 p.m. on Sunday through Thursday and midnight on Friday and Saturday.

"Minor" means any person under 18 years of age. Furthermore, the term "minor" is synonymous with the term "juvenile."

"Parent" means any person having legal custody of a minor as a natural or adoptive parent, as a legal guardian, as a person who stands in loco parentis or as a person to whom legal custody has been given by a order of a court.

"Public Place" means any street, alley, highway, sidewalk, park, playground or place to which the general public has access and a right to resort for business, entertainment or other lawful purpose.

"Remain" means to stay behind, to tarry, to stay unnecessarily and to linger, to fail to leave when requested to do so by a police officer or the owner, operator, or other person in control of any public place.

"Street" means a way or place, of whatsoever nature, open to the use of the public as a matter of right for purposes of vehicular travel or, in the case of a sidewalk, for pedestrian travel. The term "street" includes the legal right-of-way, the cartway or traffic lanes, the curb, the sidewalks, whether paved or unpaved, and any grass plots or other grounds found within the legal right-of-way of a street.

"Time of night" means the based upon the prevailing standard of time, whether Central Standard Time or Central Daylight Saving Time, generally observed at that hour by the public.

"Year of age" continues from one birthday, such as the 17th, to but not including the day of the next, such as the 18th birthday.

B. Purpose of curfew

The purpose of curfew is to curb the increasing problem of juvenile crime, to educate and reform juvenile offenders, to punish juvenile offenders and to create an environment whereby adults and juveniles take responsibility for the actions of juveniles. It is further intended by this section to continue to hold neglectful or careless parents to a reasonable community standard of parental responsibility through an objective test. It shall not be a defense to the committing of any violation of any offense contained in this section that a parent, guardian or any other person whose responsibility it is to exercise control over a minor was completely unaware or indifferent to the activities, conduct or whereabouts of such minor.

- C. It shall be unlawful for:
1. Any minor to be or remain in or upon the streets, any motor vehicle, or any public place at night, during curfew hours;
  2. Any parent of a minor to knowingly permit or, by insufficient control, allow a minor to remain in any motor vehicle, public place or street during curfew hours; or
  3. Any owner, operator or employee of a public place to knowingly allow a minor to remain upon the premises of any motor vehicle, or public place during curfew hours.
- D. It is a defense to subsection (a)(1) of this section if the minor is:
1. Accompanied by a parent of such minor or accompanied by an adult authorized by a parent of such minor to take such parent's place in accompanying such minor for a designated period of time and purpose within a specified area;
  2. Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly;
  3. On an errand at the specific direction of the minor's parent, without any detour or stop;
  4. Involved in an emergency;
  5. On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not object to a police officer;
  6. In a motor vehicle involved in interstate travel;
  7. Engaged in an employment activity or going home from an employment activity, without any detour or stop;
  8. Attending or traveling between home and an official tribal, school, religious or other recreational activity supervised by adults and sponsored by a civil organization or other similar entity that takes responsibility for the minor;
  9. At a legitimate business, such as a restaurant, for a legitimate purpose, such as dining, prior to the curfew hours beginning and completes the purpose for being at the business within 30 minutes of the beginning of the curfew period. Movie ticket stubs and cash register receipts will be prima facie proof that the minor was present at a legitimate function; or
  10. Married or had been married or had disabilities of minority removed in accordance with law.
- E. It is a defense to subsection (a)(2) of this section for the parent of a minor if the minor would qualify for any defense listed in subsection (b) of this section.
- F. It is a defense to subsection (a)(3) of this section if the owner, operator, or employee of a public place promptly notified the police department that a minor was present on

the premises of the public place during curfew hours and remained after being asked to leave.

- G. A curfew violation shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00), or by a term of imprisonment in the Tribal jail not to exceed three (3) months, or both.

Section 573      Fireworks Offense

- A. It shall be unlawful to possess, buy, sell, distribute, transport, activate, ignite, or detonate or to allow any minor under one's physical or actual care, custody, or control to possess, buy, sell distribute, transport, activate, ignite, or detonate any firecracker or other firework type device which is capable of or intended to explode, ignite, become self-propelled, give off any projectile, spark or other ignited or fused object or manifestation, or in any way give off sound or light by virtue of its burning or exploding.
- B. It shall not be an offense under this section:
  - 1. To use or ignite hand held sparkler type devices in such a manner that they burn openly and singly or to use toy caps and cap guns singly and in the intended fashion; or
  - 2. To use or ignite fireworks at a patriotic, religious, or Tribal ceremony, gathering, or celebration in a safe manner provided that a permit to do so has been obtained from the Tribe or a lawfully authorized Tribal agency prior to the importation and use of such fireworks.
  - 3. To buy, possess, use, or ignite fireworks between June 25 and July 10 inclusive of each year, provided that such devices are handled safely with regard to the safety of others and their property, and provided further, that minors under the age of twelve (12) buying, possessing, using, or igniting fireworks must be under the actual direct physical supervision of some responsible adult over twenty-one (21) years of age for this exception to apply.
  - 4. To possess or sell fireworks between June 25 and July 10 inclusive of each year provided that a permit to do so has been obtained from the Tribe or a lawfully authorized Tribal agency prior to such possession and sale, provided further, that upon proof of a secure and safe facility, such permit may state a particular location for year round storage of fireworks by a business engaged in retail or wholesale of fireworks.
- C. A fireworks offense shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00), or by a term of imprisonment in the Tribal jail not to exceed three (3) months, or both.

Section 574      Hosting, Permitting or Allowing a Party, Gathering or Event Where Minors Are Consuming Alcoholic Beverages, Drugs, or Other Intoxicating Substances

- A. It is the duty of any person having control of any premises, who knowingly hosts, permits or allows a gathering at said premises to take all reasonable steps to prevent the use, possession, or consumption of alcoholic beverages, drugs, or other intoxicating substances by any minor at the gathering. Reasonable steps are controlling access to alcoholic beverages at the gathering; controlling the quantity of alcoholic beverages present at the gathering; verifying the age of persons attending the gathering by inspecting drivers' licenses or other government issued identification cards to insure that minors do not consume alcoholic beverages while at the gathering; and supervising the activities of minors at the gathering.
- B. It is unlawful for any person having control of any premises to knowingly host, permit or allow a gathering to take place at said premises where at least one minor uses, possesses, or consumes an alcoholic beverage, drug, or other intoxicating substance or reasonably should have known that a minor consumed an alcoholic beverage, drug, or other intoxicating substance had the person taken all reasonable steps to prevent the consumption of an alcoholic beverage, drug, or other intoxicating substance by a minor as set forth in sub-section A of this section.
- C. Nothing in this section should be interpreted to prohibit any family activity held in the confines of the family home from providing the use of alcohol to immediate adult family members within the supervision of parents and guardians. However, if a minor leaves such a family gathering intoxicated and is found in public, then said providers of alcohol will be held responsible in the same manner as at a non-family gathering.
- D. This section shall not apply to any premises licensed by the tribe to dispense alcoholic beverages.
- E. Hosting, permitting or allowing a party, gathering or event where minors are consuming alcoholic beverages, drugs, or other intoxicating substances shall be punishable by a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in the Tribal Jail for a term not exceeding six (6) months, or both.

Section 575    Reserved

Section 576    Reserved

Section 577    Reserved

Section 578    Reserved

Section 579    Reserved

Section 580 Reserved

Section 581 Reserved

Section 582 Reserved

Section 583 Reserved

Section 584 Reserved

## CHAPTER SIX: TRAFFIC OFFENSES

### Section 601 Definitions

- A. The term “motor vehicle” shall mean every device in, upon, or by which any person or property is or may be drawn or transported upon a public road and which device is self-propelled, but not including any vehicle which is an implement of husbandry and is designed principally for agricultural purposes, nor any mechanical device designed or used principally for construction or maintenance purposes excepting trucks.
- B. A “public road” shall be defined as the entire width between the boundary lines of every right of way within the exterior boundaries of the Tribal jurisdiction which is maintained by any governmental agency, and, when open to the use of the public, is for the purpose of travel by motor vehicles.

### Section 602 Driving While License is Suspended or Revoked

- A. It shall be unlawful to drive any motor vehicle upon any public road at a time when one's driver's license or permit or other driving privilege has been denied, suspended, canceled or revoked by any State or Indian Tribe, or when one's driving privilege has been suspended by the Tribal Court.
- B. Driving while license is suspended or revoked is punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00), or by a term of imprisonment in the Tribal jail not to exceed three (3) months, or by supervision or revocation of one's driver's license, or any combination of the above punishments.

### Section 603 Careless Driving

- A. It shall be unlawful to operate any motor vehicle upon any public road in a careless or imprudent manner, without due regard for the width, grade, curves, corners, traffic, or existing weather conditions, and the use being made of such road or other attendant circumstances.
- B. Careless driving shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00), or by a term of imprisonment in the Tribal jail not to exceed three (3) months, or both.

Section 604      Reckless Driving

- A. It shall be unlawful to drive any motor vehicle upon any public road within the Tribal jurisdiction in such a manner as to indicate either a wanton or willful disregard for the safety of persons or property.
- B. Reckless driving shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00), or by a term of imprisonment in the Tribal jail not to exceed three (3) months, or by suspension of driving privileges for a period not to exceed one (1) year or any combination of the above punishments.

Section 605      Driving While Intoxicated

- A. It shall be unlawful to drive or be in actual physical control of any motor vehicle upon any private or public road within the Tribal jurisdiction while under the influence of intoxicating liquor, or controlled dangerous substances, or any other drugs which impair the ability to control or operate a vehicle.
- B. A person is presumed to be under the influence of intoxicating liquor if there is 0.1% or more of alcohol in the blood by weight, and a person is presumed not to be under the influence if there is less than 0.05% of alcohol in their blood, by weight. Between such percentages, results of tests showing such fact may be received in evidence, with other tests or observations, for consideration by the court or jury. A breath or blood test must be administered with the consent of the subject, by a qualified operator using a properly maintained apparatus in order to be admissible, provided, that if any person refuses to take such test when requested to do so by an Officer having a reasonable suspicion that such person may be intoxicated, the persons driving privileges within the Tribal jurisdiction shall be suspended by the Court for a period of six months whether or not such person is convicted of any offense. Such suspension is mandatory.
- C. Driving under the influence shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000.00), or by a term of imprisonment in the Tribal jail not to exceed six (6) months, or by suspension of driving privileges for a period not to exceed two (2) years or any combination of the above punishments. For a second or subsequent conviction under this section, or a violation resulting in serious injury, a term of banishment may be imposed for a period not less than one (1) year nor more than five (5) years, in addition to the above authorized punishments.

Section 606      Duties of Drivers Involved in Accidents Involving Deaths or Personal Injuries

- A. It shall be unlawful for the driver of any motor vehicle directly involved in an accident resulting in injury to or death of any person or damage to any other moving

or attended vehicle to fail to immediately stop his vehicle at the scene of the accident or as close thereto as possible; or fail to return to and remain at the scene of the accident and render such aid and assistance as may be necessary in the circumstances; or fail to give his name, address and the registration number of his motor vehicle and his operator's or chauffeur's license number and security verification information to all other drivers involved in the accident; or to fail to render to any injured person such assistance as may be necessary in the circumstances; or to fail to notify, or have another notify, the Tribal Police of the accident and its location as soon as possible.

- B. Failure to perform the duties of drivers involved in accidents involving deaths or personal injuries shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00), or by a term of imprisonment in the Tribal jail not to exceed six (6) months, or by suspension of driving privileges for a period not to exceed one (1) year.

#### Section 607          Duty Upon Striking Unattended Vehicle

- A. It shall be unlawful for the driver of any motor vehicle which collides with any unattended vehicle to fail to immediately stop and attempt to locate and notify the operator or owner of such vehicle of both the name and address of the driver and owner of the vehicle striking the unattended vehicle; or to fail to leave securely attended in a place where it may be easily seen in the vehicle struck, a written notice giving the name and address of the driver and the circumstances thereof; or to fail to inform the Tribal Police of the accident and its location as soon as possible.
- B. Failure to perform the duty of a driver upon striking an unattended vehicle shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00), or by a term of imprisonment in the Tribal jail not to exceed three (3) months, or by suspension of driving privileges for a period not to exceed one (1) year.

#### Section 608          Duty Upon Striking Highway Fixtures

- A. It shall be unlawful for the driver of any motor vehicle involved in an accident resulting only in damage to fixtures legally upon or adjacent to a highway to fail to take reasonable steps to locate and notify the owner or person in charge of such property of such fact and his name and address and of the registered number of the vehicle he is driving; or to fail to report such accident to the Tribal police as soon as possible.
- B. Failure to perform the duty of a driver upon striking highway fixtures shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00), or by a term of imprisonment in the Tribal jail not to exceed three (3) months, or both.

Section 609          When Driver Unable to Report

- A.     It shall be unlawful for another occupant in the vehicle at the time of an accident who is capable of making the report to fail to do so when the driver of the motor vehicle is physically unable to make a required accident report to the Tribal Police.
- B.     Failure to make such a report shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00).

Section 610          Driver's License in Possession

- A.     It shall be unlawful to operate a motor vehicle upon any private or public road within the Tribal jurisdiction without possession of a valid Federal, Tribal, or State operator's license, chauffeur's license, or permit, which must be exhibited upon demand by an authorized person.
- B.     Failure to have a driver's license in possession shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00).

Section 611          Permitting Unauthorized Person to Drive

- A.     It shall be unlawful to knowingly cause or permit any unauthorized person to operate a motor vehicle upon any public road.
- B.     Permitting an unauthorized person to drive shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00).

Section 612          Traffic Control and Signal Devices

- A.     It shall be unlawful to turn a vehicle from a direct course on a public road until such movement can be made with safety, and then only after giving an appropriate signal, either by hand or arm or by a directional signal device.
- B.     Failure to properly signal shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00).
- C.     It shall be unlawful to disobey the lawful command or instruction of any law enforcement officer. Failure to obey a lawful command shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00).

Section 613      Following Too Closely

- A.     It shall be unlawful to follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle and the traffic upon the condition of the highway.
- B.     Following too closely shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00).

Section 614      Stopping for School Bus

- A.     It shall be unlawful, when meeting or overtaking from either direction any school bus which has stopped for the purpose of receiving or discharging passengers, to fail to stop immediately and not proceed again until all passengers are received or discharged and the bus is again in motion.
- B.     Failure to stop for a school bus shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00).

Section 615      Entering Public Road from Private Road

- A.     It shall be unlawful for the driver of a motor vehicle about to enter or pass a public road from a private road or driveway to fail to yield the right of way to all vehicles approaching on said public road.
- B.     Failure to yield the right of way when entering a public road from a private road shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00).

Section 616      Right of Way at Intersection

- A.     It shall be unlawful for the driver of a motor vehicle approaching an intersection to fail to yield the right of way to any vehicle approaching from the right, unless otherwise directed by sign, traffic light, or a proper official directing traffic.
- B.     Failure to yield the right of way at an intersection shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00).

Section 617 Failure to Stop at Stop Sign and Yielding Right of Way

- A. It shall be unlawful for the driver of a motor vehicle to fail to come to a complete stop at all intersections marked by a stop sign before entering an intersection, unless otherwise directed by an officer directing traffic.
- B. It shall be unlawful for the driver of a motor vehicle approaching an intersection marked by a sign requiring him to yield the right of way to fail to decrease the speed of such vehicle and yield the right of way to any traffic proceeding on the road given the right of way by such sign.
- C. Failure to stop at a stop sign or to yield the right of way shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00).

Section 618 Driving On Right Side

- A. It shall be unlawful to fail to drive on the right half of the roadway, except when overtaking and passing another vehicle proceeding in the same direction.
- B. Failure to drive on the right side shall be punishable by a fine not to exceed Two Hundred Dollars (\$200.00).

Section 619 Passing Oncoming Vehicles

- A. It shall be unlawful for drivers proceeding in opposite directions to fail to pass each other to the right and to give to the other at least half of the main traveled portion of the roadway.
- B. Improper passing of oncoming vehicles shall be punishable by a fine not to exceed Two Hundred Dollars (\$200.00).

Section 620 Passing and Turning on Curve or Crest

- A. It shall be unlawful to pass a vehicle going in the same direction unless the driver can see the road for a sufficient distance ahead to pass safely and such passing can be accomplished safely without colliding with oncoming traffic.
- B. It shall be unlawful for a vehicle to be driven so as to pass or turn in any direction on a curve or crest or on any approach to a crest or on a bridge on any approach to a bridge unless such vehicle can pass or be turned safely and seen by traffic approaching in either direction.

- C. Improper passing or turning on a curve or crest shall be punishable by a fine not to exceed Two Hundred Dollars (\$200.00).

Section 621      Unsafe Vehicles

- A. It shall be unlawful for any person to drive or cause or knowingly permit to be driven on any public road any motor vehicle which is in such unsafe condition so as to endanger any person or is not at all times equipped with the following:
  - 1. HEADLIGHTS: One on each side of the front of the motor vehicle, said lights to be multi-beam so that the driver can adjust lights from bright to dim, and such lights must be in proper working order at all times so as to be seen by oncoming traffic for a reasonable distance during hours of darkness or other times when light conditions require the use of headlights.
  - 2. REAR LAMPS: One lighted red lamp on each side of the back of the motor vehicle that will be plainly visible for a reasonable distance to the rear, and such lamp must be in proper working order at all times.
  - 3. STOP LIGHTS: All motor vehicles shall be equipped with a stop light in good working order at all times, such stop lights to be automatically controlled by brake adjustment.
  - 4. BRAKES: Every motor vehicle shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle.
  - 5. HANDBRAKE: Every motor vehicle shall be equipped with a handbrake.
  - 6. HORN: Every motor vehicle shall be equipped with a horn in good working order.
  - 7. WINDOWS UNOBSTRUCTED and WIPERS: No person shall drive any motor vehicle with any sign or other nontransparent material upon the windshield, side wings, side or rear windows of such vehicle that would obstruct the driver's view, other than a paper or certificate required to be so displayed by law. The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow, or other obstructions from the windshield and must be in proper working order at all times.
  - 8. LICENSE TAG LIGHT: All motor vehicles shall be equipped with a rear tag light in good working order at all times.
  - 9. PROOF OF VEHICLE INSPECTION TO BE DISPLAYED: All motor vehicles shall display a valid state motor vehicle inspection decal.
- B. Violation of this section is punishable by a fine not to exceed Two Hundred Dollars (\$200.00).

Section 622      Speed Limits

- A.      Speed limits on any public road shall be set by the Tribal Police Chief. Speed limits may be posted at such places and at such maximum allowable speeds as deemed necessary by the Chief of the Tribal Police.
- B.      In any area of the Tribal jurisdiction where the speed limit is not posted and where no special hazard exists, the following speeds shall be lawful, but any speed in excess of said limits shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful.
  - 1.      School Zones, grounds, and crossings, designated areas 20 MPH;
  - 2.      Residential areas 30 MPH;
  - 3.      Open highway 55 MPH.
  - 4.      It shall be unlawful to exceed the above limits, the limits posted by authority of the Chief of the Tribal Police, or a speed which is reasonable and proper under the conditions prevailing upon the roadway.
- C.      The fact that the speed of a motor vehicle is lower than the foregoing prima facie limits does not relieve the driver from the duty of all persons to use due care.
- D.      Exceeding the speed limit or operating a motor vehicle at a speed which is not reasonable and proper shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00).

Section 623      When Lights Are Required to Be On

- A.      It shall be unlawful for a vehicle to be on a public roadway at any time from a half hour after sunset to a half hour before sunrise or at any other time when objects on the road cannot be seen clearly at a distance of five hundred (500) feet because of light conditions without displaying lighted lamps on the vehicle.
- B.      Every vehicle stopped or parked on the side of any road or highway during the hours set forth above, shall burn lamps, flares, or otherwise alert other drivers of the potential danger, unless the vehicle is positioned at least thirty (30) inches from the main traveled portion of the roadway in such fashion that no part of the main traveled portion of the roadway, nor the thirty-inch safety zone is impeded.
- C.      Violation of this section shall be punishable by a fine not to exceed Two Hundred Dollars (\$200.00)

Section 624 Pedestrians

- A. It shall be unlawful for a pedestrian crossing a roadway at any point other than a marked crosswalk or within an unmarked crosswalk at an intersection to fail to yield the right of way to all motor vehicles on the roadway.
- B. Notwithstanding the provisions of subsection A, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian on any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any person upon a public road.
- C. Violation of this section shall be punishable by a fine not to exceed Two Hundred Dollars (\$200.00).

Section 625 Throwing Trash on Roads and Roadways

- A. It shall be unlawful to discard trash or refuse of any type on a roadway or public highway or right-of-way within the Tribal jurisdiction.
- B. Throwing trash on roads and roadways shall be punishable by a fine not to exceed Two Hundred Dollars (\$200.00).

Section 626 Illegal Parking

- A. It shall be unlawful to stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or improved or main traveled part of a public roadway when it is practical to stop, park, or leave such vehicle off such part of said roadway, but in every event a clear and unobstructed width of at least twenty (20) feet of such part of the roadway opposite such standing vehicle shall be left for the free passage of other vehicles, a clear view of such stopped vehicle shall be available from distance of two hundred (200) feet in each direction upon said roadway, and the vehicle must be positioned at least thirty (30) inches outside the main traveled portion of the roadway.
- B. This section shall not apply to the driver of any vehicle which is disabled while on the paved or improved or main traveled portion of a roadway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the vehicle in such position, provided that reasonable provision is made by the driver thereof for the warning and safety of other vehicles traveling upon such roadway until the vehicle can be removed.
- C. It shall be unlawful to stop, park, or leave standing a vehicle except when necessary to avoid collision with other traffic or in compliance with the directions of a police officer or traffic control sign, in any of the following places:

1. On a sidewalk;
  2. In front of a public or private driveway;
  3. Within an intersection;
  4. Within twenty-five (25) feet of a fire hydrant;
  5. On a crosswalk.
- D. A violation of this Section shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00).

Section 627 Failure to Stop When Directed by Police

- A. It shall be unlawful to fail to immediately pull over to the right-hand edge or curb of the public road clear of any intersection and stop and remain when approached by a police vehicle making use of audible and/or visual signals.
- B. Failure to stop when directed by a police officer shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00), or by a term of imprisonment in the Tribal jail not to exceed three (3) months, or by suspension of driving privileges for a period not to exceed one (1) year or any combination of the above punishments.

Section 628 Failure to Yield Right of Way to Emergency Vehicles

- A. Upon the approach of any emergency vehicle making use of audible and/or visual signals, it shall be unlawful to fail to immediately pull over to the right-hand edge or curb of the public roadway and stop and remain until the emergency vehicle has passed, unless otherwise directed by a police officer.
- B. Failure to stop when directed by a police officer shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00), or by a term of imprisonment in the Tribal jail not to exceed three (3) months, or by suspension of driving privileges for a period not to exceed one (1) year or any combination of the above punishments.

Section 629 Obstruction of Public Highways or Streets

- A. It shall be unlawful to knowingly and willfully obstruct or plow up, or cause to be obstructed or plowed up, any public highway or public street of any town, except by order of the road supervisors for the purpose of working the same, or injure any bridge on the public highway.

- B. Obstruction of public highways or streets shall be punishable by a fine not to exceed Five Thousand Dollar (\$5,000.00), or by a term of imprisonment in the tribal jail not to exceed one (1) year, or by both. The person convicted of violating this section shall be liable for all damages to person or property by reason of the same.

Section 630 Motor Vehicle Registration Violation

- A. It shall be unlawful:
1. To lend or sell to, or knowingly permit the use of by, one not entitled thereto any certificate of title, license plate or decal issued to or in the custody of the person so lending or permitting the use thereof; or
  2. To alter or in any manner change a certificate of title, registration certificate, license plate or decal issued under the laws of the Tribe or any other Indian tribe or state; or
  3. To drive, operate or move, or for the owner to cause or permit to be driven or moved, upon the roads, streets or highways of this state, any vehicle loaded in excess of its registered laden weight, or which is licensed for a capacity less than the manufacturer's rated capacity as provided for by law; or
  4. To operate a vehicle without proper license plate or decal or on which all taxes due the Tribe have not been paid; or
  5. To buy, sell or dispose of, or possess for sale, use or storage, any secondhand or used vehicle on which the registration or license fee has not been paid, as required by law, and on which vehicle the person neglects, fails or refuses to display at all times the license plate or decal assigned to it; or
  6. To give a fictitious name or fictitious address or make any misstatement of facts in application for certificate of title and registration of a vehicle;
  7. To operate a vehicle upon the highways of the Tribe after the registration deadline for that vehicle without a proper license plate, as prescribed by law, for the current year; or
  8. For any owner of a vehicle registered on the basis of laden weight to fail or refuse to weigh or reweigh it when requested to do so by any enforcement officer charged with the duty of enforcing this law; or
  9. To operate or possess any vehicle which bears a motor number or serial number other than the original number placed thereon by the factory except a number duly assigned and authorized by the Tribe.
- B. Motor vehicle registration violation is punishable by a fine of One Thousand Dollars (\$1,000.00), a term of imprisonment in the tribal jail not to exceed six (6) months, or both.

Section 631      Seizure of Vehicle Not Displaying Proper Tag; Sale

- A. In addition to the penalties provided by law, after ninety (90) days from the expiration date for annual registration of a vehicle, the Tax Commission and all duly authorized police officers of the Tribe may seize and take into custody every vehicle owned within this jurisdiction not bearing or displaying a proper license plate required by tribal law or rule. The vehicle shall not be released to the owner until it is duly registered and the license, registration, or title fee and penalties due are paid in full, proof of security or an affidavit that the vehicle will not be used on public highways or public streets, is furnished, and the cost of seizure, including the reasonable cost of taking the vehicle into custody and storing the vehicle, have been paid. In the event the owner of any vehicle seized fails to pay such fees and penalties due, together with cost of seizure and storage, and fails to provide proof of security or an affidavit that the vehicle will not be used on public highways or public streets, the Tax Commission shall proceed to sell the vehicle by posting not fewer than five (5) notices of sale in five (5) different public places in the jurisdiction where the vehicle is located, one of such notices to be posted at the place where the vehicle is stored. A copy of the notice shall also be sent by certified mail, restricted delivery, with return receipt requested, to the last-known address of the registered owner of the vehicle.
- B. The vehicle shall be sold at such sale subject to the following terms and conditions:
1. In the event the sale price is equal to, or greater than, the total costs of sale, seizure and the fee and penalty, the purchaser shall be issued a certificate of purchase, license plate, manufactured home registration receipt and decal and registration certificate;
  2. In the event the sale price is less than the total costs of sale, seizure, and the fee and penalty, the vehicle shall be sold as junk to the highest bidder, whereupon the bidder shall receive a certificate of purchase; and if the vehicle be dismantled, the record to the junked vehicle shall be canceled. If not dismantled, the vehicle shall be immediately registered; and
  3. Any residual amount remaining unclaimed by the delinquent owner shall be administered in accordance with the rules established by the Tax Commission.

Section 632      Destroying Traffic, Boundary and Warning Signs

It shall be unlawful to:

- A. Willfully destroy, damage, deface, or remove any sign erected by an Indian tribe, or a Government agency (1) to regulate motor vehicle traffic or (2) to indicate the boundary of an Indian reservation or of any Indian country or (3) to give notice that hunting, trapping, or fishing is not permitted thereon without lawful authority or permission.

- B. Destroying traffic, boundary and warning signs shall be punishable by a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in the Tribal Jail for a term not exceeding six (6) months, or any combination of the above authorized punishments.

Section 633 Insurance Verification in Possession

- A. It shall be unlawful to operate a motor vehicle upon any private or public road within the Tribal jurisdiction without possession of proof or verification of liability insurance coverage issued by an insurance company, carrier, or agent, which must be exhibited upon demand by an authorized person.
- B. Failure to have insurance verification in possession shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00).

Section 634 Violation of Vehicle License Registration Requirement

- A. It shall be unlawful to:
  - (1) lend or to sell to, or knowingly permit the use of by, one not entitled thereto any certificate of title, license plate or decal issued to or in the custody of the person so lending or permitting the use thereof; or
  - (2) alter or in any manner change a certificate of title, registration certificate, license plate or decal issued under the laws of this or any other jurisdiction; or
  - (3) procure from another state or tribe, or display upon any vehicle owned by such person within this jurisdiction, as otherwise provided by tribal law, any license plate issued by any state or tribe other than this jurisdiction, unless there shall be displayed upon such vehicle at all times the current license plate and decal assigned to it by the Iowa Tribe; or
  - (4) drive, operate or move, or for the owner to cause or permit to be driven or moved, upon the roads, streets or highways of this jurisdiction, any vehicle loaded in excess of its registered laden weight, or which is licensed for a capacity less than the manufacturer's rated capacity; or
  - (5) operate a vehicle without proper license plate or decal or on which all taxes due the Tribe have not been paid; or
  - (6) give a fictitious name or fictitious address or make any misstatement of facts in application for certificate of title and registration of a vehicle; or

- (7) operate a vehicle upon the highways of this jurisdiction after the registration deadline for that vehicle without a proper license plate, for the current year; or
- (8) operate or possess any vehicle which bears a motor number or serial number other than the original number placed thereon by the factory except a number duly assigned and authorized by the Tribe.

B. Conviction of the offense of Violation of Vehicle License Registration Requirement shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000.00), or by a term of imprisonment in the Tribal jail not to exceed six (6) months; or any combination of the above authorized punishments.

Section 635 Reserved

Section 636 Reserved

Section 637 Reserved

Section 638 Reserved

Section 639 Reserved

Section 640 Reserved

Section 641 Reserved

Section 642 Reserved

Section 643 Reserved

Section 644 Reserved

## CHAPTER SEVEN: HUNTING AND FISHING CRIMES

### Section 701 Fishing Without License

- A. It shall be unlawful, except as otherwise provided in the Tribal Wildlife Conservation Code, to fish, pursue, harass, catch, kill, take in any manner, use, have in possession, sell, or transport all or any portion of fish without having first procured a license for such from the Director or from any of the authorized agents of the Department of Wildlife Conservation.
- B. Pursuant to the provisions of this Chapter, persons excepted from the license requirements of this section are:
1. Legal residents under sixteen (16) years of age and nonresidents under sixteen (16) years of age;
  2. Legal resident owners or tenants, their spouses, parents, grandparents, children and their spouses, grandchildren and their spouses who fish in private ponds on land owned or leased by them;
  3. Every tribal member who is serving in a branch of the United States Armed Forces, is on properly authorized leave of absence from military duty, has in possession proper written evidence showing such authorized leave, and is serving outside the territory of the Tribe at the time of such fishing;
  4. Legal resident veterans having a disability of sixty percent (60%) or more;
  5. Legal residents born on or before January 1, 1953;
  6. Any patient of an institution of the Tribe established for the care and treatment of mental illness or alcohol or drug dependency or any developmentally disabled person residing in any group home or other institution or developmentally disabled persons when accompanied by an attendant of such institution or legal guardian of said patient, or when fishing on institutional property;
  7. Any person under eighteen (18) years of age who is in the legal and physical custody of the Tribe or one of its agencies by court order;
  8. Any person under eighteen (18) years of age who is in the physical custody of a child care facility.
- C. Fishing without a license shall be punishable by a fine not to exceed One Thousand Dollar (\$1,000.00), or by a term of imprisonment in the tribal jail not to exceed six (6) months, or by both.

### Section 702 Fishing Without Permission

- A. It shall be unlawful to fish upon the land of another without the consent of the owner, lessee or occupant of such land, except as otherwise provided by law.
- B. For purposes of this section, consent shall be presumed to be valid for not more than one (1) year, unless the owner, lessee, or occupant specifically grants consent for a specified period of time.
- C. Excluding land primarily devoted to farming, ranching, or forestry purposes as set forth by law, areas exempt from the above provision are:
  - 1. Lands not occupied by a resident thereon, unless notice of objection is conspicuously posted upon the premises by the owner or an agent of the owner; and
  - 2. Land of the Tribe which is not leased and occupied by a resident, excluding school lands.
- D. Any ranger investigating a fisherman in the field has a duty to inform the fisherman that it is necessary to obtain the landowner's or occupier's consent to fish on the particular property provided that prosecution for violations of this section can be commenced only upon written complaint of such owner or occupant filed before any court authorized to punish such violation, or upon written complaint to any game ranger, or officer authorized to make arrest for such offenses.
- E. Trespassing on lands which are fenced and exhibit posted signs at all entrances is hereby prohibited. Trespassing on land primarily devoted to farming, ranching, or forestry purposes as set by law is hereby prohibited. Hunters and fishermen in violation of this provision of this Chapter shall be subject to fines as outlined in subsection F of this section.
- F. Fishing without a permission shall be punishable by a fine not to exceed One Thousand Dollar (\$1,000.00), or by a term of imprisonment in the tribal jail not to exceed six (6) months, or by both.

Section 703      Hunting Without License

- A. It shall be unlawful, except as otherwise provided for in the Tribal Wildlife Conservation Code, to hunt, pursue, trap, harass, catch, kill, take or attempt to take in any manner, use, have in possession, sell, or transport all or any portion of any wildlife except fish, without having first procured a license from the Department of Wildlife Conservation.
- B. Pursuant to the provisions of this Chapter, persons excepted from the license requirements of this section are:
  - 1. Legal residents under sixteen (16) years of age and nonresidents under sixteen (16) years of age;

2. Legal resident owners or tenants, their spouses, parents, grandparents, children and their spouses, grandchildren and their spouses who fish in private ponds on land owned or leased by them;
  3. Every tribal member who is serving in a branch of the United States Armed Forces, is on properly authorized leave of absence from military duty, has in possession proper written evidence showing such authorized leave, and is serving outside the territory of the Tribe at the time of such fishing;
  4. Legal resident veterans having a disability of sixty percent (60%) or more;
  5. Legal residents born on or before January 1, 1953;
  6. Any patient of an institution of the Tribe established for the care and treatment of mental illness or alcohol or drug dependency or any developmentally disabled person residing in any group home or other institution or developmentally disabled persons when accompanied by an attendant of such institution or legal guardian of said patient, or when fishing on institutional property;
  7. Any person under eighteen (18) years of age who is in the legal and physical custody of the Tribe or one of its agencies by court order;
  8. Any person under eighteen (18) years of age who is in the physical custody of a child care facility.
- C. Hunting without a license shall be punishable by a fine not to exceed Two Thousand Dollar (\$2,000.00), or by a term of imprisonment in the tribal jail not to exceed one (1) year, or by both.

Section 704      Hunting Without Permission

- A. It shall be unlawful to hunt upon the land of another without the consent of the owner, lessee or occupant of such land, except as otherwise provided by law.
- B. For purposes of this section, consent shall be presumed to be valid for not more than one (1) year, unless the owner, lessee, or occupant specifically grants consent for a specified period of time.
- C. Excluding land primarily devoted to farming, ranching, or forestry purposes as set forth by law, areas exempt from the provisions of subsection A of this section are:
  1. Lands not occupied by a resident thereon, unless notice of objection is conspicuously posted upon the premises by the owner or an agent of the owner; and
  2. Land belonging to the Tribe which is not leased and occupied by a resident, excluding school lands.
- D. Any game warden investigating a hunter in the field has the duty to inform the hunter that it is necessary to obtain the consent of the landowner, lessee or occupant to hunt

on the particular property. Prosecution for violations of the provisions of this section may be commenced only upon written complaint of such owner, lessee or occupant filed before any court authorized to punish such violation, or upon written complaint to any game warden or officer authorized to make arrest for such offenses.

- E. No person shall operate a motor-driven conveyance on lands that are fenced and posted or are in cultivation without permission of the landowner, lessee or occupant.
- F. The consent of any owner, lessee or occupant of land authorizing a person to hunt, fish or engage in any recreational activity upon the land of any such owner, lessee or occupant shall not be construed to create any additional duty of care or impose any additional liability other than specified by law.
- G. The obtaining of consent from any owner, lessee or occupant of land authorizing a person to hunt, fish or engage in any recreational activity shall not relieve the authorized person using the land from any obligation which the person may have in the absence of obtaining such consent to exercise care in the use of such land and in activities thereon, or from the legal consequences of failure to employ such care.
- H. Hunting without permission shall be punishable by a fine not to exceed Two Thousand Dollar (\$2,000.00), or by a term of imprisonment in the tribal jail not to exceed one (1) year, or by both.

Section 705          Trapping Without License

- A. It shall be unlawful to trap any furbearers without having first procured a license from the Department of Wildlife Conservation. A furbearer trapping license may be issued only to persons holding a hunting license applicable to their residency.
- B. Persons excepted from the license requirements of this section are only those resident owners or tenants or the children of an owner or tenant, who trap on land owned or leased by the owner or tenants.
- C. Trapping without a license shall be punishable by a fine not to exceed One Thousand Dollar (\$1,000.00), or by a term of imprisonment in the tribal jail not to exceed six (6) months, or by both.

Section 706          Trapping Without Permission

- A. It shall be unlawful to trap on the inhabited land of another without first procuring from the owner or occupant thereof a written permit to do so.
- B. Such permit must be kept on the person of such trapper whenever he tends his traps and must be presented for inspection upon demand of any officer authorized to enforce the wildlife conservation laws of the Tribe.

- C. Trapping without permission shall be punishable by a fine not to exceed One Thousand Dollar (\$1,000.00), or by a term of imprisonment in the tribal jail not to exceed six (6) months, or by both.

Section 707 Possession of Fish or Wildlife

- A. It shall be unlawful, except as otherwise provided by law, to use, possess, receive, transport or cause to be removed any fish, meat, hide, or any part thereof, not legally taken.
- B. Possession of fish or wildlife shall be punishable by a fine not to exceed Two Thousand Dollar (\$2,000.00), or by a term of imprisonment in the tribal jail not to exceed one (1) year, or by both.

Section 708 Hunting, Trapping, or Fishing on Indian Land

It shall be unlawful to:

- A. Without lawful authority or permission, willfully and knowingly go upon any land that belongs to any Indian or Indian tribe, band, or group and either are held by the United States in trust or are subject to a restriction against alienation imposed by the United States, or upon any lands of the tribe that are reserved for Indian use, for the purpose of hunting, trapping, or fishing thereon, or for the removal of game, peltries, or fish therefrom, and all game, fish, and peltries and all weapons, ammunition, equipment, motor vehicles, and personal property in his possession shall be forfeited.
- B. Hunting, trapping, or fishing on Indian land shall be punishable by a fine not exceeding Two Thousand Five Hundred Dollars (\$2,500.00), or by imprisonment in the Tribal Jail for a term not exceeding six (6) months, or both.

- Section 709 Reserved
- Section 710 Reserved
- Section 711 Reserved
- Section 712 Reserved
- Section 713 Reserved
- Section 714 Reserved
- Section 715 Reserved
- Section 716 Reserved

Section 717 Reserved

Section 718 Reserved

## CHAPTER EIGHT: CRIMES AND CONDUCT ON TRIBAL PROPERTY

### Section 801 Conduct on Tribal Property

- A. It shall be unlawful to violate any part of this Chapter. Any person who violates any part of this Section, or any subsection thereof shall, in addition to being subject to the penalties provided in this Chapter, be subject to the penalties prescribed for in any tribal criminal offense.
- B. Applicability. This Chapter applies to all real property, and any interest therein, under the charge and control of the Iowa Tribe of Oklahoma, to all agencies, departments, political subdivisions, tribal enterprises, and to all persons entering in or on such property. This section shall be posted and kept posted at a conspicuous place on all such property.
- C. Inspection, recording presence. (1) Purses, briefcases, bags, and other containers brought into, while on, or being removed from the property are subject to inspection. A person arrested for violation of this section may be searched incident to that arrest.
- (2) Vehicles and their contents brought into, while on, or being removed from restricted nonpublic areas are subject to inspection. A prominently displayed sign shall advise in advance that vehicles and their contents are subject to inspection when entering the public area or restricted nonpublic area, while in the confines of the area, or when leaving the area. Persons entering these areas who object and refuse to consent to the inspection of the vehicle, its contents, or both, may be denied entry; after entering the area without objection, consent shall be implied. A full search of a person and any vehicle driven or occupied by the person may accompany an arrest.
- (3) Except as otherwise ordered, properties shall be closed to the public after normal business hours. Properties also may be closed to the public in emergency situations and at such other times as may be necessary for the orderly conduct of business. Admission to properties during periods when such properties are closed to the public may be limited to authorized individuals who may be required to sign the register and display identification documents when requested by security force personnel or other authorized individuals.
- D. Preservation of property. Improperly disposing of rubbish, spitting, creating any hazard to persons or things, throwing articles of any kind from a building, climbing upon the roof or any part of a building, or willfully destroying, damaging, or removing any property or any part thereof, is prohibited.
- E. Conformity with signs and directions. All persons in and on property shall comply with official signs of a prohibitory or directory nature, and with the directions of security force personnel or other authorized individuals.

- F. Disturbances. Disorderly conduct, or conduct which creates loud and unusual noise, or which impedes ingress to or egress from tribal properties, offices, or otherwise obstructs the usual use of entrances, foyers, corridors, offices, elevators, stairways, and parking lots, or which otherwise tends to impede or disturb the public officials or employees in the performance of their duties, or which otherwise impedes or disturbs the general public in transacting business or obtaining the services provided on property, is prohibited.
- G. Gambling. In the absence of a valid gaming license issued by the Tribe, participating in games for money or other personal property, the operation of gambling devices, the conduct of a lottery or pool, or the possession, selling or purchasing of lottery tickets, or pulltabs, is prohibited on property premises.
- H. Alcoholic beverages, drugs, and smoking. (1) A person under the influence of an alcoholic beverage or any drug that has been defined as a "controlled substance" may not enter tribal property or operate a motor vehicle on tribal property. The possession, sale, or use of any "controlled substance" (except when permitted by law) or the possession, sale, or use of any alcoholic beverage (except as authorized by the Tribe) on tribal premises is prohibited. The term "controlled substance" is defined in section 802 of title 21 U.S.C. and this Act.
- (2) Smoking (defined as having a lighted cigar, cigarette, pipe, or other smoking material) is prohibited in all tribal buildings and office space, including public lobbies.
- I. Soliciting, electioneering, collecting debts, vending, and advertising. (1) Soliciting alms and contributions, campaigning for election to any public office, collecting private debts, soliciting and vending for commercial purposes (including, but not limited to, the vending of newspapers and other publications), displaying or distributing commercial advertising, collecting signatures on petitions, polls, or surveys (except as otherwise authorized by Tribal regulations), are prohibited. These prohibitions do not apply to:
- (a) Commercial or nonprofit activities performed under contract with the Tribe.
  - (b) Posting notices on bulletin boards as authorized.
  - (c) The direct or in person solicitation of Tribal and civilian personnel for contributions by recognized agencies as authorized.
- (2) Leafleting, distributing literature, picketing, and demonstrating by members of the public are prohibited in lobbies and other interior areas of tribal buildings open to the public. Public assembly and public address, except when conducted or sponsored by the Tribe, are also prohibited in lobbies and other interior areas of tribal building open to the public.

- (3) Voting and Elections. Voting during elections may be conducted on Tribal premises only with the approval of the Chairperson or the chief tribal election officer provided that all of the following conditions are met:
- (a) The voting must be conducted by government agencies or organizations that operate for the promotion of social welfare but do not participate or intervene in any political campaign on behalf of any candidate or political party for any public office.
  - (b) Absolutely no partisan or political literature may be available, displayed, or distributed. This includes photographs, cartoons, and other likenesses of elected officials and candidates for public office.
  - (c) The voting is permitted only in those areas of the tribal premises regularly open to the public.
  - (d) The voting person must not interfere with the conduct of tribal business, tribal customers, or tribal operations.
  - (e) The organization conducting the election must provide and be responsible for any equipment and supplies.
  - (f) Contributions may not be solicited.
  - (g) Access to any office or the workroom floor is prohibited.
  - (h) The election activities are limited to an appropriate period before an election.
- (4) Except as part of tribal activities or activities associated with those permitted under paragraph (I)(3) of this section, no tables, chairs, freestanding signs or posters, structures, or furniture of any type may be placed in tribal lobbies or on tribal walkways, steps, plazas, lawns or landscaped areas, driveways, parking lots, or other exterior spaces.
- J. Photographs for news, advertising, or commercial purposes. Except as prohibited by official signs or the directions of security force personnel or other authorized personnel, or a Tribal court order or rule, photographs for news purposes may be taken in entrances, lobbies, foyers, corridors, or auditoriums when used for public meetings. Other photographs may be taken only with the permission of the Chairman or Chief Election Officer.
- K. Dogs and other animals. Dogs and other animals, except those used to assist persons with disabilities, must not be brought upon tribal property for other than official purposes.

- L. Vehicular and pedestrian traffic. (a) Drivers of all vehicles in or on property shall be in possession of a current and valid state or territory issued driver's license and vehicle registration, and the vehicle shall display all current and valid tags and licenses required by the jurisdiction in which it is registered.
- (b) Drivers who have had their privilege or license to drive suspended or revoked by any state or tribe shall not drive any vehicle in or on property during such period of suspension or revocation.
- (c) Drivers of all vehicles in or on property shall drive in a careful and safe manner at all times and shall comply with the signals and directions of security force personnel, other authorized individuals, and all posted traffic signs.
- (d) The blocking of entrances, driveways, walks, loading platforms, or fire hydrants in or on property is prohibited.
- (e) Parking without authority, parking in unauthorized locations or in locations reserved for other persons, or continuously in excess of six (6) hours without permission, or contrary to the direction of posted signs is prohibited. This section may be supplemented by the Chairman or Chief Election Officer from time to time by the issuance and posting of specific traffic directives as may be required. When so issued and posted such directives shall have the same force and effect as if made a part hereof.
- M. Weapons and explosives. Notwithstanding the provisions of any other law, rule or regulation, no person while on tribal property may carry firearms, other dangerous or deadly weapons, or explosives, either openly or concealed, or store the same on tribal property, except for authorized or official purposes.
- N. Conduct with regard to meetings of the Tribe. (a) Without the permission of the Chairman no person may participate in, film, televise, or broadcast any portion of any meeting of the Tribe or any subdivision or committee of the Tribe. Any person may electronically record or photograph a meeting, as long as that action does not tend to impede or disturb the members of the Tribe in the performance of their duties, or members of the public while attempting to attend or observe a meeting.
- (b) Disorderly conduct, or conduct which creates loud or unusual noise, obstructs the ordinary use of entrances, foyers, corridors, offices, meeting rooms, elevators, stairways, or parking lots, or otherwise tends to impede or disturb the members of the Tribe in the performance of their duties, or members of the tribal public while attempting to attend or observe a meeting of the Tribe or of any subdivision, or committee of the Tribe, is prohibited.
- (c) Any person who violates paragraph (N) (a) or (b) of this section may, in addition to being subject to the penalties prescribed by law, be removed from

and barred from reentering tribal property during the meeting with respect to which the violation occurred.

- (d) A copy of the rules of this section governing conduct on tribal property, including the rules of this paragraph appropriately highlighted, shall be posted in prominent locations at the public entrances to tribal property and outside the meeting room at any meeting of the Tribe or of any subdivision or committee of the Tribe.
- O. Depositing literature. Depositing or posting handbills, flyers, pamphlets, signs, posters, placards, or other literature, except official tribal and other Governmental notices and announcements, on the grounds, walks, driveways, parking and maneuvering areas, exteriors of buildings and other structures, or on the floors, walls, stairs, racks, counters, desks, writing tables, window-ledges, or furnishings in interior public areas on tribal premises, is prohibited. This prohibition does not apply to:
- (a) Posting notices on bulletin boards as authorized in furtherance of official tribal purposes;
  - (b) Interior space assigned to tenants for their exclusive use;
  - (c) Posting of notices by Tribal or U.S. Government-related organizations;
- P. Conviction of the offense of Conduct on Tribal Property shall be punishable by a fine not exceeding Two Thousand Five Hundred Dollars (\$2,500.00), or by imprisonment in the Tribal jail for a term not exceeding six (6) months, or by banishment for a period not less than one (1) year nor more than five (5) years; or any combination of the above.

- Section 802 Reserved
- Section 803 Reserved
- Section 804 Reserved
- Section 805 Reserved
- Section 806 Reserved
- Section 807 Reserved
- Section 808 Reserved
- Section 809 Reserved
- Section 810 Reserved

Section 811 Reserved