

**KICKAPOO
TRADITIONAL TRIBE
OF TEXAS**

PENAL CODES

**KICKAPOO TRADITIONAL TRIBE OF TEXAS
CRIMINAL OFFENSES**

Section

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PENAL CODE

Section 1. Short Title

This title may be cited as the Tribal Penal Code.

Section 2. Application:

- (a) This title shall apply to all tribal members violating its provisions within the territorial jurisdiction of the Tribe; provided, that the provisions of Section Four of this Chapter shall apply to all members of the tribe and all tribal member residents of the jurisdiction of the tribe, wherever 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 title shall apply to non-tribal members to the extent not inconsistent with Federal law, including but not limited to employees, vendors and consultants who have agreed by contract to be bound by this Code. The non-tribal members, in such cases, shall have all the procedural rights of a criminal defendant, and such cases shall be tried by the Tribe's rules of criminal procedure.
- (c) The Federal Rules of Evidence and Federal Rules Criminal Procedure apply to all proceedings unless specifically provided otherwise herein.

Section 3. Ineligibility for Office or Service on KTTT Boards

Conviction of any crime in this Code which is punishable by banishment or exclusion from tribal lands renders the convicted person ineligible to hold public office or serve as a member of any KTTT board for a period of not less than five (5) years and up to the length of the banishment term.. Petition may be made to the Tribal Council for reduction of this penalty of banishment or exclusion to 10 years at any time after the expiration of 10 years from the date of conviction. However, the discretion to approve such reduction shall be exclusively within the sole discretion of Tribal Council. Council may also issue pardons of crimes seven (7) years after the conviction or upon receiving new evidence which proves beyond a reasonable doubt that the offender was never guilty of the crime.

Section 4. Restitution

Upon conviction of any crime within this Code, the Tribal Court is empowered to order restitution for all losses incurred by any victim.

Section 5. Range of Punishment

In all instances in which imprisonment may be imposed for violation of this Code, the full range of actions, requirements or punishments may be imposed on the offender, including but not limited to any of the following: fines, restitution, involuntary commitment, in or out-patient drug rehabilitation, counseling services, educational requirements, employment requirements, housing requirements, no contact orders, community service, drug testing, a wide range of terms of probation, pretrial diversion, probation, deferred adjudication and shock

probation. Crimes specifying exclusion from tribal lands or banishment as potential punishments shall be for a period up to life. The length of the term of exclusion or banishment is within the sole discretion of Tribal Council; however, review of banishment and exclusion decisions maybe made every five (5) years

Section 6. Public Nature of Crimes

All crimes listed in this Code are crimes against the people of the Kickapoo Traditional Tribe of Texas. As such, it is not necessary to have the cooperation or agreement of the victim to proceed with prosecution where sufficient other evidence exists to proceed to trial.

Section 7. No Necessity of Bond; No Necessity to Magistrate in Limited Cases

Once no danger is posed by the offender to himself or others, the police shall issue a citation to appear before the Tribal Court and release the alleged offender on any of the following charges: curfew violations or public intoxication. There is no necessity for the police to magistrate the offender prior to release or to set a bond, unless the offender has failed to appear on an unrelated offense within the last 24 months. If the offender has failed to appear on an unrelated offense within 24 months, the offender shall be held until he is magistrated. Any offender not magistrated within 48 hours on any crime not punishable by banishment or expulsion from tribal lands shall be automatically released on a citation containing a promise to appear. Any offender not magistrated within 72 hours on any crime punishable by banishment or expulsion from tribal lands shall be automatically released on a citation containing a promise to appear.

Section 8. Supplemental Code

The crimes that are contained within this Code supplement the pre-existing Penal Code except to the extent that any crime or punishment contained in the pre-existing code has been modified. In the event of a conflict between this Code and the pre-existing code, this Code shall control.

SECTION ONE CRIMES AGAINST PROPERTY

Section 18-101

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) 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 Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00), and/or by imprisonment in the Tribal jail for a term of not less than three (3) months nor more than one (1) year.
- (c) Additionally, should the commission of the offense result in the death of or serious bodily injury to any person, the Tribal Council may exclude the offender from land within the jurisdiction of the Tribe for a period of up to twenty (20) years.

Section 18-102

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 of 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 One Thousand Dollars (\$1,000.00), and/or by imprisonment for a term not exceeding one (1) year.

Section 18-103

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 more than One Thousand Dollars (\$1,000.00), and/or by imprisonment for a term not exceeding one (1) year.

Section 18-104

Criminal Mischief:

(a) It shall be unlawful to willfully and knowingly:

- (1) Damage or destroy any property with the intent to defraud an insurer; 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 or property of another; or
- (4) Purposely or recklessly shoot or propel a missile or other object, upon or against a motor vehicle, airplane, boat, locomotive, or train.

(b) Criminal mischief shall be punishable by a fine of no more than One Thousand Dollars (\$1,000.00), and/or by imprisonment for not more than one (1) year.

Sections 18-105-109

Reserved

Section 18-110

Burglary

(a) It shall be unlawful to break into by any force whatsoever and enter in any manner any dwelling, office, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, garage, tent, vessel, railroad car, airplane, motor vehicle, trailer, or semi-trailer, 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 Fifty Dollars (\$250.00) nor more than One Thousand Dollars (\$1,000.00), and/or by imprisonment for not less than three (3) months nor more than one (1) year.

(c) Additionally, should the commission of the offence result in the death or serious bodily injury to any person -- upon conviction, the Tribal Council may exclude the offender from land within the jurisdiction of the Tribe for a period up to twenty (20) years.

Section 18-111

Breaking and Entering

(a) It shall be unlawful to break into by any force whatsoever and enter in any manner any dwelling, 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, 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, whether intentionally or recklessly, fear for the safety of the property owner or another.
- (b) Breaking and Entering shall be punishable by a fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more than One Thousand Dollars (\$1,000.00), and/or by imprisonment for a period not exceeding one (1) year.

Section 18-112

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 has 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 hereafter provided, or other enclosure obviously designed to exclude intruders; or
 - (3) Posting of signs prohibiting entry reasonably designed to come to the attention of intruders.
- (b) Criminal Trespass shall be punishable by a fine not exceeding Five Hundred Dollars (\$500.00), and/or by imprisonment for a term not exceeding one (1) year.
- (c) It is a complete affirmative defense to the offense of criminal trespass 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 to open to the public, the person did not substantially interfere with the use of the property or damage any of the property, and upon being ordered to leave the person did so without undue delay.
- (d) 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 inches by eight inches placed upon or in plain sight next to such fence not more than one hundred fifty feet apart shall create a rebuttable presumption that reasonable notice against entry or entry for certain purposes had been given.

Sections 18-113-18-119

Reserved

Section 18-120**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 One Thousand Dollars (\$1,000.00), and/or by imprisonment for a term not exceeding one (1) year.
- (c) If the value of the property taken exceeds One Thousand Dollars (\$1,000.00), upon conviction, the Tribal Council may exclude the offender from land within the jurisdiction of the Tribe for up to five (5) years, in addition to the punishment authorized above.

Section 18-121**Extortion**

- (a) It shall be unlawful to take, receive, or control the use or disposition of property of another with the intent to deprive him of the possession or use thereof by threatening to:
 - (1) Cause bodily harm to any person; or
 - (2) Commit any offense; or
 - (3) (Reserved)
 - (4) 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) Unlawfully take or withhold official action.
- (b) Extortion shall be punishable by a fine not exceeding One Thousand Dollars (\$1,000.00), and/or by imprisonment for a term not exceeding one (1) year.
- (c) 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 18-122**False Pretenses**

- (a) It shall be unlawful to obtain, take, or receive any property of another by means of trick or deception, or false or fraudulent representation, statement, or pretense with the intent to deprive the owner of permanent position of such property.
- (b) False pretenses shall be punishable by a fine not exceeding One Thousand Dollars (\$1,000.00), and/or by imprisonment for a term not exceeding one (1) year.
- (c) Additionally, if the value of the property gained by False Pretenses exceeds One Thousand Dollars (\$1,000.00), the Tribal Council may exclude the offender from land within the jurisdiction of the Tribe for a period of up to five (5) years.

Section 18-123.

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 One Thousand Dollars (\$1,000.00), and/or by imprisonment for a term not exceeding one (1) year.
- (c) Additionally, if the value of the property embezzled exceeds One Thousand Dollars (\$1,000.00), the Tribal Council may exclude the offender from land within the jurisdiction of the Tribe for a period of up to five (5) years.

Section 18-124

Receiving Stolen Property

- (a) It shall be unlawful to possess, receive, buy or conceal any person's property that has been stolen, or otherwise obtained from its true owner in violation of this Chapter with intent to deprive the true owner of permanent possession thereof.
- (b) Receiving Stolen Property shall be punishable by a fine not exceeding One Thousand Dollars (\$1,000.00), and/or by imprisonment for a term not exceeding one (1) year.
- (c) If the value of the property exceeds One Thousand Dollars (\$1,000.00), the Tribal Council may exclude the offender from land within the jurisdiction of the Tribe for up to five (5) years, in addition to the punishment authorized above.

Section 18-125

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 reasonably suspected that the property has been lost, mislaid, or delivered under the 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 Hundred Dollars (\$500.00), and/or by imprisonment for a term not exceeding one (1) year.

Section 18-126

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 thereof.
- (b) Theft of Service shall be punishable by a fine not exceeding One Thousand Dollars (\$1,000.00), and/or by imprisonment for a term not exceeding one (1) year.
- (c) If the value of the service rendered exceeds One Thousand Dollars (\$1,000.00), the Tribal Council may exclude the offender from land within the jurisdiction of the Tribe for a period up to five (5) years, in addition to the punishment authorized above.

Section 18-127**Bribery or Kickbacks**

- (a) It shall be unlawful to accept or offer a bribe or kickback in exchange the award of a contract or other property or the forgiveness of any debt belonging to the KTTT or any corporation owed partially or entirely by the KTTT.
- (b) Bribery or Kickbacks shall be punishable by a fine not exceeding One Thousand Dollars (\$1,000.00), and/or by imprisonment for a term not exceeding one (1) year.
- (c) If the amount of the bribe or kickback or the value of the property of debt that is the subject of the bribe or kickback exceeds One Thousand Dollars (\$1,000.00), the Tribal Council may exclude the offender from land within the jurisdiction of the Tribe for a period of up to twenty (20) years, in addition to the punishment authorized above.

Sections 18-128-18-135**Reserved****Section 18-136****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 authorize 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, and other symbols of value, right privilege, or identification.
- (d) Forgery shall be punishable by a fine not exceeding One Thousand Dollars (\$1,000.00), and/or by imprisonment for a term not exceeding one (1) year.
- (e) Additionally, the Tribal Council may exclude the offender from land within the jurisdiction of the Tribe for a period of up to five (5) years, or any combination of the above punishments.

Section 18-137**Criminal Simulation**

- (a) It shall be unlawful to make, alter, 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 One Thousand (\$1,000.00), and/or by imprisonment for a term not exceeding one (1) year.
- (c) If the simulated object purports to have value in excess of One Thousand Dollars (\$1,000.00), the Tribal Council may exclude the offender from land within the jurisdiction of the Tribe for period of up to five (5) years, in addition to any of the punishment authorized above.

Section 18-138**Fraudulent Handling of Recordable Instruments**

- (a) It shall be unlawful to destroy, remove, or conceal any will, deed, mortgage, security instruments, Tribal Resolution, or Tribal Record, for which the law provides public recordings.
- (b) Fraudulent Handling of Recordable Instruments shall be punishable by a fine not exceeding One Thousand Dollars (\$1,000.00), and/or by imprisonment for a term not exceeding one (1) year.
- (c) In addition, the Tribal Council may exclude the offender from land within the jurisdiction of the Tribe for a period of up to ten (10) years.

Section 18-139**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 with a fine not exceeding One Thousand (\$1,000.00), and/or by imprisonment for a term not exceeding one (1) year. Additionally, the Tribal Council may exclude the offender from land within the jurisdiction of the Tribe.

Section 18-140**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 Hundred Dollars (500.00), and/or by imprisonment for a term not exceeding one (1) year.

Section 18-141**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 cancelled; 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 one thousand dollars (\$1,000.00), and/or by imprisonment for a term not exceeding one (1) year.

Section 18-142-18-146**Reserved**

Section 18-147**Deceptive Business Practices**

- (a) It shall be unlawful, in the course of business, to 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 furnished the weight or measure; or
 - (4) Sell, offer, or expose for sale adulterated or mislabeled commodities. "Adulterated" means varying from the standard of composition or quality prescribed by law or commercial usage. "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 Hundred (\$500.00), and/or by imprisonment for a term not exceeding one (1) year.
- (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, the Tribal Council may exclude the offender from land within the jurisdiction of the Tribe.

Section 18-148**Defrauding Creditors**

- (a) It shall be unlawful to:
- (1) Destroy, remove, conceal, encumber, transfer, or deal with property subject to a security interest intending to hinder enforcement of that interest; or
 - (2) Deal with property intending defeat or obstructing the operation of law relating to administration of property for the benefit of creditors; or knowingly falsify writing or record or knowingly misrepresent or refuse to disclose the existence, amount or location of property, or information which could be legally required to furnish.

(b) Defrauding Creditors shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000.00), and/or imprisonment up to one (1) year.

Section 18-149

Securing Execution of Document 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. "Pecuniary" means of or involving money.

(b) Securing Execution of Documents by Deception shall be punishable by a fine not exceeding One Thousand Dollars (\$1,000.00), and/or by imprisonment for a period not exceeding one (1) year.

Section 18-150

Criminal Usury

(a) It shall be unlawful to intentionally provide financing or make loans at a rate of interest more 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 of financing is less than one (1) year, or both, the rate of interest shall not exceed a twenty-four percent (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 of financing is greater than one (1) year, or both, the rate of interest shall not exceed an eighteen percent (18%) per annum simple interest rate.

(b) Criminal Usury shall be punishable by a fine not exceeding One Thousand Dollars (\$1,000.00), and/or by imprisonment for a period not exceeding one (1) year. The victim is 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 18-151

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, tribal business entity 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 of loss to the owner or to a person for whose benefit the property has been entrusted.

(b) As used in this section, "Fiduciary" includes a trustee, guardian, executor, administrator, receiver, employee or any person carrying on fiduciary functions on behalf of a corporation or other organization.

(c) Unlawful Dealing with property by a fiduciary shall be punishable by a fine not exceeding One Thousand Dollars (\$1,000.00), and/or by imprisonment for a term not exceeding one (1) year.

(d) If the value of the property exceeds One Thousand Dollars (\$1,000.00), the Tribal Council may exclude the offender from land within the jurisdiction of the Tribe for a period of up to ten (10) years, in addition to the punishment authorized above.

Section 18-152

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 prevent some other person from obtaining credit.

(b) Making a False Credit Report shall be punishable by a fine not exceeding One Thousand Dollars (\$1,000.00), and/or by imprisonment for a period not exceeding one (1) year.

SECTION TWO

Crimes Against Persons

Section 18-201

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:

(1) Attempt to cause or cause serious bodily injury to another;

(2) Engage in sexual intercourse with an individual after the offender has been diagnosed as HIV +: without full discussion the medical diagnosis, without providing full disclosure of the risks of sexual intercourse with a person diagnosed as being HIV +, and taking reasonable steps to prevent transmission of the disease; or

(3) Use a deadly weapon with the intent to cause serious bodily injury, or with the intent to put a person 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 exceed One Thousand Dollars (\$1,000.00), and/or by term of imprisonment not to exceed one (1) year.

(c) Additionally, the Tribal Council may exclude the offender from land within the jurisdiction of the Tribe for a period up to twenty (20) years.

Section 18-202

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) Attempt by show of force or violence to put another in fear of imminent bodily injury with the apparent ability to do so; or

(3) 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 One Thousand (\$1,000.00), and/or by term of imprisonment not to exceed one (1) year.

Section 18-203

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(s) or lip of another.

(b) Mayhem shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000.00), and/or by term of imprisonment not to exceed one (1) year.

(c) Additionally, the Tribal Council may exclude the offender from land within the jurisdiction of the Tribe for a term not to exceed twenty (20) years.

Section 18-204

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 One Thousand Dollars (\$1,000.00), and/or by a term of imprisonment not to exceed one (1) year.

Section 18-205

Domestic Violence

(a) It shall be unlawful to wrongfully, purposely, knowingly, or recklessly:

(1) Attempt to cause or cause bodily injury to a member of one's family, household or one's spouse, significant other, parent, child, adopted child or step-child; or

(2) Attempt by show of force or violence to put a member of one's family, household or one's spouse, significant other, parent, child, adopted child or step-child in fear of imminent bodily injury with the apparent ability to do so; or

(3) Recklessly endanger one's family, household or one's spouse, significant other, parent, child or step-child by an act or omission to act which threatens to cause serious bodily injury to another, whether or not such harm actually occurs.

(b) The offense of Domestic Violence shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000.00), and/or by term of imprisonment not to exceed one (1) year.

(c) Additionally, upon the third conviction of for this offense. Tribal Council may exclude the offender from land within the jurisdiction of the Tribe for a term not to exceed five (5) years, or any combination of the above.

Sections 18-206-210**Reserved****Section 18-211****Homicide in the First Degree**

(a) It shall be unlawful to:

- (1) Purposely, knowingly, and wrongfully with malice or aforethought cause 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 or exclusion.

(b) Homicide in the first degree shall be punishable by a fine of One Thousand Dollars (\$1,000.00), and/or by a term of imprisonment not to exceed one (1) year.

(c) Additionally, the Tribal Council may exclude the offender from land within the jurisdiction of the Tribe for a term not to exceed twenty-five (25) years.

Section 18-212**Homicide in the Second Degree**

(a) It shall be unlawful to:

(1) Recklessly or negligently with disregard of the possible consequence of one's 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 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.

(i) a blood alcohol content in excess of .10 shall create a rebuttable presumption that the person was under the influence of an alcoholic beverage.

(ii) for purposes of this section, a motor vehicle is any self-propelled vehicle and includes, but not limited to, any automobile, truck, van, motorcycle, train, engine, watercraft, aircraft, or snowmobile.

(b) Homicide in the Second Degree shall be punishable by a fine of One Thousand Dollars (\$1,000.00), and/or by a term of imprisonment not to exceed one (1) year.

(c) Additionally, the Tribal Council may exclude the offender from land within the jurisdiction of the Tribe for a term not to exceed fifteen (15) years.

Section 18-213**Causing A Suicide**

(a) It is unlawful to intentionally cause a suicide by force, duress, or deception.

(b) The offense of Causing A Suicide is punishable by fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to one (1) year.

(c) Banishment not exceeding Twenty (20) years may additionally be imposed by Tribal Council.

Section 18-214

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 One Thousand Dollars (\$1,000.00), and/or by a term of imprisonment not to exceed one (1) year, or both, if the defendant's conduct has actually caused or contributed substantially to a suicide.

(2) Otherwise, Aiding or Soliciting a Suicide is punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00), and/or by a term of imprisonment not to exceed one (1) year.

Section 18-215

Attempted Suicide

Any person who attempts to commit suicide shall be held in Protective Custody until transferred to an appropriate facility upon order of a Court.

Sections 18-216-220

Reserved

Section 18-221

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, for 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 code if it is accomplished by force, threat, or deception, or, in the case of a person under the age of eighteen (18) 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 One Thousand Dollars (\$1,000.00) and/or by a term of imprisonment not to exceed one (1) year.

(d) Additionally, the Tribal Council may exclude the offender from land within the jurisdiction of the Tribe for a term not to exceed twenty (20) years, or any combination of the above.

Section 18-222**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 One Thousand Dollars (\$1,000.00) and/or by a term of imprisonment not to exceed one (1) year.

Section 18-223**Custodial Interference**

- (a) It shall be unlawful to:
- (1) wrongfully take, entice, conceal, or detain a child under the age of eighteen (18) from his parent(s), guardian, or other lawful custodian, knowing he has no legal right to do so, and
 - (i) with the intent to hold a child for a period substantially longer than any visitation or custody period previously awarded by a court of competent jurisdiction; or
 - (ii) 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), and/or by a term of imprisonment not to exceed one (1) year.

Section 18-224**Criminal Coercion: to restrain by force**

- (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 One Thousand Dollars (\$1,000.00), and/or by a term of imprisonment not to exceed one (1) year.

(d) Additionally, Tribal Council may exclude the offender from land within the jurisdiction for a term not to exceed ten (10) years of the Tribe.

Section 18-225

Deviate Sexual Intercourse

(a) It shall be unlawful to engage in deviate sexual intercourse, defined as sexual intercourse, oral or anal between persons not husband and wife, or any form of sexual intercourse with an animal, and to cause another to engage in deviate sexual intercourse if:

(1) That person is compelled by threat that would prevent resistance; or,

(2) That person is compelled by force or threat of imminent death, serious injury, pain or kidnapping, to be inflicted on anyone; or,

(3) The person's power to appraise or control his conduct has been substantially impaired by administration or employment of drugs or intoxicants; or,

(4) The offender knows the person has a mental disease or defect or knows the person is unconscious or submits because he is unaware a sexual act is being committed.

(b) The offense of Deviate Sexual Intercourse punishable by fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to one (1) year.

Section 18-226

Reserved

Section 18-227

Stalking

(a) No person with intent to harass another person shall engage in a course of conduct over any period of time reasonably likely to cause a reasonable person to suffer substantial emotional distress and which does, in fact, seriously alarm the person toward whom the harassment is directed including, but not limited to, any combination of the following acts:

(1) Communicating, anonymously or otherwise, or causing a communication with another person by verbal, electronic, mechanical, telegraphic, telephonic, or written means in a manner that harasses;

(2) Following a person, other than within the residence of the defendant;

(3) Placing a person under surveillance by remaining present outside that person's school, place of employment, vehicle, other place occupied by the person, or residence other than the residence of the defendant; or

(4) Otherwise engaging in a course of conduct evidencing a continuity of purpose that harasses another person.

(b) The offense of Stalking is punishable by fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to one (1) year.

Sections 18-228-18-230

Reserved

Sections 18-231

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 threat of imminent death, serious bodily injury, extreme pain, or kidnapping to be inflicted on that person or anyone else; or

(2) Engage sexual intercourse with a person fourteen (14) years of age and under, regardless of consent.

(b) Rape in the First Degree shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000.00), and/or by a term not to exceed one (1) year.

(c) Additionally, the Tribal Council may exclude the offender from land within the jurisdiction of the Tribe for a term not to exceed twenty (20) years, or any combination of the above.

Sections 18-232.

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, 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 One Thousand Dollars (\$1,000.00), and/or by a term of imprisonment not to exceed one (1) year.

(c) Additionally, Tribal Council may impose banishment upon conviction for a term not to exceed fifteen (15) years.

Section 18-233

Robbery

- (a) It is unlawful to take anything of value from the immediate control of another by use or the threatened use of force or violence, with intent to permanently deprive the owner thereof.
- (b) The offense of Robbery is punishable by fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to one (1) year.
- (c) Banishment not exceeding Five (5) years may additionally be imposed by Council.

Section 18-233

Reserved

Section 18-234

Sexual Assault

- (a) It shall be unlawful to intentionally, wrongfully, and without consent subject another, 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 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, but at least 14 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(s), or grandparent(s), guardian, or otherwise responsible for general supervision of his welfare regardless of consent; or
 - (8) if that person is in lawful custody of law enforcement 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 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 One Thousand Dollars (\$1,000.00), and/or by a term of imprisonment not to exceed one (1) year.
- (d) Additionally, Tribal Council may exclude the offender from land within the jurisdiction of the Tribe for a term not to exceed twenty (20) years.

Section 18-235**Child Abuse**

- (a) No person shall intentionally or recklessly inflict upon, cause, or place a person under the age of eighteen (18) years in imminent danger or substantial risk of harm in the form of:
- (1) Death or physical injury including, but not limited to, disfigurement, impairment of any bodily organ, skin bruising, bleeding, burns, fracture of any bone, subdural hematoma, or substantial malnutrition;
 - (2) Mental injury in the form of impairment of intellectual capacity, psychological capacity, or emotional stability including, but not limited to, an observable or substantial impairment of the victim's ability to function within a normal range of performance and behavior;
 - (3) Sexual injury or harm including, but not limited to, injury to the genital organs of a child in attempt of carnal knowledge falling short of actual intercourse; or,
 - (4) The taking of immodest, immoral, or indecent liberties with a child including, but not limited to, fondling a child either by physical touching or through clothing, masturbating with a child, or encouraging a child to commit with him any immoral or indecent act.
- (b) Imminent danger, as used in this Section, includes threatened harm by means of a statement, overt act, or condition which represents an immediate and substantial risk.
- (c) Substantial risk, as used in this Section, means a strong possibility, as contrasted with a remote or insignificant possibility.
- (d) The offense of Child Abuse is punishable by a fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to One (1) year. Any person convicted of violating this section, or an attempted offense, involving abuse or neglect of a sexual nature, shall register as a sex offender with this Tribe and comply with all laws affecting sex offenders.
- (e) Additionally, Tribal Council may exclude the offender from land within the jurisdiction of the Tribe for a term not to exceed twenty (20) years.

Section 18-236**Abandonment or Neglect**

- (a) Any parent of any child or children under the age of ten (10) years, and every person to whom such child or children have been confided for nurture or education, who deserts such child or children, or takes such child or children beyond the jurisdiction of this Nation, with the intent wholly to abandon it, shall be deemed guilty of Abandonment or Neglect.
- (b) The offense of Abandonment or Neglect is punishable by a fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to One (1) year.

Section 18-237**Omission to Provide for a Child**

- (a) Any parent, guardian, or person having custody or control of a child 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, shall be guilty of Omission to Provide for a Child.

(b) The offense of Omission to Provide for a Child is punishable by a fine up to One Thousand Dollars (\$1,000), and/or imprisonment up to One (1) year.

(c) Nothing contained in this section shall prevent a court from immediately assuming custody of a child and ordering whatever action may be necessary, including medical treatment, to protect the child's health or welfare.

Section 18-238

Child Endangerment by Permitting Child Abuse

(a) A person who is the parent, guardian, or person having custody or control over a child commits child endangerment when the person knowingly permits physical or sexual abuse of a child or who knowingly permits a child to be present at a location where a controlled dangerous substance is being manufactured or attempted to be manufactured.

(b) The offense of Child Endangerment by Permitting Child Abuse is punishable by a fine up to One Thousand Dollars (\$1,000), and/or imprisonment up to One (1) year.

(c) Nothing contained in this section shall prevent a court from immediately assuming custody of a child and ordering whatever action may be necessary, including medical treatment, to protect the child's health or welfare.

Section 18-239

Child Pornography; Possession of Child Pornography

(a) Any person who shall procure or cause the participation of any minor under the age of eighteen (18) years in any child pornography or who knowingly possesses, procures, or manufactures, or causes to be sold or distributed any child pornography shall be guilty of violating this Section.

(b) The offense of Child Pornography; Possession of Child Pornography is punishable by a fine up to One Thousand Dollars (\$1,000), and/or imprisonment up to One (1) year. Any person convicted of violating this section, or an attempted offense, shall register as a sex offender with this Tribe and comply with all laws affecting sex offenders.

(c) The consent of the minor, or of the mother, father, legal guardian, or custodian of the minor to the activity prohibited by this section shall not constitute a defense.

Section 18-240

Duty to Report Child Abuse; and Obscene or Pornographic Material Depicting Minors

(a) Any person who has knowledge of acts constituting child abuse, or observes any film, photograph, video tape, negative, or slide, or any computer file, recording, CD-Rom, magnetic disk memory, magnetic tape memory, picture, graphic or image that is intentionally saved, transmitted or organized on hardware or any other media including, but not limited to, CDs, DVDs and thumbdrives, or other means and whether directly viewable, compressed or encoded, depicting a child under the age of eighteen (18) years engaged in an act of sexual conduct, shall

immediately or as soon as possible report such instance of suspected child abuse or child pornography to the KTTT Police Department. Any person who fails to report child abuse or child pornography shall be guilty of violating this Section.

(b) The offense of violation of Duty to Report Child Abuse and Obscene or Pornographic Material Depicting Minors is punishable by a fine up to One Thousand Dollars (\$1,000), and/or imprisonment up to One (1) year.

Section 18-241

Indecent Exposure, Indecent Exhibitions

(a) Every person who willfully and knowingly either:

(1) Lewdly exposes 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) Procures, counsels, or assists 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) Writes, composes, stereotypes, prints, photographs, designs, copies, draws, engraves, paints, molds, cuts, or otherwise prepares, publishes, sells, distributes, keeps for sale, knowingly downloads on a computer, or exhibits any obscene material or child pornography; or,

(4) Makes, prepares, cuts, sells, gives, loans, distributes, keeps for sale, or exhibits any disc record, metal, plastic, or wax, wire or tape recording, or any type of obscene material or child pornography, shall be guilty of Indecent Exposure, Indecent Exhibitions.

(b) The offense of Indecent Exposure, Indecent Exhibitions is punishable by a fine up to One Thousand Dollars (\$1,000), and/or imprisonment up to One (1) year. Any person who has been convicted of a violating this section, or an attempted offense, shall register as a sex offender with this Tribe and comply with all laws affecting sex offenders.

Section 18-242

Solicitation of Minors

(a) It is unlawful to entice, advise, incite, order or encourage any minor under the age of eighteen (18) to commit any offense, with the intent that such person will commit an offense of the laws of this jurisdiction.

(b) The offense of Solicitation of Minors is punishable by a fine up to One Thousand Dollars (\$1,000), and/or imprisonment up to One (1) year.

Section 18-243

Indecent Solicitation of Minors

(a) It is unlawful to:

(1) Willfully solicit or aid a minor child under the age of eighteen (18) to perform or participate in an act of a sexually deviant nature; or

(2) Show, exhibit, loan, or distribute to a minor child under the age of sixteen (16) any obscene material or child pornography for the purpose of inducing said minor to participate in, any act specified in paragraphs 1, 2, 3 or 4 of Indecent Exposure, Indecent Exhibitions.

(b) The offense of Indecent Solicitation of Minors is punishable by a fine up to One Thousand Dollars (\$1,000), and/or imprisonment up to One (1) year. Any person convicted of violating this section, or an attempted offense, shall register as a sex offender with this Tribe and comply with all laws affecting sex offenders.

Section 18-244

Abuse, Neglect or Financial Exploitation by Caretaker

(a) No caretaker or other person, shall abuse, commit financial neglect, neglect, commit sexual abuse, or exploit any person entrusted to the care of such caretaker or other person in a nursing facility or other setting.

(b) The offense of Abuse, Neglect or Financial Exploitation by Caretaker is punishable by a fine up to One Thousand Dollars (\$1,000), and/or imprisonment up to One (1) year. Any person convicted of violating this section, or an attempted offense, involving abuse or neglect of a sexual nature, shall register as a sex offender with this Tribe and comply with all laws affecting sex offenders.

Section 18-245

Verbal Abuse by a Caretaker

(a) No caretaker shall 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) 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.

(c) The offense of Verbal Abuse by a Caretaker is punishable by a fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to Six (6) months.

Section 18-246

Exploitation of Elderly Persons or Disabled Adults

(a) As used in this section, "exploitation of an elderly person or disabled adult" means:

(1) Knowingly, by deception or intimidation, obtaining or using, or endeavoring to obtain or use, an elderly person's or disabled adult's funds, assets, or property with the intent to temporarily or permanently deprive the elderly person or disabled adult of the use, benefit, or possession of the funds, assets, or property, or to benefit someone other than the elderly person or disabled adult, by a person who:

(i) stands in a position of trust and confidence with the elderly person or disabled adult, or

(ii) has a business relationship with the elderly person or disabled adult, or

(2) Obtaining or using, endeavoring to obtain or use, or conspiring with another to obtain or use an elderly person's or disabled adult's funds, assets, or property with the intent to temporarily or permanently deprive the elderly person or disabled adult of the use, benefit, or possession of the funds, assets, or property, or to benefit someone other than the elderly person or disabled adult, by a person who knows or reasonably should know that the elderly person or disabled adult lacks the capacity to consent.

(b) This Section is punishable by a fine up to One Thousand Dollars (\$1,000), and/or imprisonment up to One (1) year.

(c) For purposes of this section, "elderly person" means any person sixty-two (62) years of age or older.

Section 18-247

Obscene Language in a Public Place

(a) It is unlawful for any person to utter or speak any obscene or lascivious language or word in any public place or in the presence of children under ten (10) years of age.

(b) This section is punishable by a fine up to Two Hundred Fifty Dollars (\$250.00), or imprisonment for not more than Two (2) days, or both.

SECTION THREE INCHOATE CRIMES

Section 18-301

Attempt

(a) It is unlawful to engage in conduct constituting a substantial step toward commission of any offense under Tribal, Federal, or State laws applicable to the jurisdiction which any part of the offense was to be completed with the culpability required for the commission of the offense.

(b) Attempts shall be punishable by up to the same penalties as the completed crime.

Section 18-302

Criminal Conspiracy

(a) It is unlawful to agree 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) Anywhere to engage or cause the performance of conduct with the intent to commit any Tribal or Federal offense and anyone commits an overt act in pursuance of the conspiracy.

(c) Conspiracy to commit an offense carries up to the same punishment as the completed offense.

Section 18-303**Solicitation**

- (a) It is unlawful to entice, advise, incite, order, or encourage another to commit any offense, with intent such person commit an offense under laws of the jurisdiction where the conduct was to be performed.
- (b) In any place, entice, advise, incite, order, or encourage another to commit any offense, with intent such other person commit an offense punishable by Tribal Federal, or State laws within the Tribal jurisdiction.
- (c) The offense of Solicitation is punishable by fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to Six (6) months.

**SECTION FOUR
CRIMES AGAINST PUBLIC JUSTICE****Section 18-401****Bribery**

- (a) It is unlawful to ask for, give, or accept any money, goods, property, thing of value or advantage, or any promise or undertaking, given with intent influence a person.
- (b) The offense of Bribery is punishable by fine up to One Thousand Dollars (\$1,000.00); and/or imprisonment for up to One (1) year. Banishment not exceeding Ten (10) years may additionally be imposed. For an additional conviction, banishment may be imposed for Ten (10) years and less than life.

Section 18-402**Improper Influence In Official Matters**

- (a) It is unlawful to:
 - (1) Threaten harm with intent to influence decisions, recommendations, votes or discretion as a public servant, official, or voter; or,
 - (2) Threaten harm to any public servant or relative with intent to influence his decision, recommendation, vote or discretion in a judicial, legislative, or administrative, proceeding; or,
 - (3) Threaten harm to any public servant, official or relative with the intent to influence him to violate his duty; or,
 - (4) Privately address a court official in a judicial or administrative proceeding and make representation, argument, or communication designed to influence the outcome.
- (b) It is no defense a person was not qualified to act.
- (c) The offense of Improper Influence In Official Matters is punishable by fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to One (1) year Banishment not

exceeding Ten (10) years may additionally be imposed by Tribal Council. For a subsequent conviction, banishment may be imposed for Ten (10) years and less than life.

Section 18-403

Retaliation For Past Official Action

(a) It is unlawful to harm in retaliation for anything done by a person in his capacity as a public servant.

(b) The offense of Retaliation for Past Official Action is punishable by fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to One (1) year. Banishment not exceeding Ten (10) years may additionally be imposed by Tribal Council. For a subsequent conviction, banishment may be imposed for Ten (10) years and less than life.

Section 18-404

Improper Gifts To Public Servants

(a) It is unlawful to knowingly confer, offer to agree or confer any benefit to a public servant with intent to induce an exercise of discretion or undermine official impartiality.

(b) This section shall not apply to:

(1) Gifts or benefits conferred because of kinship, traditional ceremonies, or personal, professional or business relationship independent of official status; or

(2) Trivial benefits incidental to personal, professional or business contacts and involving no substantial risk of undermining official impartiality.

(c) The offense of Improper Gifts to Public Servants is punishable by fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to One (1) year. Banishment not exceeding Ten (10) years may additionally be imposed by Tribal Council.

Section 18-405

Unofficial Misconduct

(a) It is unlawful to exercise or attempt to exercise functions of a public office when not elected or appointed.

(b) The offense of Unofficial Misconduct is punishable by fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to One (1) year. Banishment not exceeding Five (5) years may additionally be imposed by Tribal Council. For a subsequent conviction, banishment may be imposed more than Five (5) years and less than life.

Section 18-406

Oppression In Office

(a) It is unlawful when acting or purporting to act in an official capacity or taking advantage of actual or purported capacity, with knowledge such conduct is illegal, to:

(1) Subject to arrest, detention, search, seizure, mistreatment, dispossession, assessment, lien or other infringement of personal or property rights; or,

(2) Deny or impede the exercise or enjoyment of any right, power, or immunity.

(b) The offense of Oppression In Office is punishable by fine of One Thousand Dollars (\$1,000.00), and/or imprisonment up to One (1) year. Banishment not exceeding Ten (10) years may additionally be imposed. For an additional conviction, banishment may be imposed more than Ten (10) years and less than life.

Section 18-407

Misusing Public Money

(a) It is unlawful for a person charged with receipt, safekeeping, transfer or disbursement of public monies to:

- (1) Appropriate the money to his own use or use of another; or,
- (2) Loan the money; or,
- (3) Fail to keep the money in his possession or control until disbursed; or,
- (4) Deposit the money in an unauthorized bank or with a person not authorized; or,
- (5) Keep any false account, or make a false entry or erasure relating to the money; or,
- (6) Fraudulently alter, falsify, conceal, destroy, or obliterate any account; or,
- (7) Knowingly refuse or omit to pay on demand by competent authority; or,
- (8) Knowingly omit to transfer money when transfer is required; or,
- (9) Make a profit for himself or another out of public monies; or,
- (10) Fail to pay the proper account or authority any fines, forfeitures, or fees; or,
- (11) Handle public money in a manner not authorized by law; or,
- (12) Handle public money in a careless manner creating a significant risk of loss.

(b) "Public money" includes all money, bonds, and evidences of indebtedness, belonging to, received held by the Tribe or government, or any account or money held by the Tribe or government for any individual or group.

(c) The offense of Misuse of Public Money is punishable by fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to One (1) year. Banishment not exceeding Ten (10) years may additionally be imposed. For a subsequent conviction, banishment may be imposed more than Ten (10) years and less than life.

Section 18-408**Perjury In The First Degree**

- (a) It is unlawful to make a false statement under oath or affirmation, or swear or affirm the truth of a statement previously made, when the statement is material and it is not believed to be true.
- (b) Falsification is material, regardless of the admissibility of the statement, if it could have affected the course or outcome. It is no defense the declarant mistakenly believed the falsification to be immaterial. Whether a falsification is material in a factual situation is a question of law.
- (c) It is no defense that the oath or affirmation was administered or taken in an irregular manner or that the declarant was not competent to make the statement; with the except of mental incompetence, which is a defense. A document purporting to be made on oath or affirmation when the actor presents it as being verified shall be deemed to have been duly sworn or affirmed.
- (D) No person shall be guilty if they retracted the falsification before the falsification was or would be exposed and before the falsification substantially affected the proceeding.
- (E) No person shall be convicted where proof of falsity rests solely upon contradiction by testimony of a single other person.
- (F) The offense of Perjury In The First Degree is punishable by up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to One (1) year. Banishment not exceeding Five (5) years may additionally be imposed by Tribal Council. For a subsequent conviction, banishment may be imposed more than Five (5) years and less than life.

Section 18-409**Perjury In The Second Degree**

- (a) It is unlawful to:
 - (1) Make any written false statement which they do not believe to be true; or,
 - (2) Purposely create a false impression in a written application by omitting information necessary to prevent statements from being misleading; or,
 - (3) Submit or invite reliance on any writing which they know to be forged, altered or lacking in authenticity; or,
 - (4) Submit or invite reliance on any sample, specimen, map, boundary mark, or object which he knows to be false, with a purpose to mislead a public servant.
- (b) It is no defense the oath or affirmation was administered or taken in an irregular manner or the declarant was not competent to make the statement; except mental incompetence, which is a defense. A document purporting to be made on oath or affirmation when the actor presents it as being verified shall be deemed to have been duly sworn or affirmed.
- (c) No person shall be guilty if they retracted the falsification before the falsification was or would be exposed and before the falsification substantially affected the proceeding.

(d) No person shall be convicted where proof of falsity rests solely upon contradiction by testimony of a single other person.

(e) The offense of Perjury In The Second Degree is punishable by fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to One (1) year. Banishment not exceeding Five (5) years may additionally be imposed by Tribal Council. For a subsequent conviction, banishment may be imposed more than Five (5) years and less than life.

Section 18-410

Tampering With Witnesses

(a) It is unlawful:

(1) Believing an official proceeding or investigation will begin or is pending to attempt to induce or cause a person to:

(i) Testify or inform falsely; or,

(ii) Withhold any testimony, information, document or thing; or,

(iii) Elude legal process summoning them to testify or supply evidence; or,

(iv) Absent themselves from any proceeding or investigation to which they have been summoned; or,

(2) Harm another by retaliation for anything done as a witness or informant; or,

(3) Solicit, accept or agree to accept benefit for doing things specified in this section.

(b) The offense of Tampering With Witnesses is punishable by fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment not exceeding One (1) year.

Section 18-411

Tampering With Evidence

(a) It is unlawful, believing an official proceeding or investigation will begin or is pending to:

(1) Alter, destroy, conceal or remove any record, document, or thing with intent to impair its verity or availability; or,

(2) Make, present, or use any record, document, or thing knowing it to be false to mislead a public servant.

(b) The offense of Tampering With Evidence is punishable by fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to One (1) year. Banishment not exceeding Ten (10) years may additionally be imposed by Tribal Council. For a subsequent conviction, banishment may be imposed more than Ten (10) years and less than life.

Section 18-412**Tampering With Public Records**

(a) It is unlawful to:

- (1) Knowingly make a false entry in, or alteration of, any record, document thing belonging to or received or kept by, the Tribe or government, or required to be kept for information of the Tribe or government; or,
- (2) Make, present or use any record, document, or thing knowing it to be false, to 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 record, document or thing.

(b) The offense of Tampering With Public Records is punishable by fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to One (1) year. Banishment not exceeding Ten (10) years may additionally be imposed by Tribal Council. For a subsequent conviction, banishment may be imposed more than Ten (10) years and less than life.

Section 18-413**Impersonating A Public Servant**

(a) It is unlawful to pretend to hold a public office to induce submission to pretended official authority or act in reliance upon that pretense.

(b) The offense of Impersonating A Public Servant is punishable by a fine up to One Thousand Dollars (\$1,000.00), or imprisonment up to One (1) year.

Section 18-414**Obstructing Governmental Function**

(a) It is unlawful to:

- (1) Use force, violence, intimidation, or any act to interfere with a public servant performing or purporting to perform an official function; or,
- (2) Obstruct, impair, or prevent the administration of governmental function by force, violence, physical interference or obstacle, breach of official duty, or any act, this section does not apply to flight, refusing arrest.

(b) The offense of Obstructing Governmental Functions is punishable by fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to One (1) year.

Section 18-415 through 18-425**Reserved****Section 18-426****Obstruction of a Law Enforcement Officer**

(a) Any person who willfully delays or obstructs any law enforcement officer in the discharge or attempt to discharge the lawful performance of his or her duty is guilty of obstructing a law enforcement officer.

(b) The offense of Obstruction of a Law Enforcement Officer is punishable by fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to One (1) year.

Section 18-427

Eluding a Law Enforcement Officer

(a) Any operator of a motor vehicle who is given by hand, voice, emergency light, or siren, a visual or audible signal by a law enforcement officer acting in the lawful performance of his or her duty, directing the operator to bring the vehicle to a stop and who willfully increases the speed or extinguishes the lights of the vehicle in an attempt to elude the law enforcement officer, or willfully attempts in any other manner to elude the law enforcement officer, is guilty of eluding a law enforcement officer.

(b) The offense of Eluding a Law Enforcement Officer is punishable by fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to One (1) year.

Section 18-428

Resisting Lawful Arrest

(a) It is unlawful to employ means of resistance to prevent a law enforcement officer from effecting an arrest or detention.

(b) The offense of Resisting Lawful Arrest is punishable by fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to Three (3) months.

Section 18-429

Assault and Battery Upon a Law Enforcement Officer

(a) Any person who, without justifiable or excusable cause, knowingly commits any assault upon a law enforcement officer acting in the lawful performance of his or her duties, shall be guilty of assault and battery upon a law enforcement officer.

(b) The offense of Assault and Battery Upon a Law Enforcement Officer is punishable by fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to One (1) year.

Section 18-430

Aggravated Assault and Battery Upon a Law Enforcement Officer

(a) Any person who, without justifiable or excusable cause, knowingly commits any aggravated assault upon a law enforcement officer acting in the lawful performance of his or her duties shall be guilty of assault and battery upon a law enforcement officer.

(b) The offense of Aggravated Assault and Battery Upon a Law Enforcement Officer is punishable by fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to One (1) year.

Section 18-431

Mistreating or Interfering with a Police Dog or Horse

(a) No person shall willfully torture, torment, beat, mutilate, injure, disable, or otherwise mistreat a police dog or police horse owned, or the service of which is employed, by a law enforcement agency of the Tribe or acting with or on behalf of the Tribe.

(b) No person shall willfully interfere with the lawful performance of any police dog or police horse.

(c) The offense of Mistreating or Interfering with a Police Dog or Horse is punishable by fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to One (1) year.

Section 18-432

Killing a Police Dog or Horse

(a) No person shall kill any police dog or police horse owned, or the service of which is employed, by a law enforcement agency of the Tribe or acting with or on behalf of the Tribe.

(b) The offense of Killing a Police Dog or Horse is punishable by fine up to One Thousand Dollars (\$1,000.00), or imprisonment up to One (1) year.

Section 18-433

Refusing To Aid An Officer

(a) It is unlawful to knowingly or irresponsibly refuse to aid a law enforcement officer or fireman when called upon by the officer.

(b) The offense of Refusing to Aid An Officer is punishable by fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to Three (3) months.

Section 18-434

False Arrest

(a) It is unlawful for any person pretending to be a public officer to, under pretense or color of legal authority, arrest or detain any person.

(b) The offense of False Arrest is punishable by fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to One (1) year.

Section 18-435

Obstructing Justice

(a) It is unlawful to hinder the apprehension, prosecution, conviction or punishment of another to:

(1) Harbor or conceal; or,

(2) Provide or aid in providing a weapon, transportation, disguise or means of avoiding apprehension or effecting escape; or,

(3) Conceal or destroy evidence or tamper with a witness, informant, document or source of information, regardless of admissibility; or,

(4) Warn of impending discovery or apprehension, except to get the person to comply; or,

(5) Volunteer false information to a law enforcement officer; or,

(6) Obstruct by force, threat, bribery or deception anyone from performing an act which might aid in the discovery, apprehension, prosecution or conviction.

(b) The offense of Obstructing Justice is punishable by fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to One (1) year. Unless the recipient of above aid has been previously banished in connected with the underlying offense, a conviction may result in both parties being banished equal to one half of the original sentence by Tribal Council.

Section 18-436

Providing Contraband

(a) It is unlawful to provide any person under arrest or in detention with alcoholic beverages, drugs, weapons, implements of escape, or other thing or substance which the actor knows is improper or unlawful.

(b) The offense of Providing Contraband is punishable by fine up to One Thousand Dollars (\$1,000.00) and/or imprisonment up to One (1) year.

Section 18-437

Escape

(a) It is unlawful to:

- (1) Remove oneself or fail to return to official detention; or,
- (2) Knowingly procure, make, or possess anything which may facilitate escape; or,
- (3) Aid another to escape; or,
- (4) Knowingly provide a person in detention with anything which may facilitate escape.

(b) "Detention" means arrest, detention in any facility or any other detention for law enforcement purposes.

(c) The offense of Escape is punishable by fine up to One Thousand Dollars (\$1,000.00), or imprisonment up to One (1) year.

Section 18-438

Bail Jumping

(a) It is unlawful to fail to appear after release by court order or upon condition they subsequently appear.

(b) The offense of Bail Jumping is punishable by fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to One (1) year.

Section 18-439

Failure To Obey A Lawful Order Of The Court

(a) It is unlawful to purposely or knowingly fail to obey an order, subpoena, warrant or command issued, or given by Court or any officer.

(b) This Section shall not apply to a failure to appear in a Civil action.

(c) The offense of Failure To Obey A Lawful Order Of The Court is punishable by fine up to One Thousand Dollars (\$1,000.00) and/or imprisonment up to One (1) year.

Section 18-440

Unlawful Return Of Banished or Excluded Persons

(a) It is unlawful during the term of banishment or exclusion to:

(1) Physically return to the territorial jurisdiction except while actually traveling a public highway, or as allowed by law, or,

(2) To apply or attempt to claim any right, privilege or immunity by Tribal membership Tribe except as provided.

(b) The offense of Unlawful Return Of Banished or Excluded Persons is punishable by fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment not exceeding One (1) year. Banishment not exceeding One (1) year may additionally be imposed by Tribal Council.

(c) Any personal property which the person brought with them or used to return shall be contraband and forfeited by civil forfeiture provided; if any property belongs to another, that person, if known, shall be served with forfeiture proceeding and may defend.

Section 18-441

Aiding Return Of Banished or Excluded Persons

(a) It is unlawful to aid, abet, or assist a person under banishment or exclusion to:

(1) Physically return to the territorial jurisdiction except while traveling a public highway, or as allowed by law; or,

(2) Apply or attempt to claim any right, privilege, or immunity by Tribal membership except as allowed.

(b) The offense of Aiding Return Of Banished or Excluded Persons is punishable by fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment not exceeding Six (6) months. Banishment not exceeding One (1) year may additionally be imposed.

(c) Any personal property which the banished person brought with him or used to return shall be contraband and forfeited by civil forfeiture; if any property belongs to another, that person, if known, shall be served with forfeiture proceedings, and may defend.

Section 18-442 through 18-444

Reserved

Section 18-445

False Alarms or Information

(a) It is 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 knowing or believing it did not occur; or,
 - (4) Pretend to furnish law enforcement authorities with information when one knows they have no information relating to such offense or incident; or,
 - (5) Give a false name or address to a law enforcement officer.
- (b) The offense of False Alarm or Information is punishable by fine up to One Thousand Dollars (\$1,000.00), and/or by imprisonment up to Six (6) months.

Section 18-446

Reserved

Section 18-447

Tampering With Public Property

- (a) It shall be unlawful to:
- (1) Steal, deface, mutilate, alter, falsify, or remove any notice, sign, record, map, book, document or thing, or court documents or records, placed or filed in any public place, office, or with any public officer, or 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; or,
 - (3) Intentionally deface, obliterate, tear down, or destroy any copy or transcript or law extract or proclamation, advertisement, or notice set up or displayed by any public officer or court; before the expiration of the set up time.
- (b) The offense of Tampering With Public Property is punishable by fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to One (1) year.

Section 18-448

Injuring Public Property

- (a) It is unlawful to:
- (1) Intentionally break, pull down, injure or destroy any jail or place of confinement; or,
 - (2) Intentionally dig up, remove, displace, injure or destroy any public roadway, bridge, private road or bridge or public building or structure; or,
 - (3) Remove or injure any milepost, guidepost or road or highway sign or marker or any inscription erected along a road or highway; or,
 - (4) Knowingly remove, injure, deface, or destroy any public or structure, or personal property belonging to the Tribe or other government or government agency.

(b) The offense of Injuring Public Property is punishable by a fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to One (1) year.

Section 18-449 through 18-455 **Reserved**

Section 18-456 **Compensation For Past Official Behavior**

(a) It is unlawful to solicit, accept or agree to accept financial benefit for having, as a public servant, given a decision, opinion, recommendation or favorable vote or having exercised a discretion in his favor, or having violated their duty; or offer, confer or agree to confer compensation.

(b) The offense of Compensation For Past Official Behavior is punishable by fine up to One Thousand Dollars (\$1,000.00) and/or imprisonment up to One (1) year. Banishment not exceeding Ten (10) years may additionally be imposed by Tribal Council. For a subsequent conviction, banishment may be imposed more than Ten (10) and less than life.

Section 18-457 **Official Unlawful Action**

(a) It is unlawful, being a public servant, and with the intent to materially benefit them self or another to harm another, to:

(1) Knowingly commit an unauthorized act which purports to be an act of their office, or knowingly refrains from performing a non-discretionary duty; or,

(2) Knowing official action is contemplated or in reliance on information acquired by virtue of their office or another public servant, which information has not been made public, they:

(i) Acquires or divests them self of a valuable interest in property, transaction, or enterprise which may be affected by such action or information; or,

(ii) Speculates or wagers on the basis of such action or information, or knowingly aid another to do any of the foregoing.

(b) The offense of Official Unlawful Action is punishable by fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to one year. Banishment not exceeding Ten (10) years may additionally be imposed by Tribal Council. For a subsequent conviction, banishment may be imposed more than Ten (10) years and less than life.

Section 18-458 **Special Influence**

(a) It is unlawful to solicit, receive, or agree to receive any financial benefit for exerting special unlawful influence upon a public servant, to influence that public servant to violate law or exercise 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.

(b)

The offense of Special Influence One Thousand Dollars (\$1,000.00), and/or imprisonment up to one year. Banishment not exceeding Five (5) years may additionally be imposed by Tribal Council. For a subsequent conviction, banishment may be imposed more than Five (5) years and less than life.

SECTION FIVE

Crimes Against Public Health, Safety, and Welfare

Section 18-501

Rioting

- (a) It is unlawful to simultaneously, with others engage in tumultuous or violent public conduct which endangers person or property, and knowingly or recklessly create a risk of public alarm; or to assemble with the purpose of engaging in the above conduct.
- (b) The offense of Rioting is punishable by fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to Six (6) months.

Section 18-502

Failure To Disperse

- (a) It is unlawful to refuse or knowingly fail to obey an order to disperse or leave the vicinity given by a law enforcement officer or other public servant at the scene of a riot, fire, or public disorder or given during the investigation of an accident, fire, offense or suspected offense.
- (b) The offense of Failure to Disperse is punishable by fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to Three (3) months.

Section 18-503.

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 vulgar 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:
 - (i) Passing out or falling or sleeping in a public place or on the property of another without permission; or
 - (ii) Bothering, disrupting or otherwise intruding upon another person or group of persons and refusing to leave upon request; or
 - (iii) 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 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 not to exceed six (6) months. Upon a second or subsequent conviction under this section, a punishable fine not to exceed five hundred dollars (\$500.00), and/or a term of imprisonment not to exceed nine (9) months.

Section 18-504.

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 vulgar language.

(b) Harassment shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000.00), and/or by a term of imprisonment not to exceed one year

Section 18-505.

Public Nuisance

(a) It is unlawful to do any act, or fail to perform any duty, 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) Interferes obstructs, or renders dangerous for use or passage any lake, stream, or campground, pow-wow ground, public park, square, street, highway or road; or,

(4) Unreasonably renders three or more persons insecure in life or the use of property.

(b) The offense of Public Nuisance is punishable by fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to One (1) year.

Section 18-506

Disrupting A Public Or Religious Assembly

(a) It is unlawful to intentionally prevent or disrupt a meeting or religious assembly, by obstructing or interfering physically; or utterance, gesture or display which outrage the sensibilities or prevent the conducting of business.

(b) The offense of Disrupting A Public Or Religious Assembly is punishable by a fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to Three (3) months.

Section 18-507

Weapons Offense

(a) Definitions:

(1) "Dangerous weapon": any item in its use or intended use is capable of causing death or serious bodily injury. Whether an item, object or thing not commonly known as a dangerous weapon is a dangerous weapon, the character of the thing, wound and the manner used shall be determinative.

(2) "Firearms": Any device that expels a projectile by some means of force.

(3) A firearm shall be deemed loaded when an unexpended cartridge, shell or projectile is in firing position except in pistols and revolvers, which shall be deemed loaded when the unexpended cartridge, shell or projectile is in position as next to be fired.

(b) It is unlawful to:

(1) Have a dangerous weapon in one's possession:

(i) While being addicted to any narcotic; or,

(ii) After being declared mentally incompetent; or,

(iii) While intoxicated or under the influence of alcohol or other intoxicating substance, drug, or medicine; or,

(iv) With intent to assault another; or,

(v) After having a domestic violence conviction in any Tribal or state jurisdiction.

(vi) An exception exists for law enforcement and officers of the court.

(2) Carry a loaded firearm in a vehicle on a public road without authority or firearm from a motor vehicle without authority or a firearm from upon or across any public highway without authority.

(c) The offense of Weapon Offense is punishable by fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to One (1) year. Banishment less than life may additionally be imposed.

Section 18-508

Aggravated Weapons Offense

(a) It is unlawful to carry a concealed dangerous weapon or threaten 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 dangerous weapon at any meeting held pursuant to the Constitution or laws, including, but not limited to those of the following entities: Tribal Council, Tribal Court, Kickapoo Gaming Authority, Election Committee, Tribal Attorney's office, Family Protection Board; (OR TO POSSESS A SHOTGUN HAVING A BARREL OR BARRELS OF LESS

THAN EIGHTEEN, OR RIFLE HAVING A BARREL OR BARRELS LESS THAN SIXTEEN INCHES IN LENGTH).

(b) The offense of Aggravated Weapons Offense is punishable by fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to One (1) year. Banishment or exclusion for more than ten (10) years or less than life may additionally be imposed by Tribal Council.

(c) Individuals may possess firearms in and around their homes for protection and hunting, except those persons convicted of a domestic violence offense.

Section 18-509

Dangerous Devices

(a) It is 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 a dangerous device, knowing it to be such; or,

(2) Knowingly construct or contrive any dangerous device, or with the intent to injure another have a dangerous device in one's possession.

(b) 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, 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 strike when moved, handled, or opened or after the lapse of time or in a manner calculated to endanger health, life, limb, or property.

(c) The offense of Dangerous Devices is punishable by fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to One (1) year.

Section 18-510 through 18-515

Reserved

Section 18-516

Desecration

(a) It is unlawful purposely desecrate any public monument or structure; or place of worship or burial, or other sacred place.

(b) "Desecrate" means to: deface, damage, pollute, destroy, take or otherwise physically mistreat in a way the actor knows, or believes will outrage, the sensibilities of persons likely to observe or discover his action.

(c) The offense of Desecration is punishable by fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to One (1) year.

Section 18-517

Littering

(a) It is unlawful to throw, dump, place or deposit upon the lands of another or Tribal or public property, or highway, street, road, or area without consent of the owner or other

permission, any garbage, debris, junk, carcasses, trash, refuse or substances of any nature 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.

(b) The offense of Littering is punishable by fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to Three (3) months.

Section 18-518 through 18-525 **Reserved**

Section 18-526 **Abusing A Corpse**

(a) It is unlawful to purposely remove, conceal, dissect, or destroy a corpse or disinter a corpse.

(b) The offense of Abusing A Corpse is punishable by fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to One (1) year. Banishment or exclusion not exceeding Five (5) years may additionally be imposed by Tribal Council.

Section 18-527 **Prostitution**

(A) It shall be unlawful to:

- (1) Be a resident of a house of prostitution or engage in sexual activity as a business; or,
- (2) Loiter in or within view in public to be hired to engage in sexual activity; or,
- (3) Engage in, offer or agree to engage in sexual activity with another for a fee; or,
- (4) Pay, offer or agree to pay another to engage in sexual activity; or,
- (5) Enter or remain in a house of prostitution to engage in sexual activity; or,
- (6) Own, control, manage, supervise, or otherwise keep, alone 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 with others, to be used for prostitution or promotion of prostitution; or,
- (10) Procure an inmate for a house of prostitution; or,
- (11) Encourage, induce, or cause another to become or remain a prostitute; or,
- (12) Transport a person to promote that person's engaging in prostitution or procuring or paying for transportation with the purpose; or,

(13) Share in the proceeds of a prostitute unless one is the child or legal dependent of a prostitute; or,

(14) Solicit, receive, or agree to receive any benefit for doing any of the acts prohibit by this subsection.

(b) Definitions:

(1) "Sexual Activity" intercourse or any sexual act involving the genitals of one person and the mouth or anus of another regardless of the sex of either participant.

(2) "House of prostitution" a place where prostitution or promotion of prostitution is regularly carried on under the control, management, or supervision of another.

(3) "Inmate" a person who engages in prostitution in or through the agency of a house of prostitution.

(4) "Public" any place which the public or a substantial group has access.

(c) The following shall be admissible whether a place is a house of prostitution: its general reputation; the reputation of the persons who reside in or frequent the place; and the frequency, timing and duration of visits by non-residents. Testimony against a spouse shall be admissible.

(d) The offense of Prostitution is punishable by fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to One (1) year. Banishment not exceeding Two (2) years may additionally be imposed by Tribal Council.

Section 18-528

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.

(b) The Court shall have power to order medical examination and treatment of the convicted offender and an investigation to determine what others may have been infected.

(c) The offense of Spreading Venereal Disease is punishable by fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to One (1) year.

Section 18-529

Obscenity

(a) It is unlawful to:

(1) Sell, deliver or provide, or offer or agree to sell, deliver or provide, obscene writing, picture, record, representation or embodiment; or,

(2) Present or direct an obscene play, dance, or performance, or participate in that portion which makes it obscene; or,

- (3) Publish, exhibit, transmit electronically or make available obscene material; or,
- (4) Possess obscene material for purposes of sale or commercial dissemination; or,
- (5) Sell, advertise or commercially disseminate material, whether or not obscene, by representing or suggesting it is obscene.
- (b) Material is obscene if, considered as a whole:
 - (1) It lacks serious literary, artistic, political, or scientific value; and,
 - (2) It depicts or describes nudity, sex or excretion in patently offensive manner that goes substantially beyond customary limits of candor in describing or representing such matters; and,
 - (3) If the average person, applying contemporary community standards, would find that the material, taken as a whole, appeals predominantly to a morbid or unnatural interest in nudity, sex, or excretion.
- (c) A person who disseminates or possesses obscene material in the course of his business is presumed to do so knowingly or recklessly.
- (d) Predominant appeal shall be judged with reference to ordinary adults unless the character of the material or circumstances of its dissemination is designed for children or some specially susceptible audience.
- (e) Undeveloped photographs molds, printing plates and the like, shall be deemed obscene notwithstanding processing or other acts may be required to make the obscenity patent or to disseminate it.
- (f) It shall be a defense that dissemination was restricted to institutions or persons having scientific, educational, governmental or similar justification for possessing obscene material.
- (g) The offense of Obscenity is punishable by fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to Three (3) months. All obscene material shall be confiscated and destroyed.

Section 18-530 through 18-534

Reserved

Section 18-535

Alcohol Offense

- (a) It is unlawful to:
 - (1) Purchase, obtain, possess, drink, or ingest any alcohol product under twenty-one (21) years old; or,
 - (2) Sell to, obtain or arrange obtaining of any alcohol product for a person under the age of twenty-one (21), or knowingly permit such a person to operate a machine dispensing alcoholic products in his place of business or in an area over which he is charged with the management or operation.

(c) The offense of Alcohol Offense is punishable by fine up to Two Hundred Fifty Dollars (\$250.00) or imprisonment up to Three (3) months, or both.

Section 18-536

Public Intoxication

- (a) It shall be unlawful to be intentionally under the influence of alcohol, or a drug, or a controlled substance, or any other substance, where the alcohol, or the drug, or the controlled substance, or other substance was ingested for the purpose of inducing an intoxicated state and the person's intoxicated state creates a danger to himself or others while in a public place.
- (b) Nothing in this section authorizes an officer to enter a private residence without a warrant unless: given consent by an adult occupant; or independent exigent circumstances justify the entry.
- (c) There shall be a rebuttable presumption that a person so intoxicated intended to induce a state by his or her ingestion of the beverage containing alcohol, drug, controlled substance, or other substance, in the first instance.
- (d) Public Intoxication shall be punishable by a fine not to exceed one hundred fifty (\$150.00), and/or by a term of imprisonment not to exceed six (6) months. However, a judge or the arresting law enforcement officer may order the release from custody and the dismissal of the 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 tribal court judge may also commit the person convicted to a treatment facility for a period not to exceed six (6) months, if it appears that the person is dependent upon the alcohol, drug, controlled substance, or other substance causing intoxication.

Section 18-537

Open Container in a Vehicle

- (a) No person, while operating or occupying a motor vehicle shall have within the passenger or driving area of that vehicle, any alcoholic liquor or malt beverage regarding which the seal has been broken.
- (b) The offense of Open Container in a Vehicle is punishable by fine up to One Thousand Dollars (\$1,000.00) and/or imprisonment up to Three (3) months.

Section 18-538

Tobacco Offense

- (a) It is unlawful to:
- (1) Purchase, obtain, possess, smoke, chew, inhale or ingest any tobacco product under eighteen (18) years old; or,
- (2) Sell to, obtain or arrange obtaining of a tobacco product for a person under the age of eighteen (18), or knowingly permit such a person to operate a machine dispensing tobacco products in his place of business or in an area over which he is charged with the management or operation.

(d) The offense of Tobacco Offense is punishable by fine up to Two Hundred Fifty Dollars (\$250.00) or imprisonment up to Three (3) months, or both.

Section 18-539

Abuse of Psycho Toxic Chemical Solvents

(a) It shall be unlawful to purposely smell or inhale the fumes of any psycho toxic chemical solvent, or to possess, purchase, or attempt to possess or purchase any psycho toxic 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 psycho toxic 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, "psycho toxic chemical solvent" includes any glue, paint, freon, cement, or other substance containing one or more of the following chemical compounds; acetone and acetate, benzene, butyl-alcohol, methyl ethyl, peptone, pentachlorophenol, petroleum ether, or other chemical substance capable of causing a condition of intoxication, inebriation, excitement, stupefaction, of 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 substance 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 psycho toxic chemical solvents shall be punishable by a fine not to exceed two hundred fifty dollars (\$250.00), and/or by a term of imprisonment not to exceed one (1) year. Additionally, the court may order any person using psycho toxic chemical solvents for inhalation to be committed to some facility for treatment for a term not exceed One (1) year.

(e) Such psycho toxic chemical solvents kept or used in violation of this section are hereby declared to be contraband and civil proceedings may be had against such psycho toxic chemical solvents as provided by law.

Section 18-540

Dangerous Drug Offense – Unlawful Possession

(a) No person shall knowingly or intentionally:

(1) Possess, use, or be under the influence of a controlled substance unless the substance was obtained pursuant to a valid prescription and directly from an order of a licensed practitioner while acting in the course of his professional practice; or,

(2) Possess any drug paraphernalia including, but not limited to, pipes, bongs, clips, or other article used or likely to be used to directly assist in the injection, ingestion, or inhalation of a controlled substance.

(b) As used in this Section:

- (1) "Controlled substance" means, for purposes of definition only, a drug, substance, or immediate precursor in Schedule I, II, III, IV, or V of the Federal Control Substance Act, except Peyote in the Native American Church;
- (2) "Drug paraphernalia" means all equipment, products, and materials of any kind when used, advertised for use, intended for use, or designed for use for manufacturing, converting, preparing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this Code;
- (3) "Marijuana" includes all parts of the plant, cannabis sativa L., whether growing or not; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or resin; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant or any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks, fiber, oil or cake except the resin extracted therefrom.
- (4) "Narcotic drug" means any drug which is produced directly or indirectly by extraction from substances of vegetable origin, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis; and
- (5) The weights designated shall include the weight of the controlled substance and the weight of any carrier element, cutting agent, diluting agent, or any other substance excluding packaging material.
- (b) The offense of Dangerous Drug Offense – Unlawful Possession is punishable by fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to One (1) year. The Court may order the convicted person to be committed to a facility for treatment for up to One (1) year.
- (c) Any personal property used in conjunction with the unlawful commission of this section shall be subject to civil forfeiture proceedings.

Section 18-541

Dangerous Drug Offense – Unlawful Sale or Delivery

- (a) No person shall knowingly or intentionally sell, barter, give away, or deliver a controlled substance to another unless acting as a licensed practitioner in the course of his professional practice.
- (b) As used in this Section:
- (1) "Controlled substance" means, for purposes of definition only, a drug, substance, or immediate precursor in Schedule I, II, III, IV, or V of the Federal Control Substance Act, except Peyote in the Native American Church;
- (2) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a controlled substance;
- (3) "Marijuana" includes all parts of the plant, cannabis sativa L., whether growing or not, the resin extracted from any part of such plant, and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin; but shall not include the

mature stalks of such plant, fiber produced from such stalks, oil, or cake made from the seeds of such plant, or any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks, fiber, oil, or cake except the resin extracted therefrom; and,

(4) "Narcotic drug" means any drug which is produced directly or indirectly by extraction from substances of vegetable origin, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis.

(c) The offense of Dangerous Drug Offense – Sale or Delivery is punishable by fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to One (1) year. The Court may order the convicted person to be committed to a facility for treatment for up to one (1) year.

(d) Any personal property used in conjunction with the unlawful commission of this section shall be subject to civil forfeiture proceedings.

Section 18-542

Dangerous Drug Offense – Unlawful Manufacture

(a) No person shall manufacture or possess with intent to manufacture a controlled substance.

(b) As used in this Section:

(1) "Controlled substance" means, for purposes of definition only, a drug, substance, or immediate precursor in Schedule I, II, III, IV, or V of the Federal Control Substance Act, except Peyote in the Native American Church;

(2) "Manufacture" means the production, preparation, propagation, compounding, conversion, or processing of a controlled substance, either directly or indirectly by extraction from substances of natural origin, independently by means of chemical synthesis, or by a combination of extractions and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation, compounding, packaging, or labeling of a controlled substance by a licensed practitioner as an incident to his administering or dispensing a controlled substance in the course of this professional practice;

(3) "Marijuana" includes all parts of the plant, *cannabis sativa* L., whether growing or not, the resin extracted from any part of such plant, and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil, or cake made from the seeds of such plant, or any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks, fiber, oil, or cake except the resin extracted therefrom.

(4) "Narcotic drug" means any drug which is produced directly or indirectly by extraction from substances of vegetable origin independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis.

(c) The offense of Dangerous Drug Offense – Unlawful Manufacture is punishable by fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to One (1) year. The Court may order the convicted person to be committed to a facility for treatment for up to one (1) year.

(d) Any personal property used in conjunction with the unlawful commission of this section shall be subject to civil forfeiture proceedings.

Section 18-543-18-553

Reserved

Section 18-554

Cruelty To Animals

- (a) It is unlawful to purposely or knowingly:
- (1) Torture or seriously overwork an animal; or,
 - (2) Fail to provide necessary food, care, or shelter for an animal in one's custody; or,
 - (3) Abandon an animal in one's custody; or,
 - (4) Transport or confine an animal in a cruel manner; or,
 - (5) Kill, injure, or administer poison to an animal without legal privilege; or,
 - (6) Cause one animal to fight with another.
- (b) The offense of Cruelty To Animals is punishable by a fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to One (1) year.

Section 18-555

Livestock Offense

- (a) It is unlawful to:
- (1) Knowingly or recklessly refuse or fail to mark or brand livestock when required in the interest of livestock identification or directed by Tribal officials; or,
 - (2) Alter, obliterate, or remove a brand or mark, or misbrand or mismark livestock with a purpose to deceive another; or,
 - (3) Knowingly permit livestock to graze or trespass on the property of another or Tribe without permission 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) Fail to dip, inoculate or treat livestock in the manner which the representative of the Tribe shall direct; or,
 - (6) Make a false report of livestock owned.
- (b) Except where the owner or person having custody cannot be found, for subsections 1, 3, 4, 5, or 6 no conviction may be sustained unless the owner or person having custody is given forty-eight hours written notice of his alleged violation.

(c) Livestock found in violation may be impounded without prior notice if a court orders upon receipt of evidence such animals seriously threatens the property of the Tribe or another or health of other livestock and immediate action is necessary to protect such interests from serious harm. A reasonable fee for the care may be collected prior to their release.

(d) The offense of Livestock Offense is punishable by fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to Six (6) months, or both.

(e) Livestock handled or in violation are declared to be contraband and civil proceedings may be had for forfeiture.

Section 18-556 through 18-563 **Reserved**

Section 18-564 **False Reports**

(a) It is unlawful to initiate or circulate a report or warning of a fire, bombing, or other crime or catastrophe, knowing the report is false or baseless and 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 by an official or volunteer emergency agency.

(b) The offense of False Report is punishable by fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to Three (3) months.

Section 18-565 **Emergency Telephone Abuse**

(a) It is unlawful to knowingly refuse to yield or surrender the use of a party line or public pay telephone upon being informed said telephone is needed to report a fire, or summon police, medical or other aide in case of an emergency; or to ask for or request the use of a party line or public pay phone on the pretext an emergency exists, knowing no emergency exists.

(b) "Emergency" means: A situation where property or human life or their safety is in jeopardy and the prompt summoning of aid or reasonable appears to be essential.

(c) The offense of Emergency Telephone Abuse is punishable by fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to Three (3) months.

Section 18-566 **Violation Of Privacy**

(a) It is unlawful to:

(1) Trespass with intent to subject anyone to eavesdropping or surveillance in a private place; or,

(2) Install in any private place, without consent any device for observing, photographing, recording, amplifying, or broadcasting sounds or events, 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 consent; or,
- (4) Divulge without consent of the sender or receiver the existence or contents of any message if the actor knows the message was illegally intercepted, or if he learned of the message in the course of employment with a transmitting agency.

(b) Definitions:

- (1) "Eavesdrop" to overhear, record, amplify, or transmit any part of an oral or written communication of others without consent of at least one party by means of any electrical, mechanical or device.
- (2) "Private place" a place where one can reasonably expect to be safe from casual or hostile intrusion or surveillance.

(c) The offense of Violation of Privacy is punishable by fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to One (1) year.

Section 18-567

Criminal Defamation

(a) It is 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 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, and thereby expose them to public hatred, contempt or ridicule. An injurious publication is presumed to have been malicious if justifiable motive is not shown by way of defense.

(b) The offense of Criminal Defamation is punishable by fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to Six (6) months. It shall be a defense the person was engaged in the formal broadcast or publication of news by public news media and he was reporting a newsworthy event concerning a public figure and was without malice.

Section 18-568

Reserved

(a) It is unlawful to:

- (1) Participate in any tribally unauthorized gambling; or,
- (2) Knowingly permit any tribally unauthorized gambling to be conducted upon any real or personal property owned, rented, or under the control of the actor; or,

(b) The offense of Gambling is punishable by fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to Six (6) months.

Section 18-569

Water Offense

(a) It is unlawful to:

- (1) Interfere with or alter the flow of water in any stream, river, or ditch, 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 to direct the flow of water; or,
- (3) Pollute or befoul any water in the following ways:
 - (i) 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 there from shall flow directly into the waters of any stream, well, spring, or source of water used for domestic purposes; or,
 - (ii) Deposit, pile, unload or leave any manure heap, rubbish, or the carcass of any dead animal where the waste or drainage there from will flow directly into the waters of any stream, well, spring or source of water used for domestic purpose; or,
 - (iii) Knowingly cause or allow any substance harmful or potentially harmful to human life to enter into a source of water used for domestic purposes.
- (b) The offense of Water Offense is punishable by fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to One (1) year.

Section 18-570 Contributing To The Delinquency Of A Minor

- (a) It is unlawful for a person twenty-one (21) years of age or 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 twenty-one (21); or,
 - (2) Knowingly or recklessly, by act or omission, encourage, cause or contribute to the delinquency or unlawful conduct of a minor under the age of eighteen.
- (b) The offense of Contributing to the Delinquency Of A Minor is punishable by fine less than One Thousand Dollars (\$1,000.00), and/or imprisonment up to Six (6) months.

Section 18-571 Trafficking In Children

- (a) It is unlawful to:
 - (1) Accept compensation, money, property or thing of value, from persons adopting a child, for services performed or rendered, or purported to be performed or rendered, in connection with such adoption; or,
 - (2) Accept compensation money, property or thing of value, from any person, in return for placing, assisting to place, or attempting to place a child for adoption or care in a foster home; or,

(3) Offer to place, or advertise to place, a child for adoption or care in a foster home, as inducement to any woman to enter an institution or home or other place for maternity care for the delivery of a child.

(b) "Child" means an unmarried or unemancipated person under the age of eighteen.

(c) The offense of Trafficking In Children is punishable by a fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to One (1) year.

Section 18-572 Curfew Violation

(a) It is unlawful for a parent, guardian or person having physical charge of a minor to allow said minor under eighteen to be away from his residence in a public or private place other than where he intends to spend the night with permission of the owner or in a vehicle driving about, after eleven o'clock p.m. unless accompanied by parent, guardian, or person having physical charge of said minor or in attendance at or returning directly home from an organized school, church, Tribal or public function.

(b) The offense of Curfew Violation is punishable by fine up to Two Hundred Fifty Dollars (\$250.00), or imprisonment up to Three (3) months.

Section 18-573 Fireworks Offense

(a) It is unlawful to possess, buy, sell distribute, transport, activate, ignite, or detonate or to allow any minor under one's physical or care, custody, or control to possess, buy, sell distribute, transport, activate, ignite, or detonate any firecracker or firework device which is intended to explode, ignite, become self-propelled, give off any object or manifestation, or give off sound or light.

(b) It shall not be an offense:

(1) To use or ignite hand-held sparkler devices that burn openly and singly or toy caps and cap guns singly 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 with a permit from the Tribe or Tribal agency prior to importation and use.

(3) To buy, possess, use, or ignite fireworks between June 25 and July 10 provided such devices are handled safely with regard to the safety of others and their property, and minors under twelve buying, possessing, using, or igniting fireworks must be under the actual direct physical supervision of some responsible adult over twenty-one.

(4) To possess or sell fireworks between June 25 and July 10 with a permit from the Tribe or Tribal agency prior to possession and sale, provided upon proof of a secure and safe facility, such permit may state a particular location for year round storage by a business engaged in retail or wholesale of fireworks.

(c) The offense of Fireworks Offense is punishable by a fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to Three (3) months.

Section 18-574

Negligent Burning

(a) No person shall purposely or knowingly start a fire or cause an explosion whether on his own property or another's property, including property of the Tribe, and thereby negligently:

- (1) Place another person in danger of death or bodily injury; or,
- (2) Place property of another, including the Tribe's, in danger of damage or destruction.

(b) The offense of Negligent Burning is punishable by a fine up to One Thousand Dollars (\$1,000.00), and/or imprisonment up to Six (6) months.

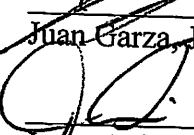
READ, PASSED, APPROVED AND ENACTED at a duly called Tribal Council meeting on the ____th day of _____, 2009, and so shown by our signatures.



Juan Garza, Jr., Council Chairman

☒ FOR / ☐ AGAINST

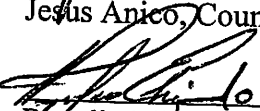
2/18/09
Date



Jesus Anico, Council Secretary

☒ FOR / ☐ AGAINST

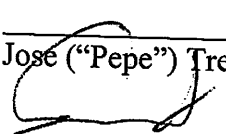
02/18/09
Date



Rogelio Elizondo, Council Treasurer

☒ FOR / ☐ AGAINST

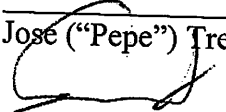
2/18/09
Date



Jose ("Pepe") Trevino, Council Member

FOR / ☐ AGAINST

Date



David J. Gonzalez, Council Member

☒ FOR / ☐ AGAINST

2, 18, 09
Date