

**WYANDOTTE NATION CODE OF LAWS**  
**TITLE 5**  
**CRIMINAL OFFENSES**  
**AND**  
**TRAFFIC OFFENSES**

Chapter 1 .....	2
CRIMINAL OFFENSES .....	2
Section 100. Assault and Domestic Abuse. ....	2
Section 101. Recklessly Endangering Another Person. ....	2
Section 102. Terroristic Threats. ....	2
Section 103. Unlawful Restraint. ....	3
Section 104. False Imprisonment. ....	3
Section 105. Interruption, Disruption, or Interference With Emergency Telephone Call or Emergency Services. ....	3
Section 106. Interference With Custody. ....	3
Section 107. Criminal Coercion. ....	4
Section 108. Sexual Assault. ....	4
Section 109. Acts Resulting in Gross Injury – Misdemeanor. ....	5
Section 110. Indecent Exposure. ....	5
Section 111. Reckless Burning or Exploding. ....	6
Section 112. Burn Ban. ....	6
Section 113. Criminal Mischief. ....	6
Section 114. Criminal Trespass. ....	6
Section 115. Burglary. ....	7
Section 116. Larceny. ....	7
Section 117. Shoplifting. ....	7
Section 118. Gasoline Pump Thievery. ....	7
Section 119. Receiving Stolen Property. ....	8
Section 120. Embezzlement. ....	8
Section 121. Embezzlement and Theft from the Nation. ....	8
Section 122. Fraud. ....	8
Section 123. Forgery. ....	9
Section 124. Extortion. ....	9
Section 125. Misbranding. ....	9
Section 126. Unauthorized Use of Automobiles and Other Vehicles. ....	9
Section 127. Tampering With Records. ....	9
Section 128. Bad Checks. ....	10
Section 129. Unauthorized Use of Credit Cards or Debit Cards. ....	10
A person commits a felony if he or she uses a credit card or debit card for the purpose of obtaining property or services with knowledge that: ....	10
Section 130. Defrauding Secured Creditors. ....	10
Section 131. Neglect of Children. ....	11
Section 132. Persistent Non-Support. ....	11
Section 133. Bribery. ....	11

Section 134. Threats and Other Improper Influence in Official and Political Matters. ....	11
Section 135. Retaliation for Past Official Action. ....	12
Section 136. Perjury. ....	12
Section 137. False Alarms. ....	12
Section 138. False Reports. ....	12
Section 139. Impersonating a Public Servant. ....	13
Section 140. False Personation. ....	13
Section 141. Disobedience to Lawful Order of Court. ....	13
Section 142. Resisting Arrest. ....	13
Section 143. Obstructing Justice. ....	13
Section 144. Escape. ....	14
Section 145. Bail Jumping. ....	14
Section 146. Flight to Avoid Prosecution or Judicial Process. ....	14
Section 147. Witness Tampering. ....	14
Section 148. Tampering With or Fabricating Physical Evidence. ....	14
Section 149. Disorderly Conduct. ....	15
Section 150. Intoxication. ....	15
Section 151. Riot; Failure to Disperse. ....	15
Section 152. Harassment. ....	16
Section 153. Carrying Concealed Weapons. ....	17
Section 154. Weapons Offense. ....	17
Section 155. Aggravated Weapons Offense. ....	18
Section 156. Cruelty to Animals. ....	18
Section 157. Control of Dogs; Trespassing on Public, Private and Tribal Property Prohibited. ....	18
Section 158. Maintaining a Public Nuisance. ....	19
Section 159. Abuse of Office. ....	19
Section 160. Violation of An Approved Tribal Ordinance. ....	19
Section 160. Abuse Of Psychotoxic Chemical Solvents. ....	19
Section 162. Aiding, Assisting or Abetting the Commission of Offense Prohibited. ....	20
Section 163. Compliance with Order of Officer Required; Obstruction of Duty Prohibited. ..	20
Section 164. Fictitious or False Information Prohibited. ....	21
Section 165. Stalking. ....	21
Section 166. Violating Protective Order. ....	21
Section 167. Child Abuse, Exploitation and Neglect. ....	21
Section 168. Crimes By Caretakers. ....	22
Section 169. Computer and Electronic Crimes. ....	22
Section 170. Desertion of Wife or Child under 15. ....	23
Section 171. Intoxicating Beverage Purchase by Person Under 21 Years of Age Prohibited..	23
Section 171. Furnishing Intoxicating Beverages to a Minor. ....	23
Section 173. Tobacco Purchase by Person Under 18 Years of Age Prohibited. ....	24
Section 174. Furnishing Tobacco Products to a Minor. ....	24
A person is guilty of a misdemeanor if he furnishes by gift, sale or otherwise to any minor who is under eighteen (18) years of age any cigarettes, cigarette papers, cigars, bidis, snuff, chewing tobacco, or any other form of tobacco product. ....	24
Section 175. Possession of Intoxicating Beverages in Public. ....	24

Section 176. Laws of the State of Oklahoma Adopted to Extent Not Inconsistent with the Nation's Laws. ....	24
Section 177. Maximum Fines and Sentences of Imprisonment. ....	24
CHAPTER 2 .....	26
TRAFFIC OFFENSES .....	26
Section 201. Definitions. ....	26
Section 202. Driver's License In Possession. ....	26
Section 203. Driving in Violation of License Restriction. ....	26
Section 204. Driving While License Is Suspended Or Revoked. ....	26
Section 205. Permitting Unauthorized Person to Drive. ....	27
Section 206. Careless Driving. ....	27
Section 207. Reckless Driving. ....	27
Section 208. Transporting an Open Container of Alcohol. ....	27
Section 209. Driving While Intoxicated. ....	28
Section 210. Duties Of Drivers Involved In Accidents Involving Deaths Or Personal Injuries. ....	28
Section 211. Duty Upon Striking Unattended Vehicle. ....	29
Section 212. Duty Upon Striking Highway Fixtures. ....	29
Section 213. When Driver Unable To Report. ....	29
Section 214. Failure to Signal. ....	29
Section 215. Failure to Obey Officer. ....	29
Section 216. Eluding Law Enforcement Officer. ....	30
Section 217. Following Too Closely. ....	30
Section 218. Stopping For School Bus. ....	30
Section 219. Entering Public Road From Private Road. ....	30
Section 220. Right Of Way At Intersection. ....	31
Section 221. Failure To Stop At Stop Sign And Yielding Right Of Way. ....	31
Section 222. Driving On Right Side. ....	31
Section 223. Passing Oncoming Vehicles. ....	31
Section 224. Passing And Turning On Curve Or Crest. ....	31
Section 225. No-Passing Zones. ....	32
Where signs or markings are in place to define a no-passing zone, it shall be unlawful for a driver to drive to the left side of the roadway within a marked no-passing zone or to drive on the left side of any pavement striping designed to mark such no-passing zone through its length. ....	32
Section 226. Unsafe Motor Vehicles – Other Than Motorcycles. ....	32
Section 227. Obstructed View, Glass Coating, Lamination of Vehicle Windshields and Windows. ....	33
Section 228. Unsafe Motorcycles. ....	35
Section 229. Required Safety Equipment for Motorcycles. ....	36
Section 230. Operation of Golf Carts, Utility Vehicles, or All-terrain Vehicles within Nation's Jurisdiction. ....	36
Section 231. Required Passenger Restraints. ....	37
Section 232. Required Child Safety Seats. ....	37
Section 233. Speed Limits. ....	38
Section 234. Approaching and Passing Stationary Emergency Vehicles and Wreckers. ....	39

(a)It shall be unlawful for the driver of a motor vehicle, upon approaching a stationary authorized emergency vehicle or a licensed Class AA wrecker that is displaying a flashing combination red or blue light or any combination of red or blue lights, to fail to:.....	39
Section 235. When Lights Are Required To Be On. ....	39
Section 236. Pedestrians. ....	40
Section 237. Discarding Litter On Roads, Roadways and Public Property.....	40
It shall be unlawful to discard trash or refuse of any type on a roadway or public highway or right-of-way or any other public property within the Nation's jurisdiction. ....	40
Section 238. Depositing, Dumping or Throwing Destructive Material on Public Property.....	40
Section 239. Depositing, Dumping or Throwing Lighted, Flaming or Glowing Substance on Public Property.....	40
Section 240. Illegal Parking.....	41
Section 241. Abandonment of Motor Vehicles and Motor Carriers. ....	41
Section 242. Authorization to Remove Abandoned Vehicle.....	42
Section 243. Failure to Stop When Directed by Police or When Approached By Emergency Vehicle. ....	42
Section 244. Traffic Laws of the State within which Nation Jurisdiction is Located Adopted to Extent Not Inconsistent with Nation’s Laws. ....	42
<b>CHAPTER 3</b> .....	43
<b>BANISHMENT AND EXCLUSION</b> .....	43
Section 301. Purpose.....	43
Section 302. Definitions.....	43
Section 303. Persons subject to Banishment.....	43
Section 304. Persons subject to Exclusion.....	43
Section 305. Grounds for Banishment. ....	43
Section 306. Grounds for Exclusion. ....	44
Section 307. Entry of Order of Banishment or Exclusion. ....	44
Section 308. Effect of Banishment or Exclusion.....	45
Section 309. Dissemination of Orders of Banishment or Exclusion. ....	45
Section 310. Emergency Exclusion. ....	45
Section 311 Enforcement of Orders.....	45

**TITLE 5**  
**CHAPTER 1**  
**CRIMINAL OFFENSES**

Section 100. Assault and Domestic Abuse.

A person is guilty of assault if he or she:

- (1) Attempts to cause or purposely, knowingly or recklessly causes bodily injury to another; or
- (2) Negligently causes bodily injury to another with a deadly weapon; or
- (3) Attempts by physical menace to put another in fear of imminent serious bodily injury.

Any person who commits any assault and battery against a current or former spouse, a present spouse of a former spouse, parents, a foster parent, a child, a person otherwise related by blood or marriage, a person with whom the defendant is in a dating relationship, an individual with whom the defendant has had a child, a person who formerly lived in the same household as the defendant, or a person living in the same household as the defendant shall be guilty of domestic abuse in addition to assault, which shall be punished as an additional misdemeanor.

Any person who commits assault or domestic abuse as defined in subsection (a) of this Section in the presence of a child shall be guilty of assault in the presence of a child, which shall be punished as an additional misdemeanor. As used in this subsection, "in the presence of a child" means in the physical presence of a child, whether or not the child is related to the victim or defendant; or having knowledge that such a child is present and may see or hear an act of domestic violence.

Domestic abuse shall also include purposely or knowingly causing reasonable apprehension of bodily injury in a family member or household member, whether or not an assault and battery has actually occurred. (Domestic Assault in presence of minor)

Section 101. Recklessly Endangering Another Person.

A person commits a misdemeanor if he or she recklessly engages in conduct which places or may place another person in danger of death or serious bodily injury. Recklessness and danger shall be presumed where a person knowingly points a firearm at or in the direction of another person, whether or not the actor believed the firearm to be loaded.

Section 102. Terroristic Threats.

A person is guilty of a misdemeanor if he or she threatens to commit any crime of violence with purpose to terrorize another or to cause evacuation of a building, place of assembly or facility of public transportation, or otherwise to cause serious public inconvenience or in reckless disregard of the risk of causing such terror or inconvenience.

Section 103. Unlawful Restraint.

A person commits a misdemeanor if he or she knowingly:

A. Restrains another unlawfully in circumstances exposing him or her to risk of serious bodily injury; or

Holds another in a condition of involuntary servitude.

Section 104. False Imprisonment.

A person commits a misdemeanor if he or she knowingly restrains another unlawfully so as to interfere substantially with his or her liberty.

Section 105. Interruption, Disruption, or Interference with Emergency Telephone Call or Emergency Services.

A person is guilty of a misdemeanor if he intentionally interrupts, disrupts, impedes or interferes with an emergency telephone call or emergency services or intentionally prevents or hinders another person from placing an emergency telephone call or obtaining emergency services.

Section 106. Interference with Custody.

A. Custody of children.

A person commits a misdemeanor if he or she knowingly or recklessly takes or entices any child under the age of 18 from the custody of his or her parent, guardian or other lawful custodian, when he or she has no privilege to do so.

Custody of committed person.

A person is guilty of a misdemeanor if he or she knowingly or recklessly takes or entices any committed person away from lawful custody when he or she does not have the privilege to do so.

Committed person.

Committed person means, in addition to anyone committed under judicial warrant, any orphan, neglected or delinquent child, mentally defective or insane person, or other dependent or incompetent person entrusted to another's custody by or through a recognized social agency or otherwise by authority of law.

Section 107. Criminal Coercion.

A. A person is guilty of criminal coercion if, with purpose to unlawfully restrict another's freedom of action to his or her detriment, he or she threatens to:

- (1) Commit any criminal offense; or
- (2) Accuse anyone of a criminal offense; or
- (3) Take or withhold action as an official, or cause an official to take or withhold action.

Criminal coercion is classified as a misdemeanor.

Section 108. Sexual Assault.

A. A person, who has sexual contact with another person or causes such other person to have sexual contact with him or her, is guilty of sexual assault, a felony, if:

- (1) He or she knows or should reasonably have known that the conduct is offensive to the other person; or
- (2) He or she knows that the other person suffers from a mental disease or defect which renders him or her incapable of appraising the nature or his or her conduct; or
- (3) He or she knows that the other person is unaware that a sexual act is being committed; or
- (4) The other person is less than 10 years old; or
- (5) He or she is in a position of influence, authority, or power over the person and misuses such position to intimidate or otherwise take advantage of the person.
- (6) He or she has substantially impaired the other person's power to appraise or control his or her conduct, by administering or employing without the other's knowledge drugs, intoxicants or other means for the purpose of preventing resistance; or
- (7) The other person is less than 16 years old and the actor is at least four years older than the other person and such individuals are not legally married; or
- (8) The other person is less than 21 years old and the actor is his or her guardian or otherwise responsible for general supervision of his or her welfare; or
- (9) The other person is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over him or her.

Sexual contact is any touching of the sexual or other intimate parts of the person for the purpose of arousing or gratifying sexual desire, or for the purpose of abusing, humiliating, harassing, or degrading the victim.

Section 109. Acts Resulting in Gross Injury – Misdemeanor.

Every person who willfully and wrongfully commits any act which grossly injures the person or property of another, or which grossly disturbs the public peace or health, or which openly outrages public decency, including but not limited to urination in a public place, and is injurious to public morals, although no punishment is expressly prescribed therefor by this code, is guilty of a misdemeanor.

Section 110. Indecent Exposure.

A. Every person who willfully and knowingly either:

(1) Lewdly exposes his or her person or genitals in any public place, or in any place where there are present other persons to be offended or annoyed thereby; provided, however, for purposes of this section, a person alleged to have committed an act of public urination shall be prosecuted pursuant to Section 108 of this Title unless such act was accompanied with another act that violates paragraphs 2 through 4 of this subsection and shall not be subject to registration under the Sex Offenders Registration and Notification Act, Title 11;

(2) Procures, counsels, or assists any person to expose such person, or to take any other exhibition of such person to public view or to the view of any number of persons, for the purpose of sexual stimulation of the viewer;

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

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

shall be guilty, upon conviction, of a felony.

Every person who:

(5) Willfully solicits or aids a minor child to perform; or

(6) Shows, exhibits, loans, or distributes to a minor child any obscene material or child pornography for the purpose of inducing said minor to participate in,

any act specified in paragraphs 1, 2, 3 or 4 of subsection A of this section shall be guilty of a felony, upon conviction

For purposes of this section, "downloading on a computer" means electronically transferring an electronic file from one computer or electronic media to another computer or electronic media.

Section 111. Reckless Burning or Exploding.

A person commits a misdemeanor if he or she purposely starts a fire or causes an explosion, whether on his or her property or another's, and thereby recklessly:

- A. Places another person in danger of death or bodily injury; or

Places a building or occupied structure of another in danger of damage or destruction.

Section 112. Burn Ban.

A person commits a misdemeanor if he or she purposely or negligently starts a fire or causes a fire to start, whether on his or her property or another's property in violation of any federal, state, or tribal burn ban. Fires for the purpose of religious, cultural, or tribal ceremonies shall not be considered for the enforcement of this prohibition so long as there is sufficient evidence to support the fire's purpose. The Wyandotte Nation Police Department shall have the authority to issue tribal burn bans and shall provide notice of such on the Wyandotte Nation website with 24 hours of the Department's issuance of such burn ban.

Section 113. Criminal Mischief.

- A. A person is guilty of criminal mischief, a misdemeanor, if he or she:

- (1) Damages tangible property of another purposely, recklessly, or by negligence in the employment of fire, explosives, or other dangerous means; or

- (2) Purposely or recklessly tampers with tangible property of another so as to endanger person or property; or

- (3) Purposely or recklessly causes another to suffer pecuniary loss by deception or threat.

Section 114. Criminal Trespass.

- A. A person commits a misdemeanor if, knowing that he or she is not licensed or privileged to do so, he or she enters or surreptitiously remains in any building or occupied structure.

A person commits a misdemeanor if, knowing that he or she is not licensed or privileged to do so, he or she enters or remains in any place as to which notice against trespass is given by:

- (1) Actual communication to the actor; or
- (2) Posting in a manner prescribed by law or reasonably likely to come to the attention of intruders; or
- (3) Fencing or other enclosure manifestly designed to exclude intruders.

(c) An offense under this section constitutes a misdemeanor if the offender defies an order to leave Tribal property personally communicated to him or her by an authorized person.

#### Section 115. Burglary.

A person is guilty of a felony if he breaks into and enters the dwelling house of another, in which there is at the time some human being, with intent to commit some crime therein, either:

A. 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

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

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.

#### Section 116. Larceny.

A person who, without permission of the owner, shall take, shoplift, possess or exercise unlawful control over movable property not his or her own or under his or her control with the purpose to deprive the owner thereof or who unlawfully transfers immovable property of another or any interest therein with the purpose to benefit himself or herself or another not entitled thereto shall be guilty of theft, a misdemeanor when the value of such property is five hundred dollars (\$500) or less, or a felony when the value of such property is greater than five hundred dollars (\$500).

#### Section 117. Shoplifting.

A person is guilty of a misdemeanor if he takes possession of any goods, wares, or merchandise displayed or offered for sale by any wholesale or retail store or other mercantile establishment without the consent of the owner, seller, or merchant and with the intention of converting such goods, wares, or merchandise to his own use without having paid the purchase price thereof. A person convicted of shoplifting shall be liable in a civil action for the retail price of the merchandise if it is unsalable or the percentage of the diminished value of the merchandise due to the conversion together with attorney fees and court costs.

#### Section 118. Gasoline Pump Thievery.

Any person who pumps gasoline into the gasoline tank of a vehicle and leaves the premises where the gasoline was pumped without making payment for the gasoline shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or confinement in the county jail for a period of not more than sixty (60) days, or by both such fine and imprisonment.

Section 119. Receiving Stolen Property.

A person is guilty of receiving stolen property, a misdemeanor, if he or she purposely receives, retains, or disposes of movable property of another knowing that it has been stolen, or believing that it has probably been stolen, unless the property is received, retained, or disposed with purpose to restore it to the owner. Receiving means acquiring possession, control or title, or lending on the security of the property.

Section 120. Embezzlement.

A person who shall, having lawful custody of property not his or her own, appropriate the same to his or her own use, with intent to deprive the owner thereof, shall be guilty of embezzlement, a misdemeanor.

Section 121. Embezzlement and Theft from the Nation.

A person is guilty of embezzlement and theft from the Nation if:

A. He embezzles, steals, knowingly converts to his use or the use of another, willfully misapplies, or willfully permits to be misapplied, any of the moneys, funds, credits, goods, assets, or other property belonging to the Nation or any organization of the Nation or entrusted to the custody or care of any officer, employee, or agent of an organization of the Nation; or

He, knowing any such moneys, funds, credits, goods, assets, or other property to have been so embezzled, stolen, converted, misapplied or permitted to be misapplied, receives, overtly conceals, fails to report, or retains the same with intent to convert it to his use or the use of another.

Character of offense.

(1) A person is guilty of a felony under subsections 1(a) and (b) if the value of the moneys, funds, credits, goods, assets or other property exceeds one thousand dollars (\$1,000).

(2) A person is guilty of a misdemeanor under subsections 1(a) and (b) if the value of the moneys, funds, credits, goods, assets or other property exceeds one hundred dollars (\$100) but does not exceed one thousand dollars (\$1,000).

Section 122. Fraud.

(a) A person who shall by willful misrepresentation or deceit, or by false interpreting, or by the use of false weights or measures obtain any money or other property, shall be guilty of fraud.

(1) A person is guilty of a misdemeanor under subsection (a) of this Section if the value of the money or property obtained does not exceed five hundred dollars (\$500).

(2) A person is guilty of a felony under subsection (a) of this Section if the value of the money or property obtained exceeds five hundred dollars (\$500).

#### Section 123. Forgery.

A. A person is guilty of forgery, a felony, if, with purpose to defraud or injure anyone, or with knowledge that he or she is facilitating fraud or injury to be perpetrated by anyone, he/she:

(1) Alters, makes, completes, authenticates, issues or transfers any writing of another without his or her authority; or

(2) Utters any writing which he or she knows to be forged in a manner above specified.

“Writing” includes printing or any other method of recording information, money, coins, tokens, stamps, seals, credit cards, badges, trademarks, and other symbols of value, right, privilege, or identification.

#### Section 124. Extortion.

A person who shall willfully, by making false charges against another person or by any other means whatsoever, extort or attempt to extort any moneys, goods, property, or anything else of any value, shall be guilty of extortion, a misdemeanor.

#### Section 125. Misbranding.

A person, who shall knowingly and willfully misbrand or alter any brand or mark on any livestock of another person, shall be guilty of a misdemeanor.

#### Section 126. Unauthorized Use of Automobiles and Other Vehicles.

A person commits a misdemeanor if he or she operates another person’s automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle without consent of the owner. It is an affirmative defense to prosecution under this section that the actor reasonably believed that the owner would have consented to the operation had he or she known of it.

#### Section 127. Tampering With Records.

A person commits a misdemeanor if, knowing that he or she has no privilege to do so, he or she falsifies, destroys, removes or conceals any writing or record, with purpose to deceive or injure anyone or to conceal any wrongdoing.

Section 128. Bad Checks.

A. A person who issues or passes a check or similar sight order for the payment of money, knowing that it will not be honored by the drawee, commits a misdemeanor.

For the purposes of this section, an issuer is presumed to know that the check or order would not be paid, if:

- (1) The issuer had no account with the drawee at the time the check or order was issued; or
- (2) Payment was refused by the drawee for lack of funds, upon presentation within 30 days after issue, and the issuer failed to make good within 10 days after receiving notice of that refusal.

Section 129. Unauthorized Use of Credit Cards or Debit Cards.

A person commits a felony if he or she uses a credit card or debit card for the purpose of obtaining property or services with knowledge that:

- (1) The card is stolen or forged; or
- (2) The card has been revoked or cancelled; or
- (3) For any other reason his or her use of the card is unauthorized by the issuer.

(a) Credit card means a writing or other evidence of an undertaking to pay for property or services delivered or rendered to or upon the order of a designated person or bearer.

(b) "Debit card" means any instrument or device, whether known as a debit card or by any other name, issued with or without fee by an issuer for the use of the cardholder in depositing, obtaining or transferring funds from a consumer banking electronic facility.

Section 130. Defrauding Secured Creditors.

A. A person commits a misdemeanor if he or she destroys, conceals, and encumbers, transfers or otherwise deals with property subject to a security interest with purpose to hinder that interest.

This crime may be prosecuted at the discretion of the Attorney General of the Wyandotte Nation based on the provisions contained in the Secured Transaction Ordinance or other laws of the Wyandotte Nation regarding security interests.

Section 131. Neglect of Children.

(a) A parent, guardian, or other person supervising the welfare of a child under 18 commits a misdemeanor if he or she knowingly endangers the child's welfare by violating a duty of care, protection or support.

(b) A parent, guardian, or other person supervising the welfare of a child under 18 commits a violation if he or she neglects or refuses to send the child to school.

Section 132. Persistent Non-Support.

A person commits a misdemeanor if he or she persistently fails to provide support which he or she can provide and which he or she knows he or she is legally obliged to provide to a spouse, child or other dependent.

Section 133. Bribery.

A person is guilty of bribery, a felony, if he or she offers, confers or agrees to confer upon another, or solicits, accepts or agrees to accept from another:

A. Any pecuniary benefit as consideration for the recipient's decision, opinion, recommendation, vote or other exercise of discretion as a public servant, party official or voter; or

Any benefit as consideration for the recipient's decision, vote, recommendation or other exercise of official discretion in a judicial or administrative proceeding; or

Any benefit as consideration for a violation of a known legal duty as a public servant or party official.

It is no defense to prosecution under this section that a person whom the actor sought to influence was not qualified to act in the desired way, whether because he or she had not yet assumed office, or lacked jurisdiction, or for any other reason.

Section 134. Threats and Other Improper Influence in Official and Political Matters.

A. A person commits a felony if he or she:

(1) Threatens unlawful harm to any person with purpose to influence his or her decision, vote or other exercise of discretion as a public servant, party official or voter; or

(2) Threatens harm to any public servant with purpose to influence his decision, opinion, recommendation, vote or other exercise of discretion in a judicial or administrative proceeding; or

(3) Threatens harm to any public servant with purpose to influence his decision, opinion, recommendation, vote or other exercise of discretion in a judicial or administrative proceeding.

(b) It is no defense to prosecution under this section that a person whom the actor sought to influence was not qualified to act in the desired way, whether because he or she had not yet assumed office, or lacked jurisdiction, or for any other reason.

(c) This section of the Criminal Code shall not apply to acts or actions which take place between elected officials or representatives of the Nation during the conduct of an official meeting of the Nation Council or Board of Directors and transpire on the official meeting floor between individuals who are elected officials or representatives of the Nation, provided that such actions shall be dealt with pursuant to any Nation laws regarding such actions of the Board of Directors and such other rules established by the Board of Directors. If the act or actions take place outside of the official meeting floor, before or after the meeting, then any persons involved may be prosecuted according to this Section.

Section 135. Retaliation for Past Official Action.

A person commits a felony if he or she harms another by any unlawful act in retaliation for anything lawfully done by the latter in the capacity of public servant.

Section 136. Perjury.

A person is guilty of perjury, a felony, if in any official proceeding he or she makes a false statement under oath or equivalent affirmation, or swears or affirms the truth of a statement previously made, when the statement is material and he or she does not believe it to be true.

A. No person shall be guilty of an offense under this section if he or she 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.

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.

Section 137. False Alarms.

A person who knowingly causes a false alarm of fire or other emergency to be transmitted to, or within any organization, official or volunteer, for dealing with emergencies involving danger to life or property commits a misdemeanor.

Section 138. False Reports.

A. A person who knowingly gives false information to any law enforcement officer with the purpose to implicate another commits a misdemeanor.

A person commits a misdemeanor if he or she:

(1) Reports to law enforcement authorities an offense or other incident within their concern knowing that it did not occur; or

(2) Pretends to furnish such authorities with information relating to an offense or incident when he or she knows he or she has no information relating to such offense or incident.

#### Section 139. Impersonating a Public Servant.

A person commits a misdemeanor if he or she falsely pretends to hold a position in the public service with purpose to induce another to submit to such pretended official authority or otherwise to act in reliance upon that pretense to his or her prejudice.

#### Section 140. False Personation.

A. A person is guilty of a felony if he falsely personates another, and in such assumed character does any act whereby, if it were done by the person falsely personated, he might in any event become liable to any suit or prosecution, or to pay any sum of money, or to incur any charge, forfeiture or penalty, or whereby any benefit might accrue to the party personating, or to any other person.

A person is guilty of a felony if he falsely personates another, and in such assumed character receives any money or property, that knowing it is intended to be delivered to the individual so personated, with intent to convert the same to his own use, or to that of another person who is not entitled thereto.

#### Section 141. Disobedience to Lawful Order of Court.

A person who willfully disobeys any order, subpoena, summons, warrant or command duly issued, made or given by any Court of the Wyandotte Nation or any officer thereof, or who willfully disobeys any valid protective order or given by any foreign court or any officer thereof, is guilty of a misdemeanor.

#### Section 142. Resisting Arrest.

A person commits a misdemeanor if he or she employs any means for the purpose of preventing a public servant from effecting a lawful arrest or discharging any other duty. A person commits a felony if, for the purpose of preventing a public servant from effecting a lawful arrest or discharging any other duty, he or she creates a substantial risk of bodily injury to the public servant or anyone else, or employs means justifying or requiring substantial force to overcome the resistance.

#### Section 143. Obstructing Justice.

A person commits a felony if, with purpose to hinder the apprehension, prosecution, conviction or punishment of another for a crime, he or she harbors or conceals the other, provides a weapon,

transportation, disguise or other means of escape, warns the other of impending discovery, or volunteers false information to a law enforcement officer.

Section 144. Escape.

A person is guilty of the offense of escape, a felony, if he or she unlawfully removes himself or herself from official detention or fails to return to official detention following temporary leave granted for a specific purpose or limited period.

Section 145. Bail Jumping.

A person set at liberty by court order, with or without bail, upon condition that he or she will subsequently appear at a specified time or place, commits a misdemeanor if the crime from which he is on liberty is a misdemeanor and a felony if the crime from which he is on liberty is a felony, if without lawful excuse, he or she fails to appear at that time and place.

Section 146. Flight to Avoid Prosecution or Judicial Process.

A person who shall absent himself or herself from the Indian country over which the Courts of the Wyandotte Nation exercise jurisdiction for the purpose of avoiding arrest, prosecution or other judicial process shall be guilty of a misdemeanor if the crime from which he is on liberty is a misdemeanor and a felony if the crime from which he is on liberty is a felony.

Section 147. Witness Tampering.

A. A person commits a felony if, believing that an official proceeding or investigation is pending or about to be instituted, he or she attempts to induce or otherwise cause a witness or informant to:

- (1) Testify or inform falsely; or
- (2) Withhold any testimony, information, document or thing; or
- (3) Elude legal process summoning him or her to supply evidence; or
- (4) Absent himself or herself from any proceeding or investigation to which he or she has been legally summoned.

(b) A person commits a felony if he or she harms another by any unlawful act in retaliation for anything lawfully done in the capacity of witness or informant.

Section 148. Tampering With or Fabricating Physical Evidence.

A person commits a felony if, believing that an official proceeding or investigation is pending or about to be instituted, he or she:

(a) Alters, destroys, conceals, or removes any record, document or thing with purpose to impair its verity or availability in such proceeding or investigation; or

(b) Makes, presents or uses any record, document or thing knowing it to be false and with the purpose to mislead a public servant who is or may be engaged in such proceeding or investigation.

#### Section 149. Disorderly Conduct.

A. A person is guilty of disorderly conduct if, with purpose to cause public inconvenience, annoyance or alarm or recklessly creating a risk thereof, he or she:

(1) Engages in fighting or threatening, or in violent or tumultuous behavior;

(2) Makes unreasonable noise or offensively coarse utterance, gesture or display, or addresses abusive language to any person present; or

(3) Creates a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor.

(b) Public means affecting or likely to affect persons in a place to which the public has access; among the places included are highways, schools, prisons, apartments, places of business or amusement, or any neighborhood.

(c) An offense under this section is a misdemeanor if the actor's purpose is to cause substantial harm or serious inconvenience, or if he or she persists in disorderly conduct after reasonable warning or request to desist.

#### Section 150. Intoxication.

A. A person is guilty of a misdemeanor if, in a public or private place while under the influence of an intoxicating beverage, drugs, or other controlled substance, or a substance having the property of releasing vapors, to any degree, he unreasonably disturbs another person, under circumstances not amounting to disorderly conduct.

B. A judge or the arresting law enforcement officer may order the release from custody and the dropping of a charge under this section if he believes further imprisonment is unnecessary for the protection of the individual or another and the individual is in a sober condition at the time of release. The judge may also commit the person convicted to a facility for treatment if it appears that the person is dependent upon the intoxicating beverage, drugs, controlled substance, or vapor producing substance, for a period not to exceed one year.

#### Section 151. Riot; Failure to Disperse.

A. A person is guilty of riot, a felony, if he or she participates with two or more others in a course of disorderly conduct:

(1) With purpose to commit or facilitate the commission of a felony or misdemeanor; or

(2) With purpose to prevent or coerce official action; or

(3) When the actor or any other participant to the knowledge of the actor uses or plans to use a firearm or other deadly weapon.

(b) Where three or more persons are participating in a course of disorderly conduct likely to cause substantial harm or serious inconvenience, a law enforcement officer may order the participants and others in the immediate vicinity to disperse. A person who refuses or knowingly fails to obey such an order commits a misdemeanor.

### Section 152. Harassment.

A. A person commits a misdemeanor upon a first offense and a felony upon subsequent offense if, with purpose to harass another, he or she:

(1) Insults, taunts or challenges another in a manner likely to provoke violent or disorderly response; or

(2) Makes a telecommunication or electronic communication without purpose or legitimate communication; or

(3) Makes 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; or

(4) Makes 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; or

(5) Makes repeated telecommunications or electronic communications anonymously or at extremely inconvenient hours, or in offensively coarse language; or

(6) Subjects another to an offensive touching; or

(7) Engages in any other course of alarming conduct serving no legitimate purpose.

B. As used in this section, "telecommunication" and "electronic communication" mean any type of telephonic, electronic or radio communications, or transmission of signs, signals, data, writings, images and sounds or intelligence of any nature by telephone, including cellular telephones, wire, cable, radio, electromagnetic, photo electronic 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.

(3) 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.

#### Section 153. Carrying Concealed Weapons.

A person who goes about in public places armed with a dangerous weapon concealed upon his or her person is guilty of a misdemeanor unless he or she has a permit issued by the Nation or issued or recognized by the State of Oklahoma. or except for duly authorized law enforcement officials while in performance of their duties

#### Section 154. Weapons Offense.

A. A person is guilty of a misdemeanor if he:

(1) has a dangerous weapon in his actual possession while 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 years old and without the consent of his parent or guardian; or

(2) Carries a loaded firearm in a vehicle on a public road without lawful authority to do so; or discharges any kind of firearm from a motor vehicle without lawful authority to do so; discharges a firearm from, upon or across any public highway without lawful authority to do so.

B. Definitions:

(1) "Dangerous weapon" means any item that in the manner of its use or intended use is capable of causing death or serious bodily injury. In determining whether an item, object or thing not commonly known as a dangerous weapon is a dangerous weapon, the character of the instrument, object or thing, the character of the wound produced, if any, and the manner in which the instrument, item or thing was used shall be determinative.

(2) "Firearms" means 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 a positions as next to be fired.

Section 155. Aggravated Weapons Offense.

A person commits a felony if he carries a firearm or dangerous weapon concealed on his person or threatens to use or exhibits a firearm or dangerous weapon in a dangerous or threatening manner, or uses a firearm or dangerous weapon in a fight or quarrel; or possesses a shotgun or rifle having a barrel or barrels of less than sixteen inches in length or an altered or modified shotgun or rifle less than twenty-four inches overall in length.

Section 156. Cruelty to Animals.

A person commits a felony if he or she purposely or recklessly:

- A. Subjects any animal in his or her custody to cruel neglect; or
- B. Subjects any animal to cruel mistreatment; or
- C. Kills or injures any animal belonging to another without legal privilege or consent of the owner.
- D. Causes one animal to fight with another.

Section 157. Control of Dogs; Trespassing on Public, Private and Tribal Property Prohibited.

A. A person commits a violation if he permits any dog owned, possessed or harbored by him:

(1) To trespass upon private property without the consent of the person who owns or controls the property, and without properly confining the dog to that property by means of a substantial fence or similar enclosure of sufficient strength and height to prevent the dog from escaping therefore, or by keeping the dog inside a house or other building, or by a leash at least ten feet in length consisting of a metal chain or other material of sufficient strength to prevent the dog from escaping the premises when the leash or tether is stretched to its full length. This section shall not apply to any person who takes a dog upon private property with the consent of the owner or person in control of the property, or upon a street or other public place when the dog is confined in a vehicle or by means of a chain or leash of sufficient strength and length to control the actions of the dog.

(2) To trespass upon any street or other public or tribal property unless the dog is:

(a)

Under immediate physical control of the owner or other responsible person by confinement in a vehicle; or

(b)

Under the immediate physical control of the owner or other responsible person by means of a chain, rope, cord, or leash of not more than six feet in length and of sufficient strength to control the actions of the dog.

(c)

For the purposes of this section, the term "immediate physical control" shall mean confinement in a vehicle or control exercised through the physical presence of a person who, at all times, has in his/her possession the chain, rope, cord or leash to which the dog is attached.

(d)

As used in this section, "owner" shall mean any person who owns, possesses, harbors, or has permanent care or custody of a dog.

(3) It is further provided that any authorized law enforcement officer of the Nation may kill any vicious dog found running loose on tribal property which in his discretion poses imminent threat to humans or other animals. Any such authorized law enforcement officer of the Nation shall not be held liable for the killing of said dog.

#### Section 158. Maintaining a Public Nuisance.

A person who permits his or her property to fall into such condition as to injure or endanger the safety, health, comfort, or property of his or her neighbors, is guilty of a misdemeanor.

#### Section 159. Abuse of Office.

A person acting or purporting to act in an official capacity or taking advantage of such actual or purported capacity commits a felony if, knowing that his or her conduct is illegal, he or she:

A. Subjects another to arrest, detention, search, seizure, mistreatment, dispossession, assessment, lien or other infringement of personal or property rights; or

B. Denies or impedes another in the exercise or enjoyment of any right, privilege, power or immunity.

#### Section 160. Violation of An Approved Tribal Ordinance.

A person who violates the terms of any statute or ordinance duly enacted by the Board of Directors of the Wyandotte Nation is guilty of an offense and upon conviction thereof shall be sentenced as provided in the ordinance.

#### Section 160. Abuse of Psychotoxic Chemical Solvents.

A. It shall be unlawful to purposely smell or inhale the fumes of any psychotoxic chemical solvent, or to possess, purchase, or attempt to possess or purchase any psychotoxic chemical solvent, with the intention of causing a condition of intoxication, inebriation,

excitement, stupefaction, or the dulling of the brain or nervous system; or to sell, give away, dispense, or distribute, or offer to sell, give away, dispense, or distribute any psychotoxic chemical solvent knowing or believing that the purchaser or another intends to use the solvent in violation of this Section.

B. This Section shall not apply to the inhalation of anesthesia for medical or dental purposes.

C. As used in this Section, "psychotoxic chemical solvent" includes any glue, cement, or other substance containing one or more of the following chemical compounds: acetone and acetate, benzene, butyl-alcohol, methyl ethyl, peptone, pentachlorophenol, petroleum ether, or other chemical substance capable of causing a condition of intoxication, inebriation, excitement, stupefaction, or the dulling of the brain or nervous system as a result of the inhalation of the fumes or vapors of such chemical substance. The statement of listing of the contents of a substance packaged in a container by the manufacturer or producer thereof shall be proof of the contents of such substances without further expert testimony if it reasonably appears that the substance in such container is the same substance placed therein by the manufacturer or producer.

D. Abuse of psychotoxic Chemical Solvents shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00), or by a term of imprisonment not to exceed six 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 months.

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

#### Section 162. Aiding, Assisting or Abetting the Commission of Offense Prohibited.

It shall be unlawful for a person to aid, abet, or assist in the commission of an offense punishable under the Code of Laws of the Wyandotte Nation. A person found guilty under this Section shall be subject to the punishment associated with the offense which the person aids, abets or assists.

#### Section 163. Compliance with Order of Officer Required; Obstruction of Duty Prohibited.

A. It shall be a misdemeanor for a person to knowingly fail or refuse to comply with an order or direction of a police officer that is given by a visible or audible signal.

B. It shall be a misdemeanor for a person to knowingly obstruct, prevent, or interfere with a police officer engaged in the discharge of the officer's official duty.

C. It is an affirmative defense to a prosecution for a violation of this section that the police officer's order or direction, or duty being performed is unlawful.

Section 164. Fictitious or False Information Prohibited.

A. It shall be a misdemeanor for a person who is under arrest and in the custody of an officer to:

- (1) Fail to give the officer the person's actual name and address; or
- (2) Give the officer an alias, assumed or fictitious name, or a false address.

B. It shall be a misdemeanor for a person who makes a written promise to appear, or is given written notice by the officer to appear before the District Court to answer for an offense to give the officer an assumed or fictitious name or a false address.

Section 165. Stalking.

A. A person who intentionally and repeatedly follows or harasses another person or who makes a credible threat, either expressed or implied, with the intent to place that person in reasonable fear of death or serious bodily harm is guilty of the crime of stalking.

B. The crime of stalking is a felony.

Section 166. Violating Protective Order.

A. A person who has been served with an ex parte or final protective order or foreign protective order and is in violation of such protective order shall be guilty of a misdemeanor.

B. Any violation of an ex parte, foreign, or final protective order which results in physical injury to any person named in the protective order shall be punished as a misdemeanor.

Section 167. Child Abuse, Exploitation and Neglect.

A. Any parent or other person who shall willfully or maliciously engage in child abuse, or who shall enable such abuse, shall be guilty of a felony. As used in this subsection, "child abuse" means the willful or malicious abuse of a child under eighteen (18) years of age by another, or the act of willfully or maliciously injuring, torturing or maiming a child under eighteen (18) years of age by another.

B. Any parent or other person who shall willfully or maliciously engage in child neglect, or who shall enable such neglect, shall be guilty of a misdemeanor. As used in this subsection, "child neglect" means the willful or malicious neglect of a child under eighteen (18) years of age by another.

C. Any parent or other person who shall willfully or maliciously engage in child sexual abuse, or who shall enable such sexual abuse, shall be guilty of a felony. As used in this section, "child sexual abuse" means the willful or malicious sexual abuse of a child under eighteen (18) years of age by another.

D. Any parent or other person who shall willfully or maliciously engage in child sexual exploitation, or who shall enable such exploitation, shall be guilty of a felony. As used in this subsection, "child sexual exploitation" means the willful or malicious sexual exploitation of a child under eighteen (18) years of age by another.

#### Section 168. Crimes by Caretakers.

A. No caretaker shall verbally abuse any person entrusted to the care of the caretaker, or knowingly cause, secure, or permit an act of verbal abuse to be done. Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor. 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.

B. No caretaker or other person shall abuse, commit financial neglect, neglect, commit sexual abuse, or exploit any person entrusted to the care of such caretaker or other person in a nursing facility or other setting, or knowingly cause, secure, or permit any of these acts to be done. Violations of this Section shall be punished as felonies.

#### Section 169. Computer and Electronic Crimes.

A. It shall be unlawful to:

(1) Willfully, and without authorization, gain or attempt to gain access to and damage, modify, alter, delete, destroy, copy, make use of, disclose or take possession of a computer, computer system, computer network or any other property;

(2) Use a computer, computer system, computer network, cell phone or any other property or electronic device for the purpose of devising or executing a scheme or artifice with the intent to defraud, deceive, extort or for the purpose of controlling or obtaining money, property, services or other thing of value by means of a false or fraudulent pretense or representation;

(3) Willfully exceed the limits of authorization and damage, modify, alter, destroy, copy, delete, disclose or take possession of a computer, computer system, computer network or any other property;

(4) Willfully and without authorization, gain or attempt to gain access to a computer, computer system, computer network or any other property;

(5) Willfully and without authorization use or cause to be used computer services;

(6) Willfully and without authorization disrupt or cause the disruption of computer services or deny or cause the denial of access or other computer services to an authorized user of a computer, computer system or computer network;

(7) Willfully and without authorization provide or assist in providing a means of accessing a computer, computer system or computer network in violation of this section;

(8) Willfully use a computer, computer system, computer network, telephone, cellular telephone or any other electronic device or property to annoy, abuse, threaten, or harass another person; and

(9) Willfully use a computer, computer system, computer network, telephone, cellular telephone or any other electronic device or property to put another person in fear of physical harm or death.

B. Each violation of any provision of Subsection (a) of this Section shall be a felony.

Section 170. Desertion of Wife or Child under 15.

Every person who shall without good cause abandon his wife in destitute or necessitous circumstances and neglect and refuse to maintain or provide for her, or who shall abandon his or her minor child or children under the age of fifteen (16) years and willfully neglect or refuse to maintain or provide for such child or children, shall be guilty of a felony.

Section 171. Intoxicating Beverage Purchase by Person Under 21 Years of Age Prohibited.

A person who is under twenty-one (21) years of age commits a violation if he purchases, receives, or has in his possession an intoxicating beverage product, or presents or offers to any person any purported proof of age which is false or fraudulent for the purpose of purchasing or receiving any intoxicating beverage product. It shall not be unlawful for an employee over eighteen (18) years of age but under twenty-one (21) years of age to handle intoxicating beverage products when required in the performance of the employee's duties.

Section 171. Furnishing Intoxicating Beverages to a Minor.

A. A person is guilty of a felony if he to sells, barter, or gives to any person under twenty-one (21) years of age any intoxicating beverage.

That the person demanded, was shown, and reasonably relied upon proof of age shall be a rebuttable presumption to any action brought pursuant to this section. A person cited for violating this section shall be deemed to have reasonably relied upon proof of age, and such person shall not be found guilty of such violation if:

(1) The individual who purchased or received the intoxicating beverage presented what a reasonable person would have believed was a driver license or other government-issued photo identification purporting to establish that the individual was twenty-one (21) years of age or older; or

(2) The person cited for the violation confirmed the validity of the driver license or other government-issued photo identification presented by the individual by performing a transaction scan by means of a transaction scan device.

Provided, that this defense shall not relieve from liability any person cited for a violation of this section if such person failed to exercise reasonable diligence to determine whether the physical description and picture on the driver license or other government-issued photo identification was that of the individual who presented it. The availability of the defense described in this subsection does not affect the availability of any other defense under any other provision of law.

Section 173. Tobacco Purchase by Person Under 18 Years of Age Prohibited.

A person who is under eighteen (18) years of age commits a misdemeanor if he purchases, receives, or has in his possession a tobacco product, or presents or offers to any person any purported proof of age which is false or fraudulent for the purpose of purchasing or receiving any tobacco product. It shall not be unlawful for an employee under eighteen (18) years of age to handle tobacco products when required in the performance of the employee's duties.

Section 174. Furnishing Tobacco Products to a Minor.

A person is guilty of a misdemeanor if he furnishes by gift, sale or otherwise to any minor who is under eighteen (18) years of age any cigarettes, cigarette papers, cigars, bidis, snuff, chewing tobacco, or any other form of tobacco product.

Section 175. Possession of Intoxicating Beverages in Public.

A person is guilty of a violation if he drinks or possesses intoxicating beverages in public except on the premises of a licensed establishment that is authorized to sell or serve alcoholic beverages. This provision shall be cumulative and in addition to existing law.

Section 176. Laws of the State of Oklahoma Adopted to Extent Not Inconsistent with the Nation's Laws.

To the extent not inconsistent with the laws of the Wyandotte Nation, and to the extent not prohibited by federal law, whoever within the jurisdiction of the Nation is guilty of any act or omission which, although not made punishable by any enactment of Nation, would be punishable if committed or omitted within the jurisdiction of the State of Oklahoma, by the laws thereof in force at the time of such act or omission, shall be guilty of a like offense and subject to a like punishment.

Section 177. Maximum Fines and Sentences of Imprisonment.

Unless otherwise specifically provided in Title 5 or another provision of the Code of Laws of the Wyandotte Nation:

- A. A person convicted of an offense under this code may be sentenced as follows:

(1) If the offense is a misdemeanor, to a term of imprisonment not to exceed one year or to a fine not to exceed \$5,000.00, or both;

(2) If the offense is a felony, to a term of imprisonment not to exceed three years or a fine not to exceed \$15,000, or both.

B. The fines listed above may be imposed in addition to any amounts ordered paid as restitution, court costs, costs of incarceration or costs for any court-ordered activities including, but not limited to, drug and alcohol assessments, drug and alcohol testing and drug and alcohol counseling.

C. A person may be charged and convicted for multiple violations of the same law and may receive the maximum sentence for each violation, so long as consistent with federal law.

## CHAPTER 2

### TRAFFIC OFFENSES

#### Section 201. 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, including motorcycles, 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 Nation's 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 202. Driver's License In Possession.

A. It shall be unlawful to operate a motor vehicle upon any private or public road within the Nation's 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 One Hundred-Fifty Dollars (\$150.00).

#### Section 203. Driving in Violation of License Restriction.

A. It shall be unlawful for an individual to drive any motor vehicle upon any public road at a time while failing to comply with any driving restriction listed on that person's otherwise valid Federal, Tribal or State driver's license or permit.

B. Driving in violation of driver's license restrictions shall be punishable by a fine not to exceed Two-Hundred Fifty Dollars (\$250.00).

#### Section 204. 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 any Court.

B. Driving while license is suspended or revoked is punishable by a fine not to exceed Three Hundred Dollars (\$300.00), or by a term of imprisonment in the Tribal jail not to

exceed three months, or by supervision or revocation of one's driver's license, or any combination of the above punishments.

Section 205. Permitting Unauthorized Person to Drive.

A. It shall be unlawful to knowingly cause or permit any person to operate a motor vehicle upon any public road when that person does not possess a valid Federal, Tribal or State driver's license.

B. Permitting an unauthorized person to drive shall be punishable by a fine not to exceed Three Hundred Dollars (\$300.00).

Section 206. 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 months, or both.

Section 207. Reckless Driving.

A. It shall be unlawful to drive any motor vehicle upon any public road within the Nation's jurisdiction in such a manner as to indicate either a wanton or willful disregard for the safety or persons or property.

B. Reckless driving shall be punishable, upon a first offense, 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 months, or by suspension of driving privileges for a period not to exceed one year or any combination of the above punishments.

C. A second or subsequent offense for reckless driving shall be punishable by a fine not to exceed One Thousand Five Hundred Dollars (\$1,500.00), or by a term of imprisonment in the Tribal jail not to exceed one year, or by suspension of driving privileges for a period not to exceed one year or any combination of the above punishments.

Section 208. Transporting an Open Container of Alcohol.

A. It shall be unlawful to knowingly transport in any vehicle upon a public or private road any alcoholic beverage except in the original container which shall not have been opened and the seal upon which shall not have been broken and from which the original cap or cork shall not have been removed, unless the opened container be in the rear trunk or rear compartment, which shall include the spare tire compartment in a vehicle commonly known as a station wagon and panel truck, or any outside compartment which is not accessible to the driver or any other person in the vehicle while it is in motion.

B. "Alcoholic beverage" means alcohol, spirits, beer (including low-point beer), and wine and also includes every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by human beings.

C. Transporting an open container of alcohol shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00).

#### Section 209. 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 Nation's jurisdiction while under the influence of intoxicating liquor, or controlled dangerous substances, or any other drugs which impair the ability to control or operate a vehicle.

B. A person is presumed to be under the influence of intoxicating liquor if there is 0.08% 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 0.08% 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 Nation's jurisdiction shall be suspended by the Court for a period of six months whether or not such person is convicted of any offense. Such suspension is mandatory.

C. Driving under the influence shall be punishable by a fine not to exceed Two Thousand Five Hundred Dollars (\$2,500.00), or by a term of imprisonment in the Tribal jail not to exceed six months, or by suspension of driving privileges for a period not to exceed two years or any combination of the above punishments.

#### Section 210. Duties of Drivers Involved In Accidents Involving Deaths Or Personal Injuries.

A. It shall be unlawful for the driver of any motor vehicle directly involved in an accident resulting in injury to or death of any person or damage to any other moving or attended vehicle to fail to immediately stop his vehicle at the scene of the accident or as close thereto as possible; or fail to return to and remain at the scene of the accident and render such aid and assistance as may be necessary in the circumstances; or fail to give his name, address and the registration number of his motor vehicle and his operator's or chauffeur's license number and security verification information to all other drivers involved in the accident; or to fail to render to any injured person such assistance as may be necessary in the circumstances; or to fail to notify, or have another notify, the Wyandotte Nation Police Department 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 Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one year, or by suspension of driving privileges for a period not to exceed one year.

Section 211. 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 Wyandotte Nation Tribal Police Department 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 Seven Hundred Fifty Dollars (\$750.00), or by a term of imprisonment in the Tribal jail not to exceed three months, or by suspension of driving privileges for a period not to exceed one year.

Section 212. Duty upon Striking Highway Fixtures.

A. It shall be unlawful for the driver of any motor vehicle involved in an accident resulting only in damage to fixtures legally upon or adjacent to a highway to fail to take reasonable steps to locate and notify the owner or person in charge of such property of such fact and his name and address and of the registered number of the vehicle he is driving; or to fail to report such accident to the Wyandotte Nation Tribal Police Department 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 Five Hundred Dollars (\$500.00), or by a term of imprisonment in the Tribal jail not to exceed three months, or both.

Section 213. 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 Wyandotte Nation Tribal Police Department.

B. Failure to make such a report shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00).

Section 214. Failure to Signal.

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 Two Hundred Dollars (\$200.00).

Section 215. Failure to Obey Officer.

A. It shall be unlawful to disobey the lawful command or instruction of any law enforcement officer.

B. Failure to obey a lawful command shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00).

Section 216. Eluding Law Enforcement Officer.

A. A person is guilty of a misdemeanor if while operating a motor vehicle he has received a visual and audible signal, a red light, and a siren from a law enforcement officer driving a motor vehicle showing the same to be an official law enforcement vehicle directing the operator to bring the vehicle to a stop, and he willfully increases the speed or extinguishes the lights of the vehicle in an attempt to elude such law enforcement officer, or he willfully attempts in any other manner to elude the law enforcement officer, or he does elude such law enforcement officer.

B. The law enforcement officer, while attempting to stop a violator of this section, may communicate a request for the assistance of other law enforcement officers from any office, department or agency. Any law enforcement officer within the Nation or State of Oklahoma having knowledge of such request is authorized to render such assistance in stopping the violator and may effect an arrest under this section upon probable cause.

C. A person is guilty of a felony if he violates the provisions of subsection A of this section in such manner as to cause an accident or endanger any other person.

Section 217. 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 218. 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 219. 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 220. 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 221. Failure to Stop At Stop Sign and Yielding Right Of Way.

A. It shall be unlawful for the driver of a motor vehicle to fail to come to a complete stop at all intersections marked by a stop sign before entering an intersection, unless otherwise directed by an officer directing traffic.

B. It shall be unlawful for the driver of a motor vehicle approaching an intersection marked by a sign requiring him to yield the right of way to fail to decrease the speed of such vehicle and yield the right of way to any traffic proceeding on the road given the right of way by such sign.

C. Failure to stop at a stop sign or to yield the right of way shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00).

Section 222. 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 One Hundred Dollars (\$100.00).

Section 223. 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 One Hundred Dollars (\$100.00).

Section 224. 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 One Hundred Dollars (\$100.00).

#### Section 225. No-Passing Zones.

Where signs or markings are in place to define a no-passing zone, it shall be unlawful for a driver to drive to the left side of the roadway within a marked no-passing zone or to drive on the left side of any pavement striping designed to mark such no-passing zone through its length.

#### Section 226. Unsafe Motor Vehicles – Other Than Motorcycles.

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 multibeam 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 stop lights positioned in the same manner as rear lamps and 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 - 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.

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

Section 227. Obstructed View, Glass Coating, Lamination of Vehicle Windshields and Windows.

A. It shall be unlawful, except as provided by this section, for a person to sell, install, or to operate a motor vehicle with any object or material:

(1) Placed, displayed, installed, affixed, or applied upon the windshield or side or rear windows; or

(2) So placed, displayed, installed, affixed, or applied in or upon the motor vehicle so as to obstruct or reduce a driver's clear view through the windshield or side or rear windows.

B. It shall be unlawful for any person to place, install, affix, or apply any transparent material upon the windshield or side or rear windows of any motor vehicle if such material alters the color or reduces the light transmittance of such windshield or side or rear windows except as provided in this section.

C. This section shall not apply to:

(1) Side or back windows that have a substance or material in conjunction with glazing material that has a light transmission of at least twenty-five percent (25%) and a luminous reflectance of at most twenty-five percent (25%);

(2) Front side wing vents and windows that have a substance or material not attached in conjunction with glazing material which is used by a vehicle operator on a moving vehicle during daylight hours;

(3) Rearview mirrors;

(4) Adjustable nontransparent sun visors which are mounted forward of the side windows and are not attached to the glass;

(5) Signs, stickers, or other materials which are displayed in a forty-nine-square-inch area in the lower corner of the windshield farthest removed from the driver or signs,

stickers, or other materials which are displayed in a forty-nine-square-inch area in the lower corner of the windshield nearest the driver;

(6) Direction, designation, or termination signs on buses, if the signs do not interfere with the driver's clear view of approaching traffic;

(7) Rear window wiper motors;

(8) Rear window defrosters or defoggers;

(9) Rear truck lid handle or hinges;

(10) Side windows to the rear of the driver or back windows that have a substance or material in conjunction with glazing material that has a light transmission of at least ten percent (10%) and a luminous reflectance of at most twenty-five percent (25%) on all vehicles manufactured prior to 1996 year models, if the motor vehicle is equipped with outside mirrors on both left and right hand sides of the vehicle that are so located as to reflect to the driver a view of the highway through each mirror for a distance of at least two hundred (200) feet to the rear of the motor vehicle;

(11) Transparent material which is installed, affixed, or applied to the topmost portion of the windshield if:

(a) It does not extend downward beyond the AS-1 line or more than five (5) inches from the top of the windshield, whichever is closer to the top of the windshield, and

(b) The material is not red or amber in color;

(12) All windows to the rear of the driver's seat in a vehicle licensed as a bus or a taxicab;

(13) Vehicles not subject to registration in the Nation or in the State of Oklahoma;

(14) Implements of husbandry; and

(15) Law enforcement vehicles which are owned by the Nation or State of Oklahoma or a political subdivision of the State.

D. This section shall not prohibit the use and placement of tribal, federal, state, or political subdivision certificates on any window as are required by applicable laws.

E. Louvered materials, when installed as designed, shall not reduce the area of the driver's visibility below fifty percent (50%) as measured on a horizontal plane. When such

materials are used in conjunction with the rear window, the measurement shall be made based upon the driver's view from inside the rearview mirror.

F. A person who sells or installs any product regulated by this section shall certify in a written statement, which shall be a part of the contract for sale or installation and shall be in bold-face type, that:

(1) The product sold or installed is in compliance with the reflectivity and transmittance requirements of this section;

(2) The installation of the product to the driver's or passenger's side window may be illegal in some states.

The Nation may honor and treat as an exemption to this Section exemptions from the provisions of Title 47 Section 12-422 of the Oklahoma State Statutes issued pursuant to Oklahoma law by the Oklahoma State Commissioner of Public Safety for a motor vehicle belonging to a person or in which a person is a habitual passenger when such person is required for medical reasons to be shielded from the direct rays of the sun.

G. Any person who violates any provision of this section, upon conviction, shall be guilty of a misdemeanor.

#### Section 228. Unsafe Motorcycles.

A. It shall be unlawful for any person to drive or cause or knowingly permit to be driven on any public road any motorcycle which is in such unsafe condition so as to endanger any person or is not at all times equipped with the following:

(1) HEADLIGHT: At least one on the front of the motorcycle, 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: At least one lighted red lamp on each side of the back of the motorcycle 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 motorcycles 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 motorcycle shall be equipped with brakes adequate to control the movement of and to stop and hold such motorcycle.

(5) HORN: Every motorcycle shall be equipped with a horn in good working order.

(6) LICENSE TAG LIGHT: All motor vehicles shall be equipped with a rear tag light in good working order at all times.

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

Section 229. Required Safety Equipment for Motorcycles.

A. It shall be unlawful for any individual to operate a motorcycle on any public road without wearing the following safety equipment:

(1) HELMET: All motorcycle operators under the age of eighteen (18) must wear a helmet designed for use as a motorcycle helmet.

(2) EYE PROTECTION: Unless the motorcycle is equipped with a windshield, all motorcycle operators must wear safety goggles, glasses or other eye protection, or employ any face shield that is included as part of the operator's motorcycle helmet.

(3) Violation of this section is punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00) per violation.

Section 230. Operation of Golf Carts, Utility Vehicles, or All-terrain Vehicles within Nation's Jurisdiction.

(a) Utility vehicles, all-terrain vehicles, and golf carts may be operated on the streets within the Nation's jurisdiction during daylight hours only, so long as they are operated in compliance with this Section and with other laws of the Nation regulating the operation of motor vehicles.

(b) It shall be unlawful for a person less than eighteen (18) years of age to operate or to be carried as a passenger upon an all-terrain vehicle unless the person wears a crash helmet of a type that complies with the standards established by 49 C.F.R. Section 571-218.

(c) It shall be unlawful for the operator of an all-terrain vehicle to carry a passenger unless that all-terrain vehicle has been specifically designed by the manufacturer to carry passengers in addition to the operator.

(d) No person shall operate a utility vehicle, all-terrain vehicle, or golf cart within the Nation's jurisdiction unless the person has a valid Oklahoma driver license.

(e) Definitions.

(1) As used in this Section, "all-terrain vehicle" means a vehicle powered by an internal combustion engine manufactured and used exclusively for off-highway use, and which

travels on four or more low-pressure tires, has a seat designed to be straddled by the operator, and which is steered by the use of handlebars.

(2) As used in this Section, "utility vehicle" means a vehicle powered by an internal combustion engine, manufactured and used exclusively for off-highway use, equipped with seating for two or more people and a steering wheel, and which travels on four or more wheels.

(f) Violation of this section is punishable by a fine not to exceed One Hundred Dollars (\$100).

#### Section 231. Required Passenger Restraints.

A. Every operator and front seat passenger of a motor vehicle shall wear a properly adjusted and fastened safety seat belt system, required to be installed in the motor vehicle when manufactured pursuant to 49 C.F.R., Section 571.208.

B. For the purposes of this section, "motor vehicle" shall not include trucks, truck-tractors, recreational vehicles, motorcycles, or motorized bicycles or vehicles used primarily for farm use which are registered and licensed pursuant to applicable Federal, Tribal or State law, such as 47 O.S.Supp.2007 § 1134 (as may be amended from time to time).

C. Any individual who for medical reasons, is unable to wear a safety seat belt system and who has applied for and received an exemption from any Federal, Tribal or State authority an exemption from any other jurisdiction's safety belt requirement, shall be exempt from the requirements of this Section.

D. This section shall not apply to an operator of a motor vehicle while performing official duties as a route carrier of the U.S. Postal Service.

E. Violation of this Section shall be punishable by a fine not to exceed \$20.00.

#### Section 232. Required Child Safety Seats.

A. Every driver, when transporting a child under six (6) years of age in a motor vehicle, shall provide for the protection of said child by properly using a child passenger restraint system. For purposes of this section, "child passenger restraint system" means an infant or child passenger restraint system which meets the federal standards as set by 49 C.F.R., Section 571.213.

B. Children at least six (6) years of age but younger than thirteen (13) years of age shall be protected by use of a child passenger restraint system or a seat belt.

C. The provisions of this section shall not apply to:

- (1) The driver of a moped, motorcycle, or other motor vehicle not required to be equipped with safety belts pursuant to state or federal laws;
- (2) The driver of a vehicle in which all of the seat belts are in use;
- (3) The transportation of children who for medical reasons are unable to be placed in such devices; or
- (4) The transportation of a child who weighs more than forty (40) pounds and who is being transported in the back seat of a vehicle while wearing only a lap safety belt when the back seat of the vehicle is not equipped with combination lap and shoulder safety belts, or when the combination lap and shoulder safety belts in the back seat are being used by other children who weigh more than forty (40) pounds. Provided, however, for purposes of this paragraph, back seat shall include all seats located behind the front seat of a vehicle operated by a licensed child care facility or church. Provided further, there shall be a rebuttable presumption that a child has met the weight requirements of this paragraph if at the request of any law enforcement officer, the licensed child care facility or church provides the officer with a written statement verified by the parent or legal guardian that the child weighs more than forty (40) pounds.

A violation of the provisions of this section shall not be admissible as evidence in any civil action or proceeding for damages.

In any action brought by or on behalf of an infant for personal injuries or wrongful death sustained in a motor vehicle collision, the failure of any person to have the infant properly restrained in accordance with the provisions of this section shall not be used in aggravation or mitigation of damages.

Violation of this section shall be punished by a fine of Five Hundred Dollars (\$500.00).

### Section 233. Speed Limits.

A. Speed limits on any public road within the Tribe's jurisdiction shall be set by the Board of Directors.

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 – 15 MPH
- (3) Open highway - 65 MPH
- (4) Parking lots – 10 MPH

(5) Rural roads – 45 MPH

It shall be unlawful to exceed the above limits, posted speed limits, or a speed which is reasonable and proper under the conditions prevailing upon the roadway.

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.

Exceeding the speed limit shall be punishable by a fine not to exceed Seven Hundred Fifty Dollars (\$750.00).

Exceeding a posted speed limit by more than thirty-six (36) miles per hour shall also incur an additional charge of Reckless Driving.

Operating a motor vehicle at a speed which is not careful, prudent, reasonable and proper, having due regard to the weather, traffic, surface or width of the highway, and any other conditions then existing, in the absence of a posted speed limit shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00).

Section 234. Approaching and Passing Stationary Emergency Vehicles and Wreckers.

(a) It shall be unlawful for the driver of a motor vehicle, upon approaching a stationary authorized emergency vehicle or a licensed Class AA wrecker that is displaying a flashing combination red or blue light or any combination of red or blue lights, to fail to:

(1) If traveling on a highway that consists of two or more lanes that carry traffic in the same direction of travel as that of the driver, proceed with due caution and shall, if possible and with due regard to the road, weather, and traffic conditions, change lanes into a lane that is not adjacent to the stationary authorized emergency vehicle or licensed Class AA wrecker; or if the driver is not able to change lanes or if to do so would be unsafe, proceed with due caution and reduce the speed of the motor vehicle to a safe speed for the existing road, weather, and traffic conditions; and

(2) If traveling on a highway other than a highway described in paragraph 1 of this subsection, proceed with due caution and reduce the speed of the motor vehicle to a safe speed for the existing road, weather, and traffic conditions.

(b) This section does not relieve the operator of a stationary authorized emergency vehicle or licensed Class AA wrecker from the consequences of reckless disregard for the safety of all persons and property upon the highway.

Section 235. 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 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 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 One Hundred Fifty Dollars (\$150.00).

#### Section 236. 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) herein, 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 Five Hundred Dollars (\$500.00).

#### Section 237. Discarding Litter on Roads, Roadways and Public Property

It shall be unlawful to discard trash or refuse of any type on a roadway or public highway or right-of-way or any other public property within the Nation's jurisdiction.

A. Throwing trash on roads, roadways and public property shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00).

#### Section 238. Depositing, Dumping or Throwing Destructive Material on Public Property.

A. It shall be unlawful to deposit, dump or throw any destructive material or injurious material of any type on a roadway, public highway, public property or right-of-way within the Nation's jurisdiction.

B. Violation of this Section shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00).

#### Section 239. Depositing, Dumping or Throwing Lighted, Flaming or Glowing Substance on Public Property.

A. It shall be unlawful to deposit, dump or throw any lighted, flaming or glowing substance of any type on a roadway, public highway, public property or right-of-way within the Nation's jurisdiction.

B. Violation of this Section shall be punishable by a fine not to exceed Two Thousand Five Hundred Dollars (\$2,500.00).

Section 240. 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 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 the distance of two hundred feet in each direction upon said roadway, and the vehicle must be positioned at least thirty 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 feet of a fire hydrant;
- (5) On a crosswalk.

A violation of this Section shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00).

Section 241. Abandonment of Motor Vehicles and Motor Carriers.

It shall be unlawful to abandon a motor vehicle or motor carrier on tribal property or on a roadway or highway or other public property within the Nation's jurisdiction. A duly authorized law enforcement officer of the Nation shall deem a vehicle abandoned and shall have the authority to remove or direct the removal of a vehicle when found upon any portion of such

properties, roadways or highways if after a period of twenty-four (24) hours there is no evidence of an apparent owner who intends to remove the vehicle.

Section 242. Authorization to Remove Abandoned Vehicle.

If a duly authorized law enforcement officer of the Nation has reasonable cause to believe a vehicle has been abandoned within the Nation's jurisdiction or on tribal property in a location which would be hazardous to the free flow of traffic or be highly susceptible to damage from vandalism or other harm, he shall have the authority to remove or direct the removal of the vehicle immediately. At the time of ordering the removal of an abandoned vehicle, the authorizing officer shall also determine the sale value of the vehicle and certify that amount on the removal order.

Section 243. Failure to Stop When Directed by Police or When Approached By Emergency Vehicle.

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 operating a motor vehicle and when approached by a police vehicle or emergency vehicle making audible or visual signals.

(b) Failure to stop when directed by a police officer or when approached by an emergency vehicle making audible or visual signals 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 months, or a combination thereof.

Section 244. Traffic Laws of the State within which Nation Jurisdiction is Located Adopted to Extent Not Inconsistent with Nation's Laws.

To the extent not inconsistent with the laws of the Wyandotte Nation, and to the extent not prohibited by federal law, whoever within the jurisdiction of the Nation commits any act or omission which, although not made punishable by any enactment of Nation, would be punishable if committed or omitted within the jurisdiction of the State within which the Nation is located, by the traffic laws thereof in force at the time of such act or omission, shall commit a like offense under the laws of the Nation and be subject to a like punishment.

## CHAPTER 3

### BANISHMENT AND EXCLUSION

#### Section 301. Purpose.

The Wyandotte Tribe of Oklahoma hereby formalizes the circumstances under which it may utilize the remedies of banishment and exclusion.

#### Section 302. Definitions.

- (a) “Banishment” shall refer to a legal status in which a member shall lose all rights, privileges and benefits of membership in the Wyandotte Nation.
- (b) “Exclusion” shall refer to a legal status in which an individual is barred from entering the territorial jurisdiction of the Wyandotte Nation, including its business enterprises.

#### Section 303. Persons subject to Banishment.

Any member age 18 or older may be banished by the Nation, provided that a banishment decree is not effective against a member of the any elected official until the person has been lawfully removed from office.

#### Section 304. Persons subject to Exclusion.

Any individual, including non-members, may be subject to an order of exclusion.

#### Section 305. Grounds for Banishment.

Upon conviction by any court of any of the following criminal offenses, a member may be subject to an order of banishment:

- A. Murder or attempted murder;
- B. Sexual assault or attempted sexual assault, including sexual offenses against minors;
- C. Elder abuse;
- D. Domestic violence; and
- E. Engaging in the manufacture or distribution of illegal drugs or psychotoxic substances;
- F. Repeatedly engaging in behavior intended to inflict serious bodily harm or repeatedly engaging in behavior that demonstrates a wanton disregard for the safety and welfare of other individuals;

G. Stealing or unlawfully retaining possession of records of the Nation or any of its subordinate agencies or business enterprises, or destroying or purposefully concealing records of the Nation or any of its subordinate agencies or business enterprises without authorization;

H. Stealing, embezzling, or misusing funds from the Nation or any of its subordinate agencies or business enterprises;

I. Conspiring with others to commit any of the acts stated above.

#### Section 306. Grounds for Exclusion.

A. Any individual convicted of any of the offenses listed in Section 305 may be subject to an order of exclusion.

B. Additionally, any individual may be subject to an order of exclusion upon conviction by any court of any of the following offenses:

(1) Hunting, fishing or trapping without authority from the Nation or contrary to the rules and regulation of the Nation governing such activities.

(2) Prospecting without authority from the Nation or the Secretary of the Interior.

(3) Mining, cutting timber, grazing or other use, abuse or damage to property of the Nation without authority from the Nation or the Secretary of the Interior.

(4) Exploring for or excavating upon items, sites or locations of historic, religious or scientific significance without authority from the Nation or in violation of federal laws or regulations.

(5) Committing frauds, confidence games, or usury against members of the Nation, or inducing them to enter into grossly unfavorable contracts of any kind.

(6) Doing or threatening to do any act which seriously threatens the peace, health, safety, morals and general welfare of the Nation or its members.

C. Additionally, nonmembers may be subject to orders of exclusion for any other reason deemed sufficient by the Board of Directors.

#### Section 307. Entry of Order of Banishment or Exclusion.

A. The Wyandotte Nation Tribal Court may enter an order of banishment or exclusion, as appropriate, in connection with the prosecution of any offense listed in Section 305 or 306. Such an order shall be appealable to the Wyandotte Nation Supreme Court.

B. Banishment shall be considered a punishment of last resort and may be imposed in addition to all other fines and penalties that may be imposed for an offense.

Section 308. Effect of Banishment or Exclusion.

A. Unless the order of banishment or exclusion states otherwise, a person who is subject to such order shall:

(1) Be immediately expelled from the jurisdiction of the Nation and not be allowed to return for any reason during the period of banishment or exclusion except under the following circumstances:

- a) When required to attend court;
- b) When ordered to appear before the Nation Council or Board of Directors; or
- c) For a period of four (4) days for the funeral of an immediate family member, defined as mother, father, spouse, sibling, child, grandparent or grandchild.

(2) Beginning seventy-two (72) hours after the banishment, have no contact with members of the Nation living within the Nation's jurisdiction, except immediate family members.

Additionally, members subject to an order of banishment shall:

(3) Not be permitted to vote in any regular or special election held by the Nation;

(4) Not be entitled to receive any form of financial assistance from the Nation.

Absent extenuating circumstances, an individual who owns or resides on allotted land within the Nation's jurisdiction shall be permitted access to that property. Nothing in this Code shall be interpreted as depriving a banished member of his or her interest in said property.

Section 309. Dissemination of Orders of Banishment or Exclusion.

A copy of any order of banishment or exclusion shall be disseminated to the Nation's law enforcement, business offices and enterprises.

Section 310. Emergency Exclusion.

Upon application by any party and a demonstration of just cause, the Tribal Court may enter an emergency order of exclusion when it appears that there is immediate danger or the threat of immediate danger to the life, health, safety or property of the Nation or any of its members or employees or where delay would result in irreparable damage or harm.

Section 311 Enforcement of Orders.

A. Violators of any order of banishment shall be subject to a fine of Five Thousand Dollars (\$5,000.00) for each occurrence plus six (6) months in jail.

B. Violators of any order of exclusion shall be punished by a civil fine of Five Thousand Dollars (\$5,000.00) for each occurrence.

C. Additionally, the Nation, by and through the Attorney General, may bring suit in the Tribal Court to enforce all orders of banishment or exclusion. When reviewing an order of banishment or exclusion entered by the Board of Directors, the Tribal Court shall have no authority or jurisdiction to hear the merits of such order and shall consider and deem as final all matters subject to the Board of Directors' order.