

**NOTTAWASEPPI HURON BAND OF  
POTAWATOMI INDIANS  
LAW AND ORDER CODE**

**TITLE II**

# CRIMINAL LAWS

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## **PART 1 JURISDICTION**

### **SEC. 101 *TRIBE'S CRIMINAL JURISDICTION***

THE CRIMINAL JURISDICTION OF THE TRIBE SHALL EXTEND TO ALL OFFENSES AGAINST THE CRIMINAL LAWS OF THE TRIBE COMMITTED BY ANY INDIAN ON LANDS HELD IN TRUST FOR THE TRIBE BY THE UNITED STATES OR OTHER LANDS WHICH CONSTITUTE THE TRIBE'S "INDIAN COUNTRY" AS DEFINED IN 18 U.S.C. SECTION 1151. PERSONS COMMITTING SUCH OFFENSES MAY BE TRIED AND PUNISHED BY THE TRIBAL COURT AS PROVIDED FOR BY THIS CODE.

## **PART 2 GENERAL PROVISIONS**

### **SEC. 201 *DEFINITIONS***

A. *INDIAN* MEANS ANY PERSON WHO IS:

1. A MEMBER OF THE NOTTAWASEPPI HURON BAND OF POTAWATOMI INDIANS; OR
2. A MEMBER OF ANY FEDERALLY-RECOGNIZED INDIAN TRIBE, BAND, OR GROUP.

B. *MENTAL STATES*:

1. "*PURPOSELY*" OR "*INTENTIONALLY*" MEANS A PERSON'S STATE OF MIND WITH RESPECT TO A RESULT OR TO CONDUCT WHERE THE PERSON'S CONSCIOUS OBJECTIVE IS TO ENGAGE IN SUCH CONDUCT OR TO CAUSE SUCH A RESULT.

2. "*KNOWINGLY*" MEANS WHERE A PERSON ENGAGES IN CONDUCT WITH A FIRM BELIEF UNACCOMPANIED BY SUBSTANTIAL DOUBT THAT HE OR SHE IS DOING THAT CONDUCT OR WHERE THE PERSON IS AWARE THAT IT IS PRACTICALLY CERTAIN THAT THE CONDUCT WILL CAUSE SUCH A RESULT.

3. "*RECKLESSLY*" MEANS CONDUCT WHERE A PERSON ACTS CONSCIOUSLY AND DISREGARDS A SUBSTANTIAL AND UNJUSTIFIABLE RISK THAT A PARTICULAR RESULT WILL OCCUR AS A CONSEQUENCE OF THAT CONDUCT, OR A PARTICULAR CIRCUMSTANCE EXISTS WITH RESPECT TO THE CONDUCT. THE RISK MUST BE OF SUCH A NATURE AND DEGREE THAT, CONSIDERING THE NATURE AND PURPOSE OF THE PERSON'S CONDUCT AND THE CIRCUMSTANCES KNOWN TO THE PERSON, ITS DISREGARD INVOLVES A GROSS DEVIATION FROM THE STANDARD OF CARE THAT A LAW-ABIDING PERSON WOULD OBSERVE IN THE SITUATION.

4. "*NEGLIGENTLY*" MEANS CONDUCT WITH RESPECT TO A PARTICULAR RESULT OR CIRCUMSTANCE WHERE THE PERSON SHOULD BE AWARE OF A

SUBSTANTIAL AND UNJUSTIFIABLE RISK THAT SUCH A RESULT WILL OCCUR AS A CONSEQUENCE OF HIS OR HER CONDUCT OR PARTICULAR CIRCUMSTANCES EXIST WITH RESPECT TO SUCH CONDUCT. THE RISK MUST BE OF SUCH A NATURE AND DEGREE THAT THE PERSON'S FAILURE TO PERCEIVE IT, CONSIDERING THE NATURE AND PURPOSE OF THE PERSON'S CONDUCT AND THE CIRCUMSTANCES KNOWN TO THE PERSON, INVOLVES A SIGNIFICANT DEVIATION FROM THE STANDARD OF CARE THAT A REASONABLY PRUDENT PERSON WOULD OBSERVE IN THE SITUATION.

**SEC. 202 CRIMINAL OFFENSES SHALL BE BASED ON VOLUNTARY CONDUCT**

NO PERSON SHALL BE CONVICTED OF AN OFFENSE EXCEPT BASED ON CONDUCT WHICH INCLUDES A VOLUNTARY ACT OR THE OMISSION TO PERFORM AN ACT OF WHICH THE DEFENDANT IS PHYSICALLY CAPABLE. EXCEPT WHERE OTHERWISE PROVIDED IN THIS CODE WITH RESPECT TO A PARTICULAR OFFENSE, AN OFFENSE IS ESTABLISHED ONLY IF A PERSON ACTS INTENTIONALLY WITH RESPECT TO EVERY ELEMENT OF THE OFFENSE.

**SEC. 203 BURDEN OF PROOF**

A. THE TRIBE HAS THE BURDEN OF PROVING EACH ELEMENT OF AN OFFENSE BEYOND A REASONABLE DOUBT.

B. WHENEVER THE DEFENDANT INTRODUCES SUFFICIENT EVIDENCE OF A DEFENSE TO SUPPORT A REASONABLE BELIEF AS TO THE EXISTENCE OF THAT DEFENSE, THE TRIBE HAS THE BURDEN OF DISPROVING SUCH DEFENSE BEYOND A REASONABLE DOUBT UNLESS THIS CODE OR ANOTHER APPLICABLE LAW EXPRESSLY REQUIRES THE DEFENDANT TO PROVE THE DEFENSE BY A PREPONDERANCE OF EVIDENCE.

**SEC. 204 DEFENSES**

A. *IGNORANCE OR MISTAKE.*

IGNORANCE OR MISTAKE AS TO A MATTER OF FACT OR LAW IS A DEFENSE IF:

1. THE IGNORANCE OR MISTAKE NEGATES THE NECESSARY MENTAL STATE REQUIRED FOR THE COMMISSION OF AN OFFENSE; OR
2. THE LAW PROVIDES THAT THE STATE OF MIND ESTABLISHED BY SUCH IGNORANCE OR MISTAKE CONSTITUTES A DEFENSE.

WHENEVER IN THIS CODE AN OFFENSE DEPENDS ON A CHILD BEING LESS THAN TWELVE (12) YEARS OF AGE, IT IS NO DEFENSE THAT THE DEFENDANT DID NOT KNOW THE CHILD'S AGE OR REASONABLY BELIEVED THE CHILD TO BE OLDER THAN TWELVE YEARS OF AGE. WHENEVER CRIMINALITY DEPENDS ON A CHILD BEING

LESS THAN A CRITICAL AGE GREATER THAN TWELVE YEARS OF AGE, IT IS AN AFFIRMATIVE DEFENSE FOR THE DEFENDANT TO PROVE THAT HE OR SHE REASONABLY BELIEVED THE CHILD TO BE ABOVE THE CRITICAL AGE.

*B. INTOXICATION.*

1. INTOXICATION IS NOT A DEFENSE UNLESS IT NEGATES AN ELEMENT OF THE OFFENSE.
2. WHEN NEGLIGENCE OR RECKLESSNESS IS AN ELEMENT OF THE OFFENSE, SELF-INDUCED INTOXICATION IS NO DEFENSE.

*C. SELF-DEFENSE.*

THE USE OF REASONABLE FORCE IS A DEFENSE WHEN A PERSON REASONABLY BELIEVES THAT SUCH FORCE IS IMMEDIATELY NECESSARY TO PROTECT HIMSELF OR HERSELF, PROVIDED, HOWEVER, THAT:

1. A PERSON IS NOT JUSTIFIED IN USING FORCE FOR THE PURPOSE OF RESISTING ARREST, EXECUTION OF PROCESS, OR OTHER PERFORMANCE OF DUTY BY A PUBLIC OFFICIAL REGARDLESS OF WHETHER THE CONDUCT OF THE PUBLIC OFFICIAL IS LAWFUL; BUT CLEARLY EXCESSIVE FORCE ON THE PART OF THE PUBLIC OFFICIAL MAY BE RESISTED;
2. A PERSON IS NOT JUSTIFIED IN USING FORCE IF THE CONDUCT OF THE INDIVIDUAL OR INDIVIDUALS AGAINST WHOM FORCE IS USED WAS PROVOKED BY THE PERSON HIMSELF OR HERSELF WITH THE INTENT TO CAUSE PHYSICAL INJURY TO THAT OTHER INDIVIDUAL OR THOSE OTHER INDIVIDUALS.

*D. DEFENSE OF OTHERS.*

THE USE OF FORCE IN ORDER TO DEFEND A THIRD PERSON IS A DEFENSE IF:

1. THE DEFENDANT REASONABLY BELIEVES THAT THE PERSON WHOM HE SEEKS TO PROTECT WOULD BE JUSTIFIED IN USING SUCH PROTECTIVE FORCE; AND
2. NEITHER THE DEFENDANT NOR THE PERSON WHOM HE SEEKS TO PROTECT HAS, BY PROVOCATION OR OTHERWISE, FORFEITED THE RIGHT OF SELF-DEFENSE; AND
3. THE DEFENDANT REASONABLY BELIEVES THAT INTERVENTION IS NECESSARY FOR THE PROTECTION OF SUCH OTHER PERSON.

*E. DEFENSE OF PROPERTY.*

THE USE OF FORCE, OTHER THAN DEADLY FORCE, TO PROTECT PROPERTY IS A DEFENSE IF THE DEFENDANT REASONABLY BELIEVES THAT SUCH FORCE IS NECESSARY TO PREVENT OR TERMINATE CONDUCT WHICH THE DEFENDANT REASONABLY BELIEVES CONSTITUTES THE COMMISSION OR ATTEMPTED COMMISSION OF A CRIME INVOLVING TRESPASS, DAMAGE TO OR THEFT OF PROPERTY.

*F. USE OF DEADLY FORCE.*

THE USE OF DEADLY FORCE IS A DEFENSE ONLY WHERE THE DEFENDANT REASONABLY BELIEVES THAT SUCH FORCE IS NECESSARY TO PROTECT HIMSELF, HERSELF, OR ANOTHER PERSON FROM DEATH, SERIOUS BODILY HARM, KIDNAPPING, SEXUAL CONTACT AS DEFINED IN SECTION 1201 COMPELLED BY FORCE OR THREAT, OR TO PREVENT OR TERMINATE THE COMMISSION OR ATTEMPTED COMMISSION OF ARSON.

*G. DURESS.*

DURESS IS A DEFENSE ONLY WHERE THE DEFENDANT REASONABLY BELIEVES THAT HE OR SHE IS COMPELLED TO ACT BY THE THREAT OF DEATH OR SERIOUS BODILY HARM SUCH AS WOULD RENDER A PERSON OF REASONABLE FIRMNESS INCAPABLE OF RESISTING SUCH THREAT.

*H. ENTRAPMENT.*

ENTRAPMENT IS A DEFENSE ONLY WHERE A LAW ENFORCEMENT OFFICER INDUCES THE DEFENDANT TO COMMIT AN OFFENSE USING PERSUASION OR OTHER MEANS SUCH AS WOULD CAUSE A NORMALLY LAW-ABIDING PERSON TO COMMIT THE ACT OR ACTS THAT ARE ELEMENTS OF THE OFFENSE. CONDUCT MERELY AFFORDING THE DEFENDANT AN OPPORTUNITY TO COMMIT THE OFFENSE DOES NOT CONSTITUTE ENTRAPMENT.

*I. MENTAL DISEASE OR DEFECT.*

MENTAL DISEASE OR DEFECT IS A DEFENSE WHERE A PERSON, BECAUSE OF A DIAGNOSABLE MENTAL DISEASE OR DEFECT, LACKS SUBSTANTIAL CAPACITY EITHER TO APPRECIATE THE WRONGFULNESS OF THAT CONDUCT OR TO CONFORM THAT CONDUCT TO THE REQUIREMENTS OF LAW. THE TERM "MENTAL DISEASE OR DEFECT" DOES NOT INCLUDE INTOXICATION OR AN ABNORMALITY MANIFESTED ONLY BY REPEATED CRIMINAL OR OTHER ANTISOCIAL CONDUCT.

*J. DOUBLE JEOPARDY.*

IF A CRIMINAL PROSECUTION IS FOR A VIOLATION OF THE SAME PROVISION OF LAW AND IS BASED UPON THE SAME FACTS AS A FORMER PROSECUTION IN TRIBAL COURT, IT IS BARRED BY THE FORMER PROSECUTION, WHEN:

1. THE FORMER PROSECUTION RESULTED IN AN ACQUITTAL; OR
2. THE FORMER PROSECUTION PROCEEDED ON THE BASIS OF A PLEA OF GUILTY OR NO CONTEST; OR
3. THE FORMER PROSECUTION RESULTED IN A CONVICTION WHICH HAS NOT BEEN REVERSED OR VACATED.

**SEC. 205 SOLICITATION AND COMPLICITY**

A. A PERSON MAY BE CONVICTED OF AN OFFENSE BASED UPON THE CONDUCT OF ANOTHER PERSON WHEN:

1. ACTING WITH THE STATE OF MIND SUFFICIENT FOR THE COMMISSION OF THE OFFENSE, THE DEFENDANT CAUSES ANOTHER PERSON TO ENGAGE IN SUCH CONDUCT; OR
2. WITH THE INTENT THAT AN OFFENSE BE COMMITTED, THE DEFENDANT SOLICITS, REQUESTS, ENCOURAGES, COMMANDS, INDUCES OR INTENTIONALLY AIDS ANOTHER PERSON TO ENGAGE IN SUCH CONDUCT.

B. THE PENALTY FOR BEING AN ACCOMPLICE TO A CRIME IS THE SAME AS THE PENALTY FOR BEING A PRINCIPAL IN THE CRIME.

C. A PERSON IS NOT LIABLE UNDER THIS SECTION FOR THE CONDUCT OF ANOTHER IF HE OR SHE TERMINATES HIS COMPLICITY PRIOR TO THE COMMISSION OF THE OFFENSE AND GIVES TIMELY WARNING TO LAW ENFORCEMENT AUTHORITIES OR OTHERWISE MAKES REASONABLE EFFORTS TO PREVENT THE COMMISSION OF THE OFFENSE, OR IF HE OR SHE IS A LAW ENFORCEMENT OFFICER AUTHORIZED BY LAW TO INVESTIGATE THE COMMISSION OF OFFENSES.

**SEC. 206 ATTEMPT**

A. A PERSON IS GUILTY OF AN ATTEMPT TO COMMIT A CRIME IF THE PERSON INTENTIONALLY DOES OR OMMITS TO DO ANYTHING WHICH, UNDER THE CIRCUMSTANCES AS THE PERSON BELIEVES THEM TO BE, IS AN ACT OR OMISSION CONSTITUTING A SUBSTANTIAL STEP TOWARD THE COMMISSION OF A CRIME.

B. A PERSON WHO ENGAGES IN CONDUCT DESIGNED TO AID ANOTHER PERSON TO COMMIT A CRIME WHICH WOULD ESTABLISH COMPLICITY UNDER SECTION 205 IF THE CRIME WERE COMMITTED BY SUCH OTHER PERSON IS GUILTY OF

AN ATTEMPT TO COMMIT THE CRIME EVEN IF THE CRIME IS NOT ACTUALLY COMMITTED OR ATTEMPTED.

C. THE PENALTY FOR AN ATTEMPTED CRIME IS THE SAME AS THE PENALTY FOR THE COMPLETED CRIME.

### **SEC. 207 MULTIPLE COUNTS**

A. WHEN THE CONDUCT OF A DEFENDANT ESTABLISHES THE COMMISSION OF MORE THAN ONE OFFENSE, THE DEFENDANT MAY BE PROSECUTED FOR EACH SUCH OFFENSE, UNLESS:

1. INCONSISTENT FINDINGS OF FACTS ARE REQUIRED TO ESTABLISH THE COMMISSION OF THE OFFENSE; OR
2. THE OFFENSES DIFFER ONLY IN THAT ONE IS DEFINED TO PROHIBIT A DESIGNATED KIND OF CONDUCT GENERALLY AND THE OTHER TO PROHIBIT A SPECIFIC INSTANCE OF SUCH CONDUCT; OR
3. THE OFFENSE IS DEFINED AS A CONTINUING COURSE OF CONDUCT AND THE DEFENDANT'S COURSE WAS UNINTERRUPTED EXCEPT WHERE THE LAW PROVIDES THAT SPECIFIC PERIODS OR INSTANCES OF SUCH CONDUCT CONSTITUTE SEPARATE OFFENSES.

B. IF THE SAME CONDUCT IS DEFINED AS AN OFFENSE IN DIFFERENT LAWS OR IN DIFFERENT PARTS OF THIS CODE, THE OFFENDER MAY BE PROSECUTED UNDER ANY ONE OR ALL OF SUCH SECTIONS SUBJECT TO THE LIMITATIONS PROVIDED BY THIS CODE. IT SHALL BE IMMATERIAL TO SUCH PROSECUTION THAT ONE OF THE SECTIONS OF THIS CODE PROVIDES A LESSER PENALTY THAN ANOTHER, OR WAS ENACTED AT A LATER DATE THAN ANOTHER, UNLESS THE LATER SECTION OR ENACTMENT SPECIFICALLY REPEALS THE EARLIER.

## **PART 3 OFFENSES AGAINST THE PERSON**

### **SEC. 301 SIMPLE ASSAULT**

A PERSON COMMITS THE OFFENSE OF ASSAULT IF HE OR SHE:

1. INTENTIONALLY CAUSES BODILY INJURY TO ANOTHER, OR
2. ATTEMPTS TO PUT ANOTHER PERSON IN REASONABLE FEAR OR APPREHENSION OF SERIOUS BODILY HARM OR TO CAUSE ANOTHER PERSON TO HARM HIMSELF.

ASSAULT IS A CLASS A MISDEMEANOR.

## **SEC. 302 AGGRAVATED ASSAULT**

A. A PERSON COMMITS THE OFFENSE OF AGGRAVATED ASSAULT IF HE OR SHE:

1. COMMITTED AN ASSAULT AS DEFINED IN SECTION 301 WITH A DANGEROUS WEAPON, INCLUDING BUT NOT LIMITED TO A PISTOL, GUN, REVOLVER, OR OTHER DANGEROUS FIREARM, WHETHER LOADED OR UNLOADED, BLACKJACK, BILLYCLUB, BLUDGEON, METAL KNUCKLES, OR KNIFE WITH A BLADE OVER SIX (6) INCHES LONG OR OTHER SHARP OR DANGEROUS INSTRUMENT USUALLY EMPLOYED IN THE ATTACK OR THE DEFENSE OF A PERSON; OR
2. CAUSES SERIOUS PHYSICAL INJURY TO ANOTHER PERSON; OR
3. USES FORCE TO INTENTIONALLY INJURE A PERSON HE OR SHE KNEW OR SHOULD HAVE KNOWN WAS A LAW ENFORCEMENT OFFICER.

AGGRAVATED ASSAULT IS A FELONY.

*B. PISTOL DEFINED.* FOR PURPOSES OF THIS CODE, “PISTOL” MEANS A LOADED OR UNLOADED FIREARM THAT IS 30 INCHES OR LESS IN LENGTH, OR A LOADED OR UNLOADED FIREARM THAT BY ITS CONSTRUCTION AND APPEARANCE CONCEALS ITSELF AS A FIREARM.

*C. FIREARM DEFINED.* FOR PURPOSES OF THIS CODE, A “FIREARM” MEANS A WEAPON FROM WHICH A DANGEROUS PROJECTILE MAY BE PROPELLED BY AN EXPLOSIVE, OR BY GAS OR AIR. FIREARM DOES NOT INCLUDE A SMOOTH BORE RIFLE OR HANDGUN DESIGNED AND MANUFACTURED EXCLUSIVELY FOR PROPELLING BY A SPRING, OR BY GAS OR AIR, BB’S NOT EXCEEDING .177 CALIBER.

## **SEC. 303 HARASSMENT**

A PERSON COMMITS THE OFFENSE OF HARASSMENT, IF HE OR SHE:

1. KNOWINGLY PURSUES A PATTERN OF CONDUCT THAT IS INTENDED TO SERIOUSLY ALARM OR TERRORIZE ANOTHER PERSON AND WHICH SERVES NO LAWFUL PURPOSE; AND
2. THE CONDUCT IS SUCH THAT IT WOULD CAUSE A REASONABLE PERSON TO SUFFER SUBSTANTIAL EMOTIONAL DISTRESS, AND
3. THE PERSON KNOWS OR SHOULD REASONABLY KNOW THAT HIS OR HER CONDUCT IS UNWELCOME TO THE OTHER PERSON.

HARASSMENT IS A CLASS A MISDEMEANOR.

**SEC. 304 STALKING**

A PERSON COMMITS THE OFFENSE OF STALKING, IF HE OR SHE KNOWINGLY PURSUES A PERSON IN A PATTERN OF CONDUCT THAT A REASONABLE PERSON WOULD BELIEVE POSES A CREDIBLE THREAT TO ANOTHER PERSON AND THE CONDUCT IS INTENDED TO PLACE THAT PERSON IN REASONABLE APPREHENSION OF DEATH, BODILY HARM, UNWANTED SEXUAL CONTACT AS DEFINED IN SECTION 1201, CONFINEMENT OR RESTRAINT, PROVIDED THAT, IN FURTHERANCE OF THE THREAT, THE STALKER MUST COMMIT ONE OR MORE OF THE FOLLOWING ACTS ON MORE THAN ONE OCCASION:

1. FOLLOWS A PERSON, OTHER THAN IN THE RESIDENCE OF THE STALKER; OR
2. PLACES A PERSON UNDER SURVEILLANCE BY REMAINING PRESENT OUTSIDE ANY PLACE FREQUENTED BY THE PERSON OTHER THAN IN THE RESIDENCE OF THE STALKER. STALKING IS A CLASS A MISDEMEANOR.

**SEC. 305 MURDER**

WHOEVER INTENTIONALLY CAUSES THE DEATH OF ANOTHER HUMAN BEING IS GUILTY OF MURDER.

MURDER IS A FELONY.

**SEC. 306 MANSLAUGHTER**

A PERSON WHO RECKLESSLY CAUSES THE DEATH OF ANOTHER HUMAN BEING IS GUILTY OF MANSLAUGHTER.

MANSLAUGHTER IS A FELONY.

**SEC. 307 NEGLIGENT HOMICIDE**

A PERSON WHO NEGLIGENTLY CAUSES THE DEATH OF ANOTHER HUMAN BEING IS GUILTY OF NEGLIGENT HOMICIDE.

NEGLIGENT HOMICIDE IS A FELONY.

**SEC. 308 KIDNAPPING**

A. ANY PERSON WHO BY FORCE, THREAT, OR DECEPTION:

1. REMOVES ANOTHER AGAINST HIS/HER WILL FROM HIS/HER PLACE OF RESIDENCE OR BUSINESS, OR A SUBSTANTIAL DISTANCE FROM THE VICINITY WHERE HE/SHE IS LOCATED; OR

2. CONFINES ANOTHER FOR A SIGNIFICANT PERIOD AGAINST HIS/HER WILL IS GUILTY OF KIDNAPPING. WHERE THE VICTIM IS TWELVE (12) YEARS OF AGE OR LESS, IT SHALL BE PRESUMED THAT THE REMOVAL OR CONFINEMENT WAS AGAINST THE VICTIM'S WILL.

B. ANY NATURAL OR ADOPTIVE PARENT WHO BY FORCE, THREAT, OR DECEPTION, OR WITHOUT KNOWLEDGE OR AGREEMENT OF THE CHILD'S CUSTODIAN, REMOVES THAT PARENT'S CHILD FROM THE PHYSICAL CUSTODY OF ANY PERSON WHO HAS CUSTODY OF THE CHILD PURSUANT TO A COURT ORDER, OR REMOVES THAT PARENT'S CHILD FROM THE PHYSICAL CUSTODY OF ANY PERSON IN WHOSE CUSTODY THE CHILD HAS BEEN TEMPORARILY PLACED BY THE CHILD'S CUSTODIAN, AND KEEPS THAT CHILD FOR A SIGNIFICANT PERIOD, IS GUILTY OF KIDNAPPING. IN DETERMINING WHETHER A PERIOD OF TIME IS SIGNIFICANT FOR PURPOSES OF THIS SUBSECTION, THE COURT MUST EVALUATE THE SURROUNDING FACTS AND CIRCUMSTANCES, INCLUDING BUT NOT LIMITED TO THE AGE OF THE CHILD AND THE LENGTH OF PREVIOUS AUTHORIZED VISITS WITH THE OFFENDER. IN A PARTICULAR CASE, A RELATIVELY BRIEF PERIOD MAY BE CONSIDERED SIGNIFICANT.

KIDNAPPING IS A FELONY.

#### **PART 4 BREACH OF THE PEACE**

##### **SEC. 401 *DISORDERLY CONDUCT.***

A PERSON COMMITS THE OFFENSE OF DISORDERLY CONDUCT IF HE OR SHE INTENTIONALLY, KNOWINGLY OR RECKLESSLY:

- A. USES ABUSIVE, INDECENT, PROFANE OR VULGAR LANGUAGE; OR
- B. MAKES AN OBSCENE OR OFFENSIVE GESTURE; OR
- C. ABUSES OR THREATENS A PERSON IN A MANNER CALCULATED TO PLACE THE THREATENED PERSON IN FEAR OF BODILY HARM; OR
- D. MAKES A LOUD AND UNREASONABLE NOISE; OR
- E. ENGAGES IN FIGHTING OR IN VIOLENT, TUMULTUOUS OR THREATENING BEHAVIOR; OR
- F. DISPLAYS A DANGEROUS WEAPON IN A MANNER CALCULATED TO ALARM; OR
- G. UNREASONABLY DISRUPTS ANY LAWFUL MEETING OR ASSEMBLY; OR

H. LIES OR SLEEPS ON ANY PROPERTY THAT HE OR SHE HAS NO RIGHT TO OCCUPY, OR

I. OBSTRUCTS VEHICULAR OR PEDESTRIAN TRAFFIC, OR

J. KNOWINGLY TRANSMITS A FALSE MESSAGE, REPORT, ALARM, OR SIGNAL OF FIRE OR OTHER EMERGENCY TO ANY FIRST RESPONDER FIRE, POLICE, OR EMERGENCY MEDICAL TECHNICIAN OR EMERGENCY RESPONSE ORGANIZATION; OR

K. CREATES ANY HAZARDOUS PHYSICALLY OFFENSIVE OR ALARMING CONDITION BY AN ACT WHICH SERVES NO LEGITIMATE PURPOSE; OR

L. URINATING OR DEFECATING IN PUBLIC.

DISORDERLY CONDUCT IS A CLASS B MISDEMEANOR.

## **PART 5 PROPERTY RELATED OFFENSES**

### **SEC.501 ARSON**

A PERSON COMMITS THE OFFENSE OF ARSON IF, WITHOUT LEGAL JUSTIFICATION OR LAWFUL AUTHORITY TO DO SO, HE OR SHE SETS FIRE TO, BURNS, CAUSES TO BE BURNED, ANY PROPERTY OF ANOTHER, INCLUDING PUBLIC PROPERTY OR ANY UNIT OF GOVERNMENT, WITH THE INTENT TO DESTROY OR DAMAGE THAT PROPERTY.

ARSON IS A FELONY.

### **SEC. 502 ROBBERY**

A PERSON COMMITS THE OFFENSE OF ROBBERY IF HE OR SHE TAKES ANYTHING OF VALUE FROM THE PERSON OR PRESENCE OF ANOTHER BY THE USE OF FORCE, THREATS, COERCION OR INTIMIDATION.

ROBBERY IS A FELONY.

THE TRIBAL COURT MAY REQUIRE THE OFFENDER TO COMPENSATE THE VICTIM FOR THE VALUE OR THE STOLEN PROPERTY IN ADDITION TO, OR IN LIEU OF, ANY SENTENCE ISSUED BY THE COURT.

### **SEC. 503 BURGLARY**

A PERSON WHO ENTERS A BUILDING OR OCCUPIED STRUCTURE, OR SEPARATELY SECURED OR OCCUPIED PORTION THEREOF, WITH INTENT TO COMMIT A

CRIME THEREIN IS GUILTY OF BURGLARY, UNLESS THE PREMISES ARE AT THE TIME ARE OPEN TO THE PUBLIC OR THE DEFENDANT IS LICENSED OR PRIVILEGED TO ENTER.

BURGLARY IS A FELONY.

**SEC. 504 THEFT**

A. A PERSON COMMITS THE OFFENSE OF THEFT IF HE OR SHE KNOWINGLY OBTAINS OR EXERCISES CONTROL OVER ANYTHING OF VALUE BELONGING TO ANOTHER PERSON WITHOUT AUTHORIZATION, OR BY THREAT OR DECEPTION, OR KNOWING SAID THING OF VALUE TO HAVE BEEN STOLEN, AND HE OR SHE:

1. INTENDS TO DEPRIVE SUCH OTHER PERSON OF THE USE OR BENEFIT OF THE THING OF VALUE; OR
2. KNOWINGLY USES, CONCEALS OR ABANDONS THE THING OF VALUE IN SUCH A MANNER TO DEPRIVE SUCH OTHER PERSON OF ITS USE OR BENEFIT; OR
3. DEMANDS ANY CONSIDERATION TO WHICH HE IS NOT LEGALLY ENTITLED AS A CONDITION OF RESTORING THE THING OF VALUE TO SUCH OTHER PERSON; OR
4. HAVING LAWFULLY OBTAINED POSSESSION FOR TEMPORARY USE OF THE PERSONAL PROPERTY OF ANOTHER, DELIBERATELY FAILS TO REVEAL THE WHEREABOUTS OF OR TO RETURN SAID PROPERTY TO THE OWNER OR HIS REPRESENTATIVE OR THE PERSON FROM WHOM HE HAS RECEIVED IT, WITH THE INTENT TO PERMANENTLY DEPRIVE SUCH OTHER PERSON OF ITS USE AND BENEFIT, OR
5. RECEIVES, RETAINS OR DISPOSES OF PROPERTY OF ANOTHER KNOWING THAT IT HAS BEEN STOLEN OR HAS REASONABLE CAUSE TO BELIEVE THAT IT HAS PROBABLY BEEN STOLEN, UNLESS THE PROPERTY IS RECEIVED OR RETAINED WITH THE INTENT TO RESTORE IT TO SUCH OTHER PERSON, OR
6. INTENTIONALLY OBTAINS SERVICES WHICH ARE AVAILABLE ONLY FOR COMPENSATION WITH THE INTENT OF AVOIDING PAYMENT FOR SUCH SERVICES.

B. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CRIME AS FOLLOWS:

1. IF THE AMOUNT AT ISSUE IS LESS THAN \$100, AS FOLLOWS:

(i) FOR A FIRST OFFENSE, A CLASS B MISDEMEANOR.

(ii) FOR AN OFFENSE FOLLOWING ONE OR MORE PRIOR CONVICTIONS UNDER THIS SECTION, A CLASS A MISDEMEANOR.

2. IF THE AMOUNT AT ISSUE IS \$100 OR MORE BUT LESS THAN \$500, AS FOLLOWS:

(i) FOR A FIRST OR SECOND OFFENSE, CLASS A MISDEMEANOR.

(ii) FOR AN OFFENSE FOLLOWING TWO OR MORE PRIOR CONVICTIONS UNDER THIS SECTION, A FELONY. FOR PURPOSES OF THIS SUBPARAGRAPH, HOWEVER, A PRIOR CONVICTION DOES NOT INCLUDE A CONVICTION FOR A VIOLATION OR ATTEMPTED VIOLATION OF SUBPARAGRAPH (B)(1).

3. IF THE AMOUNT AT ISSUE IS \$500 OR MORE, A FELONY.

C. IF THE PROSECUTOR INTENDS TO SEEK AN ENHANCED SENTENCE BASED UPON THE DEFENDANT HAVING ONE OR MORE PRIOR CONVICTIONS, THE PROSECUTOR SHALL INCLUDE ON THE COMPLAINT AND INFORMATION A STATEMENT LISTING THE PRIOR TRIBAL CONVICTION OR CONVICTIONS. THE EXISTENCE OF THE DEFENDANT'S PRIOR CONVICTION(S) SHALL BE DETERMINED BY THE COURT, WITHOUT A JURY, AT SENTENCING OR AT A SEPARATE HEARING FOR THAT PURPOSE BEFORE SENTENCING. THE EXISTENCE OF A PRIOR CONVICTION MAY BE ESTABLISHED BY ANY EVIDENCE RELEVANT FOR THAT PURPOSE, INCLUDING, BUT NOT LIMITED TO, ONE OR MORE OF THE FOLLOWING:

1. A COPY OF THE JUDGMENT OF CONVICTION.

2. A TRANSCRIPT OF A PRIOR TRIAL, PLEA-TAKING, OR SENTENCING.

3. INFORMATION CONTAINED IN A PRESENTENCE REPORT.

4. THE DEFENDANT'S STATEMENT.

THE TRIBAL COURT MAY REQUIRE THE OFFENDER TO COMPENSATE THE VICTIM FOR THE VALUE OF THE STOLEN PROPERTY IN ADDITION TO, OR IN LIEU OF ANY SENTENCE ISSUED BY THE TRIBAL COURT.

**SEC. 505 DESTRUCTION OF PROPERTY**

A PERSON COMMITS THE OFFENSE OF DESTRUCTION OF PROPERTY IF HE OR SHE INTENTIONALLY, KNOWINGLY OR RECKLESSLY USES AND DAMAGES ANY PROPERTY NOT EXCLUSIVELY HIS OWN.

DESTRUCTION OF PROPERTY IS A CLASS A MISDEMEANOR.

THE TRIBAL COURT MAY REQUIRE THE OFFENDER TO COMPENSATE THE VICTIM FOR THE REPAIR OR REPLACEMENT COSTS OF THE DAMAGED PROPERTY IN ADDITION TO, OR IN LIEU OF ANY SENTENCE ISSUED BY THE TRIBAL COURT.

**SEC. 506 *CRIMINAL TRESPASS***

A. A PERSON COMMITS THE OFFENSE OF TRESPASS IF KNOWINGLY OR HAVING REASONABLE CAUSE TO KNOW THAT HE OR SHE IS NOT LICENSED OR PRIVILEGED TO DO SO, HE OR SHE WILLFULLY ENTERS OR REMAINS UPON OR WITHIN ANY BUILDING, STRUCTURE, OR LAND, OR PORTION THEREOF AFTER BEING ORDERED OR NOTIFIED NOT TO ENTER OR REMAIN THERE. SUCH NOTICE OR ORDER MAY BE GIVEN BY:

1. WRITTEN OR VERBAL COMMUNICATION ACTUALLY GIVEN TO THE INTRUDER; OR
2. WRITTEN NOTICE POSTED ON OR ABOUT THE PROPERTY IN A MANNER REASONABLY LIKELY TO COME TO THE ATTENTION OF POTENTIAL INTRUDERS; OR
3. BY FENCES, BARRICADES, OR OTHER DEVICES MANIFESTLY DESIGNED TO ENCLOSE THE PROPERTY AND TO EXCLUDE POTENTIAL INTRUDERS.

CRIMINAL TRESPASS IS A CLASS B MISDEMEANOR.

**SEC. 507 *LITTERING***

A. A PERSON COMMITS THE OFFENSE OF LITTERING, IF HE DEPOSITS, THROWS, DUMPS, DISCARDS, ABANDONS, OR LEAVES ANY LITTER ON ANY PROPERTY OF ANOTHER OR COMMITS THE OFFENSE OF LITTERING, UNLESS:

1. SUCH PROPERTY IS AN AREA DESIGNATED BY LAW FOR THE DISPOSAL OF SUCH LITTER AND SUCH PERSON IS AUTHORIZED BY THE PROPER PUBLIC AUTHORITY TO SO USE SUCH PROPERTY; OR
2. THE LITTER IS PLACED IN A RECEPTACLE OR CONTAINER INSTALLED ON SUCH PROPERTY FOR SUCH USE BY THE PUBLIC OR SUCH PERSON PLACING LITTER IN IT; OR

3. SUCH PERSON IS THE OWNER OR TENANT IN LAWFUL POSSESSION OF SUCH PROPERTY, OR HAS FIRST OBTAINED WRITTEN CONSENT OF THE OWNER OR TENANT IN LAWFUL POSSESSION, OR UNLESS THE ACT IS DONE UNDER THE PERSONAL DIRECTION OF SAID OWNER OR TENANT.

LITTERING IS A CLASS B MISDEMEANOR.

**SEC. 508 CAUSING OR MAINTAINING A PUBLIC NUISANCE.**

A PERSON COMMITS THE OFFENSE OF CAUSING OR MAINTAINING A PUBLIC NUISANCE, IF HE USES, PERMITS TO BE USED OR ALLOWS ANY REAL OR PERSONAL PROPERTY UNDER HIS CONTROL TO BE IN SUCH CONDITION SO AS TO DAMAGE, INJURE OR ENDANGER THE HEALTH, SAFETY OR PROPERTY OF ANOTHER PERSON OR THE PUBLIC.

CAUSING OR MAINTAINING A PUBLIC NUISANCE IS A CLASS B MISDEMEANOR.

IN ADDITION TO, OR IN LIEU OF, ANY SENTENCE ISSUED BY THE TRIBAL COURT, THE COURT MAY ORDER THE PERSON TO ABATE OR ELIMINATE THE NUISANCE. SUCH AN ORDER TO ABATE OR ELIMINATE THE NUISANCE SHALL INCLUDE THE IDENTIFICATION OF THE NUISANCE AND THE PERIOD OF TIME IN WHICH IT MUST BE ABATED OR ELIMINATED.

**PART 6 FORGERY AND RELATED OFFENSES**

**SEC. 601 FORGERY**

A. A PERSON COMMITS THE OFFENSE OF FORGERY IF WITH INTENT TO DECEIVE HE OR SHE KNOWINGLY AND FALSELY MAKES, COMPLETES, EXECUTES, AUTHENTICATES, ALTERS, ISSUES, UTTERS, DELIVERS, TRANSFERS FILES, OR SUBMITS A WRITTEN INSTRUMENT OR ANY PORTION THEREOF, FOR THE PURPOSE OF OBTAINING MONEY OR OTHER CONSIDERATION OR THING OF VALUE, FOR HIMSELF OR ANY OTHER PERSON.

B. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CRIME AS FOLLOWS:

1. IF THE AMOUNT AT ISSUE IS LESS THAN \$100, AS FOLLOWS:

(I) FOR A FIRST OFFENSE, A CLASS B MISDEMEANOR.

(II) FOR AN OFFENSE FOLLOWING ONE OR MORE PRIOR CONVICTIONS UNDER THIS SECTION, A CLASS A MISDEMEANOR.

2. IF THE AMOUNT AT ISSUE IS \$100 OR MORE BUT LESS THAN \$500, AS

FOLLOWS:

(I) FOR A FIRST OR SECOND OFFENSE, CLASS A MISDEMEANOR.

(II) FOR AN OFFENSE FOLLOWING TWO OR MORE PRIOR CONVICTIONS UNDER THIS SECTION, A FELONY. FOR PURPOSES OF THIS SUBPARAGRAPH, HOWEVER, A PRIOR CONVICTION DOES NOT INCLUDE A CONVICTION FOR A VIOLATION OR ATTEMPTED VIOLATION OF SUBPARAGRAPH (B)(1).

3. IF THE AMOUNT AT ISSUE IS \$500 OR MORE, A FELONY.

C. IF THE PROSECUTOR INTENDS TO SEEK AN ENHANCED SENTENCE BASED UPON THE DEFENDANT HAVING ONE OR MORE PRIOR CONVICTIONS, THE PROSECUTOR SHALL INCLUDE ON THE COMPLAINT AND INFORMATION A STATEMENT LISTING THE PRIOR TRIBAL CONVICTION OR CONVICTIONS. THE EXISTENCE OF THE DEFENDANT'S PRIOR CONVICTION(S) SHALL BE DETERMINED BY THE COURT, WITHOUT A JURY, AT SENTENCING OR AT A SEPARATE HEARING FOR THAT PURPOSE BEFORE SENTENCING. THE EXISTENCE OF A PRIOR CONVICTION MAY BE ESTABLISHED BY ANY EVIDENCE RELEVANT FOR THAT PURPOSE, INCLUDING, BUT NOT LIMITED TO, ONE OR MORE OF THE FOLLOWING:

1. A COPY OF THE JUDGMENT OF CONVICTION.
2. A TRANSCRIPT OF A PRIOR TRIAL, PLEA-TAKING, OR SENTENCING.
3. INFORMATION CONTAINED IN A PRESENTENCE REPORT.
4. THE DEFENDANT'S STATEMENT.

## **SEC. 602 *PASSING BAD CHECKS***

A. A PERSON COMMITS THE OFFENSE OF PASSING BAD CHECKS, IF HE OR SHE MAKES, UTTERS, ISSUES, DELIVERS OR PASSES A WRITTEN ORDER TO PAY A SUM OF MONEY, DRAWN ON A BANK, PAYABLE ON DEMAND OR AT A TIME CERTAIN, AND SIGNED BY THE DRAWER, WHEN THE PERSON SO ACTING KNOWS OR HAS REASONABLE CAUSE TO KNOW AT THAT TIME THE ORDER WILL NOT BE PAID OR HONORED BY THE DRAWEE BECAUSE OF INSUFFICIENT FUNDS OR LACK OF AN ACCOUNT OF THE DRAWER DEPOSITED OR ON ACCOUNT WITH THE DRAWEE.

B. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CRIME AS FOLLOWS:

1. IF THE AMOUNT AT ISSUE IS LESS THAN \$100, AS FOLLOWS:

(I) FOR A FIRST OFFENSE, A CLASS B MISDEMEANOR.

(II) FOR AN OFFENSE FOLLOWING ONE OR MORE PRIOR CONVICTIONS UNDER THIS SECTION, A CLASS A MISDEMEANOR.

2. IF THE AMOUNT AT ISSUE IS \$100 OR MORE BUT LESS THAN \$500, AS FOLLOWS:

(I) FOR A FIRST OR SECOND OFFENSE, CLASS A MISDEMEANOR.

(II) FOR AN OFFENSE FOLLOWING TWO OR MORE PRIOR CONVICTIONS UNDER THIS SECTION, A FELONY. FOR PURPOSES OF THIS SUBPARAGRAPH, HOWEVER, A PRIOR CONVICTION DOES NOT INCLUDE A CONVICTION FOR A VIOLATION OR ATTEMPTED VIOLATION OF SUBPARAGRAPH (B)(1).

3. IF THE AMOUNT AT ISSUE IS \$500 OR MORE, A FELONY.

C. IF THE PROSECUTOR INTENDS TO SEEK AN ENHANCED SENTENCE BASED UPON THE DEFENDANT HAVING ONE OR MORE PRIOR CONVICTIONS, THE PROSECUTOR SHALL INCLUDE ON THE COMPLAINT AND INFORMATION A STATEMENT LISTING THE PRIOR TRIBAL CONVICTION OR CONVICTIONS. THE EXISTENCE OF THE DEFENDANT'S PRIOR CONVICTION(S) SHALL BE DETERMINED BY THE COURT, WITHOUT A JURY, AT SENTENCING OR AT A SEPARATE HEARING FOR THAT PURPOSE BEFORE SENTENCING. THE EXISTENCE OF A PRIOR CONVICTION MAY BE ESTABLISHED BY ANY EVIDENCE RELEVANT FOR THAT PURPOSE, INCLUDING, BUT NOT LIMITED TO, ONE OR MORE OF THE FOLLOWING:

1. A COPY OF THE JUDGMENT OF CONVICTION.
2. A TRANSCRIPT OF A PRIOR TRIAL, PLEA-TAKING, OR SENTENCING.
3. INFORMATION CONTAINED IN A PRESENTENCE REPORT.
4. THE DEFENDANT'S STATEMENT.

**PART 7 WEAPONS AND RELATED OFFENSES**

**SEC. 701 UNLAWFUL USE OF A WEAPON**

A. *OFFENSE.* A PERSON OTHER THAN A LAW ENFORCEMENT OFFICER ENGAGED IN OFFICIAL DUTIES COMMITS THE OFFENSE OF UNLAWFUL USE OF A WEAPON IF HE OR SHE:

DISCHARGES A FIREARM IN THE PROXIMITY OF ANY OTHER PERSON, BUILDING OR VEHICLE SO AS TO KNOWINGLY OR RECKLESSLY ENDANGER A PERSON OR PROPERTY; OR

1. CARRIES A FIREARM WHILE INTOXICATED; OR
2. HANDLES OR USES A FIREARM OR OTHER DANGEROUS WEAPON SO AS TO KNOWINGLY OR RECKLESSLY ENDANGER THE SAFETY OF ANOTHER; OR
3. CONCEALS A FIREARM OR OTHER DANGEROUS WEAPON, INCLUDING BUT NOT LIMITED TO A PISTOL, GUN, REVOLVER, OR OTHER DANGEROUS FIREARM, WHETHER LOADED OR UNLOADED, BLACKJACK, BILLY CLUB, BLUDGEON, METAL KNUCKLES, OR KNIFE WITH A BLADE OVER SIX (6) INCHES LONG OR OTHER SHARP OR DANGEROUS INSTRUMENT USUALLY EMPLOYED IN THE ATTACK OR THE DEFENSE OF A PERSON, ON OR ABOUT HIS OR HER PERSON, OR
4. POSSESSES, OBTAINS, RECEIVES, SELLS OR USES A SHORT BARRELED RIFLE OR SHORT BARRELED SHOTGUN.

B. FOR PURPOSES OF THIS CODE, THE FOLLOWING TERMS ARE DEFINED AS FOLLOWS:

1. “*SHOTGUN*” MEANS A FIREARM DESIGNED OR REDESIGNED, MADE OR REMADE, AND INTENDED TO BE FIRED FROM THE SHOULDER AND DESIGNED OR REDESIGNED AND MADE OR REMADE TO USE THE ENERGY OF THE EXPLOSIVE IN A FIXED SHOTGUN SHELL TO FIRE THROUGH A SMOOTH BORE EITHER A NUMBER OF BALL SHORT OR A SINGLE PROJECTILE FOR EACH SINGLE FUNCTION OF THE TRIGGER.

2. “*SHORT-BARRELED SHOTGUN*” MEANS A SHOTGUN HAVING 1 OR MORE BARRELS LESS THAN 18 INCHES IN LENGTH OR A WEAPON MADE FROM A SHOTGUN, WHETHER BY ALTERATION, MODIFICATION, OR OTHERWISE, IF THE WEAPON AS MODIFIED HAS AN OVERALL LENGTH OF LESS THAN 26 INCHES.

3 “*RIFLE*” MEANS A FIREARM DESIGNED OR REDESIGNED, MADE OR REMADE, AND INTENDED TO BE FIRED FROM THE SHOULDER AND DESIGNED OR REDESIGNED AND MADE OR REMADE TO USE THE ENERGY OF THE EXPLOSIVE IN A FIXED METALLIC CARTRIDGE TO FIRE ONLY A SINGLE PROJECTILE THROUGH A RIFLED BORE FOR EACH

SINGLE PULL OF THE TRIGGER.

4. “*SHORT-BARRELED RIFLE*” MEANS A RIFLE HAVING 1 OR MORE BARRELS LESS THAN 16 INCHES IN LENGTH OR A WEAPON MADE FROM A RIFLE, WHETHER BY ALTERNATION, MODIFICATION, OR OTHERWISE, IF THE WEAPON AS MODIFIED HAS AN OVERALL LENGTH OF LESS THAN 26 INCHES.

5. “*BARREL LENGTH*” MEANS THE INTERNAL LENGTH OF A FIREARM AS MEASURED FROM THE FACE OF THE CLOSED BREECH OF THE FIREARM WHEN IT IS UNLOADED, TO THE FORWARD FACE OF THE END OF THE BARREL.

UNLAWFUL USE OF A WEAPON IS A FELONY.

### **SEC. 702 POSSESSION OF EXPLOSIVES**

A PERSON WHO POSSESSES, TRANSPORTS, OR CONTROLS ANY NITROGLYCERIN, DYNAMITE OR OTHER DANGEROUS EXPLOSIVE, UNLESS SUCH EXPLOSIVE IS POSSESSED BY A PERSON TRAINED IN ITS USE IN THE PROSECUTION OF OR TO EFFECT A LAWFUL PURPOSE, IS GUILTY OF POSSESSION OF EXPLOSIVES.

POSSESSION OF EXPLOSIVES IS A CLASS A MISDEMEANOR.

IN ADDITION TO ANY PENALTY PRESCRIBED FOR SUCH AN OFFENSE, A PERSON CONVICTED OF POSSESSION OF EXPLOSIVES MAY BE ORDERED BY THE TRIBAL COURT TO FORFEIT SUCH EXPLOSIVES TO TRIBAL OFFICIALS.

### **SEC. 703 DANGEROUS USE OF EXPLOSIVES**

A PERSON COMMITS THE OFFENSE OF DANGEROUS USE OF EXPLOSIVES IF WITH THE INTENT TO INJURE, INTIMIDATE OR THREATEN ANOTHER PERSON, OR TO DAMAGE ANOTHER'S PROPERTY, HE OR SHE RECKLESSLY OR NEGLIGENTLY EXPLODES, ATTEMPTS TO EXPLODE OR PLACES ANY EXPLOSIVE DEVICE ON ANY PUBLIC OR PRIVATE PROPERTY.

DANGEROUS USE OF EXPLOSIVES IS A FELONY.

IN ADDITION TO, OR IN LIEU OF, ANY PUNISHMENT FOR CONVICTION OF DANGEROUS USE OF EXPLOSIVES, THE TRIBAL COURT MAY ORDER THE OFFENDER TO PAY TO THE INJURED PARTY THE COSTS OF ANY PROPERTY DAMAGED BY HIS OR HER ACTIONS.

## **PART 8 OFFENSES AGAINST THE PUBLIC ORDER**

### **SEC. 801 OBSTRUCTING PERFORMANCE OF POLICE DUTIES**

A. *OFFENSE.* A PERSON COMMITS THE OFFENSE OF OBSTRUCTING THE PERFORMANCE OF POLICE DUTIES IF HE OR SHE WILLFULLY PREVENTS OR ATTEMPTS TO PREVENT A POLICE OFFICER OR OTHER DULY AUTHORIZED LAW ENFORCEMENT OFFICER FROM AFFECTING AN ARREST OR OTHERWISE DISCHARGING THE DUTIES OF HIS OR HER OFFICE BY ANY OF THE FOLLOWING ACTIONS:

1. CREATING OR APPEARING TO CREATE A RISK OF BODILY HARM TO THE OFFICER OR ANY OTHER PERSON; OR
2. EMPLOYING MEANS OR THREATENING TO EMPLOY MEANS WHICH WOULD JUSTIFY OR REQUIRE FORCE ON THE PART OF THE OFFICER TO OVERCOME THEM; OR
3. ESCAPING, ATTEMPTING TO ESCAPE, OR ASSISTING OR ATTEMPTING TO ASSIST ANOTHER TO ESCAPE FROM CUSTODY OF THE OFFICER, OR
4. HARBORING OR CONCEALING A PERSON HE OR SHE KNOWS IS BELIEVED BY A LAW ENFORCEMENT OFFICER TO HAVE COMMITTED A CRIME OR ASSISTING SUCH A PERSON TO AVOID DISCOVERY OR APPREHENSION, OR CONCEALING ANY EVIDENCE MATERIAL TO SUCH A CRIME; OR
5. GIVING INFORMATION TO A LAW ENFORCEMENT OFFICER HE OR SHE KNOWS IS FALSE, OR BELIEVES TO BE FALSE.

OBSTRUCTING THE PERFORMANCE OF POLICE DUTIES IS A CLASS A MISDEMEANOR.

**SEC. 802 *RESISTING ARREST***

A. A PERSON WHO, WITH INTENT TO PREVENT A LAW ENFORCEMENT OFFICER FROM AFFECTING AN ARREST:

1. FLEES FROM A LAW ENFORCEMENT OFFICER AFTER BEING TOLD BY AN OFFICER THAT THE PERSON IS UNDER ARREST; OR
2. CREATES A SUBSTANTIAL RISK OF BODILY HARM TO THE OFFICER OR ANY OTHER PERSON, OR EMPLOYS MEANS JUSTIFYING SUBSTANTIAL FORCE TO OVERCOME THE RESISTANCE;

IS GUILTY OF RESISTING ARREST. THE COURT IN ITS DISCRETION MAY REQUIRE A PERSON CONVICTED OF RESISTING ARREST TO MAKE RESTITUTION TO THE LAW ENFORCEMENT OFFICER FOR PROPERTY OF THE OFFICER THAT WAS DAMAGED AS THE RESULT OF THE PERSON'S RESISTANCE.

B. A PERSON IS GUILTY OF RESISTING ARREST UNDER THIS SECTION REGARDLESS OF WHETHER THE ARREST RESISTED IS LAWFUL OR UNLAWFUL. FORCE

THAT IS CLEARLY EXCESSIVE MAY BE RESISTED.

RESISTING ARREST IS A CLASS A MISDEMEANOR.

**SEC. 803 CONTEMPT**

A. *OFFENSE.* A PERSON COMMITS THE OFFENSE OF CONTEMPT OF COURT IF HE OR SHE:

1. INTENTIONALLY ENGAGES IN CONDUCT IN THE PRESENCE OF THE COURT OR SO NEAR THERETO AS TO OBSTRUCT THE ADMINISTRATION OF JUSTICE; OR
2. INTENTIONALLY DISOBEYS OR RESISTS ANY PROCESS, ORDER, SUBPOENA, WARRANT OR COMMAND OF THE COURT.

CONTEMPT IS A CLASS B

MISDEMEANOR.

**SEC. 804 PERJURY**

A PERSON COMMITS THE OFFENSE OF PERJURY IF HE OR SHE MAKES ANY SWORN STATEMENT, EITHER IN WRITING OR ORALLY, OR A SWORN AFFIDAVIT, IN A PROCEEDING IN THE TRIBAL COURT, KNOWING OR HAVING REASONABLE CAUSE TO KNOW THE SAME TO BE FALSE, OR IF HE INDUCES ANOTHER PERSON TO DO SO.

PERJURY IS A CLASS B MISDEMEANOR; PROVIDED HOWEVER, THAT IF ANY OTHER PERSON HAS BEEN UNJUSTLY DEPRIVED OF LIBERTY OR PROPERTY, OR THE USE OR BENEFIT THEREOF, AS A RESULT OF SUCH PERJURY, PERJURY UNDER SUCH CIRCUMSTANCES IS A CLASS A MISDEMEANOR.

**SEC. 805 ESCAPE**

A PERSON IS GUILTY OF THE OFFENSE OF ESCAPE FROM LAWFUL CUSTODY, IF HE OR SHE UNLAWFULLY REMOVES HIMSELF OR HERSELF FROM OFFICIAL DETENTION OR FAILS TO RETURN TO OFFICIAL DETENTION FOLLOWING TEMPORARY LEAVE GRANTED FOR A SPECIFIC PURPOSE OR LIMITED PERIOD.

ESCAPE IS A CLASS B MISDEMEANOR. THE TRIBAL COURT MAY ADD ANY JAIL TIME CONSISTENT WITH CONVICTION OF A CLASS B MISDEMEANOR, FINE, OR BOTH TO THE SENTENCE THE OFFENDER WAS ORIGINALLY GIVEN.

**SEC. 806 BAIL JUMPING**

A PERSON SET AT LIBERTY BY COURT ORDER, WITH OR WITHOUT BAIL, UPON

CONDITION THAT HE OR SHE WILL SUBSEQUENTLY APPEAR AT A SPECIFIED TIME OR PLACE, COMMITS THE OFFENSE OF BAIL JUMPING IF, WITHOUT LAWFUL EXCUSE, HE OR SHE FAILS TO APPEAR AT THAT TIME AND PLACE.

BAIL JUMPING IS A CLASS B MISDEMEANOR. A PERSON CONVICTED OF BAIL JUMPING MAY ALSO BE SUBJECT IN THE DISCRETION OF THE COURT TO REVOCATION OF BAIL.

## **PART 9 ALCOHOL RELATED OFFENSES**

### **SEC. 901 *ILLEGAL CONSUMPTION OF LIQUOR***

A PERSON COMMITS THE OFFENSE OF ILLEGAL CONSUMPTION OF LIQUOR IF HE OR SHE CONSUMES ANY BEER, WINE OR ALCOHOLIC BEVERAGE IN ANY PUBLIC PLACE EXCEPT ON PREMISES UPON WHICH THERE IS LAWFUL AUTHORITY TO SELL SUCH LIQUOR BY THE DRINK FOR CONSUMPTION ON THE PREMISES.

ILLEGAL CONSUMPTION OF LIQUOR IS A CLASS C MISDEMEANOR.

### **SEC. 902 *PUBLIC INTOXICATION***

A PERSON COMMITS THE OFFENSE OF PUBLIC INTOXICATION IF HE OR SHE APPEARS IN ANY PUBLIC PLACE UNDER THE INFLUENCE OF ALCOHOL, CONTROLLED SUBSTANCES OR OTHER DRUGS TO THE DEGREE THAT HE OR SHE MAY ENDANGER HIMSELF OR ANOTHER PERSON OR PROPERTY.

IT SHALL BE CONCLUSIVE EVIDENCE THAT A PERSON COMMITS THE OFFENSE OF PUBLIC INTOXICATION IF THEY HAVE AN ALCOHOL CONTENT OF 0.08 GRAMS OR MORE PER 100 MILLILITERS OF BLOOD, PER 210 LITERS OF BREATH, OR PER 67 MILLILITERS OF URINE.

PUBLIC INTOXICATION IS A CLASS C MISDEMEANOR.

### **SEC. 903 *PROVIDING TOBACCO OR INTOXICANTS TO MINORS***

A. IT SHALL BE UNLAWFUL FOR ANY CHILD UNDER THE AGE OF TWENTY-ONE YEARS TO POSSESS, USE OR PURCHASE ANY INTOXICANTS, AND UNLAWFUL FOR ANY PERSON TO ALLOW THE POSSESSION, PURCHASE, USE OR SALE OF ANY INTOXICANTS BY ANY SUCH CHILD.

B. IT SHALL BE UNLAWFUL FOR ANY CHILD UNDER THE AGE OF EIGHTEEN YEARS TO POSSESS, USE OR PURCHASE ANY TOBACCO OR TOBACCO PRODUCTS, AND UNLAWFUL FOR ANY PERSON TO ALLOW THE POSSESSION, PURCHASE, USE OR SALE OF ANY TOBACCO OR TOBACCO PRODUCTS BY ANY SUCH CHILD.

C. IT SHALL BE AN AFFIRMATIVE DEFENSE TO THIS OFFENSE WHEN THE

ALLEGED VIOLATION OCCURRED IN THE FURTHERANCE OF A RECOGNIZED TRIBAL CEREMONY OR LAWFUL RELIGIOUS PRACTICE.

PROVIDING TOBACCO OR INTOXICANTS TO MINORS, AS DEFINED ABOVE, IS A CLASS B MISDEMEANOR.

## **PART 10 CONTROLLED SUBSTANCES**

### **SEC. 1001 *POSSESSION OF CONTROLLED SUBSTANCES***

A. A PERSON COMMITS THE OFFENSE OF POSSESSION OF CONTROLLED SUBSTANCES IF HE OR SHE KNOWINGLY POSSESSES, CONSUMES, USES, OR CULTIVATES ANY MARIJUANA, NARCOTIC DRUG OR OTHER SUBSTANCES, INCLUDING METHAMPHETAMINE, ANY SUBSTANCE CONTAINING OPIUM, COCA LEAVES, ANY OPIATE OR ANY SUBSTANCE, COMPOUND OR DERIVATIVE THEREOF, ANY SALT, COMPOUND, ISOMER, DERIVATIVE, OR PREPARATION THEREOF WHICH IS CHEMICALLY EQUIVALENT OR IDENTICAL WITH ANY OF THE SUBSTANCES REFERRED TO ABOVE BUT NOT INCLUDING THE ISOQUINOLINE ALKALOIDS OF OPIUM, OR WHO SHALL INHALE THE FUMES OF ANY GASOLINE, AIRPLANE GLUE, GAS AEROSOLS OR SOLVENTS, OR ANY OTHER SIMILAR NOXIOUS SUBSTANCE FOR THE PURPOSES OF PRODUCING INTOXICATION.

B. FOR PURPOSES OF THIS CODE, THE TERM “CONTROLLED SUBSTANCES” INCLUDE ANY GASOLINE, AIRPLANE GLUE, OR ANY OTHER SIMILAR NOXIOUS SUBSTANCE IN THE POSSESSION OF THE OFFENDER FOR THE PURPOSES OF PRODUCING INTOXICATION, HALLUCINATION, OR EUPHORIA.

C. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CRIME AS FOLLOWS:

1. FOR A FIRST OFFENSE, A CLASS B MISDEMEANOR.
2. FOR A SECOND OFFENSE FOLLOWING A PRIOR CONVICTION UNDER THIS SECTION, A CLASS A MISDEMEANOR.
3. FOR A THIRD OFFENSE FOLLOWING TWO PRIOR CONVICTIONS UNDER THIS SECTION, A FELONY.

D. IF THE PROSECUTOR INTENDS TO SEEK AN ENHANCED SENTENCE BASED UPON THE DEFENDANT HAVING ONE OR MORE PRIOR CONVICTIONS, THE PROSECUTOR SHALL INCLUDE ON THE COMPLAINT AND INFORMATION A STATEMENT LISTING THE PRIOR TRIBAL CONVICTION OR CONVICTIONS. THE EXISTENCE OF THE DEFENDANT’S PRIOR CONVICTION(S) SHALL BE DETERMINED BY THE COURT, WITHOUT A JURY, AT SENTENCING OR AT A SEPARATE HEARING FOR THAT PURPOSE BEFORE SENTENCING. THE EXISTENCE OF A PRIOR CONVICTION

MAY BE ESTABLISHED BY ANY EVIDENCE RELEVANT FOR THAT PURPOSE, INCLUDING, BUT NOT LIMITED TO, ONE OR MORE OF THE FOLLOWING:

1. A COPY OF THE JUDGMENT OF CONVICTION.
2. A TRANSCRIPT OF A PRIOR TRIAL, PLEA-TAKING, OR SENTENCING.
3. INFORMATION CONTAINED IN A PRESENTENCE REPORT.
4. THE DEFENDANT'S STATEMENT.

**SEC. 1002 POSSESSION OF PRECURSORS TO THE MANUFACTURE OF METHAMPHETAMINE.**

A. A PERSON COMMITS THE OFFENSE OF POSSESSION OF PRECURSORS TO CONTROLLED SUBSTANCES IF HE OR SHE POSSESSES ANY OF THE FOLLOWING SUBSTANCES OR COMBINATIONS OF THE FOLLOWING, AND IS SHOWN BY EVIDENCE ADMISSIBLE IN A COURT OF LAW TO POSSESS THEM WITH THE INTENT OF MANUFACTURING METHAMPHETAMINE.

B. DEFINITION. "PRECURSOR" MEANS THE PRINCIPAL COMPOUND COMMONLY USED OR PRODUCED PRIMARILY FOR USE AND THAT IS AN IMMEDIATE CHEMICAL INTERMEDIARY USED OR LIKELY TO BE USED IN THE MANUFACTURE OF METHAMPHETAMINE, THE CONTROL OF WHICH IS NECESSARY TO PREVENT, CURTAIL, OR LIMIT MANUFACTURE. SUSPECT PRECURSORS INCLUDE:

1. PHENYL-2 PROPANONE (PHENYLACETONE);
2. PIPERIDINE IN CONJUNCTION WITH CYCLOHEXANONE;
3. EPHEDRINE[METHAMPHETAMINE PRECURSOR];LEAD ACETATE;
4. METHYLAMINE;
5. METHYLFORMAMIDE;
6. N-METHYLEPHEDRINE;
7. PHENYLPROPANOLAMINE;
8. PSEUDOEPHEDRINE;
9. ANHYDROUS AMMONIA;
10. HYDRIODIC ACID;
11. RED PHOSPHORUS;
12. IODINE IN CONJUNCTION WITH EPHEDRINE, PSEUDOEPHEDRINE, OR RED PHOSPHORUS;
13. LITHIUM IN CONJUNCTION WITH ANHYDROUS AMMONIA;
14. HYDROCHLORIC ACID;
15. ETHER;
16. FREON;

17. METHANOL;
18. SODIUM HYDROXIDE (LYE); AND
19. SULFURIC ACID.

POSSESSION OF PRECURSORS TO THE MANUFACTURE OF METHAMPHETAMINE IS A FELONY.

**SEC. 1003 MANUFACTURE, SALE OR FURNISHING OF CONTROLLED SUBSTANCES**

A. A PERSON COMMITS THE OFFENSE OF SALE OR FURNISHING OF CONTROLLED SUBSTANCES IF HE OR SHE KNOWINGLY POSSESSES, MANUFACTURES, TRANSPORTS, CULTIVATES, SELLS, FURNISHES, OR TRADES IN ANY MARIJUANA, NARCOTIC DRUG OR OTHER SUBSTANCES, INCLUDING METHAMPHETAMINE, ANY SUBSTANCE CONTAINING OPIUM, COCA LEAVES, ANY OPIATE OR ANY SUBSTANCE, COMPOUND OR DERIVATIVE THEREOF, ANY SALT, COMPOUND, ISOMER, DERIVATIVE, OR PREPARATION THEREOF WHICH IS CHEMICALLY EQUIVALENT OR IDENTICAL WITH ANY OF THE SUBSTANCES REFERRED TO ABOVE BUT NOT INCLUDING THE ISOQUINOLINE ALKALOIDS OF OPIUM, OR ANY OTHER SIMILAR NOXIOUS SUBSTANCE, FOR THE PURPOSES OF MANUFACTURING, SELLING OR FURNISHING A CONTROLLED SUBSTANCE TO OTHERS.

B. FOR PURPOSES OF THIS CODE, THE TERM “CONTROLLED SUBSTANCES” INCLUDE ANY GASOLINE, AIRPLANE GLUE, OR ANY OTHER SIMILAR NOXIOUS SUBSTANCE IN THE POSSESSION OF THE OFFENDER FOR THE PURPOSES OF PRODUCING INTOXICATION, HALLUCINATION, OR EUPHORIA.

1. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CRIME AS FOLLOWS:
  - (I) FOR A FIRST OFFENSE, A CLASS A MISDEMEANOR.
  - (II) FOR A SECOND OFFENSE FOLLOWING A PRIOR CONVICTION UNDER THIS SECTION, A FELONY.
2. IF THE PROSECUTOR INTENDS TO SEEK AN ENHANCED SENTENCE BASED UPON THE DEFENDANT HAVING ONE OR MORE PRIOR CONVICTIONS, THE PROSECUTOR SHALL INCLUDE ON THE COMPLAINT AND INFORMATION A STATEMENT LISTING THE PRIOR TRIBAL CONVICTION OR CONVICTIONS. THE EXISTENCE OF THE DEFENDANT’S PRIOR CONVICTION(S) SHALL BE DETERMINED BY THE COURT, WITHOUT A JURY, AT SENTENCING OR AT A SEPARATE HEARING FOR THAT PURPOSE BEFORE SENTENCING. THE EXISTENCE OF A PRIOR CONVICTION MAY BE ESTABLISHED BY ANY EVIDENCE RELEVANT FOR THAT

PURPOSE, INCLUDING, BUT NOT LIMITED TO, ONE OR MORE OF THE FOLLOWING:

A COPY OF THE JUDGMENT OF CONVICTION.

(i) A TRANSCRIPT OF A PRIOR TRIAL, PLEA-TAKING, OR SENTENCING.

(ii) INFORMATION CONTAINED IN A PRESENTENCE REPORT.

(iii) THE DEFENDANT'S STATEMENT.

## **PART 11 OFFENSES AGAINST THE FAMILY**

### **SEC. 1101 *CHILD ABUSE***

A PERSON COMMITS THE OFFENSE OF CHILD ABUSE, IF HE OR SHE HAS THE RESPONSIBILITY FOR THE CARE AND WELFARE OF A CHILD UNDER THE AGE OF EIGHTEEN YEARS OF AGE AND KNOWINGLY, INTENTIONALLY, RECKLESSLY OR NEGLIGENTLY, AND WITHOUT JUSTIFICATION, CAUSES OR PERMITS SUCH CHILD TO BE:

A. PLACED IN A SITUATION THAT MAY ENDANGER THE CHILD'S LIFE OR HEALTH; OR

B. EXPOSED TO THE INCLEMENCY OF THE WEATHER; OR

C. ABANDONED, PHYSICALLY OR EMOTIONALLY INJURED, CRUELLY CONFINED OR CRUELLY PUNISHED; OR

D. DEPRIVED OF NECESSARY FOOD, CLOTHING OR SHELTER.

CHILD ABUSE IS A FELONY.

### **SEC. 1102 *DOMESTIC ABUSE***

A PERSON COMMITS THE OFFENSE OF DOMESTIC ABUSE IF HE OR SHE INTENTIONALLY, KNOWINGLY OR RECKLESSLY CAUSES OR THREATENS TO CAUSE SERIOUS PHYSICAL PAIN OR INJURY TO ANY ADULT MEMBER OF HIS OR HER FAMILY OR HOUSEHOLD, A FORMER SPOUSE, AN INDIVIDUAL WITH WHOM THE PERSON HAS A CHILD IN COMMON, OR AN INDIVIDUAL WITH WHOM THE PERSON HAS HAD A DATING RELATIONSHIP.

DOMESTIC ABUSE IS A FELONY.

**SEC. 1103 CONTRIBUTING TO DELINQUENCY OF A MINOR**

A PERSON COMMITS THE OFFENSE OF CONTRIBUTING TO THE DELINQUENCY OF A MINOR IF HE OR SHE INTENTIONALLY, NEGLIGENTLY OR RECKLESSLY CAUSES, ENCOURAGES, CONTRIBUTES TO OR ASSISTS A MINOR TO COMMIT ANY VIOLATION OF THIS CODE.

CONTRIBUTING TO THE DELINQUENCY OF A MINOR IS A CLASS B MISDEMEANOR.

**SEC. 1104 FAILURE TO SUPPORT A DEPENDENT**

A PERSON COMMITS AN OFFENSE OF FAILURE TO SUPPORT A DEPENDENT IF HE OR SHE FAILS TO PROVIDE FOOD, SHELTER, CLOTHING, MEDICAL ATTENTION, FINANCIAL SUPPORT, OR OTHER NECESSARY CARE HE OR SHE IS LEGALLY OBLIGATED TO PROVIDE TO HIS/HER CHILD BORN IN OR OUT OF WEDLOCK OR TO ANY OTHER DEPENDENT.

FAILURE TO SUPPORT IS A CLASS B MISDEMEANOR.

**SEC. 1105 TRUANCY**

A PERSON COMMITS AN OFFENSE OF TRUANCY IF HE OR SHE FAILS TO SEND A CHILD BELOW THE AGE OF EIGHTEEN YEARS UNDER HIS CARE TO SCHOOL WITHOUT PROPER JUSTIFICATION OR EXCUSE.

TRUANCY IS A CLASS C MISDEMEANOR; PROVIDED HOWEVER, THAT A SECOND OR SUBSEQUENT CONVICTION FOR TRUANCY IS A CLASS B MISDEMEANOR.

**PART 12 SEX CRIMES**

**SEC. 1201 SEXUAL ASSAULT**

A. A PERSON COMMITS THE OFFENSE OF SEXUAL ASSAULT IF HE OR SHE SUBJECTS ANOTHER PERSON TO ANY SEXUAL CONTACT AND HE OR SHE:

- (1) KNOWS OR REASONABLY SHOULD KNOW THAT THE SEXUAL CONTACT IS OFFENSIVE TO THE VICTIM; OR
- (2) HAS SUBSTANTIALLY IMPAIRED THE VICTIM'S POWER TO APPRAISE OR CONTROL EITHER PERSON'S CONDUCT BY ADMINISTERING OR EMPLOYING WITHOUT CONSENT OR KNOWLEDGE OF THE VICTIM ANY CONTROLLED SUBSTANCE, INTOXICANT, OR OTHER MEANS FOR THE PURPOSE OF PREVENTING AWARENESS OR RESISTANCE; OR

- (3) KNOWS OR REASONABLY SHOULD KNOW THAT THE VICTIM IS OF SUCH A STATE OF CONSCIOUSNESS OR OF MIND, OR THAT THE VICTIM SUFFERS FROM SUCH MENTAL DISEASE OR DEFECT, WHICH RENDERS THE VICTIM INCAPABLE OF RECOGNIZING THE NATURE OF EITHER PERSON'S CONDUCT; OR
- (4) IS IN A POSITION OF AUTHORITY OVER THE VICTIM AND USES THIS AUTHORITY TO COERCE THE VICTIM TO SUBMIT; OR
- (5) THE VICTIM IS LESS THAN SIXTEEN YEARS OF AGE AND THE DEFENDANT IS OVER TWENTY-ONE YEARS OF AGE.

B. "SEXUAL CONTACT" AS USED IN THIS SECTION MEANS ANY TOUCHING OF THE GENITALS OR OTHER INTIMATE PARTS OF THE PERSON WITH THE INTENT OF AROUSING OR GRATIFYING SEXUAL DESIRE.

SEXUAL ASSAULT IS A FELONY.

#### **SEC. 1202 *INDECENT EXPOSURE***

A PERSON COMMITS THE OFFENSE OF INDECENT EXPOSURE WHO EXPOSES HIS OR HER GENITAL ORGANS OR OTHER INTIMATE PARTS TO THE VIEW OF ANOTHER PERSON OR PERSONS UNDER CIRCUMSTANCES LIKELY TO CAUSE OFFENSE, AFFRONT OR ALARM.

INDECENT EXPOSURE IS A CLASS B MISDEMEANOR.

#### **SEC. 1203 *PROSTITUTION AND PATRONIZING A PROSTITUTE***

A. A PERSON COMMITS THE OFFENSE OF PROSTITUTION IF THAT PERSON:

1. SOLICITS ANOTHER PERSON TO ENGAGE IN SEXUAL ACTIVITY IN EXCHANGE FOR MONEY OR ANY OTHER THING OF CONSIDERATION OR VALUE; OR
2. ARRANGES OR OFFERS TO ARRANGE A MEETING BETWEEN TWO OR MORE PERSONS FOR THE PURPOSE OF ENGAGING IN SEXUAL ACTIVITY IN EXCHANGE FOR MONEY OR ANY OTHER THING OF CONSIDERATION OR VALUE; OR
3. ENGAGES IN SEXUAL ACTIVITY IN EXCHANGE FOR MONEY OR ANY OTHER THING OF CONSIDERATION OR VALUE.

B. "SEXUAL ACTIVITY AS USED IN THIS SECTION MEANS SEXUAL CONTACT

BETWEEN HUMAN BEINGS CONSISTING OF CONTACT BETWEEN THE PENIS AND THE VULVA, THE PENIS AND THE ANUS, THE MOUTH AND THE PENIS, THE MOUTH AND THE VULVA, OR THE MOUTH AND THE ANUS AND INCLUDES ANY SEXUAL CONTACT AS DEFINED IN SECTION 1201. FOR THE PURPOSES OF THIS CODE, SEXUAL CONTACT BETWEEN THE PENIS AND THE VULVA, OR BETWEEN THE PENIS AND THE ANUS, OCCURS UPON PENETRATION, HOWEVER SLIGHT. EMISSION IS NOT REQUIRED.

PROSTITUTION AND PATRONIZING A PROSTITUTE ARE CLASS A MISDEMEANORS.

### **SEC. 1204 *REGISTRATION OF SEX OFFENDERS***

A. ANY ADULT OR JUVENILE RESIDING ON THE TRIBAL LANDS WHO HAS BEEN CONVICTED OF SEXUAL ASSAULT UNDER THIS CODE, INCLUDING AN ATTEMPT UNDER SECTION 206, OR WHO HAS BEEN CONVICTED OF TWO OR MORE OFFENSES UNDER SECTION 1202 (INDECENT EXPOSURE) OR 1203 (PROSTITUTION AND PATRONIZING A PROSTITUTE) OF THIS CODE, OR WHO HAS BEEN CONVICTED IN A FEDERAL, STATE OR OTHER TRIBAL COURT THAT UNDER THE LAWS OF THE TRIBE OR THE LAWS OF THE JURISDICTION IN WHICH THE CONVICTION OCCURRED WOULD BE AN OFFENSE AS DEFINED UNDER THE ABOVE-NOTED SECTIONS, SHALL REGISTER WITH THE TRIBAL POLICE DEPARTMENT AS A SEX OFFENDER.

B. A PERSON SHALL PROVIDE THE TRIBAL POLICE DEPARTMENT WITH THE FOLLOWING INFORMATION WHEN REGISTERING UNDER THIS SECTION: (1) NAME; (2) ADDRESS; (3) DATE AND PLACE OF BIRTH; (4) PLACE OF EMPLOYMENT; (5) CRIME FOR WHICH CONVICTED; (6) DATE AND PLACE OF CONVICTION; (7) ALIASES USED; AND (8) SOCIAL SECURITY NUMBER AND (9) AGE AND SEX OF VICTIMS. UPON REGISTRATION, THE TRIBAL POLICE DEPARTMENT SHALL OBTAIN A PHOTOGRAPH, A DNA SAMPLE AND A COPY OF THE FINGERPRINTS OF THE OFFENDER. THE TRIBAL POLICE DEPARTMENT SHALL ALSO OBTAIN ANY OTHER INFORMATION OR REQUIREMENTS AS MAY BE MANDATED BY THE TRIBE'S SEX OFFENDER REGISTRATION CODE.

C. A PERSON REQUIRED TO REGISTER UNDER THIS SECTION SHALL DO SO:

1. WITHIN (24) HOURS OF RELEASE, IF THE OFFENDER IS IN CUSTODY AS A RESULT OF THE OFFENSE IN ANY STATE, FEDERAL, OR OTHER JURISDICTION FACILITY. THE AGENCY THAT HAS JURISDICTION OVER THE OFFENDER SHALL PROVIDE NOTICE TO THE SEX OFFENDER OF THE DUTY TO REGISTER;
2. IMMEDIATELY UPON COMPLETION OF BEING SENTENCED, IF THE OFFENDER IS NOT SENTENCED TO SERVE A TERM OF CONFINEMENT;

3. WITHIN TWENTY-FOUR (24) HOURS OF ESTABLISHING OR RE-ESTABLISHING RESIDENCE ON TRIBAL LANDS.

4. IMMEDIATELY IF THEY ARE CURRENTLY RESIDING ON TRIBAL LANDS AND ARE NOT COVERED BY (C), (1), (2) OR (3).

D. IF ANY PERSON REQUIRED TO REGISTER UNDER THIS SECTION CHANGES THEIR RESIDENCE ADDRESS FOLLOWING SUCH REGISTRATION, THE OFFENDER MUST PRESENT IN PERSON A NOTICE OF THE CHANGE OF ADDRESS AND THEIR NEW ADDRESS TO THE TRIBAL POLICE DEPARTMENT WITHIN TEN (10) DAYS PRIOR TO ESTABLISHING THE NEW RESIDENCE.

E. FAILURE TO REGISTER AS PROVIDED UNDER THIS SECTION CONSTITUTES A PER SE VIOLATION OF THIS SECTION AND IS PUNISHABLE AS A CLASS A MISDEMEANOR.

F. THE CHIEF OF POLICE OR HIS DESIGNEE IS AUTHORIZED TO PUBLISH OR DISTRIBUTE THE REGISTRATION INFORMATION GIVEN UNDER SUBSECTION B ABOVE. THE REGISTRATION INFORMATION SHALL BE AVAILABLE TO THE PUBLIC AT THE TRIBAL POLICE DEPARTMENT, THE TRIBAL ADMINISTRATION BUILDING, TRIBAL COMMUNITY CENTERS AND ALL SCHOOLS ON OR NEAR TRIBAL LANDS. THE CHIEF OF POLICE SHALL BE AUTHORIZED TO SHARE THE REGISTRATION INFORMATION WITH ANY LAW ENFORCEMENT AGENCY.

## **PART 13 TRAFFIC OFFENSES**

### **SEC. 1301 *RECKLESS OR NEGLIGENT DRIVING***

A PERSON COMMITS RECKLESS OR NEGLIGENT DRIVING IF THAT PERSON OPERATES ANY MOTOR VEHICLE OR WITHOUT DUE CAUTION AND CIRCUMSPECTION IN A MANNER THAT HE/SHE KNOWS OR SHOULD KNOW, ENDANGERS THE SAFETY OR PROPERTY OF OTHERS.

RECKLESS OR NEGLIGENT DRIVING IS A CLASS B MISDEMEANOR.

### **SEC. 1302 *DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR OTHER CONTROLLED SUBSTANCE***

A. A PERSON COMMITS AN OFFENSE IF THAT PERSON OPERATES A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR OTHER CONTROLLED SUBSTANCE.

B. IT SHALL BE CONCLUSIVE EVIDENCE THAT A PERSON COMMITS THE OFFENSE OF DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR IF THE PERSON HAS AN ALCOHOL CONTENT AT OR ABOVE THE LEVEL SET OUT IN SECTION 902 OF THIS CODE.

C. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CRIME AS FOLLOWS:

1. FOR A FIRST OFFENSE, A CLASS B MISDEMEANOR.
2. FOR A SECOND OFFENSE FOLLOWING A PRIOR CONVICTION UNDER THIS SECTION, A CLASS A MISDEMEANOR.
3. FOR A THIRD OFFENSE FOLLOWING TWO PRIOR CONVICTIONS UNDER THIS SECTION OR FOR A CONVICTION UNDER THIS SECTION WHICH INVOLVES SERIOUS INJURY TO A THIRD PARTY, A FELONY.

D. IF THE PROSECUTOR INTENDS TO SEEK AN ENHANCED SENTENCE BASED UPON THE DEFENDANT HAVING ONE OR MORE PRIOR CONVICTIONS, THE PROSECUTOR SHALL INCLUDE ON THE COMPLAINT AND INFORMATION A STATEMENT LISTING THE PRIOR TRIBAL CONVICTION OR CONVICTIONS. THE EXISTENCE OF THE DEFENDANT'S PRIOR CONVICTION(S) SHALL BE DETERMINED BY THE COURT, WITHOUT A JURY, AT SENTENCING OR AT A SEPARATE HEARING FOR THAT PURPOSE BEFORE SENTENCING. THE EXISTENCE OF A PRIOR CONVICTION MAY BE ESTABLISHED BY ANY EVIDENCE RELEVANT FOR THAT PURPOSE, INCLUDING, BUT NOT LIMITED TO, ONE OR MORE OF THE FOLLOWING:

1. A COPY OF THE JUDGMENT OF CONVICTION.
2. A TRANSCRIPT OF A PRIOR TRIAL, PLEA-TAKING, OR SENTENCING.
3. INFORMATION CONTAINED IN A PRESENTENCE REPORT.
4. THE DEFENDANT'S STATEMENT.

**SEC. 1303 *DRIVING WITH AN OPEN ALCOHOL CONTAINER***

A PERSON COMMITS AN OFFENSE IF THAT PERSON OPERATES A MOTOR VEHICLE WHILE AN OPEN CONTAINER CONTAINING AN ALCOHOLIC BEVERAGE IS PRESENT ANYWHERE IN THE PASSENGER COMPARTMENT OF THE VEHICLE.

DRIVING WITH AN OPEN ALCOHOL CONTAINER IS A CLASS C MISDEMEANOR.

**SEC. 1304 *UNLAWFUL USE OR TAMPERING WITH A MOTOR VEHICLE***

A PERSON COMMITS THE OFFENSE OF UNLAWFUL USE OR TAMPERING WITH A MOTOR VEHICLE IF HE OR SHE USES OR TAMPERS WITH THE MOTOR VEHICLE OF ANOTHER PERSON WITH THE INTENT TO INJURE THE SAME OR CAUSE INCONVENIENCE TO SUCH PERSON, OR TAKES AND OPERATES THE MOTOR VEHICLE OF ANOTHER WITHOUT THE CONSENT OF THE OWNER OR PERSON LAWFULLY IN CHARGE OF THE VEHICLE.

UNLAWFUL USE OR TAMPERING WITH A MOTOR VEHICLE IS A CLASS B MISDEMEANOR.

## **PART 14 ANIMAL CONTROL**

### **SEC. 1401 ANIMAL ABUSE**

A PERSON COMMITS AN OFFENSE OF ANIMAL ABUSE IF THAT HE OR SHE INTENTIONALLY, RECKLESSLY OR NEGLIGENTLY BEATS, CRUELLY TREATS, TORTURES, OVERLOADS OR OTHERWISE ABUSES ANY DOG, CAT, LIVESTOCK OR POULTRY, OR SUBJECTS ANY ANIMAL TO CRUEL MISTREATMENT OR CAUSES OR ASSISTS IN ANY DOG FIGHT, COCK FIGHT, BULL FIGHT OR OTHER COMBAT BETWEEN ANIMALS OR BETWEEN ANIMALS AND HUMANS.

ANIMAL ABUSE IS A CLASS C MISDEMEANOR.

## **PART 15 LAW ENFORCEMENT OFFICERS; APPLICABILITY**

### **SEC. 1501 EXEMPTION FOR LAW ENFORCEMENT OFFICER**

SECTIONS 303, 304, 506, 701, AND 1203 OF THIS CODE DO NOT APPLY TO A LAW ENFORCEMENT OFFICER WHILE IN THE PERFORMANCE OF HIS OR HER OFFICIAL DUTIES AS A LAW ENFORCEMENT OFFICER; PROVIDED, HOWEVER, THAT THIS SECTION SHALL NOT APPLY IF THE LAW ENFORCEMENT OFFICER IS FOUND TO HAVE BEEN UNDER THE INFLUENCE OF ALCOHOL OR A CONTROLLED SUBSTANCE WHILE PERFORMING HIS OR HER OFFICIAL DUTIES.

## **PART 20 LIMITATIONS**

### **SEC. 2001 PROSECUTION**

NO PROSECUTION SHALL BE MAINTAINED UNDER THIS CODE UNLESS IT IS COMMENCED WITHIN TWO YEARS AFTER THE COMMISSION OF THE OFFENSE.

### **SEC. 2002 TRYING A JUVENILE AS AN ADULT**

A. IN A PETITION OR AMENDED PETITION ALLEGING THAT AN INDIAN JUVENILE IS WITHIN THE TRIBAL COURT'S JURISDICTION UNDER SECTION 101 OF THIS CODE FOR A CRIMINAL OFFENSE, THE PROSECUTOR MAY DESIGNATE THE CASE AS A CASE IN WHICH THE INDIAN JUVENILE IS TO BE TRIED IN THE SAME MANNER AS AN ADULT. AN AMENDED PETITION MAKING A DESIGNATION UNDER THIS SUBSECTION SHALL BE FILED ONLY BY LEAVE OF THE TRIBAL COURT. FOR PURPOSES OF THIS CODE, AN INDIAN JUVENILE IS AN INDIAN, AS DEFINED IN SECTION 201.A OF THIS CODE, WHO HAS ATTAINED THE AGE OF SIXTEEN (16)

YEARS BUT WHO IS UNDER AGE EIGHTEEN (18).

B. THE COURT MAY DESIGNATE THE CASE FOLLOWING A HEARING IF IT DETERMINES THAT THE BEST INTERESTS OF THE JUVENILE AND THE PUBLIC WOULD BE SERVED BY THE JUVENILE BEING TRIED IN THE SAME MANNER AS AN ADULT. IN DETERMINING WHETHER THE BEST INTERESTS OF THE JUVENILE AND THE PUBLIC WOULD BE SERVED, THE TRIBAL COURT SHALL CONSIDER ALL OF THE FOLLOWING FACTORS, GIVING GREATER WEIGHT TO THE SERIOUSNESS OF THE ALLEGED OFFENSE AND THE JUVENILE'S PRIOR DELINQUENCY RECORD THAN TO THE OTHER FACTORS:

1. THE SERIOUSNESS OF THE ALLEGED OFFENSE IN TERMS OF COMMUNITY PROTECTION, INCLUDING, BUT NOT LIMITED TO, THE EXISTENCE OF ANY AGGRAVATING FACTORS RECOGNIZED BY THE SENTENCING GUIDELINES, THE USE OF A FIREARM OR OTHER DANGEROUS WEAPON, AND THE IMPACT ON ANY VICTIM.
2. THE JUVENILE'S CULPABILITY IN COMMITTING THE ALLEGED OFFENSE, INCLUDING, BUT NOT LIMITED TO, THE LEVEL OF THE JUVENILE'S PARTICIPATION IN PLANNING AND CARRYING OUT THE OFFENSE AND THE EXISTENCE OF ANY AGGRAVATING OR MITIGATING FACTORS RECOGNIZED BY THE SENTENCING GUIDELINES.
3. THE JUVENILE'S PRIOR RECORD OF DELINQUENCY INCLUDING, BUT NOT LIMITED TO, ANY RECORD OF DETENTION, ANY POLICE RECORD, ANY SCHOOL RECORD, OR ANY OTHER EVIDENCE INDICATING PRIOR DELINQUENT BEHAVIOR.
4. THE JUVENILE'S PROGRAMMING HISTORY, INCLUDING, BUT NOT LIMITED TO, THE JUVENILE'S PAST WILLINGNESS TO PARTICIPATE MEANINGFULLY IN AVAILABLE PROGRAMMING.
5. THE ADEQUACY OF THE PUNISHMENT OR PROGRAMMING AVAILABLE.
6. THE DISPOSITIONAL OPTIONS AVAILABLE FOR THE JUVENILE.

C. IF A CASE IS DESIGNATED UNDER THIS SECTION, THE CASE SHALL BE SET FOR TRIAL IN THE SAME MANNER AS THE TRIAL OF AN ADULT.

D. IF THE TRIBAL COURT DETERMINES THAT AN OFFENSE DID NOT OCCUR OR THERE IS NOT PROBABLE CAUSE TO BELIEVE THE JUVENILE COMMITTED THE OFFENSE, THE TRIBAL COURT SHALL DISMISS THE PETITION. IF THE TRIBAL COURT DETERMINES THERE IS PROBABLE CAUSE TO BELIEVE ANOTHER OFFENSE WAS

COMMITTED AND THERE IS PROBABLE CAUSE TO BELIEVE THE JUVENILE COMMITTED THAT OFFENSE, THE TRIBAL COURT MAY FURTHER DETERMINE WHETHER THE CASE SHOULD BE DESIGNATED AS A CASE IN WHICH THE JUVENILE SHOULD BE TRIED IN THE SAME MANNER AS AN ADULT AS PROVIDED IN SUBSECTION (B). IF THE TRIBAL COURT DESIGNATES THE CASE, THE CASE SHALL BE SET FOR TRIAL IN THE SAME MANNER AS THE TRIAL OF AN ADULT.

E. IF A CASE IS DESIGNATED UNDER THIS SECTION, THE PROCEEDINGS ARE CRIMINAL PROCEEDINGS AND SHALL AFFORD ALL PROCEDURAL PROTECTIONS AND GUARANTEES TO WHICH THE JUVENILE WOULD BE ENTITLED IF BEING TRIED FOR THE OFFENSE IN A COURT OF GENERAL CRIMINAL JURISDICTION. A PLEA OF GUILTY OR NOLO CONTENDERE OR A VERDICT OF GUILTY SHALL RESULT IN ENTRY OF A JUDGMENT OF CONVICTION. THE CONVICTION SHALL HAVE THE SAME EFFECT AND LIABILITIES AS IF IT HAD BEEN OBTAINED IN A COURT OF GENERAL CRIMINAL JURISDICTION.

F. FOLLOWING A JUDGMENT OF CONVICTION, THE TRIBAL COURT SHALL ENTER A DISPOSITION OR IMPOSE A SENTENCE AUTHORIZED UNDER PART 22 HEREIN.

## **PART 21 SEVERABILITY**

IF ANY CLAUSE, SENTENCE, PARAGRAPH, SECTION, OR PART OF THIS CODE SHALL, FOR ANY REASON BE ADJUDICATED BY ANY COURT OF COMPETENT JURISDICTION, TO BE INVALID OR UNCONSTITUTIONAL, SUCH JUDGMENT SHALL NOT AFFECT, IMPAIR, OR INVALIDATE THE REMAINDER THEREOF, BUT SHALL BE CONFINED IN ITS OPERATION TO THE CLAUSE, SENTENCE, PARAGRAPH, SECTION, OR PART THEREOF DIRECTLY INVOLVED IN THE CONTROVERSY IN WHICH THE JUDGMENT SHALL HAVE BEEN RENDERED.

## **PART 22 PENALTIES**

### **SEC. 2201 SENTENCING AND FINES**

A. OFFENSES ARE DIVIDED INTO FOUR (4) CLASSES, WHICH ARE DENOMINATED AND SUBJECT TO MAXIMUM PENALTIES, AS FOLLOWS:

1. FELONY, FOR WHICH A MAXIMUM PENALTY OF ONE (1) YEARS' IMPRISONMENT, A FINE OF FIVE THOUSAND DOLLARS (\$5,000.00), OR BOTH MAY BE IMPOSED BY THE TRIBAL COURT.
2. CLASS A MISDEMEANOR, FOR WHICH A MAXIMUM PENALTY OF ONE HUNDRED EIGHTY (180) DAYS IMPRISONMENT, A FINE OF THREE

THOUSAND DOLLARS (\$3,000.00), OR BOTH MAY BE IMPOSED BY THE TRIBAL COURT.

3. CLASS B MISDEMEANOR, FOR WHICH A MAXIMUM PENALTY OF NINETY (90) DAYS IMPRISONMENT, A FINE OF ONE THOUSAND DOLLARS (\$1,000.00), OR BOTH MAY BE IMPOSED BY THE TRIBAL COURT.

4. CLASS C MISDEMEANOR, FOR WHICH A MAXIMUM PENALTY OF THIRTY (30) DAYS IMPRISONMENT, A FINE OF FIVE HUNDRED DOLLARS (\$500), OR BOTH MAY BE IMPOSED BY THE TRIBAL COURT.

B. ANY PERSON ACCUSED OF A CRIME FOR WHICH IMPRISONMENT IS A POSSIBLE PENALTY MAY REQUEST A JURY TRIAL UPON HIS OR HER REQUEST MADE AT OR BEFORE THE TIME OF ANY FINAL PRETRIAL CONFERENCE. IF, HOWEVER, THE PROSECUTOR INFORMS THE TRIBAL COURT BEFORE THE CASE COMES TO TRIAL THAT A PERIOD OF IMPRISONMENT WILL NOT BE SOUGHT, A DEFENDANT SHALL HAVE NO RIGHT TO A JURY TRIAL. IF THE DEFENDANT IS SUBSEQUENTLY CONVICTED OF THE OFFENSE FOLLOWING BENCH TRIAL OR PLEA, THE TRIBAL COURT SHALL NOT IMPOSE A PERIOD OF IMPRISONMENT FOR THE CONVICTED OFFENSE.

C. THE TRIBAL COURT MAY, IN ITS DISCRETION, ORDER A PERSON CONVICTED OF ANY OFFENSE UNDER THIS CODE TO UNDERGO AN APPROPRIATE REHABILITATIVE PROGRAM, IN LIEU OF OR IN ADDITION TO THE PENALTIES SET OUT IN SUBSECTION A HEREIN, IF IT APPEARS TO THE TRIBAL COURT FROM THE TOTALITY OF THE CIRCUMSTANCES THAT REHABILITATIVE SERVICES COULD BENEFIT THE OFFENDER AND PROVIDED THAT REHABILITATIVE SERVICES ARE AVAILABLE.

D. IN ADDITION TO OR AS AN ALTERNATIVE TO IMPOSING A TERM OF IMPRISONMENT UNDER THIS CODE, OR IN ADDITION TO OR IN LIEU OF REHABILITATIVE SERVICES, THE TRIBAL COURT MAY, IN ITS DISCRETION BASED ON THE TOTALITY OF CIRCUMSTANCES, SENTENCE THE PERSON TO PERFORM COMMUNITY SERVICE AS FOLLOWS:

1. IF THE PERSON IS CONVICTED OF A FELONY COMMUNITY SERVICE FOR NOT MORE THAN 120 DAYS.
2. IF THE PERSON IS CONVICTED OF A MISDEMEANOR, COMMUNITY SERVICE OF NOT MORE THAN 60 DAYS.

A PERSON SENTENCED TO PERFORM COMMUNITY SERVICE UNDER THIS SECTION SHALL NOT RECEIVE COMPENSATION, AND SHALL REIMBURSE THE TRIBE FOR THE COST OF SUPERVISION INCURRED BY THE TRIBE AS A RESULT OF THE

PERSON'S ACTIVITIES IN THAT COMMUNITY SERVICE.

E. THE TRIBAL COURT SHALL HAVE THE AUTHORITY TO SUSPEND THE IMPOSITION OF SENTENCE ON A PERSON WHO HAS BEEN CONVICTED OF AN OFFENSE UNDER THIS CODE AND TO PLACE HIM OR HER ON PROBATION. THE TRIBAL COURT MAY ATTACH TO THE ORDER OF PROBATION SUCH REASONABLE CONDITIONS AS IT DEEMS NECESSARY. AT ANY TIME BEFORE THE END OF THE PROBATIONARY PERIOD, IF THE TRIBAL COURT IS SATISFIED THAT THE DEFENDANT HAS INEXCUSABLY FAILED TO COMPLY WITH A SUBSTANTIAL REQUIREMENT IMPOSED AS A CONDITION OF THE PROBATION ORDER, OR IF THE DEFENDANT HAS BEEN CONVICTED OF ANOTHER CRIME, THE TRIBAL COURT MAY REVOKE THE PROBATION AND SENTENCE OR RE-SENTENCE THE DEFENDANT AS PROVIDED IN THIS CODE.

F. ALL FINES AND FEES COLLECTED BY THE TRIBAL COURT UNDER THE PROVISIONS OF THIS CODE, TOGETHER WITH ANY PROPERTY LAWFULLY SEIZED BY TRIBAL POLICE DEPARTMENT PERSONNEL, OR OFFICERS ACTING ON BEHALF OF TRIBE ENFORCING TRIBAL CRIMINAL LAWS, MAY BE FORFEITED TO THE TRIBE PURSUANT TO FORFEITURE PROCEDURES, SHALL BE PAID OVER TO THE TRIBE'S GENERAL FUND.