

**MIAMI TRIBE OF OKLAHOMA
CRIMINAL OFFENSES CODE**

Section 1	Short Title	1
Section 2	Application	1
Section 3	Special Tribal Criminal Jurisdiction.....	1
Section 4	C.F.R. Not Applicable	5
Section 5	Civil and Criminal Immunity for Persons Aiding Police Officers	5
Section 6	Construction and Interpretation	6
Section 7	Definitions	6
Section 8	Rehabilitative, Restorative, and Remedial Sanctions Authorized	7
Section 9	Criminal Forfeiture Authorized	7
Section 10	Conduct on Tribal Property: Certain Conduct Regulated, Prohibited.....	8
Section 11	Persons Capable of Committing Crimes.....	8
Section 12	Voluntary Intoxication Not Mitigating.....	9
Section 13	Culpability Required Unless Otherwise Provided.....	9
CHAPTER ONE: CRIMES AGAINST PROPERTY		10
Section 101	Arson in the First Degree.....	10
Section 102	Arson in the Second Degree	10
Section 103	Arson in the Third Degree	10
Section 104	Criminal Mischief.....	11
Section 105	Litter from Vehicle; Flaming and Glowing Substances; Burn Bans	11
Section 106	Dumping Trash on Public or Private Property Without Consent; Flaming and Glowing Substances.....	12
Section 107	Bombs and Explosives; Foul, Poisonous, Offensive or Injurious Substances; Threats.....	13
Section 108	Malicious Mischief to Government Property or Contracts.....	14
Section 109	Trees Cut or Injured.....	14
Section 110	Burglary	14
Section 111	Breaking and Entering	16
Section 112	Criminal Trespass	16
Section 113	Defacing or Injuring House of Worship	18
Section 114	Theft or Receipt of Stolen Mail.....	18
Section 115	Destruction of Letter Boxes or Mail.....	19
Section 116	Obstruction of Mails.....	19
Section 117	Obstruction of Correspondence	19
Section 118	Reserved	19
Section 119	Blackmail.....	19
Section 120	Larceny	20
Section 121	Extortion	21
Section 122	False Pretenses.....	22
Section 123	Embezzlement.....	22
Section 124	Receiving Stolen Property	23
Section 125	Theft of Property Lost, Mislaid or Delivered by Mistake	23

Section 126	Theft of Services.....	23
Section 127	Unauthorized Use of a Vehicle.....	24
Section 128	Embezzlement And Theft From Indian Tribal Organizations.....	24
Section 129	Theft From Gaming Establishments On Indian Lands.....	24
Section 130	Theft by Officers or Employees of Gaming Establishments on Indian Lands...	25
Section 131	Offenses Relating to Stamps.....	25
Section 132	Unauthorized Use or Sale of Stamps.....	26
Section 133	Reserved.....	26
Section 134	Reserved.....	26
Section 135	Possession of Forged Instruments.....	26
Section 136	Forgery.....	27
Section 137	Criminal Simulation.....	27
Section 138	Fraudulent Handling of Recordable Instruments.....	27
Section 139	Tampering With Records.....	28
Section 140	Bad Checks.....	28
Section 141	Fraudulent Use of a Credit Card.....	28
Section 142	Fraudulently Obtaining Personal Identity of Other Persons.....	29
Section 143	Defrauding Casinos, Hotels, Inns, Restaurants, Apartments, etc.....	30
Section 144	Unlawful Procurement of Electronic, Telephone or Utility Services.....	30
Section 145	False Statements Made as Basis of Imposing Tax or Assessment.....	31
Section 146	Reserved.....	31
Section 147	Deceptive Business Practices.....	31
Section 148	Defrauding Creditors.....	32
Section 149	Securing Execution of Documents by Deception.....	33
Section 150	Criminal Usury.....	33
Section 151	Unlawful Dealing with Property by a Fiduciary.....	33
Section 152	Making a False Credit Report.....	34
Section 153	Reserved.....	34
Section 154	Reserved.....	34
Section 155	Reserved.....	34
Section 156	Reserved.....	34
Section 157	Reserved.....	34
Section 158	Reserved.....	34
Section 159	Reserved.....	34
Section 160	Reserved.....	34
Section 161	Reserved.....	34
Section 162	Reserved.....	34
CHAPTER 2: CRIMES AGAINST PERSONS.....		35
Section 201	Assault in the First Degree.....	35
Section 202	Assault in the Second Degree.....	35
Section 203	Mayhem.....	36
Section 204	Verbal or Written Assault.....	36
Section 205	Verbal Abuse by a Caretaker.....	37
Section 206	Omission to Provide for a Child.....	37

Section 207	Child Endangerment	38
Section 208	Child Neglect and Child Violence	39
Section 209	Reserved	40
Section 210	Truancy	40
Section 211	Homicide in the First Degree	41
Section 212	Homicide in the Second Degree	41
Section 213	Causing a Suicide	42
Section 214	Aiding or Soliciting a Suicide.....	42
Section 215	Domestic Violence.....	43
Section 216	Violation of Domestic Violence Protection Order	44
Section 217	Reserved	44
Section 218	Reserved	44
Section 219	Reserved	45
Section 220	Reserved	45
Section 221	Kidnapping	45
Section 222	False Imprisonment	45
Section 223	Custodial Interference.....	46
Section 224	Criminal Coercion	46
Section 225	Pointing Weapons at Others	47
Section 226	Assault on Process Server.....	47
Section 227	Assaulting, Resisting, or Impeding Certain Officers or Employees.....	47
Section 228	Resistance to Extradition Agent	48
Section 229	Assault of Tribal Justice Personnel.....	48
Section 230	Definition of Rape	48
Section 231	Rape in the First Degree	50
Section 232	Rape in the Second Degree.....	51
Section 233	Deviate Sexual Intercourse	51
Section 234	Sexual Assault	52
Section 235	Sex Trafficking.....	53
Section 236	Rape by Instrument.....	55
Section 237	Age Limitation on Conviction for Rape	56
Section 238	Slight Penetration is Sufficient to Complete Crime	56
Section 239	Definition of Force in Sex Offense.....	56
Section 240	Reserved	56
Section 241	Robbery.....	57
Section 242	Reserved	57
Section 243	Reserved	57
Section 244	Reserved	57
Section 245	Reserved	57
Section 246	Reserved	57
Section 247	Reserved	57
Section 248	Reserved	57
Section 249	Reserved	57
Section 250	Reserved	57
Section 251	Reserved	57

CHAPTER THREE: INCHOATE CRIMES	58
Section 301 Attempt	58
Section 302 Criminal Conspiracy	58
Section 303 Solicitation	58
Section 304 Reserved	58
Section 305 Reserved	58
Section 306 Reserved	58
Section 307 Reserved	59
Section 308 Reserved	59
Section 309 Reserved	59
Section 310 Reserved	59
Section 311 Reserved	59
Section 312 Reserved	59
Section 313 Reserved	59
 CHAPTER FOUR: CRIMES AGAINST PUBLIC JUSTICE	 60
Section 401 Bribery	60
Section 402 Improper Influence in Official Matters.....	60
Section 403 Retaliation for Past Official Action	61
Section 404 Improper Gifts to Public Servants	61
Section 405 Unofficial Misconduct	62
Section 406 Oppression in Office.....	62
Section 407 Misusing Public Money	62
Section 408 Perjury in the First Degree.....	63
Section 409 Perjury in the Second Degree	64
Section 410 Tampering with Witnesses	65
Section 411 Tampering with Evidence.....	66
Section 412 Tampering With Public Records	66
Section 413 Impersonating a Public Servant; Impersonating a Police Officer	67
Section 414 Obstructing Governmental Function	67
Section 415 Willfully Disturbing, Interfering With or Disrupting Tribal Business, Agency or Department Operations, or Employees.....	68
Section 416 Prevention of Legislative Meetings; Disturbing Legislative Proceedings; Refusal to Leave; Forceful or Fraudulent Adjournment.....	68
Section 417 Advocating or Teaching Necessity, Etc., of Crime, Criminal Syndicalism or Sabotage; Printing, Publishing, Etc., Books, Pamphlets, Etc.; Organizing or Becoming Member of Society or Assembly; Criminal Syndicalism Defined; Sabotage Defined.....	69
Section 418 Public Officer Making False Certificate or Writing.....	70
Section 419 Fraudulent Alteration of Bill or Resolution.....	70
Section 420 Acceptance of Emolument, Gratuity, Reward or Unearned Fees.....	70
Section 421 Gratuity or Reward for Appointment	71
Section 422 Conviction of Legislator Requires Forfeiture of Office	71
Section 423 Personal Interest of Official in Transaction.....	71
Section 424 Offenses by Officers and Employees	72
Section 425 Failure to Obey an Officer	72

Section 426	False Arrest.....	73
Section 427	Refusing to Aid an Officer	73
Section 428	Obstructing Justice.....	73
Section 429	Providing Contraband.....	74
Section 430	Resisting Lawful Arrest.....	74
Section 431	Escape	74
Section 432	Bail Jumping.....	75
Section 433	Failure to Obey a Lawful Order of the Court	75
Section 434	Unlawful Return of Banished Persons.....	75
Section 435	Aiding Return of Banished Persons.....	76
Section 436	Tampering With A Witness, Victim, or an Informant.....	76
Section 437	Unlawful Use of License or Identification Card.....	78
Section 438	Attempt to Evade Or Defeat Tax	80
Section 439	Willful Failure to File Return, Supply Information, or Pay Tax or Fee	80
Section 440	False Alarms	80
Section 441	Doing Business Without A License.....	81
Section 442	Tampering With Public Property.....	81
Section 443	Injuring Public Property	81
Section 444	Abuse of Office.....	82
Section 445	Fraud and False Statements	82
Section 446	Fraudulent Returns, Statements, Or Other Documents	83
Section 447	Reserved	83
Section 448	Reserved	83
Section 449	Reserved	83
Section 450	Reserved	83
Section 451	Compensation for Past Official Behavior.....	83
Section 452	Official Unlawful Action.....	84
Section 453	Special Influence	84
Section 454	Reserved	85
Section 455	Reserved	85
Section 456	Reserved	85
Section 457	Reserved	85
Section 458	Reserved	85
Section 459	Reserved	85
Section 460	Reserved	85
Section 461	Reserved	85
Section 462	Reserved	85
Section 463	Reserved	85
CHAPTER FIVE: CRIMES AGAINST PUBLIC HEALTH, SAFETY, AND WELFARE		86
Section 501	Rioting	86
Section 502	Failure to Disperse.....	86
Section 503	Disorderly Conduct.....	86
Section 504	Harassment	88
Section 505	Public Nuisance	88
Section 506	Disrupting a Public or Religious Assembly.....	88

Section 507	Weapons Offense.....	89
Section 508	Aggravated Weapons Offense	89
Section 509	Dangerous Devices	90
Section 510	Possessing Firearm with Removed or Defaced Serial or Identification Number During Commission of Criminal Offense.....	90
Section 511	Unlawful Acts Against Constitutional Government.....	91
Section 512	Organization to Overthrow the Tribal Government	91
Section 513	Terrorism	92
Section 514	Attempt To Interfere With Administration of Laws.....	93
Section 515	Disturbing or Interrupting Funeral.....	93
Section 516	Desecration	93
Section 517	Littering	94
Section 518	Smoking in Certain Public Places Prohibited.....	94
Section 519	Dumping Within 100 Yards of Public Roadway.....	97
Section 520	Unlawful Hazardous Waste Transportation.....	97
Section 521	Interfering with or Preventing Firemen or Others from Extinguishing Fires.....	98
Section 522	Burn Ban Violation.....	98
Section 523	Projecting Object at Public Event.....	99
Section 524	Planning or Threatening Violent Act.....	99
Section 525	Violation of Gaming Law	99
Section 526	Abusing a Corpse.....	100
Section 527	Prostitution.....	100
Section 528	Spreading Venereal Disease	101
Section 529	Indecent Exposure; Indecent Exhibitions; Obscene or Indecent Writings, Pictures, Etc.	102
Section 530	Lewd or Indecent Proposals or Act to Child Under Age 16.....	104
Section 531	Obscene Language in a Public Place, Etc.....	105
Section 532	Loitering Around Residence, Etc., to Watch Occupants	105
Section 533	Obscenity, Threats, or Harassment by Telephone or Other Electronic Communication.....	105
Section 534	Stalking	107
Section 535	Sale of Intoxicating Beverage, Drug, or Other Intoxicating Substance to Minors	107
Section 536	Intoxication	108
Section 537	Possession of an Alcoholic Beverage	108
Section 538	Tobacco Offenses	108
Section 539	Abuse of Psychotoxic Chemical Solvents.....	109
Section 540	Drug Offense	110
Section 541	Reserved	111
Section 542	Unlawful Flight.....	111
Section 543	Prohibition Against Carry-Out of Open Containers	112
Section 544	Possession or Sale of Drug Related Paraphernalia.....	112
Section 545	Displaying Material Harmful to Minors.....	115
Section 546	Smoking in Indoor Public Places and Workplaces.....	117
Section 547	Leaving Child Unattended in Vehicle, Residence Or Building.....	119
Section 548	Allowing or Encouraging Minor to Commit Offenses	119

Section 549	Parental Responsibility Failure.....	120
Section 550	Commission Of Crime In Presence Of Minor	120
Section 551	Cruelty to Animals.....	120
Section 552	Livestock Offense.....	121
Section 553	Fires Left Unattended and Unextinguished	122
Section 554	Failure to Report Child Abuse.....	122
Section 555	Interjurisdictional Violation of Protection Order	124
Section 556	Failure to Register as Sex Offender.....	125
Section 557	Obstruction of Sex Offender Registration.....	125
Section 558	Reserved	126
Section 559	Reserved	126
Section 560	Reserved	126
Section 561	False Reports	126
Section 562	Emergency Telephone Abuse.....	126
Section 563	Violation of Privacy.....	127
Section 564	Criminal Defamation	127
Section 565	Conducting Gambling; Playing Gambling; Permitting Gambling on Premises; Seizure of Gambling Equipment	128
Section 566	Waters Offense	130
Section 567	Contributing to the Delinquency of a Minor	131
Section 568	Harboring an Endangered Runaway Child.....	131
Section 569	Causing Delinquency.....	132
Section 570	Neglect of Child on Probation.....	132
Section 571	Trafficking In Children.....	133
Section 572	Curfew Violation	133
Section 573	Fireworks Offense	135
Section 574	Hosting, Permitting or Allowing a Party, Gathering or Event Where Minors Are Consuming Alcoholic Beverages, Drugs, or Other Intoxicating Substances.....	136
Section 575	Reserved	137
Section 576	Reserved	137
Section 577	Reserved	137
Section 578	Reserved	137
Section 579	Reserved	137
Section 580	Reserved	137
Section 581	Reserved	137
Section 582	Reserved	137
Section 583	Reserved	137
Section 584	Reserved	137
CHAPTER SIX: TRAFFIC OFFENSES.....		138
Section 601	Definitions	138
Section 602	Driving While License is Suspended or Revoked.....	138
Section 603	Careless Driving	138
Section 604	Reckless Driving.....	138
Section 605	Driving While Intoxicated.....	139

Section 606	Duties of Drivers Involved in Accidents Involving Deaths or Personal Injuries	139
Section 607	Duty Upon Striking Unattended Vehicle.....	140
Section 608	Duty Upon Striking Highway Fixtures.....	140
Section 609	When Driver Unable to Report.....	140
Section 610	Driver's License in Possession.....	140
Section 611	Permitting Unauthorized Person to Drive.....	141
Section 612	Traffic Control and Signal Devices	141
Section 613	Following Too Closely	141
Section 614	Stopping for School Bus.....	141
Section 615	Entering Public Road from Private Road	142
Section 616	Right of Way at Intersection.....	142
Section 617	Failure to Stop at Stop Sign and Yielding Right of Way	142
Section 618	Driving on Right Side.....	142
Section 619	Passing Oncoming Vehicles	142
Section 620	Passing and Turning on Curve or Crest.....	143
Section 621	Unsafe Vehicles	143
Section 622	Speed Limits	144
Section 623	When Lights Are Required to Be On	145
Section 624	Pedestrians	145
Section 625	Throwing Trash on Roads and Roadways	145
Section 626	Illegal Parking.....	145
Section 627	Failure to Stop When Directed by Police	146
Section 628	Failure to Yield Right of Way to Emergency Vehicles.....	146
Section 629	Obstruction of Public Highways or Streets	147
Section 630	Motor Vehicle Registration Violation	147
Section 631	Seizure of Vehicle Not Displaying Proper Tag; Sale	148
Section 632	Destroying Traffic, Boundary, and Warning Signs	149
Section 633	Insurance Verification in Possession	149
Section 634	Violation of Vehicle License Registration Requirement.....	149
Section 635	Reserved	150
Section 636	Reserved	150
Section 637	Reserved	150
Section 638	Reserved	150
Section 639	Reserved	150
Section 640	Reserved	150
Section 641	Reserved	150
Section 642	Reserved	150
Section 643	Reserved	150
Section 644	Reserved	150

Section 1 Short Title

This Code may be cited as the Criminal Offenses Code for the Miami Tribe of Oklahoma.

Section 2 Application

- A. This Code shall apply to all Indian and non-Indian persons violating its provisions within the territorial jurisdiction of the Tribe, provided, that the provisions of Chapter Four of this Code shall apply to all members of the Tribe and all Indian 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. Except as provided in Section 3, below, this Code shall apply to non-Indians violating its provisions within the territorial jurisdiction of the Tribe to the extent not inconsistent with federal law, and to the extent that any person found to have violated any provision of this Code may be prosecuted in a civil action, and shall be subject to all of the remedies, sanctions, and punishments available at law, except that the non-Indian offender shall not be subject to jail or incarceration by the Court as a possible punishment for a tribal offense in said civil action. The non-Indian, in such cases, shall have all the procedural rights of a criminal defendant, and such cases shall be tried by the rules of criminal procedure. The Courts shall retain the inherent and statutory powers of civil contempt and legal and equitable relief which are herein expressly preserved.
- C. Except as provided in Section 3, below, this Code shall apply to non-Indians violating its provisions within the territorial jurisdiction of the Tribe to the extent not inconsistent with federal law, and to the extent that any person found to have violated any provision of this Code may be banished from the jurisdiction of the Tribe for a period of not more than ten (10) years, or for such longer term as may be imposed by the section violated, in a civil proceeding brought by the Tribal Prosecutor. The non-Indian, in such cases, shall have all the procedural rights of a criminal defendant, and such cases shall be tried by the rules of criminal procedure. The exclusion authority vested to the Court herein does not limit, diminish, modify, replace, or otherwise affect the inherent authority of the Tribe to exclude any person from its Indian country by an act of the Miami General Council or Business Committee.
- D. Except as provided in Section 3, below, each violation of any provision of this Code or any other tribal law, including by a non-Indian, shall be considered a civil violation subject to enforcement by any means not prohibited by federal law, including but not limited to, the issuance of fines, forfeitures, costs, civil contempt, and exclusion.

Section 3 Special Tribal Criminal Jurisdiction

- A. Special Tribal Criminal Jurisdiction. Pursuant to 25 U.S.C. § 1304, the Tribe is a participating tribe in the expansions of tribal criminal jurisdiction authorized by the Indian Civil Rights Act, as amended, and exercises its “Special Tribal Criminal Jurisdiction” as follows:

1. The Tribe's Special Tribal Criminal Jurisdiction applies to any person in the Tribe's Indian country;
 2. The Tribe's exercise of Special Tribal Criminal Jurisdiction applies to offenses that are Covered Crimes, as defined in this Section 3(B);
 3. In exercising its Special Tribal Criminal Jurisdiction, the Tribe (including its agents and officers) has all authority required to carry out the recognition of jurisdiction under 25 U.S.C. § 1304, including, without limitation, the powers of investigation, arrest, detention, prosecution, adjudication, subpoena, and execution of sentences;
 4. The Tribe may exercise Special Tribal Criminal Jurisdiction over an alleged offense if both the offender and the victim are non-Indians only in cases of obstruction of justice or assault of Tribal justice personnel;
 5. The Tribe's exercise of Special Tribal Criminal Jurisdiction shall be subject to the substantive and procedural requirements imposed by 25 U.S.C. § 1304 as codified in Section 104 of the Tribe's Rules of Criminal Procedure;
 6. No provision of this Section 3 shall be interpreted to restrict a law enforcement officer's duty to keep the peace, enforce the proper banishment of a non-Indian, or prohibit a law enforcement officer from detaining non-Indian offenders and turning them over to the proper authorities for prosecution.
- B. Covered Crimes. The Tribe shall exercise its Special Tribal Criminal Jurisdiction under this Section 3 over conduct in the Tribe's Indian country that falls into one or more of the following categories of Covered Crime:
1. Assault on Tribal Justice Personnel is any violation of this Code that involves the use, attempted use, or threatened use of physical force against an individual authorized to act for, or on behalf of, the Tribe or serving the Tribe, or because of the performance or duties of that individual in— (A) preventing, detecting, investigating, making arrests relating to, making apprehensions for, or prosecuting a covered crime; (B) adjudicating, participating in the adjudication of, or supporting the adjudication of a covered crime; or (C) detaining, providing supervision for, or providing services for persons charged with a covered crime; or (D) incarcerating, supervising, providing treatment for, providing rehabilitation services for, or providing reentry services for persons convicted of a covered crime. Assault of Tribal Justice Personnel includes, without limitation, a violation of Section 229 (Assault of Tribal Justice Personnel), when committed under the circumstances described in this subdivision.
 2. Child Violence is the use, threatened use, or attempted use of violence against a person who has not yet attained the age of 18 that is proscribed by this Code.

Child Violence includes, without limitation, the offenses identified in Section 107 (Bombs and Explosives; Foul, Poisonous, Offensive or Injurious Substances; Threats); Section 201 (Assault in the First Degree); Section 202 (Assault in the Second Degree); Section 203 (Mayhem); Section 204 (Verbal or Written Assault); Section 205 (Verbal Abuse by a Caretaker); Section 208 (Child Neglect and Child Violence); Section 211 (Homicide in the First Degree); Section 212 (Homicide in the Second Degree); Section 213 (Causing Suicide); Section 221 (Kidnapping); Section 222 (False Imprisonment); Section 224 (Criminal Coercion); Section 241 (Robbery); Section 503 (Disorderly Conduct); Section 504 (Harassment); Section 508 (Aggravated Weapons Offense); Section 509 (Dangerous Device); Section 524 (Planning or Threatening Violent Act); and Section 553 (Obscenity, Threats, or Harassment by Telephone or Other Electronic Communication), in which a victim is a person who has not yet attained the age of 18.

3. Dating Violence is any violation of this Code where the violation is committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating Violence includes, without limitation, the offenses identified in Section 107 (Bombs and Explosives; Foul, Poisonous, Offensive or Injurious Substances; Threats); Section 201 (Assault in the First Degree); Section 202 (Assault in the Second Degree); Section 203 (Mayhem); Section 204 (Verbal or Written Assault); Section 205 (Verbal Abuse by a Caretaker); Section 211 (Homicide in the First Degree); Section 212 (Homicide in the Second Degree); Section 213 (Causing Suicide); Section 221 (Kidnapping); Section 222 (False Imprisonment); Section 224 (Criminal Coercion); Section 241 (Robbery); Section 503 (Disorderly Conduct); Section 504 (Harassment); Section 508 (Aggravated Weapons Offense); Section 509 (Dangerous Device); Section 524 (Planning or Threatening Violent Act); and Section 553 (Obscenity, Threats, or Harassment by Telephone or Other Electronic Communication), when committed under the circumstances described in this subdivision.
4. Domestic Violence is any violation of this Code that is committed by: (A) a current or former spouse or intimate partner of the victim; (B) a person with whom the victim shares a child in common; (C) a person who is cohabitating with or who has cohabitated with the victim as a spouse or intimate partner; or (D) a Family or household member or dating partner, as defined in Section 215(E). Domestic Violence includes, without limitation, the offenses identified in Section 107 (Bombs and Explosives; Foul, Poisonous, Offensive or Injurious Substances; Threats); Section 201 (Assault in the First Degree); Section 202 (Assault in the Second Degree); Section 203 (Mayhem); Section 204 (Verbal or Written Assault); Section 205 (Verbal Abuse by a Caretaker); Section 211 (Homicide in the First Degree); Section 212 (Homicide in the Second Degree); Section 213 (Causing Suicide); Section 221 (Kidnapping);

Section 222 (False Imprisonment); Section 224 (Criminal Coercion); Section 241 (Robbery); Section 503 (Disorderly Conduct); Section 504 (Harassment); Section 508 (Aggravated Weapons Offense); Section 509 (Dangerous Device); Section 524 (Planning or Threatening Violent Act); and Section 553 (Obscenity, Threats, or Harassment by Telephone or Other Electronic Communication), when committed under the circumstances described in this subdivision.

5. Obstruction of Justice is any violation of this Code that involves interfering with the administration or due process of the laws of the Tribe, including any Tribal criminal proceeding or investigation of a crime. Obstruction of Justice includes, without limitation, the offenses identified in Section 114 (Theft or Receipt of Stolen Mail); Section 115 (Destruction of Letter Boxes or Mail); Section 117 (Obstruction of Correspondence); Section 119 (Blackmail); Section 121 (Extortion); Section 135 (Possession of Forged Instruments); Section 136 (Forgery); Section 138 (Fraudulent Handling of Recordable Instruments); Section 139 (Tampering with Records); Section 223 (Criminal Coercion); Section 226 (Assault on Process); Section 227 (Assaulting, Resisting, or Impeding Certain Officers or Employees); Section 228 (Resistance to Extradition Agent); Section 303 (Solicitation); crimes enumerated in Chapter 4 (Crimes Against Public Justice); 501 (Rioting); Section 502 (Failure to Disperse); Section 503 (Disorderly Conduct); Section 504 (Harassment); Section 506 (Disrupting a Public or Religious Assembly); Section 513 (Terrorism); Section 514 (Attempt to Interfere With Administration of Laws); Section 533 (Obscenity, Threats, or Harassment by Telephone or Other Electronic Communication); Section 542 (Unlawful Flight); Section 554 (Failure to Report Child Abuse); Section 555 (Interjurisdictional Violation of a Protection Order); Section 556 (Failure to Register As Sex Offender); Section 557 (Obstruction of Sex Offender Registry); Section 561 (False Reports); Section 562 (Emergency Telephone Abuse); Section 567 (Contributing to the Delinquency of a Minor); Section 568 (Harboring an Endangered Runaway Child); and Section 570 (Neglect of Child on Probation), when committed under the circumstances described in this subdivision.
6. Sexual Violence is any nonconsensual sexual act or contact proscribed by this Code, including in any case in which the victim lacks the capacity to consent to the act. Sexual Violence includes, without limitation, the offenses identified in Section 231 (Rape in the First Degree); Section 232 (Rape in the Second Degree); Section 233 (Deviate Sexual Intercourse); 234 (Sexual Assault); Section 236 (Rape by Instrument); when committed under the circumstances described in this subdivision.
7. Sex Trafficking is conduct within the meaning of 18 U.S.C. § 1591(a), including the offense of sex trafficking as defined under Section 235 (Sex Trafficking).

8. Stalking is engaging in a course of conduct directed at a specific person, in violation of this Code, that would cause a reasonable person—(A) to fear for the person’s safety or the safety of others; or (B) to suffer substantial emotional distress. Stalking includes, without limitation, the offense identified in Section 534 (Stalking), when committed under the circumstances provided in this subdivision.
9. Violation of a Protective Order is an act that— (A) occurs in the Tribe’s Indian country; and (B) violates a provision of a protection order that— (i) prohibits or provides protection against violent or threatening acts or harassment against, sexual violence against, contact or communication with, or physical proximity to, another person; (ii) was issued against the defendant; (iii) is enforceable by the Tribe; and (iv) is consistent with 18 U.S.C. § 2265(b).

For the purpose of this subdivision, the term “protection order” means any injunction, restraining order, or other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence against, contact or communication with, or physical proximity to, another person. It includes any temporary or final order issued by a civil or criminal court, whether obtained by filing an independent action or as a Pendente lite order in another proceeding, if the civil or criminal order was issued in response to a complaint, petition, or motion filed by or on behalf of the person seeking protection.

10. Offenses Not Enumerated. Any person who engages in conduct that constitutes an offense under this Code, where such offense is committed under circumstances that constitute the elements of any Covered Crime, shall be subject to the Tribe’s Special Tribal Criminal Jurisdiction, whether or not the particular offense is identified in this Section 3(B) as an example of a Covered Crime.

Section 4 C.F.R. Not Applicable

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

Section 5 Civil and Criminal Immunity for Persons Aiding Police Officers

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

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

Section 6 Constitution and Interpretation

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

Section 7 Definitions

1. “Courts” or “Tribal Courts” means the Courts of the Miami Tribe of Oklahoma
2. “Indian country” or “Indian lands” for purposes of Special Tribal Criminal Jurisdiction over a non-Indian Defendant means the definition given in 18 U.S.C. § 1151 and for all other purposes means that land or territory subject to the jurisdiction of the Miami Tribe of Oklahoma, including lands defined at 18 U.S.C. § 1151 or 25 U.S.C. § 2710, and any interest in realty, held in fee or otherwise, by the Miami Tribe of Oklahoma, its agencies or political subdivisions.
3. “Judge” means any Magistrate, Judge, or Justice of the Courts of the Miami Tribe of Oklahoma.
4. “Legislature” means the Business Committee of the Miami Tribe of Oklahoma
5. “Person” or “One” means and includes an individual, firm, partnership, corporation, or association.
6. "Tribe" or "Tribal" means the Miami Tribe of Oklahoma. The term includes political subdivisions, agencies, departments, sections of tribal management, tribal business enterprises, tribally-chartered corporations, all elected or appointed officers or members of any tribal governing body, and other individuals designated or authorized to act for any of the above who are acting in good faith within that designation or authority, and all of their employees, except independent contractors, acting in good faith within the scope of that

employment, whether performing governmental or proprietary functions and whether acting together or singularly.

Section 8 Rehabilitative, Restorative, and Remedial Sanctions Authorized

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

Section 9 Criminal Forfeiture Authorized

- A. The Court, in imposing a sentence on a person convicted of an offense in violation of the Constitution or any criminal offense, shall order that the person forfeit to the Tribe any property, real or personal, possessed, used or involved in such offenses, or any property traceable to such property, regardless of whether the property has already been seized.
- B. The Court, in imposing a sentence on a person convicted of a violation of, or a conspiracy to violate, any provision of the Constitution and Bylaws or other criminal offense shall order that the person forfeit to the Tribe any property constituting, or derived from, proceeds the person obtained directly or indirectly, as the result of such violation.
- C. The Court, in imposing a sentence upon a person convicted of a crime against property shall order that the person forfeit to the Tribe any property, real or personal, which represents or is traceable to the gross receipts obtained, directly or indirectly, as a result of such violation
- D. With respect to an offense of a crime against property, committed for the purpose of executing or attempting to execute any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent statements, pretenses, representations, or promises, the gross receipts of such an offense shall include any property, real or personal, tangible or intangible, which is obtained, directly or indirectly, as a result of such offense.
- E. The Court, in imposing a sentence on a person convicted of a crime against property shall order that the person forfeit to the Tribe any property, real or personal, which represents or is traceable to the gross proceeds obtained, directly or indirectly, as a result of such violation.
- F. The Court, in imposing a sentence on a person convicted of a criminal offense shall order that the person forfeit to the Tribe:

1. any conveyance, including any vessel, vehicle, or aircraft or any other property used in the commission of the offense of which the person is convicted; and
 2. any property real or personal—
 - a. that constitutes, or is derived from or is traceable to the proceeds obtained directly or indirectly from the commission of the offense of which the person is convicted; or
 - b. that is used to facilitate, or is intended to be used to facilitate, the commission of the offense of which the person is convicted.
- G. The Court, in imposing a sentence on a person described in subsection F shall order that the person forfeit to the Tribe all property described in that subsection.
- H. The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be governed by the provisions of tribal law.

Section 10 Conduct on Tribal Property: Certain Conduct Regulated, Prohibited

To the extent not inconsistent with applicable federal law, the Tribe, through its executive branch, has the plenary authority to conduct warrantless routine administrative searches of persons and property in tribal facilities and on tribal property in order to protect persons and to prevent the introduction of contraband. The Tribe, through its executive, legislative, and judicial branches, possesses the authority to establish and enforce minimum standards of conduct and to provide remedies and penalties designed to promote public safety, provide for the general welfare, and to promote the orderly administration of tribal programs, services, operations, and activities. The branches of tribal government retain such authority and shall establish and maintain adequate security measures in tribal facilities and on tribal property designed to better protect the Tribe's critical infrastructure and key resources.

Section 11 Persons Capable of Committing Crimes

All persons are capable of committing crimes, except those belonging to the following classes:

1. Children under the age of seven (7) years;
2. Children over the age of seven (7) years, but under the age of fourteen (14) years, in the absence of proof that, at the time of committing the act or neglect charged against them, they knew its wrongfulness;
3. Persons who are impaired by reason of an intellectual disability upon proof that, at the time of committing the act charged against them, they were incapable of knowing its wrongfulness;

4. Mentally ill persons, and all persons of unsound mind, including persons temporarily or partially deprived of reason, upon proof that, at the time of committing the act charged against them, they were incapable of knowing its wrongfulness;
5. Persons who committed the act, or made the omission charged, under an ignorance or mistake of fact which disproves any criminal intent. But ignorance of the law does not excuse from punishment for its violation;
6. Persons who committed the act charged without being conscious thereof; and
7. Persons who committed the act, or make the omission charged, while under involuntary subjection to the power of superiors.

Section 12 Voluntary Intoxication Not Mitigating

No act committed by a person while in a state of voluntary intoxication shall be deemed less criminal by reason of his having been in such condition.

Section 13 Culpability Required Unless Otherwise Provided

When the culpability sufficient to establish a material element of an offense is not provided by this Code, such element is established if a person acts willfully with respect thereto. When applied to the intent with which an act is done or omitted, the term “willfully” means simply a purpose or willingness to commit the act or omission referred to. It does not require intent to violate law, or to injury another, or to acquire an advantage.

Section 14 Restitution

In addition to imposing a sentence under the Criminal Offenses Code for the Miami Tribe of Oklahoma, the court may order the person convicted to make reasonable restitution to the victim(s) of the crime or offense for the actual physical injury or property damage or loss sustained by the victim as a direct result of the offense for which the defendant has been convicted. With the consent of the parties, the court may order restitution for the actual physical injury or property damage, or loss sustained by the victim, for an offense dismissed pursuant to plea negotiations. An order of restitution shall not preclude the victim from seeking any other legal remedy.

CHAPTER ONE: CRIMES AGAINST PROPERTY

Section 101 Arson in the First Degree

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

Section 102 Arson in the Second Degree

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

Section 103 Arson in the Third Degree

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

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

Section 104 Criminal Mischief

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

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

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

after deduction of court costs, be paid to the fire department of the district in which the flaming or glowing substance was discarded.

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

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

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

- E. The discovery of two or more items which have been dropped, dumped, deposited, discarded, placed, or thrown at one location and which bear a common address in a form which tends to identify the latest owner of the items shall create a rebuttable presumption that any competent person residing at such address committed the unlawful act.

Section 107 Bombs and Explosives; Foul, Poisonous, Offensive or Injurious Substances; Threats

- A. It shall be unlawful to willfully or maliciously commit any of the following acts:
1. Place in, upon, under, against, or near to any building, car, truck, aircraft, motor, or other vehicle, vessel, railroad, railway car, or locomotive, or structure, any explosive or incendiary device with unlawful intent to destroy, throw down, or injure, in whole or in part, such property, or conspire, aid, counsel or procure the destruction of any building, public or private, or any car, truck, aircraft, motor or other vehicle, vessel, railroad, railway car, or locomotive, or structure; or
 2. Place in, upon, under, against, or near to any building, car, truck, aircraft, motor, or other vehicle, vessel, railroad, railway car, or locomotive, or structure, any explosive or incendiary device with intent to destroy, throw down, or injure in whole or in part, under circumstances that, if such intent were accomplished, human life or safety would be endangered thereby; or
 3. By the explosion of any explosive or the igniting of any incendiary device destroy, throw down, or injure any property of another person, or cause injury to another person; or
 4. Manufacture, sell, transport, or possess any explosive, the component parts of an explosive, an incendiary device, or simulated bomb with knowledge or intent that it or they will be used to unlawfully kill, injure, or intimidate any person, or unlawfully damage any real or personal property; or
 5. Place in, upon, under, against, or near to any building, car, truck, aircraft, motor, or other vehicle, vessel, railroad, railway car, or locomotive, or structure, any foul, poisonous, offensive or injurious substance or compound, explosive, incendiary device, or simulated bomb with intent to wrongfully injure, molest, or coerce another person or to injure or damage the property of another person; or
 6. Injure, damage, or attempt to damage by an explosive or incendiary device any person, persons, or property, whether real or personal; or
 7. Make any threat or convey information known to be false, concerning an attempt or alleged attempt to kill, injure, or intimidate any person or

unlawfully damage any real or personal property by means of an explosive, incendiary device, or simulated bomb; or

8. Manufacture, sell, deliver, mail, or send an explosive, incendiary device, or simulated bomb to another person; or
 9. While committing or attempting to commit any criminal offense, possess, display, or threaten to use any explosive, incendiary device, or simulated bomb.
- B. Nothing contained herein shall be construed to apply to, or repeal any laws pertaining to, the acts of mischief of juveniles involving no injurious firecrackers or devices commonly called "stink bombs."
- C. Violation of this section shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00) or by imprisonment in the Tribal jail for not more than one (1) year, or both.

Section 108 Malicious Mischief to Government Property or Contracts

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

Section 109 Trees Cut or Injured

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

Section 110 Burglary

- A. It shall be unlawful to break into by any force whatsoever and enter the dwelling

house of another, in which there is at the time a human being, with intent to commit any crime therein, either:

1. By forcibly bursting or breaking the wall, or an outer door, window, or shutter of a window of such house, or the lock or bolts of such door, or the fastening of such window or shutter; or
 2. By breaking in any other manner, being armed with a dangerous weapon, or being assisted or aided by one or more confederates then actually present; or
 3. By unlocking an outer door by means of false keys or by picking the lock thereof, or by lifting a latch or opening a window, is guilty of burglary in the first degree.
- B. It shall be unlawful to break into by any force whatsoever and enter in any manner any dwelling in which there is no human at the time, building, office, room, apartment, tenement, shop warehouse, store, mill, barn, stable, garage, tent, vessel, railroad car, airplane, motor vehicle, trailer, or semi-trailer, mobile home, or any similar enclosed structure of another without consent with the intent to steal or commit any offense punishable by imprisonment.
- C. Burglary as set forth in subsection A of this section, shall be punishable by a fine of not less than One Thousand Dollars (\$1,000) nor more than Five Thousand Dollars (\$5,000); or by imprisonment in Tribal jail for no more than two (2) years, or by banishment for a period of not less than five (5) years or any period not exceeding life; or by any combination of the above sentence.
- D. Burglary as set forth in subsection B of this section, shall be punishable by a fine of not less than Two Hundred and Fifty Dollars (\$250.00) nor more than Five Thousand Dollars (\$5,000.00); or, by imprisonment in the Tribal jail for not less than three (3) months nor more than one (1) year; or, by banishment for a period of not less than five (5) years nor more than ten (10) years; or by any combination of the above sentences.
- E. Should the commission of the offense result in the death of or serious bodily injury to any person, a sentence of banishment may be imposed for any period not exceeding life in addition to the punishment authorized above.
- F. The term “dwelling house” includes every house or edifice, any part of which has usually been occupied by any person lodging therein at night, and any structure jointed to and immediately connected with such house or edifice.
- G. The term “dwelling” includes every house, trailer, vessel, apartment, or other premises, any part of which has been usually occupied by a person lodging therein at night and any structure jointed to and immediately connected with such house, trailer, or apartment.

When issuing a complaint or citation for this offense, the law enforcement or prosecuting officer may cite to 21 Okla. Stat. Ann. § 1431 for violations of subsection (A) of this section and 21 Okla. Stat. Ann. § 1435 for violations of subsection (B) or the State of Oklahoma's counterpart for this same offense as it may be further amended from time to time.

Section 111 Breaking and Entering

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

When issuing a complaint or citation for this offense, the law enforcement or prosecuting officer may cite to 21 Okla. Stat. Ann. § 1438 for violations of subsection (B) or the State of Oklahoma's counterpart for this same offense as it may be further amended from time to time.

Section 112 Criminal Trespass

- A. Whoever shall willfully or maliciously enter the property of another after being expressly forbidden to do so or without permission by the owner or lawful occupant thereof shall be deemed guilty of trespass.
- B. Criminal Trespass shall include, but not be limited to:

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

- E. On rural lands fenced with barbed wire or other types of fencing normally meant to enclose or exclude domestic animals, signs prohibiting entry or use at least six (6) inches by eight (8) inches placed upon or in plain sight next to such fence not more than one hundred fifty (150) feet apart shall create a rebuttable presumption that reasonable notice against entry or entry for certain purposes had been given.

When issuing a complaint or citation for this offense, the law enforcement or prosecuting officer may cite to 21 Okla. Stat. Ann. § 1835 for violations of subsection (A) of this section and 21 Okla. Stat. Ann. § 1768 for violations of subsection (B) or the State of Oklahoma's counterpart for this same offense as it may be further amended from time to time.

Section 113 Defacing or Injuring House of Worship

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

Section 114 Theft or Receipt of Stolen Mail

- A. It shall be unlawful to:
 - 1. Steal, take, or abstract, or by fraud or deception obtain, or attempt so to obtain, from or out of any mail, post office, or station thereof, letter box, mail receptacle, or any mail route or other authorized depository for mail matter, or from a letter or mail carrier, any letter, postal card, package, bag, or mail, or abstract or remove from any such letter, package, bag, or mail, any article or thing contained therein, or secrete, embezzle, or destroy any such letter, postal card, package, bag, or mail, or any article or thing contained therein; or
 - 2. Steal, take, or abstract, or by fraud or deception obtain any letter, postal card, package, bag, or mail, or any article or thing contained therein which has been left for collection upon or adjacent to a collection box or other authorized depository of mail matter; or
 - 3. Buy, receive, or conceal, or unlawfully have in the person's possession, any letter, postal card, package, bag, or mail, or any article or thing contained therein, which has been stolen, taken, embezzled, or abstracted, as herein described, knowing the same to have been stolen, taken, embezzled, or abstracted.
- B. Theft or receipt of stolen mail shall be punishable by a fine not exceeding Two

Thousand Dollars (\$2,000.00), or by imprisonment in the Tribal jail not exceeding six (6) months, or both.

Section 115 Destruction of Letter Boxes or Mail

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

Section 116 Obstruction of Mails

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

Section 117 Obstruction of Correspondence

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

Section 118 Reserved.

Section 119 Blackmail

- A. It shall be unlawful to verbally or by written or printed communication and with intent to extort or gain any thing of value from another or to compel another to do an act against the other person's will:
 - 1. Accuse or threaten to accuse any person of a crime or conduct which would tend to degrade and disgrace the person accused; or

2. Expose or threaten to expose any fact, report or information concerning any person which would in any way subject such person to the ridicule or contempt of society, coupled with the threat that such accusation or exposure will be communicated to a third person or persons unless the person threatened or some other person pays or delivers to the accuser or some other person something of value or does some act against the person's will.
- B. Blackmail shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment in the Tribal jail for a term not exceeding one (1) year, or both.

Section 120 Larceny

- A. Grand larceny is committed in either of the following cases:
1. When the property taken is of a value of One Thousand Dollars (\$1,000) or greater; or
 2. When such property, although not of a value of One Thousand Dollars (\$1,000) or greater, is taken from the person of another.
 3. Larceny in other cases is petit larceny and is unlawful.
- B. Larceny of a building is committed when any person entering and stealing money or other things of value from any house, railroad car, tent, booth, or temporary building shall be guilty of larceny from the building.
- C. It shall be unlawful to steal an aircraft, automobile, or other automotive driven vehicle, construction equipment, or farm equipment.
- D. Grand larceny and auto larceny as set forth in subsection (C) shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment in the Tribal jail for a term not exceeding one (1) year, or both.
- E. Larceny of a building shall be punishable by fine not exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment in the Tribal jail for a term not exceeding one (1) year, or both.
- F. Petit larceny shall be punishable by a fine of not less than Ten Dollars (\$10.00) or more than One Thousand Dollars (\$1,000.00), or imprisonment in the county jail not to exceed six (6) months, or both.
- G. If grand larceny, larceny of a building, or auto larceny as set forth in subsection (C) is committed, a sentence of banishment for a period of not exceeding ten (10) years may be imprisoned in addition to the punishment authorized above.

- H. “Larceny” means the unlawful taking or carrying away of any tangible or intangible personal property by fraud or stealth with the intent to deprive the another thereof.
- I. The word “stolen” or “steal” shall mean larceny as defined in subsection (H) of this section.

When issuing a complaint or citation for this offense, the law enforcement or prosecuting officer may cite to 21 Okla. Stat. Ann. § 1704 for violations of subsection (A) of this section and 21 Okla. Stat. Ann. § 1723 for violations of subsection (B), 21 Okla. Stat. Ann. § 1720 for violations of subsection (C) or the State of Oklahoma’s counterpart for this same offense as it may be further amended from time to time.

Section 121 Extortion

- A. It shall be unlawful to take, receive, obtain, or control the use or disposition of property of another with the person’s consent induced by a wrongful use of force or fear or under color of official right.
- B. Fear such as will constitute extortion, may be induced by a threat, either:
 - 1. To do an unlawful injury to the person or property of the individual threatened, or to any relative of individual or member of the individual’s family; or
 - 2. To accuse the individual, or any relative of the individual or member of the individual’s family, of any crime; or
 - 3. To expose, or impute to the individual, or any relative of the individual or member of the individual’s family, any deformity or disgrace; or
 - 4. To expose any personal information or secret not public knowledge tending to expose any person to hatred, contempt, or ridicule, or to impair the individual’s business or reputation, except by institution of legal proceedings to recover the debt demanded or proper reports to bona fide credit agencies; or
 - 5. To unlawfully take or withhold official action.
- C. Any person who extorts or attempts to extort any money or other property from another, under circumstances not amounting to robbery, by means of force or any threat such as mentioned in subsection B, or under color of official right is guilty of violating this section.
- D. Any person, who by an extortionate means, obtains from another person signature to any paper or instrument, whereby, if such signature were freely given, any property would be transferred, or any debt, demand, charge or right of action created, is punishable in the same manner as if the actual delivery of such property or payment

of the amount of such debt, demand, charge or right of action were obtained.

- E. Any person who, with intent to extort any money or other property from another, sends to any person any letter or other writing, whether subscribed or not, expressing or implying, or adapted to imply, any threat, such as is specified in this section, is punishable in the same manner as if such money or property were actually obtained by means of such threat.
- F. Extortion shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment in the Tribal jail for a term not exceeding one (1) year, or both.
- G. If the value of the property extorted exceeds One Thousand Dollars (\$1,000.00), a sentence of banishment for a period not exceeding ten (10) years may be imposed in addition to the punishment authorized above.

Section 122 False Pretenses

- A. It shall be unlawful to obtain or attempt to obtain, take or attempt to take, or receive or attempt to receive from any person, agency, department, firm, or corporation any money, property of thing of value, by means or by use of any trick or deception, or false or fraudulent representation, or statement or pretense, or by any other means or instruments or device commonly called the “confidence game”, or by means or use of any false or bogus checks, or by any other written or printed or engraved instrument or spurious coin, with the intent to deprive the owner thereof.
- B. False pretenses shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment in the Tribal jail for a term not exceeding one (1) year, or both.
- C. If the value of the property gained by false pretenses exceeds One Thousand Dollars (\$1,000.00), a sentence of banishment for a period not exceeding ten (10) years may be imposed in addition to the punishment authorized above.

Section 123 Embezzlement

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

addition to the punishment authorized above.

Section 124 Receiving Stolen Property

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

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

- A. It shall be unlawful to fail to take reasonable measures to restore property to a person entitled thereto, with the intent to deprive the owner thereof, when it is known or reasonably suspected that the property has been lost, mislaid, or delivered under a mistake as to the nature or amount of the property or the identity of the recipient.
- B. Theft of property lost, mislaid, or delivered by mistake shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment in the Tribal jail for a term not exceeding one (1) year, or both.
- C. If the value of the property exceeds One Thousand Dollars (\$1,000.00), a sentence of banishment for a period not exceeding ten (10) years may be imposed in addition to the punishment authorized above.

When issuing a complaint or citation for this offense, the law enforcement or prosecuting officer may cite to 21 Okla. Stat. Ann. § 1702 or the State of Oklahoma's counterpart for this same offense as it may be further amended from time to time.

Section 126 Theft of Services

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

sentence of banishment for a period not exceeding ten (10) years may be imposed in addition to the punishment authorized above.

Section 127 Unauthorized Use of a Vehicle

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

Section 128 Embezzlement and Theft From Indian Tribal Organizations

- A. It shall be unlawful to embezzle, steal, knowingly convert to the person's use or the use of another, willfully misapply or willfully permit to be misapplied, any of the moneys, funds, credits, goods, assets, or other property belonging to any Indian tribal organization or entrusted to the custody or care of any officer, employee, or agent of an Indian tribal organization; or
- B. Knowing any such moneys, funds, credits, goods, assets, or other property to have been so embezzled, stolen, converted, misapplied or permitted to be misapplied, receive, conceal, or retain the same with intent to convert it to the person's use or the use of another.
- C. Embezzlement and theft from Indian tribal organizations shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment in the Tribal jail for a term not exceeding one (1) year, or both.

Section 129 Theft From Gaming Establishments On Indian Lands

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

Section 130 Theft by Officers or Employees of Gaming Establishments on Indian Lands

- A. It shall be unlawful for a person, being an officer, employee, or individual licensee of a gaming establishment operated by or for or licensed by an Indian tribe pursuant to an ordinance or resolution approved by the National Indian Gaming Commission, to embezzle, abstract, purloin, willfully misapply, or take and carry away with intent to steal, any moneys, funds, assets, or other property of such establishment.

- B. Theft by officers or employees of gaming establishments on Indian lands shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment in the Tribal jail for a term not exceeding one (1) year, or both.

Section 131 Offenses Relating to Stamps

- A. It shall be unlawful to:
 - 1. Counterfeiting - With intent to defraud, alter, forge, make, or counterfeit any stamp, coupon, ticket, book, or other device prescribed under tribal authority for the collection or payment of any tax imposed, or sell, lend, or have in the person's possession any such altered, forged, or counterfeited stamp, coupon, ticket, book, or other device, or make, use, sell, or have in the person's possession any material in imitation of the material used in the manufacture of such stamp, coupon, ticket, book, or other device; or

 - 2. Mutilation or removal - Fraudulently cut, tear, or remove from any vellum, parchment, paper, instrument, writing, package, or article, upon which any tax is imposed, any adhesive stamp or the impression of any stamp, die, plate, or other article provided, made, or used in pursuance of tribal law; or

 - 3. Use of mutilated, insufficient, or counterfeited stamps - Fraudulently use, join, fix, or place to, with, or upon any vellum, parchment, paper, instrument, writing, package, or article, upon which any tax is imposed,
 - a. Any adhesive stamp, or the impression of any stamp, die, plate, or other article, which has been cut, torn, or removed from any other vellum parchment, paper, instrument, writing, package, or article, upon which any tax is imposed; or

 - b. Any adhesive stamp or the impression of any stamp, die, plate, or other article of insufficient value; or

 - c. Any forged or counterfeited stamp, or the impression of any forged or counterfeited stamp, die, plate, or other article; or

 - 4. Reuse of Stamps -

- a. Preparation for reuse - Willfully remove or alter the cancellation or defacing marks of, or otherwise prepare, any adhesive stamp, with intent to use, or cause the same to be used, after it has already been used; or
 - b. Trafficking - Knowingly or willfully buy, sell, offer for sale, or give away, any such washed or restored stamp to any person for use, or knowingly use the same; or
 - c. Possession - Knowingly and without lawful excuse (the burden of proof of such excuse being on the accused) has in possession any washed, restored, or altered stamp, which has been removed from any vellum, parchment, paper, instrument, writing, package, or article.
- B. Conviction of the offense of offenses relating to stamps shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment in the Tribal jail for a term not exceeding one (1) year, or by a sentence of banishment for a period not less than one (1) year nor exceeding five (5) years, or any combination of the above punishments.

Section 132 Unauthorized Use or Sale of Stamps

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

Section 133 Reserved.

Section 134 Reserved.

Section 135 Possession of Forged Instruments

- A. Every person who has in the person's possession any forged or counterfeited instrument, knowing the same to be forged, counterfeited or falsely altered with intent to injure or defraud by uttering the same to be true, or as false, or by causing the same to be uttered.

- B. Possession of a forged instrument shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment in the Tribal jail for a term not exceeding one (1) year, or by a sentence of banishment for a period not less than one (1) year nor exceeding five (5) years, or any combination of the above punishments. Upon a second or subsequent conviction for forgery, a sentence of banishment for a period not less than five (5) years, nor exceeding ten (10) years, may be imposed in addition to the punishment authorized above.
- C. The term “forgery” shall have the meaning set forth in Section 136 of this Code.

When issuing a complaint or citation for this offense, the law enforcement or prosecuting officer may cite to 21 Okla. Stat. Ann. § 1579 or the State of Oklahoma’s counterpart for this same offense as it may be further amended from time to time.

Section 136 Forgery

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

Section 137 Criminal Simulation

- A. It shall be unlawful to make, alter or utter, or attempt to circulate or sell as genuine any object so that it appears to have value because of antiquity, rarity, source, or authorship which it does not possess, with intent to defraud anyone.
- B. Criminal simulation shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment in the Tribal jail for a term not exceeding one (1) year, or both.

Section 138 Fraudulent Handling of Recordable Instruments

- A. It shall be unlawful to destroy, remove or conceal any will, deed, mortgage, security

instrument, Tribal resolution, any Tribal record, for which the law provides public recording, or to knowingly record a false or forged instrument, with the intent to deceive or injure anyone, or to conceal wrong doing.

- B. Fraudulent handling of recordable instruments shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment in the Tribal jail for a term not exceeding one (1) year, or by sentence of banishment for a period not less than one (1) year nor exceeding five (5) years, or any combination of the above punishments. Upon a second conviction for fraudulent handling of recordable instruments, a sentence of banishment for a period not less than five (5) years nor exceeding ten (10) years may be imposed in addition to the punishment authorized above.

Section 139 Tampering With Records

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

Section 140 Bad Checks

- A. It shall be unlawful to issue or pass a check or similar sight order for the payment of money, for the purpose of obtaining any money, property, or other thing of value or paying for any services, rent, wages or salary, knowing or believing that it will not be honored by the drawee.
- B. Bad checks shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment in the Tribal jail for a term not exceeding one (1) year, or both. Restitution shall be required.

Section 141 Fraudulent Use of a Credit Card

- A. It shall be unlawful to knowingly use or attempt to use in person, by telephone or by internet, a credit card or debit card for the purpose of obtaining credit, property, goods, services, or for the purpose of obtaining cash advances in lieu of these items, or to deposit, obtain or transfer funds, with knowledge that:
 - 1. The card was stolen; or

2. The card has been revoked or canceled; or
 3. The card was not issued to the person, and it not used with the consent of the person to whom issued; or
 4. The card is counterfeit, false, or nonexistent; or
 5. For any other reason, the person's use of the credit card is unauthorized by either the issuer or the person to whom the card has been issued.
- B. Fraudulent use of a credit card shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment in the Tribal jail for a term not exceeding one (1) year, or both. Restitution shall be required.
- C. The term "credit card" means an identification card or device issued to a person, firm or corporation by a business organization which permits such person, firm or corporation to purchase or obtain goods, property or services on the credit of such organization.
- D. The term "debit card" means an identification card or device issued to a person, firm or corporation by a business organization which permits such person, firm or corporation to obtain access to or activate a consumer banking electronic facility.

When issuing a complaint or citation for this offense, the law enforcement or prosecuting officer may cite to 21 Okla. Stat. Ann. § 1550.2 or the State of Oklahoma's counterpart for this same offense as it may be further amended from time to time.

Section 142 Fraudulently Obtaining Personal Identity of Other Persons

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

such other person.

- D. It shall be unlawful for any person to willfully create, modify, alter or change any personal identifying information of another person with fraudulent intent to obtain any money, credit, goods, property, service or any benefit or thing of value, or to control, use, waste, hinder or encumber another person's credit, accounts, goods, property, title, interests, benefits or entitlements without the consent of that person.
- E. Fraudulently obtaining personal identity of other persons shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment in the Tribal jail for a term not exceeding one (1) year, or both. Restitution shall be required.

When issuing a complaint or citation for this offense, the law enforcement or prosecuting officer may cite to 21 Okla. Stat. Ann. § 1533.1 or the State of Oklahoma's counterpart for this same offense as it may be further amended from time to time.

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

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

Section 144 Unlawful Procurement of Electronic, Telephone or Utility Services

- A. It shall be unlawful to defraud any individual, corporation, or other person, with intent to defraud or to aid and abet another to defraud any individual, corporation, or other person, of the lawful charge, in whole or in part, for any electronic, telephone or

utility service, or to avoid or attempt to avoid or to cause or assist another to avoid or attempt to avoid any such charge for such service:

1. By charging such service to an existing account, or using such services from an existing account, telephone number or credit card number without the authority of the subscriber thereto or the legitimate holder thereof; or
2. By charging such service to a nonexistent, false, fictitious, or counterfeit account, telephone number or credit card number or to a suspended, terminated, expired, cancelled or revoked account, telephone number or credit card number; or
3. By use of a code, prearranged scheme, or other similar stratagem or device whereby said person in effect sends or receives information; or
4. By rearranging, tampering with or making connection with any facilities or equipment of a telephone or other communications or utility company, whether physically, inductively, acoustically, or electrically, or by utilizing such service, having reason to believe that such rearrangement, connection, or tampering existed or occurred.

B. Unlawful procurement of electronic, telephone or utility services shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment in the Tribal jail for a term not exceeding one (1) year, or both.

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

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

Section 146 Reserved.

Section 147 Deceptive Business Practices

- A. It shall be unlawful to, in the course of business, intentionally:
 1. Use or possess for use a false weight or measure, or any other device for falsely determining or recording any quality or quantity; or
 2. Sell, offer, or expose for sale, or deliver less than the represented quality or

quantity of any commodity or service; or

3. Take or attempt to take more than the represented quantity of any commodity or service when as the buyer, the buyer furnishes the weight or measure; or
 4. Sell, offer or expose for sale adulterated or mislabeled commodities; 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 practices shall be punishable by a fine not exceeding Five Thousand Fifty Dollars (\$5,000.00), or by imprisonment in the Tribal jail for a term not exceeding three (3) months, or both.
- C. It is an affirmative defense to deceptive business practice that the defendant's conduct was not knowingly or recklessly deceptive.
- D. Upon a second or subsequent offense, banishment for a period of not more than ten (10) years may be imposed in addition to the punishment authorized above.
- E. "Adulterated" means varying from the standard of composition or quality prescribed by law or commercial usage.
- F. "Mislabeled" means varying from the standard of truth or disclosure in labeling prescribed by law or commercial usage.

Section 148 Defrauding Creditors

- A. It shall be unlawful to:
1. Destroy, remove, conceal, encumber, transfer, or otherwise deal with property subject to a security interest with the intent to hinder enforcement of that interest; or
 2. Deal with property with the intent to defeat or obstruct the operation of any law relating to administration of property for the benefit of creditors; or knowingly falsify any writing or record relating to the property; or knowingly

misrepresent or refuse to disclose to a person entitled to administer property for the benefit of creditors, the existence, amount or location of the property, or any other information which the actor could be legally required to furnish in relation to such administration.

- B. Defrauding creditors shall be punishable by a fine not exceeding Two Hundred Fifty Dollars (\$250.00), or by imprisonment in the Tribal jail for a term not exceeding three (3) months, or both.

Section 149 Securing Execution of Documents by Deception

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

Section 150 Criminal Usury

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

Section 151 Unlawful Dealing with Property by a Fiduciary

- A. It shall be unlawful to knowingly deal with property that has been entrusted to one in a fiduciary capacity, or property of the Tribal government or of a financial institution, in a manner which is known to be a violation of the person's fiduciary duty, or which involves a substantial risk or loss to the owner or to a person for whose benefit the property was entrusted.

- B. Unlawful dealing with property by a fiduciary shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment in the Tribal jail for a term not exceeding one (1) year, or both.
- C. As used in this section, “fiduciary” includes a trustee, guardian, executor, administrator, receiver or any person carrying on fiduciary functions on behalf of a corporation or other organization which is a fiduciary.

Section 152 Making a False Credit Report

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

Section 153 Reserved.

Section 154 Reserved.

Section 155 Reserved.

Section 156 Reserved.

Section 157 Reserved.

Section 158 Reserved.

Section 159 Reserved.

Section 160 Reserved.

Section 161 Reserved.

Section 162 Reserved.

CHAPTER 2: CRIMES AGAINST PERSONS

Section 201 Assault in the First Degree

- A. It shall be unlawful to recklessly under circumstances manifesting indifference to the value of human life, to:
1. Attempt to cause or cause great bodily injury to another; or
 2. To use a sharp or dangerous weapon with the intent to cause great bodily injury, or with the intent to put in fear of imminent serious bodily injury with the apparent ability to do so.
- B. It shall be unlawful to willfully attempt to cause or cause great bodily injury to another.
- C. It shall be unlawful to, with intent to do bodily harm and without justifiable or excusable cause, attempt to commit or commit bodily harm upon the person of another with any sharp or dangerous weapon.
- D. Except as provided by subdivision (E) below, assault in the first degree shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or banishment for a term of not less than one (1) year, nor more than ten (10) years, or any combination of the above punishments.
- E. A second or subsequent act of assault in the first degree within five (5) years of a guilty plea or conviction of assault in the first degree is a Felony and shall be punishable by a fine not to exceed Fifteen Thousand Dollars (\$15,000), or by a term of imprisonment not to exceed three (3) years, or both, and may be subject banishment for a term of not less than one (1) year, nor more than ten (10) years, or any combination of the above punishments.
- F. For purposes of this section “great bodily injury” means bone fracture, protracted and obvious disfigurement, protracted loss or impairment of the function of a body part, organ or mental faculty, or substantial risk of death.

When issuing a complaint or citation for this offense, the law enforcement or prosecuting officer may cite to 21 Okla. Stat. Ann. § 646 for violations of subsection (B) and 21 Okla. Stat. Ann. § 645 for violations of subsection (C) or the State of Oklahoma’s counterpart for this same offense as it may be further amended from time to time.

Section 202 Assault in the Second Degree

- A. It shall be unlawful to willfully:
1. Attempt to cause; or

2. Attempt by a show of force or violence to put another in fear of imminent bodily injury with the apparent ability to do so.
- B. It shall be unlawful to willfully use force or violence upon the person of another.
- C. It shall be unlawful to wrongfully, purposely, knowingly, or recklessly:
1. Negligently cause bodily injury to another with a weapon; or
 2. 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.
- D. Assault in the second degree shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.

When issuing a complaint or citation for this offense, the law enforcement or prosecuting officer may cite to 21 Okla. Stat. Ann. § 641 for violations of subsection (A) and 21 Okla. Stat. Ann. § 642 for violations of subsection (B) or the State of Oklahoma's counterpart for this same offense as it may be further amended from time to time.

Section 203 Mayhem

- A. It shall be unlawful to wrongfully, purposely, or knowingly deprive a human being of a member of the person's body or render it useless, or to cut out or disable the tongue, put out an eye or eyes, or slit the nose, ear, or lip of another.
- B. Mayhem is a felony and shall be punishable by a fine not to exceed Fifteen Thousand Dollars (\$15,000), or by a term of imprisonment not to exceed three (3) years, or both, and further may be subject to banishment for a term of not less than one (1) year nor more than life, or any combination of the above.

Section 204 Verbal or Written Assault

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

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

Section 205 Verbal Abuse by a Caretaker

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

When issuing a complaint or citation for this offense, the law enforcement or prosecuting officer may cite to 21 Okla. Stat. Ann. § 843.2 or the State of Oklahoma’s counterpart for this same offense as it may be further amended from time to time.

Section 206 Omission to Provide for a Child

- A. It shall be unlawful, unless otherwise provided for by law, for any parent, guardian, or person having custody or control of a child as defined by tribal statute who willfully omits, without lawful excuse, to furnish necessary food, clothing, shelter, monetary child support, medical attendance, payment of court-ordered day care, or payment of court-ordered medical insurance costs for such child which is imposed by law.
- B. Omission to provide for a child shall include any person obligated to make child support payments who willfully and without lawful excuse becomes delinquent in said child support payments and such delinquent child support accrues without payment by the obligor for a period of one (1) year, or exceeds Five Thousand Dollars (\$5,000.00).
- C. Omission to provide for a child shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000.00), or by a term of imprisonment in the Tribal jail not to exceed six (6) months, or both. Any subsequent conviction pursuant to this section shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.
- D. It shall be unlawful for any person to leave the jurisdiction to avoid providing necessary food, clothing, shelter, court-ordered monetary child support, or medical attendance for such child. Violation of this subsection shall be punishable by a fine

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

- E. Nothing in this section shall be construed to mean a child is endangered for the sole reason the parent, guardian or person having custody or control of a child, in good faith, selects and depends upon spiritual means alone through prayer, in accordance with the tenets and practice of a recognized church or religious denomination, for the treatment or cure of disease or remedial care of such child; provided, that medical care shall be provided where permanent physical damage could result to such child; and that the laws, rules, and regulations relating to communicable diseases and sanitary matters are not violated.
- F. As used in this section, the duty to furnish medical attendance shall mean that the parent or person having custody or control of a child must furnish medical treatment in such manner and on such occasions as an ordinarily prudent person, solicitous for the welfare of a child, would provide; such parent or person having custody or control of a child is not criminally liable for failure to furnish medical attendance for every minor or trivial complaint with which the child may be afflicted.

When issuing a complaint or citation for this offense, the law enforcement or prosecuting officer may cite to 21 Okla. Stat. Ann. § 852 or the State of Oklahoma's counterpart for this same offense as it may be further amended from time to time.

Section 207 Child Endangerment

- A. It shall be unlawful for a person who is the parent, guardian, or person having custody or control over a child as defined by tribal statute, to knowingly permit physical or sexual abuse of a child or to knowingly permit a child to be present at a location where alcoholic beverages or intoxicating substances are being consumed or ingested or where a controlled dangerous substance is present or is being manufactured or attempted to be manufactured as defined by Tribal statute. However, it is an affirmative defense to this section if the person had a reasonable apprehension that any action to stop the abuse would result in substantial bodily harm to the person or the child.
- B. The provisions of this section shall not apply to any parent, guardian or other person having custody or control of a child for the sole reason that the parent, guardian or other person in good faith selects and depends upon spiritual means or prayer for the treatment or cure of disease or remedial care for such child. This subsection shall in no way limit or modify the protections afforded said child in Section 206 of this Code or in the Tribe's child protection laws.
- C. Except as provided by subdivision (D) and (E) below, child endangerment shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.

- D. Child endangerment by knowingly permitting physical or sexual abuse of a child is a Felony and shall be punishable by a fine not to exceed Fifteen Thousand Dollars (\$15,000), or by a term of imprisonment not to exceed three (3) years, or both.
- E. A second or subsequent act of child endangerment within five (5) years of a guilty plea or conviction of child endangerment is a Felony and shall be punishable by a fine not to exceed Fifteen Thousand Dollars (\$15,000), or by a term of imprisonment not to exceed three (3) years, or both.

When issuing a complaint or citation for this offense, the law enforcement or prosecuting officer may cite to Okla. Stat. Ann. tit. 21, § 852.1 or the State of Oklahoma's counterpart for this same offense as it may be further amended from time to time.

Section 208 Child Neglect and Child Violence

It shall be unlawful:

- A. For a parent, guardian, or other person supervising the care or custody of a minor child to willfully or maliciously engage in child neglect; or
- B. For any parent or other person to willfully or maliciously engage in enabling child neglect; or
- C. For any person to willfully or maliciously engage in child violence; or
- D. For any person responsible for the health, safety, or welfare of a child to willfully or maliciously engage in enabling child violence.
- E. Child neglect, and enabling child neglect as set forth in subsections (A) and (B) of this section, shall be punishable by a fine not exceeding Five Hundred Dollars (\$500.00), or by a term of imprisonment in the Tribal jail not to exceed Thirty (30) days, or both.
- F. Child violence and enabling child violence as set forth in subsections (C) and (D) of this section shall be punishable by a fine not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000), or by imprisonment in Tribal jail not exceeding one (1) year, or both.
- G. For the purposes of this section "neglect" means a failure or omission to provide adequate nurturance and affection, food, clothing, shelter, sanitation, hygiene, or appropriate education, medical dental, or behavioral health care, failure to supervise or protect the child from harm or threatened harm of which any reasonable and prudent person responsible for the child's health or welfare would, special care made necessary for the child's health and physical or mental condition, failure to protect the child from the use, possession, sale or manufacturing of illegal drugs, illegal

activities, or sexual acts or material that are not age-appropriate, or abandonment of the child.

- H. For the purposes of this section “child violence” means the willful or malicious use, threatened use, or attempted use of violence against a child.
- I. Provided, however, that nothing contained in this section shall prohibit any parent, teacher or other person from using ordinary force as a means of discipline, including but not limited to spanking, switching or paddling.

When issuing a complaint or citation for this offense, the law enforcement or prosecuting officer may cite to 21 Okla. Stat. Ann. § 843.5 or the State of Oklahoma’s counterpart for this same offense as it may be further amended from time to time.

Section 209 Reserved

Section 210 Truancy

- A. It shall be unlawful for a parent of a minor who is over the age of six years and under the age of 18 years to neglect or refuse to cause or compel such a minor to attend and comply with the rules of a public, private, or other school of the parent's choosing in which the minor is enrolled.
- B. It shall be unlawful for any minor who is over the age of six and under the age of eighteen and who has not finished four years of high school work to neglect or refuse to attend and comply with the rules of some public, private, or other school or receive an education by other means for the full term the schools of the district in which the minor attends are in session, provided that this section shall not apply if any such minor is:
 - 1. Prevented from attending school because of mental or physical disability, as determined by the board of education of the district, upon a certificate of the school physician or public health physician or, if no such physician is available, a duly licensed and practicing physician;
 - 2. Excused from attending school, due to an emergency, by the principal of the school in which the minor is enrolled, at the request of the parent of the minor;
 - 3. Excused from attending school by:
 - a. The administrator of the school or district where the minor attends school; and
 - b. The parent of the minor.

Provided, further, that no minor shall be excused from attending school by

such joint agreement between the school administrator and the parent of the minor unless and until it has been determined that such action is in the best interest of the minor and/or the community and that such minor shall thereafter be under the supervision of the parent until the minor has reached the age of 18 years; and

4. Observing religious holy days if, prior to the absence, the parent of the minor submits a written request for the absence. The school district shall excuse a student pursuant to this subsection for the days on which the religious holy days are observed and for the days in which the student must travel to and from the site where the student will observe the holy days.
- C. Any parent convicted of violating this section shall be punished by a fine of not more than \$500.00, plus costs, or by imprisonment for not more than 60 days or by both such fine and imprisonment. Each separate day of violation shall constitute a separate offense.
- D. Any minor convicted of violating this section shall be punished on the first offense by a fine of not more than \$50.00, on the second offense by a fine of not more than \$100.00, and on every subsequent offense by a fine of not more than \$500.00, plus costs. Each separate day of violation shall constitute a separate offense.

When issuing a complaint or citation for this offense, the law enforcement or prosecuting officer may cite to 70 Okla. Stat. Ann. § 10-105 or the State of Oklahoma's counterpart for this same offense as it may be further amended from time to time.

Section 211 Homicide in the First Degree

- A. It shall be unlawful to:
1. Purposely, knowingly, and wrongfully with the malice aforethought cause the death of another human being; or
 2. Cause the death of another human being due to the commission or attempted commission of a felony or offense punishable by banishment.
- B. Homicide in the first degree is a felony and shall be punishable by a fine not to exceed Fifteen Thousand Dollars (\$15,000), or by a term of imprisonment not to exceed three (3) years, or both, and further may be subject to banishment for a period not less than ten (10) years nor more than life, or any combination of the above.

Section 212 Homicide in the Second Degree

- A. It shall be unlawful to:
1. Recklessly or negligently with disregard of the possible consequence of 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, negligent, or careless manner, or while under the influence of an alcoholic beverage, intoxicating liquor, a controlled substance, or any drug, to a degree which renders the person incapable of safely driving a vehicle.
 - a. A blood alcohol content in excess of .08 shall create a rebuttable presumption that the person was under the influence of an alcoholic beverage.
 - b. For purposes of this section, a motor vehicle is any self-propelled vehicle and includes, but is not limited to, any automobile, truck, van, motorcycle, train, engine, watercraft, aircraft, or snowmobile.
3. Cause the death of a human being due to the commission of any criminal offense.

- B. Homicide in the second degree shall be punishable by a fine of Five Thousand Dollars (\$5,000.00), or by term of imprisonment in the Tribal jail not to exceed one (1) year; or by banishment for a period not less than one (1) year nor more than twenty (20) years; or any combination of the above.

Section 213 Causing a Suicide

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

Section 214 Aiding or Soliciting a Suicide

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

Tribal jail not to exceed three (3) months, or both.

Section 215 Domestic Violence

- A. It shall be unlawful to commit an act of domestic violence.
- B. Except as provided in subdivision (C) below, domestic violence shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.
- C. A second or subsequent act of domestic violence within five (5) years of a guilty plea or conviction of domestic violence is a Felony and shall be punishable by a fine not to exceed Fifteen Thousand Dollars (\$15,000), or by a term of imprisonment not to exceed three (3) years, or both.
- D. “Domestic Violence” means the commission of any one of the following acts where the defendant is a family or household member or dating partner of the victim:
 - 1. The act of inflicting physical harm or bodily injury, or the infliction of fear of imminent physical harm or bodily injury, through the commission or attempted commission of any crimes of violence within this Code as enumerated in Section 3(B) of this Code and as defined by 18 U.S.C. § 16;
 - 2. The act of physically harming, attempting to physically harm, or placing the victim in reasonable fear of physical harm to the victim, provided reasonable fear may be produced by behavior which induces fears in the victim, including harassment, stalking, destruction of property, controlling the victim’s conduct by threat of force, or physical harm or threat of harm or bodily injury to members of the victim’s family or household member or household pets; or
 - 3. The act of preventing a victim from accessing victim or social services or interfering with an emergency call (911, emergency medical or ambulance services, or any call for assistance from a police or fire department, or for other assistance needed in an emergency to avoid harm to person or property).
- E. “Family or household member or dating partner” means the following:
 - 1. Current or former spouses or intimate partners, as defined by 18 U.S.C. § 2266;
 - 2. Parents, guardians, step-parents, and children;
 - 3. Persons related to victim by blood, marriage, or adoption: brother, sister, stepbrother, stepsister, first cousin, aunt, uncle, nephew, niece, grandparent, great-grandparent, great-aunt, great-uncle;

4. Persons who are presently residing together or who have resided together in the past;
5. Persons who have a child in common regardless of whether they have been married or have lived together at any time;
6. A man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time;
7. Persons involved in a significant romantic, dating, or sexual relationship;
8. Persons who are or have been in a social relationship of a romantic or intimate nature, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationships.

Section 216 Violation of a Domestic Violence Protection Order

- A. It shall be unlawful for a person to knowingly violate a Domestic Violence Protection Order.
- B. Except as provided in subdivision (C) below, violation of a Domestic Violence Protection Order shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.
- C. A second or subsequent act of violation of a Domestic Violence Protection Order within five (5) years of a guilty plea or conviction of Violation of a Domestic Violence Protection Order is a felony and shall be punishable by a fine not to exceed Fifteen Thousand Dollars (\$15,000), or by a term of imprisonment not to exceed three (3) years, or both.
- D. “Domestic Violence Protection Order” means a temporary or permanent court order related to Domestic Violence, harassment, and/or sexual abuse, issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with, or physical proximity to another person. Protection order includes any temporary or final order issued in the civil or criminal context, whether obtained by filing an independent action or as an order awaiting further litigation in another proceeding, provided the order was issued in response to an application, complaint, petition, or motion filed by or on behalf of a person seeking protection.

Section 217 Reserved.

Section 218 Reserved.

Section 219 Reserved.

Section 220 Reserved.

Section 221 Kidnapping

- A. It shall be unlawful to intentionally and wrongfully remove another from the person's place of residence, business, or from the vicinity where the person is found, or to unlawfully confine or conceal another for a substantial period, with any of the following purposes:
 - 1. To hold for ransom or reward, or as a shield or hostage; or
 - 2. To facilitate commission of any offense or flight thereafter; or
 - 3. To inflict bodily injury on or to terrorize the victim or another; or
 - 4. To interfere with the performance of any Tribal governmental or political function.
- B. A removal, restraint, or confinement is wrongful within the meaning of this Code if it is accomplished by force, threat, or deception, or, in the case of a person under the age of fourteen (14) or incompetent, if it is accomplished without the consent of a parent, guardian or other person responsible for general supervision of the person's welfare.
- C. Kidnapping shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year; or by banishment for a period not less than five (5) years nor more than ten (10) years if the kidnapping resulted in bodily injury; or any combination of the above.
- D. In the case of a second or subsequent conviction for Kidnapping or if death resulted, Kidnapping is a felony and shall be punishable by a fine not to exceed Fifteen Thousand Dollars (\$15,000), or by a term of imprisonment not to exceed three (3) years, or both, and further may be subject to banishment for a period not less than five (5) years nor more than life, or any combination of the above.

Section 222 False Imprisonment

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

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

Section 223 Custodial Interference

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

Section 224 Criminal Coercion

- A. It shall be unlawful to intentionally and wrongfully restrict another's freedom of action to the person's 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 the person's 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 the person's purpose was limited to compelling the other in a lawful manner to behave in a way reasonably related to the circumstances

which were the subject of the accusation, exposure, or proposed official action; for example, as by refraining from further misbehavior, making good a wrong done, refraining from taking any action or responsibility for which the actor believes the other disqualified.

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

Section 225 Pointing Weapons at Others

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

Section 226 Assault on Process Server

It shall be unlawful to:

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

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

It shall be unlawful to:

- A. Forcibly assault, resist, oppose, impede, intimidate, or interfere with any officer, agent, or employee while such officer, agent, or employee is engaged in or on account

of the performance of official duties, or any person assisting such officer, agent, or employee in the performance of such duties or on account of that assistance; or

- B. Forcibly assault, harass, or intimidate any person who formerly served as a person designated in subsection A on account of the performance of official duties during such person's term of service.
- C. Assault, resisting, or impeding certain officers or employees shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not exceeding one (1) year, or both.

Section 228 Resistance to Extradition Agent

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

Section 229 Assault of Tribal Justice Personnel

- A. It shall be unlawful to use, attempt to use, or threaten to use physical force against any Tribal personnel authorized to act for, or on behalf of, the Tribe during, or because of, the performance or duties that individual in:
 - 1. Preventing, detecting, investigating, making arrests relating to, making apprehensions for, or prosecuting a covered crime listed in Section 3 herein;
 - 2. Adjudicating, participating in the adjudication of, or supporting the adjudication of a covered crime listed in Section 3 herein;
 - 3. Detaining, providing supervision for, or providing services for persons charged with a covered crime listed in Section 3 herein; or
 - 4. Incarcerating, supervising, providing treatment for, providing rehabilitation services for, or providing reentry services for persons convicted of a covered crime listed in Section 3 herein.
- D. Assault of Tribal justice personnel shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not exceeding one (1) year, or both.

Section 230 Rape Definition

- A. “Rape” is an act of sexual intercourse involving vaginal or anal penetration accomplished with a male or female within or without the bonds of matrimony who may be of the same or the opposite sex as the perpetrator under any of the following circumstances:
1. Where the victim is under sixteen (16) years of age;
 2. Where the victim is incapable through mental illness or any other unsoundness of mind, whether temporary or permanent, of giving legal consent;
 3. Where force or violence is used or threatened, accompanied by apparent power of execution to the victim or to another person;
 4. Where the victim is intoxicated by a narcotic or anesthetic agent, administered by or with the privity of the accused as a means of forcing the victim to submit;
 5. Where the victim is at the time unconscious of the nature of the act and this fact is known to the accused;
 6. Where the victim submits to sexual intercourse under the belief that the person committing the act is a spouse, and this belief is induced by artifice, pretense, or concealment practiced by the accused or by the accused in collusion with the spouse with intent to induce that belief. In all cases of collusion between the accused and the spouse to accomplish such act, both the spouse and the accused, upon conviction, shall be deemed guilty of rape;
 7. Where the victim is under the legal custody or supervision of a state agency, a federal agency, a county, a municipality or a political subdivision and engages in sexual intercourse with a state, federal, county, municipal or political subdivision employee or an employee of a contractor of the state, the federal government, a county, a municipality or a political subdivision that exercises authority over the victim, or the subcontractor or employee of a subcontractor of the contractor of the state or federal government, a county, a municipality or a political subdivision that exercises authority over the victim;
 8. Where the victim is at least sixteen (16) years of age and is less than twenty (20) years of age and is a student, or under the legal custody or supervision of any public or private elementary or secondary school, junior high or high school, or public vocational school, and engages in sexual intercourse with a person who is eighteen (18) years of age or older and is an employee of the same school system;
 9. Where the victim is nineteen (19) years of age or younger and is in the legal custody of a state agency, federal agency or tribal agency and engages in

sexual intercourse with a foster parent or foster parent applicant; or

10. Where the victim is a student at a secondary school, is concurrently enrolled at an institution of higher education, and engages in acts pursuant to this subsection with a perpetrator who is an employee of the institution of higher education of which the victim is enrolled.
11. Rape is an act of sexual intercourse accomplished with a male or female who is the spouse of the perpetrator if force or violence is used or threatened, accompanied by apparent power of execution to the victim or to another person.

Section 231 Rape in the First Degree

A. Rape or rape by instrumentation in the first degree shall include:

1. Rape committed by a person over eighteen (18) years of age upon a person under fourteen (14) years of age;
2. Rape committed upon a person incapable through mental illness or any unsoundness of mind of giving legal consent regardless of the age of the person committing the crime;
3. Rape accomplished where the victim is intoxicated by a narcotic or anesthetic agent, administered by or with the privity of the accused as a means of forcing the victim to submit;
4. Rape accomplished where the victim is at the time unconscious of the nature of the act and this fact is known to the accused;
5. Rape accomplished with any person by means of force, violence, or threats of force or violence accompanied by apparent power of execution regardless of the age of the person committing the crime; or
6. Rape by instrumentation regardless of the age of the victim or the age of the person committing the crime.

B. Rape in the first degree is a felony and shall be punishable by a fine not to exceed Fifteen Thousand Dollars (\$15,000), or by a term of imprisonment not to exceed three (3) years, or both, or by banishment for a period not less than five (5) years nor more than life, or any combination of the above.

When issuing a complaint or citation for this offense, the law enforcement or prosecuting officer may cite to 21 Okla. Stat. Ann. § 1114 or the State of Oklahoma's counterpart for this same offense as it may be further amended from time to time.

Section 232 Rape in the Second Degree

- A. Rape in the second degree shall include but not be limited to:
 - 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 a person who is unaware, or with a person who submits because they falsely suppose that the person is their spouse; or
 - 3. 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. In all other cases that do not constitute rape in the first degree, rape is rape in the second degree.
- C. Rape in the second degree shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00); or by a term of imprisonment in the Tribal jail not to exceed one (1) year; or by banishment for a period not less than one (1) year nor more than five (5) years; or any combination of the above.

When issuing a complaint or citation for this offense, the law enforcement or prosecuting officer may cite to 21 Okla. Stat. Ann. § 1114 or the State of Oklahoma's counterpart for this same offense as it may be further amended from time to time.

Section 233 Deviate Sexual Intercourse

- A. It shall be unlawful to engage in deviate sexual intercourse, defined as sexual intercourse or any sexual act involving the genitals of one person and the mouth or anus of another person between human beings within or without the bonds of matrimony, or any form of sexual intercourse with an animal, and it shall be unlawful to cause another to engage in deviate sexual intercourse if:
 - 1. That person is compelled to participate by any threat that would prevent resistance by a person of ordinary resolution; or
 - 2. That person is compelled to participate by force or by threat of imminent death, serious bodily injury, extreme pain or kidnapping, to be inflicted on anyone; or
 - 3. The other person's power to appraise or control the person's conduct has been substantially impaired by the administration or employment of drugs or other intoxicants, without the person's knowledge, and for the purpose of preventing resistance; or

4. The offender has knowledge that the other person suffers from a mental disease or defect which renders the person incapable of appraising the nature of this conduct or the offender has knowledge that the other person is unconscious or submits because the person is unaware that a sexual act is being committed upon the person.
- B. Deviate sexual intercourse shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one year, or both.

Section 234 Sexual Assault

- A. It shall be unlawful to intentionally, wrongfully subject another, not the person's spouse, to any sexual contact:
1. Without consent; or
 2. With knowledge that the conduct is offensive to the other person; or
 3. With knowledge that the other person suffers from a mental disease or defect which renders the person incapable of appraising the nature of the person's conduct; or
 4. With knowledge that the other person is unaware that a sexual act is being committed; or
 5. After having substantially impaired the other person's power to appraise or control the person's conduct by administering or employing without the other's knowledge drugs, intoxicants, or other means for the purpose of preventing resistance; or
 6. If that person is less than fourteen (14) years old regardless of consent; or
 7. If that person is less than sixteen (16) years old and the actor is at least four (4) years older than the person regardless of consent; or
 8. If that person is less than twenty-one (21) years old and the actor is the person's parent, guardian or otherwise responsible for general supervision of the person's welfare regardless of consent; or
 9. If that person is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over the person regardless of consent; or
 10. Regardless of consent, when committed by a state, county, municipal, or

political subdivision employee or a contractor or an employee of a contractor of the state, a county, a municipality, or political subdivision of this state upon a person who is under the legal custody, supervision or authority of a state agency, a county, a municipality, or a political subdivision of this state, or the subcontractor or employee of a subcontractor of the contractor of the state or federal government, a county, a municipality, or a political subdivision of this state; or

11. Regardless of consent, when committed upon a person who is at least sixteen (16) years of age and is less than twenty (20) years of age and is a student, or in the legal custody or supervision of any public or private elementary or secondary school, or technology center school, by a person who is eighteen (18) years of age or older and is an employee of a school system; or
 12. Regardless of consent, when committed upon a person who is nineteen (19) years of age or younger and is in the legal custody of a state agency, federal agency or a tribal court, by a foster parent or foster parent applicant; or
 13. Regardless of consent, when the victim is a student at a secondary school, is concurrently enrolled at an institution of higher education, and engages in acts pursuant to this subsection with a perpetrator who is an employee of the institution of higher education of which the student is enrolled.
- B. Sexual contact is any touching of the sexual or other intimate parts of the person of another or otherwise taking indecent liberties with another for the purpose of arousing or gratifying sexual desire of either party and also includes the touching, mauling, or feeling of the body or private parts of another in a lewd and lascivious manner.
- C. Except as provided in subdivision (D) below, sexual assault shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.
- D. Sexual assault under subdivisions (A)(3), (A)(4), (A)(5), A(6), and (A)(9) above is a Felony and shall be punishable by a fine not to exceed Fifteen Thousand Dollars (\$15,000), or by a term of imprisonment not to exceed three (3) years, or both.

When issuing a complaint or citation for this offense, the law enforcement or prosecuting officer may cite to 21 Okla. Stat. Ann. § 1123 for violations of subsections (A)(1), (A)(10), (A)(11), (A)(12), (A)(13) or the State of Oklahoma's counterpart for this same offense as it may be further amended from time to time.

Section 235 Sex Trafficking

- A. It shall be unlawful to engage in sex trafficking.
- B. Sex trafficking is a felony and shall be punishable by a fine not to exceed Fifteen

Thousand Dollars (\$15,000), or by a term of imprisonment not to exceed three (3) years, or both.

- C. It is an affirmative defense to prosecution for a criminal offense that, during the time of the alleged commission of the offense, the defendant was a victim of human trafficking.
- D. The consent of a victim to the activity prohibited by this section shall not constitute a defense.
- E. Definitions:
 - 1. “Coercion” means:
 - a. Threatening to use force on the individual or a child, family member, or pet of the individual;
 - b. Abusing a position of power or another individual’s position of vulnerability;
 - c. Abusing or threatening to abuse the law or legal process;
 - d. Controlling or threatening to control an individual’s access to an intoxicating beverage or toxic or controlled substance;
 - e. Destroying, taking, or threatening to destroy or take an individual’s property;
 - f. Inducing an individual to provide commercial sexual activity in payment toward a real or purported debt; or
 - g. Exploiting an individual’s physical or mental impairment when the impairment has a substantial adverse effect on the individual’s cognitive or volitional function.
 - 2. “Commercial sex” means any form of commercial sexual activity or sex act, such as sexual intercourse, sexually explicit performances, prostitution, participation in the production of pornography, performance in a strip club, or exotic dancing or display.
 - 3. “Force” in this section includes, but is not limited to, abduction, physical restraint or confinement, sexual or physical violence, or serious harm.
 - 4. “Fraud” means intentional misrepresentation of a material existing fact made with knowledge of its falsity, including, but not limited to, written or verbal statements about employment, wages, working conditions, or other financial

opportunities.

5. “Sex Trafficking” means:
 - a. Recruiting, enticing, harboring, maintaining, transporting, providing, purchasing, or obtaining, by any means, another person through deception, force, fraud, threat, or coercion for purposes of engaging the person in a commercial sex act;
 - b. Recruiting, enticing, harboring, maintaining, transporting, providing, purchasing, or obtaining, by any means, a minor for purposes of engaging the minor in a commercial sex act; or
 - c. Benefiting, financially or by receiving anything of value, from participating in a venture that has engaged in an act of trafficking for commercial sex.

When issuing a complaint or citation for this offense, the law enforcement or prosecuting officer may cite to 21 Okla. Stat. Ann. § 748 or the State of Oklahoma’s counterpart for this same offense as it may be further amended from time to time.

Section 236 Rape by Instrumentation.

- A. Rape by instrumentation is an act within or without the bonds of matrimony in which any inanimate object or any part of the human body, not amounting to sexual intercourse, is used in the carnal knowledge of another person without the person’s consent and penetration of the anus or vagina occurs to that person.
- B. Provided, further, that at least one of the circumstances specified in Section 230 of this Code has been met; further, where the victim is:
 1. At least sixteen (16) years of age and is less than twenty (20) years of age and is a student, or under the legal custody or supervision of any public or private elementary or secondary school, junior high or high school, or public vocational school, and engages in conduct prohibited by this section of law with a person who is eighteen (18) years of age or older and is an employee of a school system;
 2. Under the legal custody or supervision of a state or federal agency, county, municipality, or a political subdivision and engages in conduct prohibited by this section of law with a federal, state, county, municipal, or political subdivision employee or an employee of a contractor of the state, the federal government, a county, a municipality, or a political subdivision that exercises authority over the victim, consent shall not be an element of the crime;
 3. Nineteen (19) years of age or younger and in the legal custody of a state

agency, federal agency, or tribal court and engages in conduct prohibited by this section of law with a foster parent or foster parent applicant; or

4. A student at a secondary school, is concurrently enrolled at an institution of higher education, and engages in acts pursuant to this section with a perpetrator who is an employee of the institution of higher education of which the student is enrolled.
- C. Rape by instrumentation shall be subject to the penalties set forth in Sections 231 and 232 of this Code.
- D. "Employee of an institution of higher education," for purposes of this section, means faculty, adjunct faculty, instructors, volunteers, or an employee of a business contracting with an institution of higher education who may exercise, at any time, institutional authority over the victim. Employee of an institution of higher education shall not include an enrolled student who is not more than three (3) years of age or older than the concurrently enrolled student and who is employed or volunteering, in any capacity, for the institution of higher education.

When issuing a complaint or citation for this offense, the law enforcement or prosecuting officer may cite to 21 Okla. Stat. Ann. § 1111.1 or the State of Oklahoma's counterpart for this same offense as it may be further amended from time to time.

Section 237 Age Limitations on Conviction for Rape

No person can be convicted of rape or rape by instrumentation on account of an act of sexual intercourse with anyone over the age of fourteen (14) years, with the person's consent, unless the actor was over the age of eighteen (18) years at the time of such act.

Section 238 Slight Penetration is Sufficient to Complete a Crime

The essential guilt of rape or rape by instrumentation, except with the consent of a male or female over fourteen (14) years of age, consists in the outrage to the person and feelings of the victim. Any sexual penetration, however slight, is sufficient to complete the crime.

Section 239 Definition of Force in Sex Offenses

In all instances of sexual violence including, but not limited to, rape, rape by instrumentation and sexual assault where force is alleged, the term "force" shall mean any force, no matter how slight, necessary to accomplish the act without the consent of the victim. The force necessary to constitute an element need not be actual physical force since fear, fright or coercion may take the place of actual physical force.

Section 240 Reserved.

Section 241 Robbery

- A. It shall be unlawful to take anything of value from the person of another or from the immediate control of another by use of force or violence, with the intent to permanently deprive the owner thereof.

- B. Robbery shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00); or by a term of imprisonment in the Tribal jail not to exceed one (1) year; or, when any person is seriously injured as a result of a violation of this section, banishment for a period not less than one (1) year nor more than five (5) years may be imposed.

Section 242 Reserved.

Section 243 Reserved.

Section 244 Reserved.

Section 245 Reserved.

Section 246 Reserved.

Section 247 Reserved.

Section 248 Reserved.

Section 249 Reserved.

Section 250 Reserved.

Section 251 Reserved.

CHAPTER THREE: INCHOATE CRIMES

Section 301 Attempt

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

Section 302 Criminal Conspiracy

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

Section 303 Solicitation

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

Section 304 Reserved.

Section 305 Reserved.

Section 306 Reserved.

Section 307 Reserved.

Section 308 Reserved.

Section 309 Reserved.

Section 310 Reserved..

Section 311 Reserved.

Section 312 Reserved.

Section 313 Reserved.

CHAPTER FOUR: CRIMES AGAINST PUBLIC JUSTICE

Section 401 Bribery

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

Section 402 Improper Influence in Official Matters

- A. It shall be unlawful to:
 - 1. Threaten unlawful harm to any person with intent to influence another's decision, opinion, recommendation, vote or other exercise of discretion as a public servant, party official, or voter; or
 - 2. Threaten harm to any public servant or relative of a public servant with the intent to influence the person's decision, opinion, recommendation, vote or other exercise of discretion in a judicial, legislative, or administrative, or administrative proceeding; or
 - 3. Threaten harm to any public servant or official or relative of either with the intent to influence the person to violate the person's duty; or
 - 4. Willfully either by force, physical interference, fraud intimidation, threat of violence, or by means of any independently unlawful act, deter or prevent or attempt to deter or prevent, any public servant or official from performing any official act, function or power or duty imposed upon such person by law; or
 - 5. Privately address any public servant who has or will have an official discretion in a judicial or administrative proceeding and making thereby any representation, entreaty, argument, or, other communication designed to influence the outcome on the basis of considerations other than those authorized by law.
- B. It is no defense to prosecution under this section that a person whom the actor sought to influence was not qualified to act in the desired way, whether because the person had not yet assumed office, or lacked jurisdiction, or for any other reason.

- C. Improper influence in official matters shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00); or by a term of imprisonment in the Tribal jail not to exceed six (6) months; or by banishment for not less than five (5) years nor more than ten (10) years; or any combination of the above authorized punishments. For a second or subsequent conviction under this section, banishment may be imposed for not less than ten (10) years nor more than life.

Section 403 Retaliation for Past Official Action

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

Section 404 Improper Gifts to Public Servants

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

Section 405 Unofficial Misconduct

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

Section 406 Oppression in Office

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

Section 407 Misusing Public Money

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

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

Section 408 Perjury in the First Degree

- A. It shall be unlawful, in any official proceeding, to make a false statement under oath or equivalent affirmation, or swear or affirm the truth of a statement previously made, when the statement is material and the person does not believe it to be true.
- B. Falsification is material, regardless of the admissibility of the statement under rules of evidence, if it could have affected the course or outcome of the proceeding. It is no defense that the declarant mistakenly believed the falsification to be immaterial.

Whether a falsification is material in a given factual situation is a question of law to be decided by the Court.

- C. It is no defense to prosecution under this section that the oath or affirmation was administered or taken in an irregular manner or that the declarant was not competent to make the statement. A document purporting to be made on oath or affirmation at any time when the actor presents it as being so verified shall be deemed to have been duly sworn or affirmed.
- D. No person shall be guilty of an offense under this section if the person retracted the falsification in the course of the proceeding in which it was made before it became manifest that the falsification was or would be exposed and before the falsification substantially affected the proceeding.
- E. No person shall be convicted of an offense under this section where proof of falsity rests solely upon contradiction by testimony of a single person other than the defendant.
- F. Perjury in the first degree shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00); or by a term of imprisonment in the Tribal jail not to exceed one (1) year; or by banishment for not less than five (5) years nor more than ten (10) years; or any combination of the above authorized punishments. For a second or subsequent conviction under this section, banishment may be imposed for not less than ten (10) years nor more than life.

Section 409 Perjury in the Second Degree

- A. It shall be unlawful to:
 - 1. Make any written false statement which the person does not believe to be true; or
 - 2. Purposely create a false impression in a written application for any benefit by omitting information necessary to prevent statements therein from being misleading; or
 - 3. Submit or invite reliance on any writing which the person knows to be forged, altered or otherwise lacking in authenticity; or
 - 4. Submit or invite reliance on any sample, specimen, map, boundary mark, or other object which the person knows to be false; with a purpose to mislead a public servant in performing the public servant's official function.
- B. A person is guilty of perjury in the second degree if the person makes a written false statement which the person does not believe to be true, on or pursuant to a form bearing notice, authorized by law, to the effect that false statements made therein are

punishable.

- C. It is no defense to prosecution under this section that the oath or affirmation was administered or taken in an irregular manner or that the declarant was not competent to make the statement. A document purporting to be made on oath or affirmation at any time when the actor presents it as being so verified shall be deemed to have been duly sworn or affirmed.
- D. No person shall be guilty of an offense under this section if the person retracted the falsification in the course of the proceeding in which it was made before it became manifest that the falsification was or would be exposed and before the falsification was or would be exposed and before the falsification substantially affected the proceeding.
- E. No person shall be convicted of an offense under this section where proof of falsity rests solely upon contradiction by testimony of a single person other than the defendant.
- F. Perjury in the second degree shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00); or by a term of imprisonment in the Tribal jail not to exceed one (1) year; or by banishment for not less than five (5) years nor more than ten (10) years; or any combination of the above authorized punishments. For a second or subsequent conviction under this section, banishment may be imposed for not less than ten (10) years nor more than life.

Section 410 Tampering with Witnesses

- A. It shall be unlawful:
 - 1. While believing that an official proceeding or investigation is pending or about to be instituted, to attempt to induce or otherwise cause a person to:
 - a. Testify or inform falsely; or
 - b. Withhold any testimony, information, document or thing; or
 - c. Elude legal process summoning the person to testify or supply evidence; or
 - d. Absent the person from any proceeding or investigation to which the person has been legally summoned; or
 - 2. To harm another by an unlawful act in retaliation for anything done by another in the person's capacity as a witness or informant; or
 - 3. To solicit, accept, or agree to accept any benefit in consideration for doing any

of the things specified in this section.

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

Section 411 Tampering with Evidence

- A. It shall be unlawful, while believing that an official proceeding or investigation is pending or about to be instituted, to:
 - 1. Alter, destroy, conceal or remove any record, document, or thing with the intent to impair its verity or availability in such proceeding or investigation; or
 - 2. Make, present, or use any record, document, or thing knowing it to be false and with a purpose to mislead a public servant who is or may be engaged in such proceeding or investigation.
- B. Tampering with evidence shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00); or by a term of imprisonment in the Tribal jail not to exceed one (1) year; or by banishment for not less than five (5) years nor more than ten (10) years; or any combination of the above authorized punishments. For a second or subsequent conviction under this section, banishment may be imposed for not less than ten (10) years nor more than life.

Section 412 Tampering With Public Records

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

not less than ten (10) years nor more than life.

Section 413 Impersonating a Public Servant; Impersonating a Police Officer

- A. It shall be unlawful to falsely pretend to hold a position in the public service with purpose to induce another to submit to such pretended official authority or otherwise to act in reliance upon that pretense to the person's prejudice.
- B. It shall be unlawful to exercise, or attempt to exercise, the functions of or hold oneself out to anyone as a police officer without due authority. The provisions of this subsection shall not be so construed as to prevent private persons from making arrests for criminal offenses committed in their presence.
- C. It shall be unlawful to affix on a motor vehicle, either temporarily or permanently, any insignia typically used by a law enforcement agency for the purpose of causing any other motor vehicle operator to yield the right-of-way and stop, or which actually causes any other motor vehicle operator to yield the right-of-way and stop, whether intended or not. The provisions of this subsection shall not apply to vehicles of any fire department, fire patrol, law enforcement vehicles, ambulances, or other authorized emergency vehicles.
- D. Impersonating a public servant or impersonating a police officer shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.

Section 414 Obstructing Governmental Function

- A. It shall be unlawful to:
 - 1. Use force, violence, intimidation, or engage in any other unlawful act with a purpose to interfere with a public servant performing or purporting to perform an official function; or
 - 2. Knowingly resist, by the use of force or violence, any executive officer in the performance of the executive officer's duty; or
 - 3. Purposely obstruct, impair, or prevent the administration of law or other governmental function by force, violence, physical interference or obstacle, breach of official duty, or any other unlawful act; except that this section does not apply to flight by a person charged with crime, refusal to submit to arrest, failure to perform a duty other than an official duty, or any other means of avoiding compliance with law without affirmative interference with governmental functions.
- B. Obstructing governmental function shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00) or by a term of imprisonment in the Tribal jail not to exceed

one (1) year, or both.

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

- A. It shall be unlawful to, alone or in concert with others, and without authorization, willfully disturb, interfere, or disrupt tribal business, agency or department operations or any employee, agent, official, or representative of the Tribe.
- B. It shall be unlawful for any person who is without authority or who is causing any disturbance, interference, or disruption to willfully refuse to disperse or leave any property, building or structure owned, leased, or occupied by Tribal officials, employees, agents, or representatives or used in any manner to conduct Tribal business or operations after proper notice by a police officer, sergeant-at-arms, or other security personnel.
- C. Willfully disturbing, interfering, or disrupting Tribal business, agency, or department operations or employees shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00) or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.
- D. For purposes of this section, “disturb, interfere or disrupt” means any conduct that is violent, threatening, abusive, obscene, or that jeopardizes the safety of self or others.

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

- A. It shall be unlawful to:
 - 1. Willfully and by force or fraud, alone or in concert with others, prevent the Legislature, or any of the members thereof, from meeting or organizing;
 - 2. Willfully disturb, disrupt or interfere with, alone or in concert with others, any session, meeting or proceeding of the Legislature, or any committee of thereof, whether within or outside the presence of the Legislature or any committee, by:
 - a. Engaging in violent, tumultuous or threatening behavior;
 - b. Using abusive or obscene language or making an obscene gesture;
 - c. Making unreasonable noise; or
 - d. Congregating with other persons and refusing to comply with a lawful order of the police or security officer to disperse;
 - 3. Refuse to leave, alone or in concert with others, and without proper

authorization, any part of the chambers, galleries or offices of the Legislature or building in which such chambers, galleries or any such office is located, or within any room or building or upon the property of a building in which a legislative hearing or meeting is being conducted upon a lawful order of the police or a security officer to disperse, leave, or move to a designated area;

4. Willfully and by force or fraud compel or attempt to compel the Legislature to adjourn or disperse.
- B. Violation of this section shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00) or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.

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

- A. It shall be unlawful to, by word of mouth or writings, advocate, affirmatively suggest or teach the duty, necessity, propriety or expediency of crime, criminal syndicalism, or sabotage, or to advocate, affirmatively suggest or teach the duty, necessity, propriety or expediency of doing any act of violence, the destruction of or damage to any property, the bodily injury to any person or persons, or the commission of any crime or unlawful act as a means of accomplishing or effecting any industrial or political ends, change, or revolution, or for profit; or to print, publish, edit, issue, or knowingly circulate, sell, distribute, or publicly display any books, pamphlets, paper, handbill, poster, document, or written or printed matter in any form whatsoever, containing matter advocating, advising, affirmatively suggesting, or teaching crime, criminal syndicalism, sabotage, the doing of any act of physical violence, the destruction of or damage to any property, the injury to any person, or the commission of any crime or unlawful act as a means of accomplishing, effecting or bringing about any industrial or political ends, or change, or as a means of accomplishing, effecting or bringing about any industrial or political revolution, or for profit; or to openly, or at all attempt to justify by word of mouth or writing, the commission or the attempt to commit sabotage, any act of physical violence, the destruction of or damage to any property, the injury to any person or the commission of any crime or unlawful act, with the intent to exemplify, spread or teach or affirmatively suggest criminal syndicalism; or to organize, or help to organize or become a member of or voluntarily assemble with any society or assemblage of persons which teaches, advocates, or affirmatively suggests the doctrine of criminal syndicalism, sabotage, or the necessity, propriety or expediency of doing any act of physical violence or the commission of any crime or unlawful act as a means of accomplishing or effecting any industrial or political ends, change or revolution, or for profit.
- B. Violation of this section is punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1)

year, or both.

- C. “Criminal syndicalism” is the doctrine which advocates crime, physical violence, arson, destruction of property, sabotage, or other unlawful acts or methods, as a means of accomplishing or effecting industrial or political ends, or as a means of effecting industrial or political revolution, or for profit.
- D. “Sabotage” is a malicious, felonious, intentional or unlawful damage, injury to or destruction of real or personal property of any employer or owner by the person’s employee or employees, or any employer or employers or by any person or persons at their own instance, or at the instance, request or instigation of such employees, employers, or any other person.

Section 418 Public Officer Making False Certificate or Writing

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

Section 419 Fraudulent Alteration of Bill or Resolution

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

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

- A. It shall be unlawful for a public official to ask or receive any emolument, gratuity, or reward, or any promise of any emolument, gratuity, or reward, excepting such as may be authorized by law, for doing any official act or for omitting or deferring the performance of any official duty.
- B. It shall be unlawful for any tribal employee, with responsibility or oversight for processing a benefit or allowance, to solicit any portion of the benefit or allowance as a gratuity, kickback, or loan from a recipient who is otherwise entitled to the benefit or allowance.

- C. It shall be unlawful for a public official or any tribal employee to ask for or receive compensation for any official service which has not been actually rendered, except in cases of charges for prospective costs, or of fees demandable in advance in the cases allowed by law.
- D. Acceptance of emolument, gratuity, reward, or unearned fees shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.

Section 421 Gratuity or Reward for Appointment

- A. It shall be unlawful to give or agree or offer to give, any gratuity or reward in consideration that the person or any other person shall be appointed to any public office, or shall be permitted to, or to exercise, perform or discharge the prerogatives or duties of any office.
- B. It shall be unlawful to directly or indirectly, ask or receive or promise to receive any gratuity or reward, or any promise of a gratuity or reward for appointing another person or procuring for another person an appointment to any public office or any clerkship, deputation or other subordinate position in any public office.
- C. It shall be unlawful to appoint, for any gratuity or reward, another person to a public office, or permit, for any gratuity or reward, another person to exercise, perform or discharge any of the prerogatives or duties of the person's office.
- D. Gratuity or reward for appointment shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.

Section 422 Conviction of Legislator Requires Forfeiture of Office

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

Section 423 Personal Interest of Official in Transaction

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

to exceed one (1) year, or both.

Section 424 Offenses by Officers and Employees

- A. It shall be unlawful for any officer or employee of the Miami Tribe acting in connection with the person's office or employment to:
1. Knowingly demand other or greater sums than are authorized by law, or receives any fee, compensation, or reward, except as by law prescribed, for the performance of any duty; or
 2. With intent to defeat the application of any provision of Tribal law, fail to perform any of the duties of the person's office or employment; or
 3. Conspire or collude with any other person to defraud the Miami Tribe; or
 4. Knowingly make opportunity for any person to defraud the Miami Tribe; or
 5. Do or omit to do any act with intent to enable any other person to defraud the Miami Tribe; or
 6. Make or sign any fraudulent entry in any book, or make or sign any fraudulent certificate, return, or statement; or
 7. Having knowledge or information of the violation of any law by any person, or of fraud committed by any person against the Miami Tribe under any law, fail to report, in writing, such knowledge or information to the Chairman; or
 8. Demand, or accept, or attempt to collect, directly or indirectly as payment or gift, or otherwise, any sum of money or other thing of value for the compromise, adjustment, or settlement of any charge or complaint for any violation or alleged violation of law, except as expressly authorized by law so to do.
- B. Conviction of the offense of offenses by officers and employees shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment in the Tribal jail for a term not exceeding One (1) year, or by a sentence of banishment for a period not less than one (1) year nor exceeding five (5) years, or any combination of the above punishments.

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

Section 425 Failure to Obey an Officer

- A. It shall be unlawful to knowingly or recklessly fail to obey the command or direction

of any law enforcement officer.

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

Section 426 False Arrest

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

Section 427 Refusing to Aid an Officer

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

Section 428 Obstructing Justice

- A. It shall be unlawful, with the purpose to hinder the apprehension, prosecution, conviction or punishment of another for the commission of an offense, to:
 - 1. Harbor or conceal the other; or
 - 2. Provide or aid in providing a weapon, transportation, disguise or other means of avoiding apprehension or effecting escape; or
 - 3. Conceal or destroy evidence of the offense, or tamper with a witness, informant, document or other source of information, regardless of its admissibility in evidence; or
 - 4. Warn the other of impending discovery or apprehension, except if such warning is given in an attempt to get the other person to comply with the law; or
 - 5. Volunteer false information to a law enforcement officer for the purpose of

preventing the apprehension of another; or

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

B. Obstructing justice shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both, unless the recipient of any of the above aid has been previously sentenced to banishment, in which case a conviction under this section may result in both parties being banished for a term equal to one half of the original sentence of banishment, plus a fine up to Five Thousand Dollars (\$5,000.00).

Section 429 Providing Contraband

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

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

Section 430 Resisting Lawful Arrest

A. It shall be unlawful to create a substantial risk of bodily harm to anyone or employ means of resistance justifying or requiring force to overcome the resistance for the purpose of preventing a law enforcement officer from effecting an arrest or detention of the person or of any other person.

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

Section 431 Escape

A. It shall be unlawful to:

1. Remove oneself from official detention or fail to return to official detention following temporary leave granted for a specific purpose or period; or
2. Knowingly procure, make, or possess anything which may facilitate escape while being held in official detention; or
3. Aid another person to escape official detention; or

- 4. Knowingly provide a person in official detention with anything which may facilitate such a person's escape.
- B. Escape shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.
- C. "Official detention" means arrest, detention in any facility for custody of person under charge or convicted of crime; or any other detention for law enforcement purposes; but "official detention" does not include supervision of probation or parole, or constraint incident to release on bail.

Section 432 Bail Jumping

- A. It shall be unlawful to fail without just cause to appear in person, after having been released on bail or on the person's own recognizance by court order or other lawful authority upon condition that the person subsequently appear on a charge of an offense.
- B. Bail jumping shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.

Section 433 Failure to Obey a Lawful Order of the Court

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

Section 434 Unlawful Return of Banished Persons

- A. It shall be unlawful for any person under sentence of banishment during the term of such banishment, to:
 - 1. Physically return to the territorial jurisdiction of the Tribe except while actually traveling upon a public highway, or as allowed by law, or
 - 2. To apply for or attempt to claim any right, privilege or immunity by virtue of membership in the Tribe except as provided by law.

- B. Unlawful return of banished persons shall be punishable by a fine of Five Thousand Dollars (\$5,000.00), and by imprisonment in the Tribal jail for a term not exceeding one (1) year, and by banishment for a term equal to the original term of banishment which was violated.
- C. In addition, any personal property of every kind and description which the banished person brought with the person or used to return to the Tribal jurisdiction shall be contraband and forfeited to the Tribe, by civil forfeiture provided, that if any of said property belongs to another, that person, if known, shall served with civil process, as in forfeiture proceedings and may defend by showing that the banished person did not have permission to use or possess the property or to enter the Tribal jurisdiction with that property.

Section 435 Aiding Return of Banished Persons

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

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

It shall be unlawful to:

- A. Kill or attempt to kill another person, with intent to:
 - 1. Prevent the attendance or testimony of any person in an official proceeding;
 - 2. Prevent the production of a record, document, or other object, in an official

proceeding; or

3. Prevent the communication by any person to a law enforcement officer or judge of the Tribe of information relating to the commission or possible commission of an offense or a violation of conditions or probation, parole, or release pending judicial proceedings; or
- B. Uses bribery, physical force, or the threat of physical force against any person, or attempt to do so, with intent to:
1. Influence, delay, or prevent the testimony of any person in an official proceeding;
 2. Cause or induce any person to:
 - a. Withhold testimony, or withhold a record, document, or other object, from an official proceeding;
 - b. Alter, destroy, mutilate, or conceal an object with intent to impair the integrity or availability of the object for use in an official proceeding;
 - c. Evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or
 - d. Be absent from an official proceeding to which that person has been summoned by legal process; or
 3. Hinder, delay, or prevent the communication to a law enforcement officer or judge of the Tribe of information relating to the commission or possible commission of any offense or a violation of conditions of probation, supervised release, parole, or release pending judicial proceedings;
- C. Knowingly use intimidation, threaten, or corruptly persuade another person, or attempt to do so, or engage in misleading conduct toward another person, with intent to:
1. Influence, delay, or prevent the testimony of any person in an official proceeding;
 2. Cause or induce any person to:
 - a. Withhold testimony, or withhold a record, document, or other object, from an official proceeding;
 - b. Alter, destroy, mutilate, or conceal an object with intent to impair the

object's integrity or availability for use in an official proceeding;

c. Evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or

d. Be absent from an official proceeding to which such person has been summoned by legal process; or

3. Hinder, delay, or prevent the communication to a law enforcement officer or judge of the Tribe of information relating to the commission or possible commission of any offense or a violation of conditions of probation, supervised release, parole, or release pending judicial proceedings;

D. Corruptly:

1. Alters, destroys, mutilates, or conceals a record, document, or other object, or attempts to do so, with the intent to impair the object's integrity or availability for use in an official proceeding; or

2. Otherwise obstructs, influences, or impedes any official proceeding, or attempts to do so,

E. Whoever intentionally harasses another person and thereby hinders, delays, prevents, or dissuades any person from:

1. Attending or testifying in an official proceeding;

2. Reporting to a law enforcement officer or judge of the Tribe the commission or possible commission of any offense or a violation of conditions of probation, supervised release, parole, or release pending judicial proceedings;

3. Arresting or seeking the arrest of another person in connection with any offense; or

4. Causing a criminal prosecution, or a parole or probation revocation proceeding, to be sought or instituted, or assisting in such prosecution or proceeding;

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

Section 437 Unlawful Use of License or Identification Card

A. It shall be unlawful to:

1. Display or cause or permit to be displayed one's own license after such license has been suspended, revoked or canceled or to possess one's own license after having received notice of its suspension, revocation, or cancelling; or
 2. Lend one's own license or identification card to any other person or knowingly permit the use thereof by another; or
 3. Display or cause or permit to be displayed or to possess a license or identification card issued to oneself which bears altered information concerning the date of birth, expiration date, sex, height, eye color, weight or license or card number; or
 4. To fail or refuse to surrender upon its lawful demand any license or identification card which has been suspended, revoked or canceled; or
 5. Permit any unlawful use of a license or identification card issued to oneself; or
 6. Add to, delete from, alter, or deface the required information on a driver license or identification card; or
 7. Display or cause or permit to be displayed or to knowingly possess any counterfeit or fictitious license or identification card; or
 8. Display or cause to be displayed or to knowingly possess any license or identification card bearing a fictitious or forged name or signature; or
 9. Display or cause to be displayed or to knowingly possess any license or identification card bearing the photograph of any person, other than the person named thereon as licensee; or
 10. Display or represent as one's own, any license or identification card not issued to the person, for the purpose of committing a fraud in any commercial transaction or to mislead a peace officer in the performance of the peace officer's duties; or
 11. Use a false or fictitious name in any application for a license or identification card or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any such application.
- B. Conviction of the offense of unlawful use of license or identification card shall be punishable by a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in the Tribal jail for a term not exceeding six (6) months, or any combination of the above punishments.

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

Section 438 Attempt to Evade or Defeat Tax

- A. It shall be unlawful to willfully attempt in any manner to evade or defeat any tax or fee imposed by the Miami Tribe of Oklahoma or the payment thereof.
- B. Attempt to evade or defeat tax shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year; or by banishment for not less than five (5) years or more than ten (10) years; or any combination of the above authorized punishments.

Section 439 Willful Failure to File Return, Supply Information, or Pay Tax or Fee

- A. It shall be unlawful for any person required to pay any estimated tribal tax or tribal tax or fee, imposed or required by law or regulation, or to make a return, keep any records, or supply any information, to willfully fail to pay such estimated tax or tax or estimated fee or fee, make such return, keep such records, or supply such information at the time or times required by law or regulation.
- B. Willful failure to file return, supply information, or pay tax or fee shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year; or by banishment for not less than five (5) years or more than ten (10) years; or any combination of the above authorized punishments.

Section 440 False Alarms

- A. It shall be unlawful to knowingly:
 - 1. Cause a false fire alarm or alarm of other emergency to be transmitted to or within any organization, official or volunteer, for dealing with emergencies involving danger to life or property; or
 - 2. Give false information to any law enforcement officer with purpose to implicate another in an offense; or
 - 3. Report to law enforcement authorities an offense or other incident within their concern knowing or believing that it did not occur; or
 - 4. Pretend to furnish law enforcement authorities with information relating to an offense or incident when one knows the person has no information relating to such offense or incident; or
 - 5. Give a false name or address or information to a law enforcement officer in the lawful discharge of the officer's official duties.

- B. False alarms shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000.00), or by a term of imprisonment in the Tribal jail not to exceed three (3) months, or both.

Section 441 Doing Business without a License

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

Section 442 Tampering With Public Property

- A. It shall be unlawful to:
 - 1. Steal, deface, mutilate, alter, falsify, or remove all or part of any record, map, book, document or thing, or any court documents or records, placed or filed in any public office, or with any public officer, or to permit another to do so; or
 - 2. Knowingly injure, deface or remove any signal, monument or other marker placed or erected as part of an official survey of the tribe or federal government without authority to do so; or
 - 3. Intentionally deface, obliterate, tear down, or destroy any copy or transcript or extract from any law or any proclamation, advertisement, or notice set up or displayed by any public officer or court, without authority to do so and before the expiration of the time for which the same was to remain set up.
- B. Tampering with public property shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00), or by a term of imprisonment in the Tribal jail not to exceed three (3) months, or both.

Section 443 Injuring Public Property

- A. It shall be unlawful to:
 - 1. Intentionally break down, pull down or otherwise injure or destroy any jail or other place of confinement: or
 - 2. Intentionally and without authority dig up, remove, displace or otherwise injure or destroy any public roadway highway or bridge or private road or bridge or other public building or structure; or

3. Remove or injure any milepost, guidepost or road or highway sign or marker or any inscription on them while such is erected along a road or highway.
 4. Knowingly and without authority to do so, remove, injure, deface, or destroy any public building or structure, or any personal property belonging to the Tribe to any other government or government agency.
- B. Injuring public property shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.

Section 444 Abuse of Office

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

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

Section 445 Fraud and False Statements

- A. It shall be unlawful to:
 1. Declaration under penalties of perjury – Willfully make and subscribe any return, statement, or other document, which contains or is verified by written declaration that is made under the penalties of perjury, and which the person does not believe to be true and correct as to every material matter; or
 2. Aid or assistance – Willfully aid or assist in, or procure, counsel, or advise the preparation or presentation under, or in connection with any matter arising under, the tribal laws, of a return, affidavit, claim, or other document, which is fraudulent or is false as to any material matter, whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such return, affidavit, claim, or document; or
 3. Fraudulent bonds, permits, and entries – Simulate or falsely or fraudulently

execute or sign any bond, permit, entry, or other document required by the provisions of the tribal laws, or by any regulation made in pursuance thereof, or procure the same to be falsely or fraudulently executed, or advise, aid in, or connive at such execution thereof; or

4. Removal or concealment with intent to defraud – Remove, deposit, or conceal or is concerned in removing, depositing, or concealing, any goods or commodities for or in respect whereof any tax is or shall be imposed, or any property upon which levy is authorized by law, with intent to evade or defeat the assessment or collection of any tax imposed by law.

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

Section 446 Fraudulent Returns, Statements, or Other Documents

A. It shall be unlawful to willfully deliver or disclose to the Tribe, any of its agencies, or political subdivisions, or any officer or employee thereof, any list, return, account, statement, or other document, known by the person to be fraudulent or to be false as to any material matter.

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

Section 447 Reserved.

Section 448 Reserved.

Section 449 Reserved.

Section 450 Reserved.

Section 451 Compensation for Past Official Behavior

A. It shall be unlawful to solicit, accept, or agree to accept any financial benefit as compensation for having, as a public servant, given a decision, opinion, recommendation, or vote favorable to another, or for having otherwise exercised a discretion in the person's favor, or for having violated the person's duty; or offer, confer, or agree to confer compensation acceptance of which is prohibited by this section.

B. Compensation for past official behavior shall be punishable by a fine not to exceed

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

Section 452 Official Unlawful Action

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

Section 453 Special Influence

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

years nor more than life.

Section 454 Reserved.

Section 455 Reserved.

Section 456 Reserved.

Section 457 Reserved.

Section 458 Reserved.

Section 459 Reserved.

Section 460 Reserved.

Section 461 Reserved.

Section 462 Reserved.

Section 463 Reserved.

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

Section 501 Rioting

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

Section 502 Failure to Disperse

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

Section 503 Disorderly Conduct

- A. It shall be unlawful to willfully or maliciously cause public inconvenience, annoyance, or alarm, or recklessly create a risk thereof, by:
 - 1. Engaging in fighting, or threatening to engage in violent or tumultuous behavior; or

2. Making unreasonable noise or offensively coarse utterances, gestures, or displays, or addressing abusive language to any person present; or
 3. Creating a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor.
- B. It shall be unlawful to appear in public places in an intoxicated condition and do any of the following:
1. Passing out or falling or sleeping in a public place or on the property of another without permission; or
 2. Bothering, disrupting or otherwise intruding upon another person or group of persons; or
 3. Wandering about without being able to give a reasonable account of a destination to a law enforcement officer; or
 4. 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.
- C. Disorderly conduct shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00), or by a term of imprisonment in the Tribal jail not to exceed three (3) months, or both.
1. Upon a second or subsequent conviction under this section, a punishment of a fine not to exceed Five Hundred Dollars (\$500.00), or a term of imprisonment in the Tribal jail not to exceed three (3) months, or both may be imposed.
 2. Upon a second or subsequent conviction under subsection B(4) of this section, an additional sentence of banishment for a period not to exceed two (2) years may be imposed.
- D. "Public" means affecting or likely to affect persons in a place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, the common areas of schools, hospital, apartment houses, and office buildings, transport facilities, businesses open to the public, and places of entertainment or amusement.

When issuing a complaint or citation for this offense, the law enforcement or prosecuting officer may cite to 21 Okla. Stat. Ann. § 1362 for violations of subsection (A)(1) and (A)(2) or the State of Oklahoma's counterpart for this same offense as it may be further amended from time to time.

Section 504 Harassment

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

Section 505 Public Nuisance

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

Section 506 Disrupting a Public or Religious Assembly

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

Section 507 Weapons Offense

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

Section 508 Aggravated Weapons Offense

- A. It shall be unlawful to carry a dangerous weapon concealed on the person or to threaten to use or exhibit a dangerous weapon in a dangerous and threatening manner, or use a dangerous weapon in a fight or quarrel; or to possess a shotgun or rifle

having a barrel or barrels of less than sixteen (16) inches in a length or an altered or modified shotgun or rifle less than twenty-four (24) inches overall length.

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

Section 509 Dangerous Devices

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

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

- A. It shall be unlawful to, while in the commission or attempted commission of a criminal offense, have in the person's possession or under the person's control a firearm, the factory serial number or identification number of which has been removed, defaced, altered, obliterated or mutilated in any manner.
- B. It shall be unlawful to remove, deface, alter, obliterate or mutilate in any manner the factory serial number or identification number of a firearm, or in any manner participate therein.

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

Section 511 Unlawful Acts Against Constitutional Government

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

Section 512 Organization to Overthrow the Tribal Government

- A. It shall be unlawful to organize or assist to organize any group, company, assembly of persons, or association with the intent of advocating or encouraging the overthrow of the tribal government, or to act to overthrow the government, by force or violence, or to be or become a member or affiliate of any such organization knowing its purposes.
- B. Organization to overthrow the Tribal government is a felony and shall be punishable by a fine not to exceed Fifteen Thousand Dollars (\$15,000), or by a term of imprisonment not to exceed three (3) years, or both, or by a term of banishment not to exceed ten (10) years.

Section 513 Terrorism

- A. It shall be unlawful to commit, or conspire to commit, terrorism, terrorist activity, biochemical terrorism, terrorism hoax, or biochemical assault.
- B. Terrorism is a felony and shall be punishable by a fine not to exceed Fifteen Thousand Dollars (\$15,000), or by a term of imprisonment not to exceed three (3) years, or both, or a term of banishment not to exceed ten (10) years.
- C. For the purpose of this section:
 - 1. “Biochemical terrorism” means an act of terrorism involving any biological organism, pathogen, bacterium, virus, chemical or its toxins, isomers, salts or compounds, or any combination of organisms, viruses or chemicals that is capable of and intended to cause death, disease, injury, illness or harm to any human or animal upon contact or ingestion, or harm to any food supply, plant, water supply, drink, medicine or other product used for or consumed by humans or animals;
 - 2. “Terrorism” means an act of violence resulting in damage to property or personal injury perpetrated to coerce a civilian population or government into granting illegal political or economic demands; or conduct intended to incite violence in order to create apprehension of bodily injury or damage to property in order to coerce a civilian population or government into granting illegal political or economic demands. Peaceful picketing or boycotts and other nonviolent action shall not be considered terrorism;
 - 3. “Terrorism hoax” means the willful conduct to simulate an act of terrorism as a joke, hoax, prank, or trick against a place, population, business, agency, or government by:
 - a. The intentional use of any substance to cause fear, intimidation or anxiety and a reasonable belief by any victim that such substance is used, placed, sent, delivered or otherwise employed as an act of biochemical terrorism requiring an emergency response or the evacuation or quarantine of any person, place or article; or
 - b. Any act or threat of violence, sabotage, damage or harm against a population, place or infrastructure that causes fear, intimidation or anxiety and a reasonable belief by any victim that such act or threat is an act of terrorism to disrupt any place, population, business, agency or government;
 - 4. “Biochemical assault” means the intentional delivery of any substance or material to another person without lawful cause, whether or not such substance or material is toxic, noxious or lethal to humans, to:

- a. Cause intimidation, fear or anxiety and a reasonable belief by the victim that death, disease, injury or illness will occur as a result of contamination by such substance or material and, based upon that belief, an emergency response is necessary; or
 - b. Poison, injure, harm or cause disease or illness to any person; and
5. "Terrorist activity" means to plan, aid or abet an act of terrorism or aid or abet any person who plans or commits an act of terrorism.

Section 514 Attempt to Interfere With Administration of Laws

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

Section 515 Disturbing or Interrupting Funeral

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

Section 516 Desecration

- A. It shall be unlawful to willfully with malicious intent destroy, mutilate, deface, injure,

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

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

Section 517 Littering

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

Section 518 Smoking in Certain Public Places Prohibited

- A. It shall be unlawful to possess lighted tobacco in any indoor place used by or open to the public, public transportation, or any indoor workplace, except where specifically allowed by law.
- B. As used in this section, “indoor workplace” means any indoor place of employment or employment-type service for or at the request of another individual or individuals, or any public or private entity, whether part-time or full-time and whether for compensation or not. Such services shall include, without limitation, any service performed by an owner, employee, independent contractor, agent, partner, proprietor, manager, officer, director, apprentice, trainee, associate, servant, or volunteer. An indoor workplace includes work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, hallways, any other spaces used or visited by employees, and all space between a floor and ceiling that is predominantly or totally

enclosed by walls or windows, regardless of doors, doorways, open or closed windows, stairways, or the like. The provisions of this section shall apply to such indoor workplace at any given time, whether or not work is being performed.

- C. All buildings, or portions thereof, owned or operated by the Tribe shall be designated as nonsmoking; provided, however, each building may have one designated smoking room. As used in this paragraph, “buildings” shall not include up to twenty-five percent (25%) of any hotel or motel rooms rented to guests if the rooms are properly ventilated so that smoke is not circulated to nonsmoking areas.
- D. All buildings, or portions thereof, owned or operated by the Tribal government, at the discretion of the Chairman, may be designated as entirely nonsmoking or may be designated as nonsmoking with one designated smoking room.
- E. A smoking room as provided for in subsections B and C of this section:
 - 1. Shall not be used for the conduct of public business; and
 - 2. Shall be in a location which is fully enclosed, directly exhausted to the outside, under negative air pressure so smoke cannot escape when a door is opened, and no air is re-circulated to nonsmoking areas of the building. No smoking exhaust shall be located within twenty-five (25) feet of any entrance, exit or air intake.
- F. No smoking shall be allowed within twenty-five (25) feet of the entrance or exit of any building specified in subsection B or C of this section.
- G. The restrictions provided in this section shall not apply to the following:
 - 1. The room or rooms where licensed charitable bingo games are being operated, but only during the hours of operation of such games;
 - 2. Up to twenty-five percent (25%) of the guest rooms at a hotel or other lodging establishment;
 - 3. Retail tobacco stores predominantly engaged in the sale of tobacco products and accessories and in which the sale of other products is merely incidental and in which no food or beverage is sold or served for consumption on the premises;
 - 4. Workplaces where only the owner or operator of the workplace, or the immediate family of the owner or operator, performs any work in the workplace, and the workplace has only incidental public access. “Incidental public access” means that a place of business has only an occasional person, who is not an employee, present at the business to transact business or make a

delivery. It does not include businesses that depend on walk-in customers for any part of their business;

5. Workplaces occupied exclusively by one or more smokers, if the workplace has only incidental public access;
 6. Private offices occupied exclusively by one or more smokers;
 7. Workplaces within private residences, except that smoking shall not be allowed inside any private residence that is used as a licensed child care facility during hours of operation;
 8. Medical research or treatment centers, if smoking is integral to the research or treatment; and
 9. Any outdoor seating area of a restaurant; provided, smoking shall not be allowed within fifteen (15) feet of any exterior public doorway or any air intake of a restaurant.
- H. An employer not otherwise restricted from doing so may elect to provide smoking rooms where no work is performed except for cleaning and maintenance during the time the room is not in use for smoking, provided each smoking room is fully enclosed and exhausted directly to the outside in such a manner that no smoke can drift or circulate into a nonsmoking area. No exhaust from a smoking room shall be located within fifteen (15) feet of any entrance, exit, or air intake.
- I. If smoking is to be permitted in any space exempted in subsection F of this section, such smoking space must either occupy the entire enclosed indoor space or, if it shares the enclosed space with any nonsmoking areas, the smoking space shall be fully enclosed, exhausted directly to the outside with no air from the smoking space circulated to any nonsmoking area, and under negative air pressure so that no smoke can drift or circulate into a nonsmoking area when a door to an adjacent nonsmoking area is opened. Air from a smoking room shall not be exhausted within fifteen (15) feet of any entrance, exit or air intake. Any employer may choose a more restrictive smoking policy, including being totally smoke free.
- J. The person who owns or operates a place where smoking or tobacco use is prohibited by law shall be responsible for posting a sign or decal, at least four (4) inches by two (2) inches in size, at each entrance to the building indicating that the place is smoke-free or tobacco-free.
- K. Responsibility for posting signs or decals shall be as follows:
1. In privately owned facilities, the owner or lessee, if a lessee is in possession of the facilities, shall be responsible;

2. In corporately owned facilities, the manager and/or supervisor of the facility involved shall be responsible; and
 3. In publicly owned facilities, the manager and/or supervisor of the facility shall be responsible.
- L. Violation of this section shall be punishable by a fine of not less than One Hundred Dollars (\$100.00) not more than Five Hundred Dollars (\$500.00), by a term of imprisonment in the Tribal jail not to exceed thirty (30) days, or both.

Section 519 Dumping Within 100 Yards of Public Roadway

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

Section 520 Unlawful Hazardous Waste Transportation

- A. It shall be unlawful to knowingly and willfully transport or cause the transportation of hazardous waste within the territory of the Tribe without a proper manifest, as prescribed by law.
- B. Unlawful hazardous waste transportation shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.
- C. As used in this section:
 1. “Waste” means at least twenty-eight (28) gallons or two hundred twenty (220) pounds, whether liquid or solid, of discarded or abandoned materials and by-products including but not limited to trash, refuse, garbage, biomedical waste, sewage, ash, sludge, deleterious substances, oil field wastes, commercial and industrial waste and chemical waste; and
 2. “Hazardous waste” means:
 - a. Waste that is subject to regulation as a hazardous waste under the federal Resource Conservation and Recovery Act, Title 42 U.S.C., Section 6901 et seq., and regulations adopted pursuant thereto;

- b. Waste that is subject to regulation as a hazardous waste under the law; or
 - c. Waste that is ignitable, corrosive, reactive, or toxic as determined by testing for the characteristics of ignitability, corrosivity, reactivity, or toxicity as provided in 40 Code of Federal Regulations, Sections 261.21 through 261.24.
- D. The minimum quantity requirements in paragraph 1 of subsection C of this section shall not apply to chemical wastes used or intended for use in the manufacture of controlled substances in violation of the law and shall not apply to hazardous wastes in circumstances involving unlawful disposal or concealment of hazardous waste as prohibited by law.
- E. The term hazardous waste shall not include the handling, hauling, storage, and disposition of salt water, mineral brines, waste oil, and other deleterious substances produced from or obtained or used in connection with the drilling, development, producing, and processing of oil and gas, including reclaiming of oil from tank bottoms located on leases and tank farms located outside the boundaries of a refinery.

Section 521 Interfering With or Preventing Firemen or Others From Extinguishing Fires

- A. It shall be unlawful, at any burning of a grassfire or of a building, to disobey lawful orders of any public officer or fireman, or to resist or interfere with the lawful efforts of any fireman or company of firemen to extinguish the same, or to engage in any disorderly conduct calculated to prevent the same from being extinguished, or to forbid, prevent, or dissuade others from assisting to extinguish the same.
- B. Interfering with or preventing firemen or others from extinguishing fires shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.

Section 522 Burn Ban Violation

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

imprisonment in the Tribal jail not to exceed six (6) months, or a combination of fines, jail, and police or fire department restitution.

Section 523 Projecting Object at Public Event

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

Section 524 Planning or Threatening Violent Act

- A. It shall be unlawful to attempt, conspire, or endeavor to perform an act of violence involving or intended to involve serious bodily harm or death of another person.
- B. It shall be unlawful to threaten to perform an act of violence involving or intended to involve serious bodily harm or death of another person.
- C. Planning or threatening a violent act shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.

When issuing a complaint or citation for this offense, the law enforcement or prosecuting officer may cite to 21 Okla. Stat. Ann. § 1378 or the State of Oklahoma's counterpart for this same offense as it may be further amended from time to time.

Section 525 Violation of Gaming Law

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

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

Section 526 Abusing a Corpse

- A. It shall be unlawful to purposely and unlawfully remove, conceal, dissect, or destroy a corpse or any part of a corpse; or to disinter a corpse that has been buried or otherwise interred.

- B. Abusing a corpse shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or banishment for a term of not less than one (1) year nor more than five (5) years or any combination of the above punishments.

Section 527 Prostitution

- A. It shall be unlawful to:
 - 1. Be an inmate or resident of a house of prostitution or otherwise engage in sexual activity as a business or for hire; or
 - 2. Loiter in or within view of a public place for the purpose of being hired to engage in sexual activity; or
 - 3. Engage in or offer or agree to engage in any sexual activity with another person for a fee; or
 - 4. Pay or offer or agree to pay another person a fee for the purpose of engaging in an act of sexual activity; or
 - 5. Enter or remain in a house of prostitution for the purpose of engaging in sexual activity; or
 - 6. Own, control, manage, supervise, or otherwise keep, alone or in association with another, a house of prostitution or a prostitution business; or
 - 7. Solicit a person to patronize a prostitute; or
 - 8. Procure or attempt to procure a prostitute for another; or
 - 9. Lease or otherwise permit a place controlled by the actor, alone or in association with others, to be used for prostitution or the promotion of prostitution; or
 - 10. Procure an inmate for a house of prostitution; or
 - 11. Encourage, induce, or otherwise purposely cause another to become or remain a prostitute; or

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

Section 528 Spreading Venereal Disease

- A. It shall be unlawful to infect another person with venereal disease, if one knows or has reason to believe the individual is infected with a venereal disease.
- B. The Court shall, upon conviction, have the power to order the medical examination and treatment of the convicted offender and may also order an investigation to

determine to what extent others have or may have been infected by the convicted offender.

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

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

- A. It shall be unlawful to:

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

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

- C. As used in this section, “obscene material” means and includes any representation, performance, depiction, or description of sexual conduct, whether in any form or medium including, but not limited to, still photographs, undeveloped photographs, motion pictures, undeveloped film, videotape, CD-ROM, magnetic disk memory, magnetic tape memory or a purely photographic product or a reproduction of such product in any book, pamphlet, magazine, or other publication, if said items contain the following elements:
1. Depictions or descriptions of sexual conduct, nudity or excretion which are patently offensive as found by the average person applying contemporary community standards,
 2. Taken as a whole, have as the dominant theme an appeal to prurient interest in sex as found by the average person applying contemporary community standards, and
 3. A reasonable person would find the material or performance taken as a whole lacks serious literary, artistic, educational, political, or scientific purposes or value.

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

- D. As used in this section, “child pornography” means and includes any film, motion picture, videotape, photograph, negative, undeveloped film, slide, photographic product, reproduction of a photographic product, CD-ROM, magnetic disk memory, magnetic tape memory, play or performance wherein a minor under the age of eighteen (18) years is engaged in any act with a person, other than the person’s spouse, of sexual intercourse which is normal or perverted, in any act of anal sodomy, in any act of sexual activity with an animal, in any act of sadomasochistic abuse including, but not limited to, flagellation or torture, or the condition of being fettered, bound, or otherwise physically restrained in the context of sexual conduct, in any act of fellatio or cunnilingus, in any act of excretion in the context of sexual conduct, in any lewd exhibition of the uncovered genitals in the context of masturbation or other sexual conduct, or where the lewd exhibition of the uncovered genitals has the purpose of sexual stimulation of the viewer, or wherein a person under the age of eighteen (18) years observes such acts or exhibitions.
- E. A person who disseminates or possesses obscene material in the course of the person’s business is presumed to do so knowingly or recklessly.
- F. Predominant appeal shall be judged with reference to ordinary adults unless it appears from the character of the material or the circumstances of its dissemination to be designed for children or some other specially susceptible audience.

- G. Undeveloped photographs molds, printing plates, and the like, shall be deemed obscene notwithstanding that processing or other acts may be required to make the obscenity patent or to disseminate it.
- H. It shall be a defense to a prosecution under this section that the dissemination of the obscene material was restricted to institutions or persons having scientific, educational, governmental, or other similar justification for possessing obscene material.

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

- A. It shall be unlawful to knowingly and intentionally:
 - 1. Make any oral, written, or electronically or computer-generated lewd or indecent proposal to any child under sixteen (16) years of age for the child to have unlawful sexual relations or sexual intercourse with any person; or
 - 2. Look upon, touch, maul, or feel the body or private parts of any child under sixteen (16) years of age in any lewd or lascivious manner by any acts against public decency and morality, as defined by law; or
 - 3. Ask, invite, entice, or persuade any child under sixteen (16) years of age to go alone with any person to a secluded, remote, or secret place, with the unlawful and willful intent and purpose then and there to commit any crime against public decency and morality, as defined by law, with the child; or
 - 4. In any manner lewdly or lasciviously look upon, touch, maul, or feel the body or private parts of any child under sixteen (16) years of age in any indecent manner or in any manner relating to sexual matters or sexual interest; or
 - 5. In a lewd and lascivious manner and for the purpose of sexual gratification, urinate or defecate upon a child under sixteen (16) years of age or ejaculate upon or in the presence of a child, or force or require a child to look upon the body or private parts of another person or upon sexual acts performed in the presence of the child or force or require a child to touch or feel the body or private parts of said child or another person.
- B. Lewd or indecent proposals or acts to a child under age 16 is a felony and shall be punishable by a fine not to exceed Fifteen Thousand Dollars (\$15,000.00), or by a term of imprisonment not to exceed three (3) years, or both.

When issuing a complaint or citation for this offense, the law enforcement or prosecuting officer may cite to 21 Okla. Stat. Ann. § 1123 or the State of Oklahoma's counterpart for this same offense as it may be further amended from time to time.

Section 531 Obscene Language in a Public Place, Etc.

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

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

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

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

- A. It shall be unlawful to willfully, by means of a telecommunication or other electronic communication device, either:
 - 1. Make any comment, request, suggestion, or proposal which is obscene, lewd, lascivious, filthy, or indecent;

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

When issuing a complaint or citation for this offense, the law enforcement or prosecuting officer may cite to 21 Okla. Stat. Ann. § 1172 for violations of subsection (A) or the State of Oklahoma's counterpart for this same offense as it may be further amended from time to time.

Section 534 Stalking

- A. It shall be unlawful to willfully, maliciously, and repeatedly follow or harass another person in a manner that:
 - 1. Would cause a reasonable person or a member of the immediate family of that person to feel terrorized, frightened, intimidated, threatened, harassed, molested, fear for the person's safety or the safety of others, or substantial emotional distress; and
 - 2. Actually causes the person being followed or harassed to feel terrorized, frightened, intimidated, threatened, harassed, molested, afraid for the person's safety or the safety of others, or substantial emotional distress.
- B. Stalking shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.
- C. Violation of the provisions of subsection A of this section when:
 - 1. There is a permanent or temporary restraining order, a protective order, an emergency ex parte protective order, or an injunction in effect prohibiting the behavior described in subsection A of this section against the same party, when the person violating the provisions of subsection A of this section has actual notice of the issuance of such order or injunction; or
 - 2. Said person is on probation or parole, a condition of which prohibits the behavior described in subsection A of this section against the same party or under the conditions of a community or alternative punishment; or
 - 3. Said person, within ten (10) years preceding the violation of subsection A of this section, completed the execution of sentence for a conviction of a crime involving the use or threat of violence against the same party, or against any member of the immediate family of such party,

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

It shall be unlawful:

- A. For any person to knowingly sell, furnish, or give any intoxicating beverage, drug, or

other controlled substance to a person under twenty-one (21) years of age.

- B. Sale of intoxicating beverage, drug, or other intoxicating substance to minors shall be punishable by a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in the Tribal Jail for a term not exceeding six (6) months, or both.

Section 536 Intoxication

- A. It shall be unlawful to be under the influence of an intoxicating beverage, drugs, or other controlled substance, or a substance having the property of releasing vapors, to any degree, in a public place or in a private place where one disturbs the peace of any person, under circumstances not amounting to disorderly conduct.
- B. Intoxication shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00), or by a term of imprisonment in the Tribal jail not to exceed three (3) months, or both. However, a judge or the arresting law enforcement officer may order the release from custody and the dropping of a charge under this section if the judge or officer believes further imprisonment is unnecessary for the protection of the individual or another and the individual is in a sober condition at the time of release. The Judge may also commit the person convicted to a facility for treatment if it appears that the person is dependent upon the intoxicating beverage, drugs, controlled substance, or vapor producing substance, for a period not to exceed six (6) months.

When issuing a complaint or citation for this offense, the law enforcement or prosecuting officer may cite to 37A Okla. Stat. Ann. § 6-101(D) or the State of Oklahoma's counterpart for this same offense as it may be further amended from time to time.

Section 537 Possession of an Alcoholic Beverage

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

Section 538 Tobacco Offenses

- A. It shall be unlawful to:

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

Section 539 Abuse of Psychotoxic Chemical Solvents

- A. It shall be unlawful to purposely smell or inhale the fumes of any psychotoxic chemical solvent, or to possess, purchase, or attempt to possess or purchase any psychotoxic chemical solvent, with the intention of causing a condition of intoxication, inebriation, excitement, stupefaction, or the dulling of the brain or nervous system; or to sell, give away, dispense, or distribute, or offer to sell, give away, dispense, or distribute any psychotoxic chemical solvent knowing or believing that the purchaser or another intends to use the solvent in violation of this section.
- B. This section shall not apply to the inhalation of anesthesia for medical or dental purposes.
- C. Abuse of psychotoxic chemical solvents shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00), or by a term of imprisonment in the Tribal jail not to exceed three (3) months, or both, and the Court may order any person using psychotoxic chemical solvents for inhalation to be committed to some facility for treatment for a term not exceeding six (6) months
- D. As used in this section, "psychotoxic chemical solvent" includes any glue, cement, or other substance containing one or more of the following chemical compounds: acetone and acetate, benzene, butyl-alcohol, methyl ethyl, petone, pentachlorophenol, petroleum ether, or other chemical substance capable of causing a condition of intoxication, inebriation, excitement, stupefaction, or the dulling of the brain or nervous system as a result of the inhalation of the fumes or vapors of such chemical substance. The statement of listing of the contents of a substance packaged in a container by the manufacturer or producer thereof shall be proof of the contents of such substances without further expert testimony if it reasonably appears that the substance in such container is the same substance placed therein by the manufacturer or producer.

- E. Such psychotoxic chemical solvents kept or used in violation of this section are hereby declared to be contraband and civil proceedings may be had against such psychotoxic chemical solvents as provided by law.

Section 540 Drug Offense

- A. It shall be unlawful, except as authorized and controlled by federal law, to manufacture, distribute, possess with intent to distribute, dispense, create, possess, or cultivate a controlled or a counterfeit substance.
- B. It shall be unlawful to obtain or acquire possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge.
- C. It shall be unlawful to knowingly or intentionally use any communication facility in committing any of the above prohibited acts.
- D. It shall be unlawful for any person knowingly or intentionally to possess a controlled substance unless such substance was obtained directly, or pursuant to a valid prescription or order from a practitioner acting in the course of the practitioner's professional practice, or except as otherwise authorized by this Code or federal law.
- E. Subject to the limited exceptions provided in this Section, the terms "controlled substance" or "counterfeit substance" shall consist of the substances listed in 21 U.S.C. § 812, and any other chemical substance, natural or artificial, defined as a controlled substance the possession, sale, distribution, or use of which is prohibited by federal law, except peyote. Controlled or counterfeit substances include, but are not limited to, precursor substances, drug paraphernalia, or anything or device used to contain, measure, or weigh a controlled or counterfeit substance.
- F. For the purposes of this Code, the term "controlled substance" does not include:
 - 1. Marijuana as defined in 63 Okla. Stat. Ann. § 2-101, used for medical purposes as defined and regulated under Oklahoma law, including 63 Okla. Stat. Ann. § 420 *et. seq.* as amended from time to time; or
 - 2. Hemp, as defined in section 7 U.S.C. § 1639o, or the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.
- G. A dangerous drug offense shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both. Upon conviction under this section for sales distribution, possession with intent to distribute, manufacture with intent to sell, or cultivation with intent to

distribute, banishment may also be imposed for a term not to exceed ten (10) years.

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

When issuing a complaint or citation for this offense, the law enforcement or prosecuting officer may cite to 63 Okla. Stat. Ann. § 2-401 for violations of subsection (A), 63 Okla. Stat. Ann. § 2-406 for violations of subsection (B), 63 Okla. Stat. Ann. § 2-402 for violations of subsection (D) of this section or the State of Oklahoma's counterpart for this same offense as it may be further amended from time to time.

Section 541 Reserved.

Section 542 Unlawful Flight

- A. It shall be unlawful to move or travel to Indian Country lands within the jurisdiction of the Tribe with intent either to
 - 1. Avoid prosecution, or custody, or confinement after conviction, under the laws of the place from which the person flees, for a crime which is an offense under the laws of the place from which the fugitive flees; or
 - 2. Avoid giving testimony in any criminal proceedings in such place in which a felony is charged; or
 - 3. Avoid service of, or contempt proceedings for alleged disobedience of, or lawful process requiring attendance and the giving of testimony or the production of documentary evidence before a court of the place from which the person flees.
- B. Unlawful flight shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), a term of imprisonment in the Tribal jail not to exceed one (1) year, or

both.

- C. Upon a showing of probable cause, a judge of the Tribal Court is authorized to issue a warrant to apprehend and arrest a person suspected of committing this offense, and to deliver that person to the authorities in the jurisdiction where the person is subject to arrest or lawful process, either before or after prosecution for the Tribal offense of unlawful flight.

Section 543 Prohibition Against Carry-Out of Open Containers

It shall be unlawful:

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

Section 544 Possession or Sale of Drug Related Paraphernalia

- A. It shall be unlawful for any person to use or possess drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the criminal laws.
- B. It shall be unlawful for any person to deliver, possess, or manufacture drug paraphernalia knowing it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the criminal laws.
- C. Possession or sale of drug related paraphernalia shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not exceeding one (1) year, or both.
- D. "Drug Paraphernalia" means all equipment, products and materials of any kind which are used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing,

analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body, a drug or other controlled substance in violation of law. It includes but is not limited to:

1. Kits used or intended for use in planting, propagating, cultivating, growing, or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
2. Kits used or intended for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances, isomerization devices used or intended for use in increasing the potency of any species of plant which is a controlled substance;
3. Testing equipment used or intended to use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances; scales and balances used or intended for use in weighing or measuring controlled substances;
4. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used or intended for use in cutting controlled substances;
5. Separation gins and sifters used or intended for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;
6. Blenders, bowls, containers, spoons and mixing devices used or intended for use in compounding controlled substances;
7. Capsules, balloons, envelopes and other containers used or intended for use in packaging small quantities of controlled substances;
8. Containers and other objects used or intended for use in parenterally injecting controlled substances into the human body;
9. Hypodermic syringes, needles and other objects used or intended for use in parenterally injecting controlled substances into the human body;
10. Except for those objects that are or would be used to introduce permissible forms of marijuana or hemp, as authorized by Section 540, objects used or intended for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:
 - a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;

- b. Water pipes;
 - c. Carburetion tubes and devices;
 - d. Smoking and carburetion masks;
 - e. Roach clips: Meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
 - f. Miniature cocaine spoons and cocaine vials;
 - g. Chamber pipes;
 - h. Carburetor pipes;
 - i. Electric pipes;
 - j. Air-driven pipes;
 - k. Chillums;
 - l. Bongs;
 - m. Ice pipes or chillers.
- E. Drug paraphernalia--Factors used in determining. In determining whether an object is "drug paraphernalia," consider, in addition to all other logically relevant factors, the following:
- 1. Statements by an owner or by anyone in control of the object concerning its use;
 - 2. The proximity of the object, in time and space, to a direct violation of the criminal laws;
 - 3. The proximity of the object to controlled substances;
 - 4. The existence of any residue of controlled substances on the object;
 - 5. Instructions, oral or written, provided with the object which either state directly or imply that the object is to be used for the consumption of controlled substances;
 - 6. Descriptive materials accompanying the object which explain or depict its use as an object for the consumption of controlled substances;

7. The manner in which the object is displayed for sale;
8. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
9. The existence and scope of legitimate uses for the object in the community.

Section 545 Displaying Material Harmful to Minors

- A. It shall be unlawful for any person to knowingly:
 1. Possess, provide, or display material which is harmful to minors in such a way that minors will be exposed to view such material provided;
 2. Sell, furnish, present, distribute, allow to view, or otherwise disseminate to a minor, with or without consideration, any material which is harmful to minors; or
 3. Present to a minor or participate in presenting to a minor, with or without consideration, any performance which is harmful to a minor.
- B. It shall be an affirmative defense to any prosecution under this section that: the material or performance involved was displayed, presented, or disseminated to a minor at a recognized and established school, church, museum, medical clinic, hospital, public library, governmental agency, quasi-governmental agency and persons acting in their capacity as employees or agents of such persons or organizations, and which institution displays, presents, or disseminates such material or performance for a bona fide governmental, educational, or scientific purpose.
- C. Displaying material harmful to minors shall be punishable by a fine not exceeding One Thousand Dollars (\$1,000.00), or by a term of imprisonment in the Tribal jail not exceeding six (6) months, or both.
- D. Minor means any unmarried person under the age of eighteen (18) years.
- E. "Harmful to minors" means that quality of any description, exhibition, presentation or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sado-masochistic abuse when the material or performance, taken as a whole, has the following characteristics:
 1. The average adult person applying contemporary community standards would find that the material or performance has a predominant tendency to appeal to a prurient interest in sex to minors; and

2. The average adult person applying contemporary community standards would find that the material or performance depicts or describes nudity, sexual conduct, sexual excitement or sado-masochistic abuse in a manner that is patently offensive to prevailing standards in the adult community with respect to what is suitable for minors; and
 3. The material or performance lacks serious literary, scientific, artistic, or political value for minors.
- F. "Nudity" means the showing of the human male or female genitals, pubic area, or buttocks with less than a full opaque covering; the showing of the female breast with less than a full opaque covering of any portion thereof below the top of the nipple; or the depiction of covered male genitals in a discernibly turgid state.
- G. "Sexual conduct" means acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person be a female, breast.
- H. "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.
- I. "Sado-masochistic abuse" means flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.
- J. "Material" means any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, record, recording tape, or video tape.
- K. "Performance" means any motion picture, film, video tape, played record, phonograph or tape, preview, trailer, play, show, skit, dance, or other exhibition performed or presented to or before an audience of one or more, with or without consideration.
- L. "Knowingly" means having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry of both:
1. The character and content of any material or performance which is reasonably susceptible of examination by the defendant; and
 2. The age of the minor; however, an honest mistake shall constitute an excuse from liability hereunder if the defendant made a reasonable bona fide attempt to ascertain the true age of such minor.
- M. "Person" means any individual, partnership, association, corporation, or other legal entity of any kind.
- N. "A reasonable bona fide attempt" means an attempt to ascertain the true age of the

minor by requiring production of a driver's license, marriage license, birth certificate or other governmental or educational identification card or paper and not relying solely on the oral allegations or apparent age of the minor.

Section 546 Smoking in Indoor Public Places and Workplaces

- A. The possession of lighted tobacco in any form is a public nuisance and dangerous to public health and is hereby prohibited when such possession is in any indoor place used by or open to the public, in any enclosed indoor area where individuals other than employees are invited or permitted, in any indoor workplace, within fifteen (15) feet of any entrance, exit or air intake of any such places, or in any vehicle providing public transportation, except where specifically allowed by law. As used in this section, "indoor workplace" means any indoor place of employment or employment-type service for or at the request of another individual or individuals, or any public or private entity, whether part-time or full-time and whether for compensation or not. Such services shall include, without limitation, any service performed by an owner, employee, independent contractor, agent, partner, proprietor, manager, officer, director, apprentice, trainee, associate, servant or volunteer. An indoor workplace includes work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, hallways, any other spaces used or visited by employees, and all space between a floor and ceiling that is predominantly to totally enclosed by walls or windows, regardless of doors, doorways, open or closed windows, stairways, or the like. The provisions of this section shall apply to such indoor workplace at any given time, whether or not work is being performed. An employer not otherwise restricted from doing so may elect to provide smoking rooms where no work is performed except for cleaning and maintenance during the time the room is not in use for smoking, provided each smoking room is fully enclosed, exhausted directly to the outside with no air from the smoking space circulated to any nonsmoking area, under negative air pressure so that no smoke can drift or circulate into a nonsmoking area when a door to an adjacent nonsmoking area is opened, and the air from the smoking space is not exhausted within fifteen (15) feet of any entrance, exit or air intake.
- B. Smoking is permitted in the following space if (1) the smoking space occupies the entire building or (2), if the smoking space shares space in the building with any indoor public places or indoor workplaces in which smoking is prohibited, is fully enclosed, exhausted directly to the outside with no air from the smoking space circulated to any nonsmoking area within the building, and under negative air pressure so that no smoke can drift or circulate into a nonsmoking area within the building when a door to an adjacent nonsmoking area is opened, and the air from the smoking space is not exhausted within fifteen (15) feet of any entrance, exit or air intake:
1. The room or rooms where licensed bingo games are being operated, but only during the hours of operation of such games;
 2. Up to twenty-five percent (25%) of the guest rooms at a hotel or other lodging

establishment;

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

12. Restaurants shall be totally nonsmoking or may provide nonsmoking areas and designated smoking rooms. Food and beverage may be served in such designated smoking rooms, which shall be in a location that is fully enclosed, directly exhausted to the outside, under negative air pressure so smoke cannot escape when a door is opened, and no air is re-circulated to nonsmoking areas of the building. No exhaust from such room shall be located within twenty-five (25) feet of any entrance, exit or air intake. Such room shall be subject to verification for compliance with the provisions of this subsection by the Tribal Department of Health.
- C. The person who owns or operates a place where smoking or tobacco use is prohibited by law shall be responsible for posting a sign or decal, at least four (4) inches by two (2) inches in size, at each entrance to the building indicating that the place is smoke-free or tobacco-free.
- D. Responsibility for posting signs or decals shall be as follows:
 1. In privately owned facilities, the owner or lessee, if a lessee is in possession of the facilities, shall be responsible;
 2. In corporately owned facilities, the manager and/or supervisor of the facility involved shall be responsible; and
 3. In publicly owned facilities, the manager and/or supervisor of the facility shall be responsible.
- E. Smoking in indoor public places and workplaces shall be punishable by a fine not exceeding Two Hundred Fifty Dollars (\$250.00), or by a term of imprisonment in the Tribal jail not exceeding one (1) month, or both.

Section 547 Leaving Child Unattended in Vehicle, Residence Or Building

- A. No person shall at any time leave any child unattended under the age of twelve years in any residence or building, or in any motor vehicle or other vehicle parked on any avenue, street, alley, or public place except when such child is at all times within the custody and care of some person over the age of 16 years.
- B. Leaving child unattended in vehicle, residence or building shall be punishable by a fine not exceeding One Thousand Dollars (\$1,000.00), or by a term of imprisonment in the Tribal jail not exceeding six (6) months, or both.

Section 548 Allowing or Encouraging Minor to Commit Offenses

- A. It shall be unlawful for any person to aid, abet, encourage, or, by omission of a duty, encourage or assist a minor to commit any municipal, state, Tribal or federal offense.

- B. Allowing or encouraging minor to commit offenses shall be punishable by a fine not exceeding Five Hundred Dollars (\$500.00), or by a term of imprisonment in the Tribal jail not exceeding six (6) months, or both.

Section 549 Parental Responsibility Failure

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

Section 550 Commission of Crime in Presence of Minor

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

Section 551 Cruelty to Animals

- A. It shall be unlawful to carelessly, recklessly, purposely, or knowingly:
 - 1. Torture, destroy, or kill, or cruelly beat or injure, maim, mutilate or seriously overwork any animal in subjugation or captivity, whether wild or tame, and whether belonging to the person or to another; or
 - 2. Neglect or deprive any such animal of necessary food, drink, shelter, or veterinary care to prevent suffering; or
 - 3. Cause, procure, or permit any such animal to be so mistreated, tortured, destroyed, or killed, or cruelly beaten or injured, maimed, mutilated, or seriously overworked, or deprived of necessary food, drink, shelter, or veterinary care to prevent suffering; or
 - 4. Abandon an animal in one's custody; or
 - 5. Transport or confine an animal in a cruel manner; or
 - 6. Kill, injure, or administer poison to an animal without legal privilege to do so; or

7. Cause one mammal to fight with another; or
 8. Willfully set on foot, instigate, engage in, or in any way further any act of cruelty to any animal, or any act tending to produce such cruelty.
- B. Cruelty to animals shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00), or by a term of imprisonment in the Tribal jail not to exceed six (6) months, or both. It is a defense to prosecution under this section that the conduct of the actor toward the animal was an accepted veterinary practice or directly related to a bonafide experimentation for scientific research provided that if the animal is to be destroyed, the manner employed will not be unnecessarily cruel unless directly necessary to the veterinary purpose or scientific research involved.

Section 552 Livestock Offense

- A. It shall be unlawful to:
1. Knowingly or recklessly refuse or fail to mark or brand the person's livestock when such is required in the interest of livestock identification or directed by Tribal or government officials; or
 2. Alter, obliterate, or remove a brand or mark, or misbrand or mismark livestock with a purpose to deceive another for any reason; or
 3. Knowingly permit livestock to graze or trespass on the property of another or of the Tribe without permission to do so in excess of permitted time or amount; or
 4. Knowingly fail to treat or dispose of a sick animal where there is a substantial danger of infecting other livestock; or
 5. Knowingly fail to treat or dispose of a sick animal where there is a substantial danger of infecting other animals; or
 6. Fail to dip, inoculate, or otherwise treat livestock in the manner which the designated representative of the Tribe shall direct; or
 7. Make a false report of livestock owned.
- B. Except in cases in which the owner or person having custody of livestock believed to be in violation of this section cannot be found, for subparagraphs 1, 3, 4, 5, or 6 set forth above, no conviction may be sustained unless the owner or person having custody of the livestock involved is given forty-eight (48) hours written notice of the person's alleged violation.

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

Section 553 Fires Left Unattended and Unextinguished

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

Section 554 Failure To Report Child Abuse

It shall be unlawful to fail to report child abuse.

- A. Any person who---
 - 1. Is a ---
 - a. Physician, surgeon, dentist, podiatrist, chiropractor, nurse, dental hygienist, optometrist, medical examiner, emergency medical technician, paramedic, or health care provider,
 - b. Teacher, school counselor, instructional aide, teacher’s aide, teacher’s assistant, or bus driver employed by any Tribal, federal, public or

private school,

- c. Administrative officer, supervisor of child welfare and attendance, or truancy officer of any tribal, Federal, public or private school,
 - d. Child day care worker, headstart teacher, public assistance worker, worker in a group home or residential or day care facility, or social worker,
 - e. Psychiatrist, psychologist, or psychological assistant,
 - f. Licensed or unlicensed marriage, family, or child counselor,
 - g. Person employed in the mental health profession, or
 - h. Law enforcement officer, probation officer, worker in a juvenile rehabilitation or detention facility, or person employed in a public agency who is responsible for enforcing statutes and judicial orders;
2. Knows, or has reasonable suspicion, that---
 - a. A child was abused in Indian country, or
 - b. Actions are being taken, or are going to be taken, that would reasonably be expected to result in abuse of a child in Indian country; and
 3. Fails to immediately report such abuse or actions described in paragraph (2) to the local child protective services agency or local law enforcement agency, shall be fined under this title or imprisoned for not more than six (6) months or both.

B. Any person who---

1. Supervises, or has authority over, a person described in subsection (a)(1), and
2. Inhibits or prevents that person from making the report described in subsection (a), shall be fined in an amount not to exceed One Thousand Dollars (\$1,000.00) or imprisoned for not more than six (6) months, or both fine and imprisonment.

C. For purposes of this section, the term---

1. "Abuse" includes---
 - a. Any case in which---

- i. A child is dead or exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling, and
 - ii. Such condition is not justifiably explained or may not be the product of an accidental occurrence; and
 - b. Any case in which a child is subjected to sexual assault, sexual molestation, sexual exploitation, sexual contact, or prostitution;
 - 2. "Child" means an individual who---
 - a. Is not married; and
 - b. Has not attained 18 years of age;
 - 3. "Local child protective services agency" means that agency of the federal government, of a state, or of an Indian tribe that has the primary responsibility for child protection on any Indian reservation or within any community in Indian country; and
 - 4. "Local law enforcement agency" means that federal, Tribal, or state law enforcement agency that has the primary responsibility for the investigation of an instance of alleged child abuse within the portion of Indian country involved.
- D. Any person making a report described in subsection (A) which is based upon their reasonable belief and which is made in good faith shall be immune from civil or criminal liability for making that report.

Section 555 Interjurisdictional Violation of Protection Order

It shall be unlawful:

- A. For a person to enter or leave Indian country with the intent to engage in conduct that violates the portion of a protection order that prohibits or provides protection against violence, threats, or harassment against, contact or communication with, or physical proximity to, another person, or that would violate such a portion of a protection order in the jurisdiction in which the order was issued, and subsequently engages in such conduct;
- B. For a person to cause another person to enter or leave Indian country by force, coercion, duress, or fraud, and in the course of, as a result of, or to facilitate such conduct or travel engages in conduct that violates the portion of a protection order that prohibits or provides protection against violence, threats, or harassment against,

contact or communication with, or physical proximity to, another person, or that would violate such a portion of a protection order in the jurisdiction in which the order was issued.

- C. Interjurisdictional violation of protection order shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not exceeding one (1) year, or both.

Section 556 Failure to Register as Sex Offender

- A. It shall be unlawful for any person who has been convicted in any jurisdiction and declared to be a sex offender to fail to register with the designated authorities as required within the Tribal jurisdiction.
- B. Conviction of the offense of failure to register as sex offender shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or imprisonment in the Tribal jail for a period not to exceed one (1) year, or both fine and imprisonment; or by banishment for a period not less than ten (10) years nor more than life; or any combination of the above.
- C. Each violation of any provision of this Code or any other Tribal law by a sex offender who is not an Indian shall be considered a civil violation subject to enforcement by any means not prohibited by federal law, including, but not limited to, the issuance of fines, forfeitures, civil contempt, and exclusion.
- D. Customs and traditions and banishment/exclusion. All inherent, traditional, or customary Tribal powers, including any federal grants of authority, of relinquishment, banishment, and exclusion are authorized and available for the administration and enforcement of any provision of this Code or other Tribal law.

Section 557 Obstruction of Sex Offender Registration

- A. It shall be unlawful to:
 - 1. Knowingly harbor or knowingly attempt to harbor, or knowingly assist another person in harboring or attempting to harbor a sex offender who is in violation of this Code or any other Tribal law;
 - 2. Knowingly assist a sex offender in eluding a law enforcement agency that is seeking to find the sex offender to question the sex offender about, or to arrest the sex offender for, noncompliance with the requirements of this Code or any other Tribal law; or
 - 3. Provide information to any law enforcement regarding a sex offender which the person knows to be false.

- B. Conviction of the offense of obstruction of sex offender registration shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or imprisonment in the Tribal jail for one (1) year, or both fine and imprisonment; or by banishment for a period not less than ten (10) years nor more than life; or any combination of the above.

Section 558 Reserved.

Section 559 Reserved.

Section 560 Reserved.

Section 561 False Reports

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

Section 562 Emergency Telephone Abuse

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

- C. “Emergency” means a situation in which property or human life or safety is in jeopardy and the prompt summoning of aid is or reasonable appears to be essential to preservation of human, life, safety, or property.

Section 563 Violation of Privacy

- A. It shall be unlawful, except as authorized by law, to:
 - 1. Trespass on property with intent to subject anyone to eavesdropping or other surveillance in a private place; or
 - 2. Install in any private place, without the consent of the person or persons entitled to privacy there, any device for observing, photographing, recording, amplifying, or broadcasting sounds or events in such place, or use any such unauthorized installation; or
 - 3. Install or use outside of any private place any device for hearing, recording, amplifying, or broadcasting sounds originating in such place which would not ordinarily be audible or comprehensible outside, without the consent of the person or persons entitled to privacy there; or
 - 4. Divulge without the consent of the sender or receiver the existence or contents of any such message if the actor knows that the message was illegally intercepted, or if the actor learned of the message in the course of employment with an agency engaged in transmitting it.
- B. Violation of privacy shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00), or by a term of imprisonment in the Tribal jail not to exceed three (3) months, or both.
- C. Definitions:
 - 1. “Eavesdrop” means to overhear, record, amplify, or transmit any part of an oral or written communication of others without the consent of at least one party thereto by means of any electrical, mechanical, or other device.
 - 2. “Private place” means a place where one can reasonably expect to be safe from casual or hostile intrusion or surveillance.

Section 564 Criminal Defamation

- A. It shall be unlawful to knowingly and with malicious intent communicate to any person orally or in writing any information which one knows or should know to be false and knowingly that the information tends to impeach the honesty, integrity, virtue or reputation, or publish the natural defects of one who is alive, or who has not been declared missing or dead for a period exceeding twenty (20) years, and thereby

expose the person to public hatred, contempt, or ridicule. An injurious publication is presumed to have been malicious if no justifiable motive for making it is shown by way of defense.

- B. Criminal defamation shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00), or by a term of imprisonment in the Tribal jail not to exceed three (3) months, or both. However, it shall be a defense to criminal defamation that the person making the publication was at the time engaged in the formal broadcast or publication of news by some public news media of communication and in good faith believed the person was reporting a newsworthy event concerning a public figure with a basis in truth.

Section 565 Conducting Gambling; Playing Gambling; Permitting Gambling on Premises; Seizure of Gambling Equipment

- A. Except as otherwise provided by Tribal statute, it shall be unlawful to:
 - 1. Open, cause to be opened, or conduct, whether for hire or not, or carry on either poker, roulette, craps, or any banking or percentage, or any gambling game played with dice, cards or any device, for money, checks, credits, or any representatives of value; or
 - 2. Either as owner or employee, whether for hire or not, deal for those engaged in any such scheme listed above; or
 - 3. Bet or play at any of said prohibited games, or bet or play at any games whatsoever, for money property, checks, credits or other representatives of value with cards, dice or any other device which may be adapted to or used in playing any game of chance or in which chance is material element; or
 - 4. Knowingly permit any gaming table, bank or gaming device to be set up or used for the purpose of gambling, or gambling to be played, conducted or dealt upon in any house, building, shed, shelter, booth, lot or other premises belonging to the person, or occupied by the person, or of which the person has, at the time, possession or control, whether in whole or in part; or
 - 5. Win or acquire to the person or another any gambling proceeds when one knows the person has a lesser risk of losing or a greater chance of winning than one or more of the other participants, and the risk is not known to all participants; or
 - 6. Derive or intend to derive an economic benefit, other than personal winnings, from gambling and either:
 - a. Induce or aid another to engage in gambling; or

- b. Knowingly invest in, finance, own, control, supervise, manage, or participate in any gambling operation; or
 - 7. Knowingly possess or have custody or control, as owner, lessee, agent, employee, bailee or otherwise, of any gambling device with knowledge or reason to know that said devices will be used in making or settling commercial gambling transactions and deal in said gambling devices with the intent to facilitate commercial gambling transactions.
- B. A gambling offense shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.
- C. Definitions:
 - 1. “Gambling” means risking anything of value for a return or risking anything of value upon the outcome of a contest, game, gaming scheme, or gaming device when the return or outcome is based upon an element of chance and is in accord with an agreement or understanding that someone will receive something of value in the event of a certain outcome, or a lottery, but does not include any lawful business transaction or playing amusement device that confers only an immediate and unrecorded right of replay not exchangeable for value.
 - 2. “Gambling device” means anything specifically designed for use in gambling or used primarily for gambling.
 - 3. “Lottery” means any scheme for the disposal or distribution of property by chance among persons who have paid or promised to pay any valuable consideration for the chance of obtaining the property, upon any agreement, understanding or expectation that it is to be distributed or disposed of by lot or chance, regardless of whatever name such scheme may be known by.
- D. The Tribe may issue a permit authorizing a lottery pursuant to a Tribal statute on lotteries, provided all benefit therefrom, except prizes, go to a charitable or religious organization and provided further that such permit or the statute pursuant to which it is issued specify the details of the lottery.
- E. It shall not be an offense under this section for a person to engage in bingo licensed pursuant to Tribal law, in any of its forms, conducted under the rules set out by a Tribal Bingo Ordinance or statute, nor shall it be an offense under this section for a person to engage in any traditional Indian games designated by Tribal law as exempt from the provisions of this Section, nor shall traditional raffles and similar activities conducted at pow-wows and similar functions be considered gambling under this section.

- F. Every person who is authorized or enjoined to arrest any person for a violation of the provisions of this section, is equally authorized and enjoined to seize any table, cards, dice, or other articles or apparatus suitable to be used for gambling purposes found in the possession or under the control of the person so arrested, and to deliver the same to the magistrate before whom the person so arrested is required to be taken.

Section 566 Waters Offense

- A. It shall be unlawful to:

1. Interfere with or alter the flow of water in any stream, river, or ditch, without lawful authority to do so, or a permit from the Tribe, and in violation of the right of any other person; or
2. Knowingly break, injure, alter or destroy any bridge, dam, levee, embankment, reservoir, water tank, water line, or other structure intended to create hydraulic power or pressure or direct the flow of water, without lawful authority to do so; or
3. Pollute or befoul any water in any of the following ways:
 - a. Construct or maintain a corral, sheep pen, goat pen, stable, pig pen, chicken coop, or other offensive yard or outhouse where the waste or drainage therefrom shall flow directly into the waters of any stream, well, spring, or source of water used for domestic purposes; or
 - b. Deposit, pile, unload or leave any manure heap, rubbish, or the carcass of any dead animal where the waste or drainage therefrom will flow directly into the waters of any stream, well, spring or source of water used for domestic purposes; or
 - c. Construct, establish, or maintain any corral, yard, vat, pond, camp, or bedding place for the shearing, dipping, washing, storing, herding, holding or keeping of livestock in such proximity to a stream, or other source of water used for domestic purposes or which flows through a city or town, so that the waste, refuse or filth therefrom find their way into said source of water; or
 - d. Knowingly cause or allow any substance harmful or potentially harmful to human life to enter into a source of water used for domestic purposes.
4. A water offense shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00), or by a term of imprisonment in the Tribal jail not to exceed three (3) months, or both.

Section 567 Contributing to the Delinquency of a Minor

- A. It shall be unlawful for a person eighteen (18) years of age to older to:
 - 1. Knowingly or recklessly sell or give to or otherwise make beer, liquor, wine, or other alcoholic beverages available to a person under the age of eighteen (18) years; or
 - 2. Knowingly or recklessly, by act or omission, encourage, cause, or contribute to the delinquency or unlawful conduct of a minor under eighteen (18) years of age; or
 - 3. Knowingly or willfully cause, aid, abet, or encourage a minor to be, to remain, or to become a delinquent child or a runaway child, except as otherwise specifically provided by law; or
 - 4. Knowingly or willfully cause, aid, abet, or encourage a minor to commit or participate in committing an act that would be a criminal offense if committed by an adult. Violation of this subparagraph shall be punishable by the maximum penalty allowed for conviction of the offense or offenses which the person caused, aided, abetted, or encouraged the minor to commit or participate in committing.

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

- C. For purposes of prosecution under subsection A, subparagraph 3, a “runaway child” means an unemancipated minor who is voluntarily absent from the home without a compelling reason, without the consent of a custodial parent or other custodial adult and without the parent or other custodial adult’s knowledge as to the child’s whereabouts. “Compelling reason” means imminent danger from incest, a life-threatening situation, or equally traumatizing circumstance. A person aiding a runaway child based upon a reasonable belief that the child is in physical, mental or emotional danger and with notice to the Social Services Department or a local law enforcement agency of the location of the child within twelve (12) hours of aiding the child shall not be subject to prosecution under this section.

Section 568 Harboring an Endangered Runaway Child

- A. It shall be unlawful to knowingly and willfully harbor an endangered runaway child.

- B. Harboring an endangered runaway child shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), a term of imprisonment in the Tribal jail not to

exceed one (1) year, or both.

- C. For purposes of this section, an “endangered runaway child” means an unemancipated minor who is voluntarily absent from the home for seventy-two (72) hours or more without a compelling reason and without the consent of a custodial parent or other custodial adult or an unemancipated minor who is voluntarily absent from the home without a compelling reason and without the consent of a custodial parent or other custodial adult and the child needs medication or other special services. For purposes of this section, “compelling reason” shall be defined as provided in Section 567 of this Code.

Section 569 Causing Delinquency

- A. It shall be unlawful for any parent or other person to knowingly and willfully:
 - 1. Cause, aid, abet, or encourage a minor to be, to remain, or to become delinquent, in need of supervision, dependent, deprived, or neglected; or
 - 2. Omit the performance of any duty, which act or omission causes or tends to cause, aid, abet, or encourage any minor to be delinquent, in need of supervision, dependent, deprived, or neglected; or
 - 3. By any act or omission to act have caused, encouraged, or contributed to the deprivation, or the need of supervision of the minor, or to such minor becoming deprived, or in need of supervision.
- B. Causing delinquency shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000.00), a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.

Section 570 Neglect of Child on Probation

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

Section 571 Trafficking in Children

- A. It shall be unlawful to:
 - 1. Accept any compensation, in money, property, or other thing of value, at any time, from the person or persons adopting a child, for services of any kind performed or rendered, or purported to be performed or rendered, in connection with such adoption; or
 - 2. Accept any compensation, in money, property, or other thing of value, from any other person, in return for placing, assisting to place, or attempting to place a child for adoption or for permanent care in a foster home; or
 - 3. Offer to place, or advertise to place, a child for adoption or for care in a foster home, as an inducement to any woman to enter an institution or home or other place for maternity care or for the delivery of a child.

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

- C. “Child” means an unmarried or unemancipated person under the age of eighteen (18) years.

- D. This section does not apply to attorneys or advocates licensed by the Tribal courts receiving reasonable fees for legal services actually rendered in the course of lawful adoption proceedings, nor shall subsection (A)(1) or (A)(2) apply to any bona fide social worker or government employee receiving their normal salary and making such placements as a part of their official duties.

Section 572 Curfew Violation

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

- B. It shall be unlawful for:
 - 1. Any minor to be or remain in or upon the streets, any motor vehicle, or any

public place at night, during curfew hours;

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

- D. It is a defense to subsection (B)(2) of this section for the parent of a minor if the minor would qualify for any defense listed in subsection (C) of this section.
- E. It is a defense to subsection (B)(3) of this section if the owner, operator, or employee of a public place promptly notified the police department that a minor was present on the premises of the public place during curfew hours and remained after being asked to leave.
- F. A curfew violation shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00), or by a term of imprisonment in the Tribal jail not to exceed three (3) months, or both.
- G. **Definitions**
 The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
 “Curfew hours” means those hours during the period ending at 6:00 a.m. all days of the week and beginning at 11:00 p.m. on Sunday through Thursday and midnight on Friday and Saturday.
 “Minor” means any person under 18 years of age. Furthermore, the term “minor” is synonymous with the term “juvenile.”
 “Parent” means any person having legal custody of a minor as a natural or adoptive parent, as a legal guardian, as a person who stands in loco parentis or as a person to whom legal custody has been given by order of a court.
 “Public Place” means any street, alley, highway, sidewalk, park, playground or place to which the general public has access and a right to resort for business, entertainment or other lawful purpose.
 “Remain” means to stay behind, to tarry, to stay unnecessarily and to linger, to fail to leave when requested to do so by a police officer or the owner, operator, or other person in control of any public place.
 “Street” means a way or place, of whatsoever nature, open to the use of the public as a matter of right for purposes of vehicular travel or, in the case of a sidewalk, for pedestrian travel. The term “street” includes the legal right-of-way, the cartway or traffic lanes, the curb, the sidewalks, whether paved or unpaved, and any grass plots or other grounds found within the legal right-of-way of a street.
 “Time of night” means the based upon the prevailing standard of time, whether Central Standard Time or Central Daylight Saving Time, generally observed at that hour by the public.
 “Year of age” continues from one birthday, such as the 17th, to but not including the day of the next, such as the 18th birthday.

Section 573 Fireworks Offense

- A. It shall be unlawful to possess, buy, sell, distribute, transport, activate, ignite, or detonate, or to allow any minor under one’s physical or actual care, custody, or

control to possess, buy, sell, distribute, transport, activate, ignite, or detonate any firecracker or other firework type device which is capable of or intended to explode, ignite, become self-propelled, give off any projectile, spark or other ignited or fused object or manifestation, or in any way give off sound or light by virtue of its burning or exploding.

B. It shall not be an offense under this section:

1. To use or ignite handheld sparkler type devices in such a manner that they burn openly and singly or to use toy caps and cap guns singly and in the intended fashion; or
2. To use or ignite fireworks at a patriotic, religious, or Tribal ceremony, gathering, or celebration in a safe manner provided that a permit to do so has been obtained from the Tribe or a lawfully authorized Tribal agency prior to the importation and use of such fireworks.
3. To buy, possess, use, or ignite fireworks between June 25 and July 10 inclusive of each year, provided that such devices are handled safely with regard to the safety of others and their property, and provided further, that minors under the age of twelve (12) buying, possessing, using, or igniting fireworks must be under the actual direct physical supervision of some responsible adult over twenty-one (21) years of age for this exception to apply.
4. To possess or sell fireworks between June 25 and July 10 inclusive of each year provided that a permit to do so has been obtained from the Tribe or a lawfully authorized Tribal agency prior to such possession and sale, provided further, that upon proof of a secure and safe facility, such permit may state a particular location for year-round storage of fireworks by a business engaged in retail or wholesale of fireworks.

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

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

A. It is the duty of any person having control of any premises, who knowingly hosts, permits, or allows a gathering at said premises to take all reasonable steps to prevent the use, possession, or consumption of alcoholic beverages, drugs, or other intoxicating substances by any minor at the gathering. Reasonable steps are controlling access to alcoholic beverages at the gathering; controlling the quantity of alcoholic beverages present at the gathering; verifying the age of persons attending

the gathering by inspecting drivers' licenses or other government issued identification cards to ensure that minors do not consume alcoholic beverages while at the gathering; and supervising the activities of minors at the gathering.

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

Section 575 Reserved.

Section 576 Reserved.

Section 577 Reserved.

Section 578 Reserved.

Section 579 Reserved.

Section 580 Reserved.

Section 581 Reserved.

Section 582 Reserved.

Section 583 Reserved.

Section 584 Reserved.

CHAPTER SIX: TRAFFIC OFFENSES

Section 601 Definitions

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

Section 602 Driving While License is Suspended or Revoked

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

Section 603 Careless Driving

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

Section 604 Reckless Driving

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

months, or by suspension of driving privileges for a period not to exceed one (1) year or any combination of the above punishments.

Section 605 Driving While Intoxicated

- A. It shall be unlawful to drive or be in actual physical control of any motor vehicle upon any private or public road within the Tribal jurisdiction while under the influence of intoxicating liquor, or controlled substances, or any other drugs which impair the ability to control or operate a vehicle.

- B. A person is presumed to be under the influence of intoxicating liquor if there is 0.08% or more of alcohol in the blood by weight, and a person is presumed not to be under the influence if there is less than 0.05% of alcohol in their blood, by weight. Between such percentages, results of tests showing such fact may be received in evidence, with other tests or observations, for consideration by the court or jury. A breath or blood test must be administered with the consent of the subject, by a qualified operator using a properly maintained apparatus in order to be admissible, provided, that if any person refuses to take such test when requested to do so by an officer having a reasonable suspicion that such person may be intoxicated, the person's driving privileges within the Tribal jurisdiction shall be suspended by the Court for a period of six (6) months whether or not such person is convicted of any offense. Such suspension is mandatory.

- C. Driving under the influence shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000.00), or by a term of imprisonment in the Tribal jail not to exceed six (6) months, or by suspension of driving privileges for a period not to exceed two (2) years or any combination of the above punishments. For a second or subsequent conviction under this section, or a violation resulting in serious injury, a term of banishment may be imposed for a period not less than one (1) year nor more than five (5) years, in addition to the above authorized punishments.

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

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

- B. Failure to perform the duties of drivers involved in accidents involving deaths or

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

Section 607 Duty Upon Striking Unattended Vehicle

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

Section 608 Duty Upon Striking Highway Fixtures

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

Section 609 When Driver Unable to Report

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

Section 610 Driver's License in Possession

- A. It shall be unlawful to operate a motor vehicle upon any private or public road within the Tribal jurisdiction without possession of a valid federal, Tribal, or state operator's license, chauffeur's license, or permit, which must be exhibited upon demand by an

authorized person.

- B. Failure to have a driver's license in possession shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00).

Section 611 Permitting Unauthorized Person to Drive

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

Section 612 Traffic Control and Signal Devices

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

Section 613 Following Too Closely

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

Section 614 Stopping for School Bus

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

Section 615 Entering Public Road from Private Road

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

Section 616 Right of Way at Intersection

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

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

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

Section 618 Driving on Right Side

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

Section 619 Passing Oncoming Vehicles

- A. It shall be unlawful for drivers proceeding in opposite directions to fail to pass each other to the right and to give to the other at least half of the main traveled portion of the roadway.

- B. Improper passing of oncoming vehicles shall be punishable by a fine not to exceed Two Hundred Dollars (\$200.00).

Section 620 Passing and Turning on Curve or Crest

- A. It shall be unlawful to pass a vehicle going in the same direction unless the driver can see the road for a sufficient distance ahead to pass safely and such passing can be accomplished safely without colliding with oncoming traffic.
- B. It shall be unlawful for a vehicle to be driven so as to pass or turn in any direction on a curve or crest or on any approach to a crest or on a bridge on any approach to a bridge unless such vehicle can pass or be turned safely and seen by traffic approaching in either direction.
- C. Improper passing or turning on a curve or crest shall be punishable by a fine not to exceed Two Hundred Dollars (\$200.00).

Section 621 Unsafe Vehicles

- A. It shall be unlawful for any person to drive or cause or knowingly permit to be driven on any public road any motor vehicle which is in such unsafe condition so as to endanger any person or is not at all times equipped with the following:
 - 1. HEADLIGHTS: One on each side of the front of the motor vehicle, said lights to be multi-beam so that the driver can adjust lights from bright to dim, and such lights must be in proper working order at all times so as to be seen by oncoming traffic for a reasonable distance during hours of darkness or other times when light conditions require the use of headlights.
 - 2. REAR LAMPS: One lighted red lamp on each side of the back of the motor vehicle that will be plainly visible for a reasonable distance to the rear, and such lamp must be in proper working order at all times.
 - 3. STOP LIGHTS: All motor vehicles shall be equipped with a stop light in good working order at all times, such stop lights to be automatically controlled by brake adjustment.
 - 4. BRAKES: Every motor vehicle shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle.
 - 5. HANDBRAKE: Every motor vehicle shall be equipped with a handbrake.
 - 6. HORN: Every motor vehicle shall be equipped with a horn in good working order.
 - 7. WINDOWS UNOBSTRUCTED and WIPERS: No person shall drive any

motor vehicle with any sign or other nontransparent material upon the windshield, side wings, side or rear windows of such vehicle that would obstruct the driver's view, other than a paper or certificate required to be so displayed by law. The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow, or other obstructions from the windshield and must be in proper working order at all times.

8. LICENSE TAG LIGHT: All motor vehicles shall be equipped with a rear tag light in good working order at all times.
9. PROOF OF VEHICLE INSPECTION TO BE DISPLAYED: All motor vehicles shall display a valid state motor vehicle inspection decal.

B. Violation of this section is punishable by a fine not to exceed Two Hundred Dollars (\$200.00).

Section 622 Speed Limits

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

Section 623 When Lights Are Required to Be On

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

Section 624 Pedestrians

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

Section 625 Throwing Trash on Roads and Roadways

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

Section 626 Illegal Parking

- A. It shall be unlawful to stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or improved or main traveled part of a public roadway when it is practical to stop, park, or leave such vehicle off such part of said roadway, but in every event a clear and unobstructed width of at least twenty (20) feet of such part of the roadway opposite such standing vehicle shall be left for the free passage of other vehicles, a clear view of such stopped vehicle shall be available from distance

of two hundred (200) feet in each direction upon said roadway, and the vehicle must be positioned at least thirty (30) inches outside the main traveled portion of the roadway.

- B. This section shall not apply to the driver of any vehicle which is disabled while on the paved or improved or main traveled portion of a roadway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the vehicle in such position, provided that reasonable provision is made by the driver thereof for the warning and safety of other vehicles traveling upon such roadway until the vehicle can be removed.
- C. It shall be unlawful to stop, park, or leave standing a vehicle except when necessary to avoid collision with other traffic or in compliance with the directions of a police officer or traffic control sign, in any of the following places:
 - 1. On a sidewalk;
 - 2. In front of a public or private driveway;
 - 3. Within an intersection;
 - 4. Within twenty-five (25) feet of a fire hydrant;
 - 5. On a crosswalk.
- D. A violation of this Section shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00).

Section 627 Failure to Stop When Directed by Police

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

Section 628 Failure to Yield Right of Way to Emergency Vehicles

- A. Upon the approach of any emergency vehicle making use of audible and/or visual signals, it shall be unlawful to fail to immediately pull over to the right-hand edge or curb of the public roadway and stop and remain until the emergency vehicle has passed, unless otherwise directed by a police officer.

- B. Failure to stop when directed by a police officer shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00), or by a term of imprisonment in the Tribal jail not to exceed three (3) months, or by suspension of driving privileges for a period not to exceed one (1) year or any combination of the above punishments.

Section 629 Obstruction of Public Highways or Streets

- A. It shall be unlawful to knowingly and willfully obstruct or plow up, or cause to be obstructed or plowed up, any public highway or public street of any town, except by order of the road supervisors for the purpose of working the same, or injure any bridge on the public highway.
- B. Obstruction of public highways or streets shall be punishable by a fine not to exceed Five Thousand Dollar (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or by both. The person convicted of violating this section shall be liable for all damages to person or property by reason of the same.

Section 630 Motor Vehicle Registration Violation

- A. It shall be unlawful:
 - 1. To lend or sell to, or knowingly permit the use of by, one not entitled thereto any certificate of title, license plate, or decal issued to or in the custody of the person so lending or permitting the use thereof; or
 - 2. To alter or in any manner change a certificate of title, registration certificate, license plate or decal issued under the laws of the Tribe or any other Indian tribe or state; or
 - 3. To drive, operate, or move, or for the owner to cause or permit to be driven or moved, upon the roads, streets or highways of this state, any vehicle loaded in excess of its registered laden weight, or which is licensed for a capacity less than the manufacturer's rated capacity as provided for by law; or
 - 4. To operate a vehicle without proper license plate or decal or on which all taxes due the Tribe have not been paid; or
 - 5. To buy, sell, or dispose of, or possess for sale, use, or storage, any secondhand or used vehicle on which the registration or license fee has not been paid, as required by law, and on which vehicle the person neglects, fails, or refuses to display at all times the license plate or decal assigned to it; or
 - 6. To give a fictitious name or fictitious address or make any misstatement of facts in application for certificate of title and registration of a vehicle;
 - 7. To operate a vehicle upon the highways of the Tribe after the registration

deadline for that vehicle without a proper license plate, as prescribed by law, for the current year; or

8. For any owner of a vehicle registered on the basis of laden weight to fail or refuse to weigh or reweigh it when requested to do so by any enforcement officer charged with the duty of enforcing this law; or
9. To operate or possess any vehicle which bears a motor number or serial number other than the original number placed thereon by the factory except a number duly assigned and authorized by the Tribe.

B. Motor vehicle registration violation is punishable by a fine of One Thousand Dollars (\$1,000.00), a term of imprisonment in the Tribal jail not to exceed six (6) months, or both.

Section 631 Seizure of Vehicle Not Displaying Proper Tag; Sale

A. In addition to the penalties provided by law, after ninety (90) days from the expiration date for annual registration of a vehicle, the Tax Commission and all duly authorized police officers of the Tribe may seize and take into custody every vehicle owned within this jurisdiction not bearing or displaying a proper license plate required by tribal law or rule. The vehicle shall not be released to the owner until it is duly registered and the license, registration, or title fee and penalties due are paid in full, proof of security or an affidavit that the vehicle will not be used on public highways or public streets, is furnished, and the cost of seizure, including the reasonable cost of taking the vehicle into custody and storing the vehicle, have been paid. In the event the owner of any vehicle seized fails to pay such fees and penalties due, together with cost of seizure and storage, and fails to provide proof of security or an affidavit that the vehicle will not be used on public highways or public streets, the Tax Commission shall proceed to sell the vehicle by posting not fewer than five (5) notices of sale in five (5) different public places in the jurisdiction where the vehicle is located, one of such notices to be posted at the place where the vehicle is stored. A copy of the notice shall also be sent by certified mail, restricted delivery, with return receipt requested, to the last-known address of the registered owner of the vehicle.

B. The vehicle shall be sold at such sale subject to the following terms and conditions:

1. In the event the sale price is equal to, or greater than, the total costs of sale, seizure and the fee and penalty, the purchaser shall be issued a certificate of purchase, license plate, manufactured home registration receipt and decal and registration certificate;
2. In the event the sale price is less than the total costs of sale, seizure, and the fee and penalty, the vehicle shall be sold as junk to the highest bidder, whereupon the bidder shall receive a certificate of purchase; and if the vehicle be dismantled, the record to the junked vehicle shall be canceled. If not

dismantled, the vehicle shall be immediately registered; and

3. Any residual amount remaining unclaimed by the delinquent owner shall be administered in accordance with the rules established by the Tax Commission.

Section 632 Destroying Traffic, Boundary, and Warning Signs

It shall be unlawful to:

- A. Willfully destroy, damage, deface, or remove any sign erected by an Indian tribe, or a government agency (1) to regulate motor vehicle traffic or (2) to indicate the boundary of an Indian reservation or of any Indian country or (3) to give notice that hunting, trapping, or fishing is not permitted thereon without lawful authority or permission.
- B. Destroying traffic, boundary, and warning signs shall be punishable by a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in the Tribal jail for a term not exceeding six (6) months, or any combination of the above authorized punishments.

Section 633 Insurance Verification in Possession

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

Section 634 Violation of Vehicle License Registration Requirement

- A. It shall be unlawful to:
 1. Lend or sell to, or knowingly permit the use of by, one not entitled thereto any certificate of title, license plate or decal issued to or in the custody of the person so lending or permitting the use thereof; or
 2. Alter or in any manner change a certificate of title, registration certificate, license plate or decal issued under the laws of this or any other jurisdiction; or
 3. Procure from another state or tribe, or display upon any vehicle owned by such person within this jurisdiction, as otherwise provided by tribal law, any license plate issued by any state or tribe other than this jurisdiction, unless there shall be displayed upon such vehicle at all times the current license plate and decal assigned to it by the Miami Tribe; or

4. Drive, operate or move, or for the owner to cause or permit to be driven or moved, upon the roads, streets or highways of this jurisdiction, any vehicle loaded in excess of its registered laden weight, or which is licensed for a capacity less than the manufacturer's rated capacity; or
5. Operate a vehicle without proper license plate or decal or on which all taxes due the Tribe have not been paid; or
6. Give a fictitious name or fictitious address or make any misstatement of facts in application for certificate of title and registration of a vehicle; or
7. Operate a vehicle upon the highways of this jurisdiction after the registration deadline for that vehicle without a proper license plate, for the current year; or
8. Operate or possess any vehicle which bears a motor number or serial number other than the original number placed thereon by the factory except a number duly assigned and authorized by the Tribe.

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

- Section 635 Reserved.
- Section 636 Reserved.
- Section 637 Reserved..
- Section 638 Reserved.
- Section 639 Reserved.
- Section 640 Reserved.
- Section 641 Reserved.
- Section 642 Reserved.
- Section 643 Reserved.
- Section 644 Reserved.

