

**WYANDOTTE NATION**  
**TITLE 5**  
**CRIMINAL OFFENSE CODE**  
(Approved by the Board of Directors 02-11-2025)

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**WYANDOTTE NATION  
TITLE 5  
CRIMINAL OFFENSE CODE**

**INTRODUCTION**

**Section 1. Citation.**

This Title may be cited as the “Criminal Offenses Code”

**Section 2. Application.**

(a) This Title shall apply to all Indian persons violating its provisions within the Nation’s boundaries of the Wyandotte Nation. The provisions of Chapter 4 of this Title shall apply to all members of the Nation and all Indian residents of the jurisdiction of the Nation wherever such violation may occur, if such violation has any actual or intended effect upon the political integrity or political or economic security of the Nation.

(b) The Wyandotte Nation will have full jurisdiction and authority to enforce this Title for all Indian and non-Indian persons to the extent not inconsistent with Federal law. Regardless of its inclusion in this Title, to the extent any Wyandotte Nation law is civil in nature, such law shall apply to any person who is not subject to the Nation’s criminal jurisdiction. The Wyandotte Nation will have the authority to enforce civil fines for any person who violates this Title in the amount enumerated for activity for which criminal punishment is provided. The Nation’s Court is authorized to issue civil court orders or contempt of court orders against any person who fails to comply with Wyandotte law or an order of the Court. Civil contempt orders may include incarceration and fines. Violations of any civil or criminal provision of this Title will be determined by the Court to be an unlawful public nuisance, which may be enjoined by the Court.

(c) This Title shall apply to non-Indians to the extent not inconsistent with Federal law and to the extent that any person found to have violated any provisions of this Title may be banished or excluded from the jurisdiction of the Nation for a period not exceeding ten (10) years, or for such longer term as may be imposed by the Section violated, in a civil proceeding brought by the Nation. The non-Indian in such cases shall have all the procedural rights of a criminal defendant, and such cases shall be tried by the Rules of Criminal Procedure.

**Section 3. Banishment.**

“Banishment” shall refer to a legal status in which a member shall lose all rights, privileges and benefits of membership in the Wyandotte Nation. Banishment shall be considered a punishment of last resort and may be in addition to all other fines and penalties that may be imposed for an offense.

**Section 4. Exclusion.**

“Exclusion” shall refer to a legal status in which an individual is barred from entering the jurisdiction of the Wyandotte Nation, including its business enterprises. Exclusion may be ordered in addition to all other fines and penalties that may be imposed for an offense.

### **Section 5. Applicability of the Laws of the State of Oklahoma.**

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 the Nation, would be punishable if committed or omitted within the jurisdiction of the State of Oklahoma, by the laws thereto in force at the time of such act or omission, shall be guilty of a like offense and subject to a like punishment, provided however, the maximum punishment shall not exceed Fifteen Thousand Dollars (\$15,000) in fines or more than three (3) years incarceration.

## **CHAPTER ONE CRIMES AGAINST PROPERTY**

### **Section 101. Arson in the First Degree.**

(a) It shall be unlawful to knowingly and willfully start a fire or cause an explosion with the purpose of:

(1) Destroying or damaging any building, dwelling, occupied structure or property of another exceeding One Thousand Dollars (\$1,000) in value, or

(2) Destroying or damaging any property, by whomever owned, to collect insurance for such loss.

(b) Arson in the first degree is a felony and shall be punishable by a fine of not less than Five Thousand Dollars (\$5,000) nor more than Fifteen Thousand Dollars (\$15,000) or incarceration for a term of not less than three (3) months nor more than three (3) years; or by banishment for a period of not more than ten (10) years; or any combination thereof.

(c) Should the offense result in the death or serious bodily injury to any person, a sentence of banishment may be imposed for any period not exceeding life in addition to any of the punishment authorized above.

### **Section 102. Arson in the Second Degree.**

(a) It shall be unlawful to knowingly or recklessly, carelessly, or negligently, without regard to the consequences, start a fire or cause an explosion which:

(1) Endangers human life; or

(2) Damages or destroys the property of another.

(b) Arson in the Second Degree is a felony and shall be punishable by a fine of not less than Five Thousand Dollars (\$5,000) nor more than Fifteen Thousand Dollars (\$15,000) or by incarceration for a term not exceeding three (3) years, or both a fine and incarceration.

**Section 103. Arson in the Third Degree.**

(a) It shall be unlawful after having started any fire, even though started for a lawful purpose, to fail to either:

(1) Take reasonable measures to put out or control the fire; or

(2) To give prompt alarm, if the fire is spreading in such manner as to endanger the life or property of another.

(b) Arson in the Third Degree is a felony and shall be punishable by a fine of not less than Two Thousand, Five Hundred Dollars (\$2,500) nor more than Ten Thousand Dollars (\$10,000) or by incarceration for a period not exceeding one (1) year, or both a fine and incarceration.

**Section 104. Violation of Burn Ban.**

(a) It shall be unlawful to purposefully or negligently start a fire or cause a fire to start, whether on one's own 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, provided there is sufficient evidence to support the fire's purpose.

(b) The Wyandotte Nation Emergency Manager shall have authority to issue Tribal burn bans and shall provide public notice of such bans on the Nation's website and other conspicuous locations within 24 hours of the issuance of the burn ban.

(c) Violation of Burn Ban is a misdemeanor and shall be punishable by a fine of not more than One Thousand Dollars (\$1,000) or by incarceration for a period not exceeding three (3) months, or both a fine and incarceration.

(d) In addition to the punishment authorized in Subsection (c), a person convicted of violating the burn ban shall be liable in a civil action for actual damages together with any applicable fees and costs.

**Section 105. Criminal Mischief.**

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

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

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

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

(b) Criminal mischief shall be a misdemeanor if the amount of damage is Two Thousand Dollars (\$2,000) or less to another's property and shall be a felony if the amount of damages exceed Two Thousand Dollars (\$2,000). Criminal mischief shall be punishable by a fine of not more than Five Thousand Dollars (\$5,000) or by incarceration for not more than six (6) months, or both a fine and incarceration.

### **Section 106. Burglary.**

(a) It shall be unlawful to break into by any force whatsoever and enter in a dwelling or other closed structure, in which there is at the time some human being, with intent to commit a crime therein;

(b) Burglary is a felony and shall be punishable by a fine of not more than Fifteen Thousand Dollars (\$15,000) or, by incarceration for not more than three (3) years; or by banishment for a period of not more than five (5) years; or by any combination of the above sentences.

(c) Should the commission of the offense result in the death or serious bodily injury to any person, a sentence of banishment may be imposed for any period not exceeding life in addition to the punishment authorized in Subsection (b).

### **Section 107. Breaking and Entering.**

(a) It shall be unlawful to break into by any force whatsoever and enter in any manner any dwelling, building, vehicle, storage container, machine, or similar structure, object or device of another without consent and with intent to:

(1) Cause annoyance or injury to any person therein;

(2) Cause damage to any property therein;

(3) Commit any offense therein;

(4) Remove items from within; or

(5) Cause, whether intentional or recklessly, fear for the safety of another.

(b) Breaking and Entering is a misdemeanor if the amount of damages caused by the act are Two Thousand Dollars (\$2,000) or less and shall be a felony if the amount of damages are in excess of Two Thousand Dollars (\$2,000). Breaking and Entering shall be punishable by a fine of not more than Five Thousand Dollars (\$5,000) or incarceration for a period not exceeding one (1) year, or both a fine and incarceration.

### **Section 108. Criminal Trespass.**



(a) It shall be unlawful to enter onto, or remain upon the property of another if notice against entry or notice to leave the property has been given by:

(1) Personal communication by the owner or someone having authority to act on behalf of the owner;

(2) Fencing, other than barbed wire or similar field fencing except as provided hereafter, or other enclosure designed to exclude an intruder; or

(3) Posting of signs prohibiting entry and reasonably designed to come to the attention of the intruder(s).

(b) Criminal Trespass is a misdemeanor and shall be punishable by a fine not exceeding One Thousand Dollars (\$1,000) or by incarceration for a term not exceeding three (3) months, or both a fine and incarceration.

(c) It is an affirmative defense to the offense of criminal trespass that:

(1) The property was open to the public upon entry and upon being ordered to leave the person did so without undue delay; or

(2) Even though not open to the public, the person did not substantially interfere with the use of the property or damage any property, and upon being ordered to leave, the person did so without undue delay.

(d) On rural lands fenced with barbed wire or other types of fencing normally meant to enclose or exclude animals, signs prohibiting entry, placed upon or in plain sight next to such fence and not more than One Hundred and Fifty (150) feet apart, shall create a rebuttable presumption that reasonable notice against entry or entry for certain purposes had been given.

### **Section 109. Larceny.**

(a) It shall be unlawful for any person to take any personal property of another with the intent to deprive the person thereof.

(b) Larceny shall be a misdemeanor if the value of the property taken is Two Thousand Dollars (\$2,000) or less and shall be a felony if the value of the property exceeds Two Thousand Dollars (\$2,000). Larceny shall be punishable by a fine not exceeding Fifteen Thousand Dollars (\$15,000) or incarceration for a term not exceeding three (3) years, or both a fine and incarceration.

(c) If the value of the property taken exceeds Two Thousand Dollars (\$2,000), a sentence of exclusion for a period not exceeding five (5) years may be imposed in addition to the punishment authorized in Subsection (b).

### **Section 110. Extortion.**

(a) It shall be unlawful for any person to willfully, by making false charges against another person by any means whatsoever, extort, or attempt to extort any moneys, goods, property, or anything else of any value.

(b) Extortion shall be a misdemeanor if the amount to be extorted is Two Thousand Dollars (\$2,000) or less and shall be a felony if the amount to be extorted exceeds Two Thousand Dollars (\$2,000). Misdemeanor Extortion shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000) or by incarceration for a term not exceeding one (1) year or both. Felony Extortion shall be punishable by a fine not exceeding Fifteen Thousand Dollars (\$15,000) or by a term of incarceration not exceeding three (3) years or both a fine and incarceration.

(c) If the value of the property exceeds Two Thousand Dollars (\$2,000), a sentence of exclusion for a period not exceeding ten (10) years may be imposed in addition to the punishment authorized in Subsection (b).

### **Section 111. False Pretenses.**

(a) It shall be unlawful to obtain, take, or receive any property of another by means of trick or deception, or false or fraudulent representation, statement, or pretense with the intent to permanently deprive the owner thereof.

(b) False Pretenses shall be a misdemeanor if the value of the property acquired is One Thousand Dollars (\$1,000) or less and shall be a felony if the amount of the property exceeds One Thousand Dollars (\$1,000). Misdemeanor False Pretenses shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000) or by incarceration for a term not exceeding one (1) year, or both a fine and incarceration. Felony False Pretenses shall be punishable by a fine not exceeding Fifteen Thousand Dollars (\$15,000) or by a term of incarceration not exceeding three (3) years or both a fine and incarceration.

(c) If the value of the property gained by False Pretenses exceeds Two Thousand Dollars (\$2,000), a sentence of exclusion for a period not exceeding five (5) years may be imposed in addition to the punishment authorized in Subsection (b).

### **Section 112. Embezzlement.**

(a) It shall be unlawful to wrongfully or fraudulently appropriate for a person's own use or the use of another any property of another with which the person has been entrusted.

(b) Embezzlement shall be a misdemeanor if the value of the property is One Thousand Dollars (\$1,000) or less and shall be a felony if the value of the property embezzled exceeds One Thousand Dollars (\$1,000). Misdemeanor Embezzlement shall be punishable by a fine not exceeding One Thousand Dollars (\$1,000) or by incarceration for a term not exceeding one (1) year, or both a fine and incarceration. Felony Embezzlement shall be punishable by a fine not exceeding Fifteen Thousand Dollars (\$15,000) or by a term of incarceration not exceeding three (3) years or both a fine and incarceration.

(c) If the value of the property embezzled exceeds Two Thousand Dollars (\$2,000), a sentence of exclusion for a period not exceeding five (5) years may be imposed in addition to the punishment authorized in Subsection (b).

### **Section 113. Embezzlement and Theft from the Nation.**

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

(1) Embezzle, steal, or convert for their own use or the use of another, misapply, or willfully permit to be misapplied, any of the moneys, funds, credits, goods, assets, or other property belonging to the Wyandotte 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

(2) For a person, knowing such moneys, funds, credits, goods, assets, or other property to have been so embezzled, stolen, converted, misapplied or permitted to be misapplied, to receive, conceal, fail to report, or retain the same with intent to convert it to their own use or the use of another.

(b) Embezzlement and Theft from the Nation shall be a misdemeanor if the value of the monies funds, credits, goods, assets or other property is One Thousand Dollars (\$1,000) or less and shall be a felony if the value exceeds One Thousand Dollars (\$1,000). Misdemeanor Embezzlement and Theft from the Nation shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000), or by incarceration for a period not exceeding one (1) year, or both a fine and incarceration. Felony Embezzlement and Theft from the Nation shall be punishable by a fine not exceeding Fifteen Thousand Dollars (\$15,000) or by a term of incarceration not exceeding three (3) years, or both a fine and incarceration.

(c) If the value of the property embezzled exceeds Two Thousand Dollars (\$2,000), a sentence of exclusion for a period not exceeding five (5) years may be imposed in addition to the punishment authorized in Subsection (b).

### **Section 114. Shoplifting.**

(a) It shall be unlawful for a person to take 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 with the intention of converting such goods, wares, or merchandise to their own use without having paid the purchase price thereof.

(b) Shoplifting is a misdemeanor and shall be punishable by a fine not exceeding Two Thousand, Five Hundred Dollars (\$2,500) or by incarceration for a period not exceeding six (6) months, or both a fine and incarceration.

(c) In addition to the punishment authorized in Subsection (b), a person convicted of shoplifting shall be liable in a civil action for the retail price of the merchandise if it is unsaleable or the

percentage of the diminished value of the merchandise due to the conversion together with any applicable fees and costs.

### **Section 115. Fuel Theft.**

(a) It shall be unlawful to pump fuel into a gasoline tank or container and leave the premises where the fuel was pumped without making payment for the fuel.

(b) Fuel Theft is a misdemeanor and shall be punishable by a fine not exceeding Five Hundred Dollars (\$500) or incarceration for a period not exceeding three (3) months, or both a fine and incarceration.

(c) In addition to the punishment authorized in Subsection (b), a person convicted of fuel theft shall be liable for restitution in an amount equal to the total costs of the fuel removed along with any applicable costs and fees.

### **Section 116. Receiving Stolen Property.**

(a) It shall be unlawful to possess, receive, buy, or conceal personal property that has been stolen or otherwise obtained from its true owner with the intent to deprive permanently the owner thereof.

(b) Receiving Stolen Property shall be a misdemeanor if the amount of the property is One Thousand Dollars (\$1,000) or less and a felony if the amount of the property exceeds One Thousand Dollars (\$1,000). Misdemeanor Receiving Stolen Property shall be punishable by a fine not exceeding One Thousand Dollars (\$1,000) or incarceration for a term not exceeding one (1) year, or both a fine and incarceration. Felony Receiving Stolen Property shall be punishable by a fine not exceeding Fifteen Thousand Dollars (\$15,000) or by a term of incarceration not exceeding three (3) years, or both a fine and incarceration.

(c) If the value of the property exceeds Two Thousand Dollars (\$2,000), a sentence of exclusion for a period not exceeding five (5) years may be imposed in addition to the punishment authorized in Subsection (b).

### **Section 117. Theft of Property, Lost, Mislaid, or Delivered by Mistake.**

(a) It shall be unlawful to fail to take reasonable measures to restore property to a person entitled thereto with the intent to permanently deprive the owner thereof, when it is known or should be reasonably suspected that the property has been lost, mislaid, or delivered by mistake as to the nature or amount of the property or the identity of the recipient.

(b) Theft of property lost, mislaid, or delivered by mistake shall be a misdemeanor if the value of the property is One Thousand Dollars (\$1,000) or less and shall be a felony if the value of the property exceeds One Thousand Dollars (\$1,000). Misdemeanor Theft of property shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000) or by incarceration for a term not exceeding one year (1) year, or both a fine and incarceration. Felony Theft of Property shall

be punishable by a fine not exceeding Fifteen Thousand Dollars (\$15,000) or by a term of incarceration not exceeding three (3) years, or both a fine and incarceration.

(c) If the value of the property exceeds Two Thousand Dollars (\$2,000), a sentence of exclusion for a period not to exceed five (5) years may be imposed in addition to the punishment authorized in Subsection (b).

#### **Section 118. Theft of Services.**

(a) It shall be unlawful to obtain services known to be available only for compensation by deception, threat, force or any other means with the intent to avoid due payment therefore.

(b) Theft of Services shall be a misdemeanor if the value of the service is One Thousand Dollars (\$1,000) or less and shall be a felony if the value exceeds One Thousand Dollars (\$1,000). Misdemeanor Theft of Services shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000) or by incarceration for a term not exceeding one (1) year, or both a fine and incarceration. Felony Theft of Services shall be punishable by a fine not exceeding Fifteen Thousand Dollars (\$15,000) or by a term of incarceration not exceeding three (3) years, or both a fine and incarceration.

(c) If the value of the service rendered exceeds Two Thousand Dollars (\$2,000), a sentence of exclusion for a period not exceeding five (5) years may be imposed in addition to the punishment authorized in Subsection (b).

#### **Section 119. Fraud.**

(a) It shall be unlawful for any person, who shall by willful misrepresentation or deceit, or by false interpretation, or by the use of false weights or measures, to obtain any money or other property.

(b) A conviction of Fraud is a misdemeanor if the amount of damages caused is One Thousand Dollars (\$1,000) or less and a felony if the damages are in excess of One Thousand Dollars (\$1,000). A misdemeanor conviction of Fraud shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000) or by incarceration for term not exceeding one (1) year, or both a fine and incarceration. A felony conviction of Fraud shall be punishable by a fine not exceeding Fifteen Thousand Dollars (\$15,000) and a term of incarceration not exceeding three (3) years, or both a fine and incarceration.

(c) If the value of the money or other property exceeds Two Thousand Dollars (\$2,000), a sentence of exclusion for a period not exceeding five (5) years may be imposed in addition to the punishment authorized in Subsection (b).

#### **Section 120. Forgery.**

(a) It shall be unlawful for a person, with purpose to defraud or injure anyone, or with knowledge that they are facilitating a fraud or injury to be perpetrated by anyone, if the accused:

(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" shall include any printing or other method of recording information, money, coins, tokens, stamps, seals, credit cards, badges, trademarks, and other symbols of value, right, privilege, or identification.

(b) If the value of the forgery is less than One Thousand Dollars (\$1,000), a conviction shall be a misdemeanor and is punishable by a fine not exceeding Five Thousand Dollars (\$5,000) or a term of incarceration not exceeding one (1) year, or both a fine and incarceration. If the value of the forgery is in excess of One Thousand Dollars (\$1,000), a conviction of Forgery is a felony and shall be punishable by a fine not exceeding Fifteen Thousand Dollars (\$15,000) or by incarceration for a term not exceeding three (3) years, or both a fine and incarceration.

(c) If the damages caused by the fraudulent conduct exceeds Two Thousand Dollars (\$2,000), a sentence of exclusion for a period not to exceed five (5) years may be imposed in addition to the punishment authorized in Subsection (b). Upon a second or subsequent conviction for forgery, a sentence of exclusion for a period of ten (10) years may be imposed in addition to the punishment authorized in Subsection (b).

#### **Section 121. Criminal Simulation.**

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

(b) Criminal Simulation is a misdemeanor and shall be punishable by a fine not exceeding Two Thousand, Five Hundred Dollars (\$2,500), or by incarceration for a term not exceeding six (6) months, or both a fine and incarceration.

#### **Section 122. Tampering with Records.**

(a) It shall be unlawful to falsify, destroy, remove, or conceal any writing or record with the intent to deceive or injure anyone or to conceal any wrongdoing.

(b) A first offense of Tampering with Records is a misdemeanor and shall be punishable by a fine not exceeding Two Thousand, Five Hundred Dollars (\$2,500) or by incarceration for a period not exceeding six (6) months, or both a fine and incarceration.

(c) A second or subsequent conviction of Tampering with Records shall be a felony, and is punishable by a fine of Five Thousand Dollars (\$5,000) and incarceration for a period not exceeding three (3) years. A felony conviction of Tampering with Records may also include a sentence of exclusion for a period not exceeding five (5) years. Said sentence of exclusion may be in addition to the punishment authorized in this Subsection.

### **Section 123. Bad Checks.**

(a) It shall be unlawful for a person to issue or pass a check or similar order or draft on any financial institution account with intent to defraud and knowing at the time of the making, drawing, issuing or delivery of such check or order or draft, that the maker or drawer has no deposit in or credits with the drawee or has not sufficient funds in, or credits with, the drawee for the payment of the check, order or draft in full upon its presentation.

(b) Issuing or passing a Bad Check shall be a misdemeanor if the amount of damages caused is One Thousand Dollars (\$1,000) or less and a felony if the amount of damages exceeds One Thousand Dollars (\$1,000). Issuing or passing a Bad Check is punishable by a fine not exceeding Five Thousand Dollars (\$5,000) or incarceration for a term not exceeding one (1) year, or both a fine and incarceration. In addition to any fine or sentence of incarceration, restitution shall be required.

### **Section 124. Unauthorized Use of Credit Card or Bank Card.**

(a) It shall be unlawful for a person to use a credit card or any bankcard for the purpose of obtaining property or services with knowledge that:

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

(b) Unauthorized Use of Credit Card or Bank Card shall be a misdemeanor if the amount of damages caused is One Thousand Dollars (\$1,000) or less and a felony if the amount of damages exceeds One Thousand Dollars (\$1,000). Unauthorized Use of a Credit Card or Bank Card is punishable by a fine not exceeding Five Thousand Dollars (\$5,000) or incarceration for a term not exceeding one (1) year, or both a fine and incarceration. In addition to any fine or sentence of incarceration, restitution shall be required.

### **Section 125. Defrauding Secured Creditors.**

(a) It shall be unlawful for a person to destroy, conceal, encumber, or transfer or otherwise deal with property subject to a security interest with the purpose to hinder that interest.

(b) Defrauding Secured Creditors is a misdemeanor and shall be punishable by a fine not exceeding One Thousand Dollars (\$1,000) or by incarceration for a term not exceeding one (1) year, or both a fine and incarceration. If the act results in permanent damage or loss of value, restitution shall be required.

### **Section 126. Securing Execution of Documents by Deception or Fraud.**

(a) It shall be unlawful to intentionally and by deception or fraudulent means to cause another to execute an instrument affecting or likely to affect the pecuniary interest of any person.

(b) Securing Execution of Documents by Deception or Fraud is a misdemeanor and shall be punishable by a fine not exceeding One Thousand Dollars (\$1,000) or by incarceration for a term not exceeding one (1) year, or both a fine and incarceration.

### **Section 127. Unlawful Dealing with Property by a Fiduciary.**

(a) It shall be unlawful to knowingly deal with property that has been entrusted to a person in a fiduciary capacity, or property of the Wyandotte Nation or of a financial institution in a manner which is known to be a violation of a fiduciary duty, or which involves substantial risk or loss to the owner or to a person for whose benefit the property was entrusted.

(1) The term “fiduciary” includes a trustee, guardian, executor, administrator or receiver or any person responsible for fiduciary functions on behalf of an individual, corporation or organization, which is a fiduciary.

(2) The term “property” as used herein shall include real or personal property.

(b) Unlawful Dealing with Property by a Fiduciary is a felony and shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000) or by incarceration for a term not exceeding three (3) years, or both a fine and incarceration. In addition to any fine or sentence of incarceration, restitution shall be required.

### **Section 128. Unauthorized Use of a Vehicle.**

(a) It shall be unlawful to take, drive, or operate another’s motor vehicle, including motorcycle, motorboat, or other motor-propelled vehicle, without the consent of the owner with the intent to temporarily deprive the owner of its use or possession.

(b) Unauthorized Use of a Vehicle is a felony and shall be punishable by a fine not exceeding Two Thousand, Five Hundred Dollars (\$2,500) or incarceration for a term not exceeding one (1) year, or both a fine and incarceration. If the vehicle sustains damage during the custody, possession or under the control of the person violating this Section, the violator shall be required to make restitution.

## **CHAPTER TWO CRIMES AGAINST PERSONS**

### **Section 201. Battery.**

(a) It shall be unlawful to willfully and unlawfully use force or violence, or actually and intentionally offensively touch or strike another against the will of or without consent of the other.



(b) Battery is a misdemeanor and shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000) or incarceration for a term not exceeding one (1) year, or both a fine and incarceration.

**Section 202. Assault in the First Degree.**

(a) It shall be unlawful to wrongfully, purposely, knowingly or recklessly under circumstances manifesting indifference to the value of human life, to:

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

(2) To use a deadly weapon with the intent to cause serious bodily injury, or the intent to put a person in fear of imminent serious bodily injury with the apparent ability to do so.

(b) Assault in the First Degree is a felony and shall be punishable by a fine not exceeding Fifteen Thousand Dollars (\$15,000) or incarceration for a term not to exceed three (3) years, or banishment for a period not to exceed ten (10) years or any combination of the above punishments.

**Section 203. Assault in the Second Degree.**

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

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

(2) Negligently cause bodily injury to another with a weapon;

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

(4) Recklessly endanger another by an act or commission to act which threatens to cause serious bodily injury to another, whether or not such harm actually occurs.

(b) Assault in the Second Degree is a felony and shall be punishable by a fine not to exceed Ten Thousand Dollars (\$10,000) or by a term of incarceration not to exceed three (3) years, or both a fine and incarceration.

**Section 204. Domestic Abuse.**

(a) It shall be unlawful to commit 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.

(b) 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.

(c) Domestic Abuse is a misdemeanor for the first offense and a felony for all second or subsequent offenses. Misdemeanor Domestic Abuse shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000) or by a term of incarceration not to exceed one (1) year, or both a fine and incarceration. Felony Domestic Abuse shall be punishable by a fine not to exceed Fifteen Thousand Dollars (\$15,000) or by a term of incarceration not to exceed three (3) years, or both a fine and incarceration.

### **Section 205. Domestic Abuse in the Presence of a Minor.**

(a) It shall be unlawful to commit any assault or domestic abuse as defined in Section 204 of this Title in the presence of a child. 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 the defendant; or having knowledge that such a child is present and may see or hear an act of domestic violence.

(b) Domestic Abuse in the Presence of a Minor is a misdemeanor for the first offense and a felony for a second or subsequent offense. Misdemeanor Domestic Abuse in the Presence of a Minor shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000) or by a term of incarceration not to exceed one (1) year, or both a fine and incarceration. Felony Domestic Abuse in the Presence of a Minor shall be punished by a fine not to exceed Fifteen Thousand Dollars (\$15,000) or by a term of incarceration not to exceed three (3) years, or both a fine and incarceration.

### **Section 206. Stalking.**

(a) It shall be unlawful to intentionally, maliciously and repeatedly follow or harass another person and make a credible threat by word or action that places such person in reasonable fear of their safety.

(b) Stalking is a felony and shall be punishable by a fine of not more than Fifteen Thousand Dollars (\$15,000) or by a term of incarceration not to exceed three (3) years, or both a fine and incarceration.

### **Section 207. Sexual Assault.**

(a) It shall be unlawful to intentionally, wrongfully, and without consent subject another to any sexual contact:

(1) With knowledge that the conduct is offensive to the other person;

(2) With knowledge that the other person suffers from a mental disease or defect which renders the person incapable of appraising the nature of his or her conduct;

(3) With knowledge that the other person is unaware that a sexual act is being committed;

(4) After having substantially impaired the other person's power to appraise or control conduct by administering or employing, without the other's knowledge, drugs or other intoxicants, or other means for the purpose of preventing resistance;

(5) If that person is less than sixteen (16) years of age, regardless of consent;

(6) If the actor is in a position of influence, authority, or power over the person and misuses such power to intimidate or otherwise take advantage of the person;

(7) If the other person is less than sixteen (16) years of age and the actor is at least four (4) years older than the other person and such individuals are not legally married;

(8) If the other person is less than twenty-one (21) years of age and the actor is his or her guardian or otherwise responsible for general supervision of the other person's welfare;

(9) If 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 the person;

(b) Sexual contact is any touching of the sexual or other intimate parts of the body of another or otherwise taking indecent liberties with another for the purpose of arousing and gratifying sexual desire of either party.

(c) Sexual Assault is a felony and shall be punishable by a fine not to exceed Fifteen Thousand Dollars (\$15,000) or by incarceration not to exceed three (3) years, or banishment for a period not to exceed five (5) years or any combination of the above punishments.

#### **Section 208. Rape in the First Degree.**

(a) It shall be unlawful to intentionally:

(1) Compel another to submit to sexual intercourse by any threat of imminent death, serious bodily injury, extreme pain, or kidnapping to be inflicted on that person or anyone else; or

(2) Engage in sexual intercourse with person under the age of fourteen (14) regardless of consent;

(b) Rape in the First Degree is a felony and shall be punishable by a fine not to exceed Fifteen Thousand Dollars (\$15,000) or by a term of incarceration not to exceed three (3) years, or by banishment for a period not more than life; or any combination thereof.

#### **Section 209. Rape in the Second Degree.**

(a) It shall be unlawful to intentionally:

(1) Compel another to submit to sexual intercourse by any threat that would prevent resolution by a person of ordinary resolution;

(2) Engage in sexual intercourse with another whose power to appraise or control their conduct has been substantially impaired by the administration or employment of drugs or other intoxicants, without their knowledge, and for the purpose of preventing resistance;

(3) Engage in sexual intercourse with a person with knowledge that the person suffers from a mental disease or defect, which renders that person incapable of appraising the nature of this conduct;

(4) Engage in sexual intercourse with a person who is unconscious or with person who is unaware of the identity of the actor, or the actor is someone who is unknown to the person; or

(5) Engage in sexual intercourse with a person under the age of sixteen (16) but over the age of fourteen (14), regardless of consent, the perpetrator being at least four (4) years older than the victim.

(b) Rape in the Second Degree is a felony and shall be punishable by a fine not to exceed Fifteen Thousand Dollars (\$15,000) or by a term of incarceration not to exceed three (3) years, or by banishment for a period of not more than ten (10) years; or any combination thereof.

#### **Section 210. Outraging Public Decency.**

(a) It shall be unlawful for any person to willfully and wrongfully commit 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.

(b) Outraging Public Decency is a misdemeanor and shall be punishable by a fine not to exceed Two Thousand, Five Hundred Dollars (\$2,500) or by a term of incarceration not to exceed six (6) months; or both a fine and incarceration.

#### **Section 211. Indecent Exposure.**

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

(1) Lewdly expose oneself 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 210 of this Title unless such act was accompanied with another act that violates paragraphs 2 through 4 of this Subsection and shall be subject to registration under the Sex Offenders Registration and Notification Act, Title 11;

(2) Procure, counsel, or assist 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) Write, compose, stereotype, print, photograph, design, copy, draw, engrave, paint, mold, cut, or otherwise prepare, publish, sell, distribute, keep for sale, knowingly download on a computer or other electronic device, or exhibit any obscene material or child pornography;

(4) Make, prepare, cut, sell, give, loan, distribute, keep for sale, or exhibit any disc, record of any type, electronic media, wire or tape recording, or any type of obscene material or child pornography.

(5) Solicit or aid a minor child to perform; or

(6) Show, exhibit, loan, or distribute to a minor child any obscene material or child pornography for the purpose of inducing said minor child to participate in any act specified in Subparagraphs 1, 2, 3, or 4 of this Subsection.

(b) Indecent Exposure is a felony and shall be punishable by a fine not less than Five Hundred Dollars (\$500) nor to exceed Fifteen Thousand Dollars (\$15,000) or by a term of incarceration not to exceed three (3) years, or by exclusion for a period of not more than five (5) years; or any combination thereof.

#### **Section 212. Terroristic Threats.**

(a) It shall be unlawful to threaten verbally or in writing to commit any offense involving violence with apparent ability to do so:

(1) With intent to terrorize another or place such other in fear of imminent serious bodily injury; or

(2) To cause evacuation of a building, place of assembly, or facility of public transportation, or to otherwise cause serious public inconvenience or in reckless disregard of the risk of causing such terror or inconvenience.

(b) Terroristic Threats is a felony and shall be punishable by a fine not to exceed Fifteen Thousand Dollars (\$15,000) or a term of incarceration not to exceed three (3) years, or both a fine and incarceration.

#### **Section 213. Recklessly Endangering Another Person.**

(a) It shall be unlawful to recklessly engage 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 the actor believed the firearm to be loaded.

(b) Recklessly Endangering Another Person is a misdemeanor and shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000) or incarceration for a term not to exceed one (1) year, or both a fine and incarceration.

**Section 214. Unlawful Restraint.**

(a) It shall be unlawful for a person to knowingly:

- (1) Restrain another unlawfully; or
- (2) Hold another in a condition of involuntary servitude.

(b) Unlawful Restraint is a misdemeanor and shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000) or incarceration for a term not to exceed one (1) year, or both a fine and incarceration.

**Section 215. False Imprisonment.**

(a) It shall be unlawful to knowingly and wrongfully restrain or imprison another so as to interfere with the person's liberty.

(b) False Imprisonment is a felony and shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000) or by a term of incarceration not to exceed one (1) year, or both a fine and incarceration, unless the detention occurs under circumstances which expose the victim to risk of serious bodily injury, in which case the offense shall be punishable by a fine not to exceed Fifteen Thousand Dollars (\$15,000) or by a term of incarceration not to exceed three (3) years, or both a fine and incarceration.

**Section 216. Criminal Coercion.**

(a) It shall be unlawful to intentionally and wrongfully restrict another's freedom of action by threatening to:

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

or

(4) Expose any secret tending to subject any person to hatred, contempt or ridicule, or to impair the person's credit or business reputation.

(b) It is an affirmative defense to prosecution, except for Subsection (1) of this Section, that the proposed official action was justified and that the actor's purpose was limited to compelling the other in a lawful manner to behave in a way reasonably related to the circumstances for which were the subject of the accusation, exposure, or proposed official action, or the actor believed the accusation or secret to be true.

(c) Criminal Coercion is a misdemeanor and shall be punishable by a fine not to exceed Two Thousand, Five Hundred Dollars (\$2,500) or by a term of incarceration not to exceed six (6) months, or both a fine and incarceration.

**Section 217. Neglect of Children.**

(a) It shall be unlawful for a parent, guardian, or other person supervising the welfare of a child under the age of eighteen (18) to knowingly endanger the child's welfare by violating a duty of care, protection or support. The duty of care required shall include sending the child to school and it shall be a violation of this Subsection if the parent, guardian or supervising person neglects or refuses to send the child to school.

(b) Neglect of Children is a misdemeanor and shall be punishable by a fine not to exceed Two Thousand, Five Hundred Dollars (\$2,500) or by a term of incarceration not to exceed six (6) months; or both a fine and incarceration.

**Section 218. Persistent Non-Support.**

(a) It shall be unlawful to persistently fail to provide support which the defendant is capable of providing and which he or she knows they are legally obliged to provide to a spouse, child or other dependent.

(b) Persistent Non-Support is a misdemeanor and shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000) or by a term of incarceration not to exceed one (1) year, or both a fine and incarceration.

**Section 219. Interference with Custody.**

(a) It shall be unlawful for a person to knowingly or recklessly take or entice:

(1) Any child under the age of eighteen (18) from the custody of his or her parent, guardian or other lawful custodian, when he or she has no privilege to do so; or

(2) Any committed person, including 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.

(b) Interference with Custody is a felony and shall be punishable by a fine not to exceed Fifteen Thousand Dollars (\$15,000) or by a term of incarceration not to exceed three (3) years, or both a fine and incarceration.

**Section 220. Child Abuse, Exploitation and Neglect.**

(a) It shall be unlawful for any parent or other person to willfully or maliciously:

(1) Engage in child abuse, including of a physical or emotional nature, of a child who is under the age eighteen (18);

(2) Engage in child neglect, or to enable child neglect of a child who is under the age of eighteen (18);

(3) Engage in child sexual abuse, or to enable such sexual abuse of a child who is under the age of eighteen (18); or

(4) Engage in sexual exploitation, or to enable sexual exploitation of a child who is under the age of eighteen (18).

(b) Child Abuse, Exploitation and Neglect is a felony and shall be punishable by a fine not to exceed Fifteen Thousand Dollars (\$15,000) or by a term of incarceration not to exceed three (3) years, or both a fine and incarceration.

### **Section 221. Caretaker Abuse.**

(a) It shall be unlawful for a caretaker to:

(1) 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.

(2) Physically abuse, commit financial neglect, neglect, commit sexual abuse, or exploit any person entrusted to the care of such caretaker; or

(3) Knowingly cause, secure, or permit abuse of a person entrusted to the care of such caretaker, whether the victim is in a nursing facility or elsewhere.

(b) Caretaker Abuse is a felony and shall be punishable by a fine not to exceed Fifteen Thousand Dollars (\$15,000) or by a term of incarceration not to exceed three (3) years, or both a fine and incarceration.

## **CHAPTER THREE INCHOATE CRIMES**

### **Section 301. Attempt.**

(a) It shall be unlawful to engage in conduct

(1) Within the Nation's jurisdiction constituting a substantial step toward commission of any offense under Tribal, Federal, or State laws applicable to the jurisdiction in which any part of the offense was to be completed with the kind of culpability otherwise required for the commission of the offense; or



(2) Anywhere constituting a substantial step toward the commission of any Tribal or Federal offenses within the Nation's jurisdiction while acting with the kind of culpability otherwise required for the commission of the offense.

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

### **Section 302. Criminal Conspiracy.**

(a) It shall be unlawful to agree

(1) Within the Tribal Jurisdiction with one or more persons to engage in or cause the performance of conduct with the intent to commit any offense punishable by Tribal, Federal, or State laws applicable to the jurisdiction in which the conduct is agreed to performed, and any one person commits an overt act in pursuance of the conspiracy; or

(2) Anywhere with one or more persons to engage or cause the performance of conduct with the intent to commit any Tribal or Federal offense within the Tribal Jurisdiction and anyone person commits an overt act in pursuance of the conspiracy.

(b) Conspiracy to commit an offense carries the same possible punishment as the completed offense.

### **Section 303. Solicitation.**

(a) It shall be unlawful

(1) Within the Nation's jurisdiction to entice, advise, incite, order, or otherwise encourage another to commit any offense, with the intent that such other person commit an offense punishable under the laws of the jurisdiction where the conduct was to be performed; or

(2) In any place, to entice, advise, incite, order, or otherwise encourage another to commit an offense, with the intent that such other person commit an offense punishable by Tribal, Federal, or State laws within the Nation's jurisdiction.

(b) Solicitation is a felony and shall be punishable by a fine not to exceed Fifteen Thousand Dollars (\$15,000) or by a term of incarceration not to exceed three (3) years, or both a fine and incarceration.

## **CHAPTER FOUR CRIMES AGAINST PUBLIC JUSTICE**

### **Section 401. Bribery.**

(a) It shall be unlawful to solicit, give, or accept any money, goods, right in action, property, thing of value or advantage, present or prospective, or any promos or undertaking, given with a wrongful or corrupt intent to influence unlawfully the person to whom it is given.

(b) Bribery is a felony and shall be punishable by a fine not to exceed Fifteen Thousand Dollars (\$15,000) or by a term of incarceration not to exceed three (3) years, or by exclusion for not more than five (5) years for the first offense and ten (10) years for the second or subsequent offense; or any combination of fines, incarceration and exclusion.

**Section 402. Threats and Other Improper Influences in Official Matters.**

(a) It shall be unlawful to:

(1) Threaten harm to any person with intent to influence another's decision, opinion, recommendation, vote or other exercise of discretion as a public servant, party official, or voter;

(2) Threaten harm to any public servant or relative of a public servant with the intent to influence a decision, opinion, recommendation, vote or other exercise of discretion in a judicial, legislative, or administrative proceeding;

(3) Threaten harm to any public servant or official or relative of either with the intent to influence them to violate a duty; or

(4) 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.

(c) This Section shall not apply to acts or action 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 pursuant to any Nation laws regarding such actions. If the act or actions take place outside of the official meeting floor, before or after the meeting, then any person involved may be prosecuted under this Section.

(d) Threats and Other Improper Influences in Official Matters is a felony and shall be punishable by a fine not to exceed Fifteen Thousand Dollars (\$15,000) or by a term of incarceration not to exceed three (3) years, or both a fine and incarceration.

**Section 403. Retaliation for Past Official Action.**

(a) It shall be unlawful to harm any person by any act in retaliation for anything lawfully done by another person in a capacity as a public servant.

(b) Retaliation for Past Official Action is a felony and shall be punishable by a fine not to exceed Fifteen Thousand Dollars (\$15,000) or by a term of incarceration not to exceed three (3) years, or both a fine and incarceration.

#### **Section 404. Unofficial Misconduct.**

(a) It shall be unlawful to exercise or attempt to exercise any of the function of a public office when one has not been elected or appointed to office.

(b) Unofficial Misconduct is a felony and shall be punishable by a fine not to exceed Fifteen Thousand Dollars (\$15,000) or by a term of incarceration not to exceed three (3) years, or by banishment of more than one (1) year, or by any combination of the foregoing punishments.

#### **Section 405. Misusing Public Money.**

(a) It shall be unlawful for a person charged with the receipt, safekeeping, transfer or disbursements of public monies to:

(1) Without lawful authority appropriate the money or any portion of it to the person's own use or the use of another;

(2) Loan the money or any portion thereof without lawful authority;

(3) Fail to keep the money in possession until lawfully disbursed or paid out according to law;

(4) Deposit the money in an unauthorized bank or with a person not lawfully authorized to receive such;

(5) Knowingly keep any false account, or make a false entry or erasure in an account of or relating to the money;

(6) Fraudulently alter, falsify, conceal, destroy, or obliterate any such account;

(7) Knowingly refuse or omit to pay over on lawful demand by competent authority any public monies in the person's hands;

(8) Knowingly omit to transfer money when transfer is required by proper authority;

(9) Make a profit for oneself or another when not lawfully entitled to such, or in an unlawful manner, out of public monies;

(10) Fail to pay over to the proper account or authority any fines, forfeitures, or fees received by the person;

(11) Otherwise handle public money in a manner not authorized by law for the person's own benefit or the benefit of another; or

(12) Handle public money in a reckless manner as a result of which a risk of loss of such money is significant.

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

(c) Misusing Public Money is a felony and shall be punishable by a fine not to exceed Fifteen Thousand Dollars (\$15,000) or by a term of incarceration not to exceed three (3) years, or by exclusion for not more than three (3) years, or any combination of the foregoing punishments.

#### **Section 406. Perjury.**

(a) It shall be unlawful to, with a purpose to mislead a public servant in performing an official function to make a false statement under oath or equivalent affirmation, or swear or affirm the truth of a statement previously made, when the statement is material and the actor does not believe it to be true.

(b) 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 become manifest that the falsification was or would be exposed and before the falsification substantially affected the proceeding.

(c) 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.

(d) Perjury is a felony and shall be punishable by a fine not to exceed Fifteen Thousand Dollars (\$15,000) or by a term of incarceration not to exceed three (3) years, or by exclusion for a term not to exceed two (2) years, or any combination thereof.

#### **Section 407. Tampering with Witnesses.**

(a) It shall be unlawful:

(1) While believing that an official proceeding or investigation is pending or about to be instituted, to attempt to induce or otherwise cause a person to:

(i) testify or inform falsely;

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

(iii) elude legal process summoning the person to testify or supply evidence; or

(iv) be absent from any proceeding or investigation to which the person has been legally summoned.

(2) To harm another by an unlawful act in retaliation for anything done by another in their capacity as a witness or informant; or

(3) To solicit, accept or agree to accept any benefit in consideration for doing any of the things specified in this Section.

(b) Tampering with witnesses is a felony and shall be punishable by a fine not to exceed Fifteen Thousand Dollars (\$15,000) or by a term of incarceration for a term not to exceed three (3) years, or both a fine and incarceration.

#### **Section 408. Tampering with Evidence.**

(a) It shall be unlawful, while believing that an official proceeding or investigation is pending or about to be instituted, to:

(1) Alter, destroy, conceal or remove any record, document, or thing with the intent to impair its truthfulness or availability in such proceeding or investigation; or

(2) Make present, or use any record, document, or thing knowing it to be false and with a purpose to mislead a public servant who is or may be engaged in such proceeding or investigation.

(b) Tampering with Evidence is a felony and shall be punishable by a fine not to exceed Fifteen Thousand Dollars (\$15,000) or by a term of incarceration not to exceed three (3) years, or by exclusion for more than two (2) years; or any combination thereof.

#### **Section 409. Tampering with Public Records.**

(a) It shall be unlawful to:

(1) Knowingly make a false entry in, or false alteration of any record, document or thing belonging to or received or kept by, the Nation or government for information or record, or required by law to be kept by others for information of the Nation or government;

(2) Make, present or use any record, document, or thing knowing it to be false, and with the purpose that it be taken as a genuine part of information or records referred to in Subsection (1) of this Section; or

(3) Purposefully and unlawfully destroy, conceal, remove or otherwise impair the truth or availability of any such record, document or thing.

(b) Tampering with Records is a felony and shall be punishable by a fine not to exceed Fifteen Thousand Dollars (\$15,000) or by a term of incarceration not to exceed three (3) years, or by exclusion for a term not to exceed two (2) years, or a combination of the foregoing.

#### **Section 410. Impersonating a Public Servant.**

(a) It shall be unlawful to falsely pretend to hold a position in the public service with the purpose to induce another to submit to such pretended official authority or otherwise to act in prejudicial reliance upon that pretense.

(b) Impersonating a public servant is a misdemeanor and shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000) or by a term of incarceration not to exceed one (1) year, or both a fine and incarceration.

**Section 411. False Personation.**

(a) It shall be unlawful to:

(1) Falsely personate another, and in such assumed character to perform any act whereby, if it were done by the person falsely personated, the actor might 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; or

(2) Falsely personate another, and in such assumed character to receive 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.

(b) False Personation is a felony and shall be punishable by a fine not to exceed Fifteen Thousand Dollars (\$15,000) or by a term of incarceration not to exceed three (3) years, or both a fine and incarceration.

**Section 412. False Reports.**

(a) It shall be unlawful for a person to knowingly give false information to any law enforcement officer with the purpose to implicate another, 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.

(b) False Reports is a misdemeanor and shall be punishable by a fine not to exceed Five Hundred Dollars (\$500) or by a term of incarceration not to exceed six (6) months, or both a fine and incarceration.

**Section 413. False Arrest.**

(a) It shall be unlawful for any public officer or person pretending to be a public officer to, under the pretense or color of any process or other legal authority, arrest or detain any person against the person's will, except where such person reasonably believes there is authorization by law to do so.

(b) False Arrest is a misdemeanor and shall be punishable by a fine not to exceed Two Thousand, Five Hundred Dollars (\$2,500), or by a term of incarceration not to exceed six (6) months, or both a fine and incarceration.

**Section 414. Refusing to Aid an Officer.**

(a) It shall be unlawful to knowingly or willfully refuse to aid a law enforcement officer or other emergency personnel in the performance of their duties when called upon by the officer or emergency personnel to do so.

(b) Refusing to Aid an Officer is a misdemeanor and shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000) or a term of incarceration not to exceed one (1) year, or both a fine and incarceration.

**Section 415. Disobedience to Lawful Order of Court.**

(a) It shall be unlawful to purposely or knowingly, without cause, fail to obey an order, subpoena, warrant or command duly made, issued, or given by a court of the Nation or any official thereof or otherwise issued according to law.

(b) Disobedience to Lawful Order of Court is a misdemeanor and shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000) or by a term of incarceration not to exceed six (6) months, or both a fine and incarceration.

**Section 416. Resisting Arrest.**

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

(b) Resisting Arrest is a misdemeanor and shall be punishable by a fine not to exceed Two Thousand, Five Hundred Dollars (\$2,500) or by a term of incarceration not to exceed six (6) months, or both a fine and incarceration.

**Section 417. Obstructing Justice.**

(a) It shall be unlawful to purposely hinder the apprehension, prosecution, conviction, or punishment of any person for the commission of an offense by means of:

(1) Harboring or concealing another person;

(2) Providing or aiding in providing a weapon, transportation, disguise or any other means of avoiding apprehension or promoting escape;

(3) Concealing or destroying evidence of an offense, or tampering with a witness, informant, document or other source of information, regardless of its admissibility as evidence;

(4) Warning another person of impending discovery or apprehension, except if such warning is given in an attempt to seek compliance of the other person with the law;

(5) Providing false information to law enforcement for the purpose of preventing the apprehension of oneself or another; or

(6) Obstructing by force, threat, bribery or deception anyone from performing any act that might aid in the discovery, apprehension, prosecution or conviction of oneself or another.

(b) Obstructing Justice is a misdemeanor and shall be punishable by a fine not exceeding Five Thousand Dollars (\$5,000) or by term of incarceration not to exceed one (1) year, or both a fine and incarceration.

#### **Section 418. Escape.**

(a) It shall be unlawful to:

(1) Remove oneself from official detention or fail to return to official detention following temporary leave granted for a specified purpose or period of time;

(2) Knowingly procure, make, or possess anything, which may facilitate escape while being held in official detention;

(3) Aid another person to escape official detention; or

(4) Knowingly provide a person in official detention with anything which may facilitate an escape.

(b) Any person who escapes or attempts to escape after being lawfully arrested for custody for a misdemeanor, shall be guilty of a misdemeanor and same shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000) or by a term of incarceration not to exceed one (1) year, or both a fine and incarceration. Any person who escapes or attempts to escape after being lawfully arrested for custody for a felony, shall be guilty of a felony and same shall be punishable by a fine not to exceed Ten Thousand Dollars (\$10,000) or by a term of incarceration not to exceed three (3) years, or both a fine and incarceration.

#### **Section 419. Bail Jumping.**

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

(b) Bail Jumping is a misdemeanor and shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000) or by a term of incarceration not to exceed one (1) year, or both a fine and incarceration.

#### **Section 420. Flight to Avoid Prosecution or Judicial Process.**



(a) It shall be unlawful for a person to absent himself or herself from the Nation's jurisdiction for the purpose of avoiding arrest, prosecution or other judicial process.

(b) Flight to Avoid Prosecution or Judicial Process is a misdemeanor and shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000) or by a term of incarceration not to exceed one (1) year, or both a fine and incarceration.

#### **Section 421. False Alarms.**

(a) It shall be unlawful to knowingly:

(1) Cause a fire alarm or other emergency to be transmitted to or within any organization, official or volunteer, for dealing with emergencies involving danger to life or property;

(2) Give false information to any law enforcement officer with the purpose to implicate another in an offense;

(3) Report to law enforcement authorities an offense or other incident with their concern while knowing or believing it did not occur;

(4) Pretend to furnish law enforcement authorities with information relating to an offense or incident when the person knows no information relating to such offense or incident; or

(5) Give a false name or address to a law enforcement officer in the lawful discharge of the officer's official duties.

(b) False Alarms is a misdemeanor and shall be punishable by a fine not to exceed Three Thousand Dollars (\$3,000) or by a term of incarceration not to exceed one (1) year, or both a fine and incarceration.

#### **Section 422. Interruption, Disruption, or Interference with Emergency Telephone Call or Emergency Services.**

(a) It shall be unlawful to intentionally interrupt, disrupt, impede, or interfere with an emergency telephone call or emergency services, or to intentionally prevent or hinder another person from placing an emergency telephone call or obtaining emergency services.

(b) Interruption, Disruption, or Interference with Emergency Telephone Call or Emergency Services is a misdemeanor and shall be punishable by a fine not to exceed Three Thousand Dollars (\$3,000) or by a term of incarceration not to exceed one (1) year, or both a fine and incarceration.

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

#### **Section 501. Disorderly Conduct.**

(a) It shall be unlawful to purposely cause public inconvenience, annoyance or alarm, or recklessly create a risk thereof, by:

(1) Engaging in fighting, or threatening to engage in violent or tumultuous behavior;

(2) Making unreasonable noise or offensively coarse utterances, gestures, or displays, or addressing abusive language to any person present; or

(3) Creating a hazardous or physically offensive condition by an 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) Disorderly Conduct is a misdemeanor and shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000) or by incarceration for a period not to exceed six (6) months, or both a fine and incarceration.

#### **Section 502. Intoxication.**

(a) It shall be unlawful to be under the influence of an intoxicating beverage, drug or other controlled substance, or a substance having the property of releasing vapors, to any degree, in a public place or in a private place where one unreasonably disturbs another person, under circumstances not amounting to disorderly conduct.

(b) Intoxication is a misdemeanor and shall be punishable by a fine not to exceed Three Hundred Dollars (\$300) or by a term of incarceration not to exceed three (3) months, or both a fine and incarceration. However, a judge or the arresting law enforcement officer may order the release from custody if it is believed that further imprisonment is unnecessary for the protection of the individual or another and the individual is in a sober condition at the time of the release. The judge may also commit the person convicted to a facility for treatment if it appears that the person is dependent upon the intoxicating beverage, drugs, controlled substance, or vapor producing substance, for a period not to exceed six (6) months.

#### **Section 503. Rioting.**

(a) It shall be unlawful to simultaneously, with two or more other person, engage in tumultuous or violent conduct in a public place which endangers person or property, thereby knowingly or recklessly creating a substantial risk or causing public alarm; or to assemble with two or more persons with the purpose of engaging soon thereafter in the above described conduct.

(b) Rioting is a misdemeanor if the offender unlawfully obstructed the normal use of any public street, highway or road, or by endangering the safe movement of motor vehicles or pedestrians traveling thereon. Misdemeanor Rioting shall be punishable by a fine not to exceed Five Thousand

Dollars (\$5,000) or by a term of incarceration not to exceed one (1) year, or both a fine and incarceration.

(c) Rioting is a felony if any murder, robbery, rape or arson was committed in the course of such riot or if any deadly or dangerous weapons were carried during the riot. Felony Rioting shall be punishable by a fine not to exceed Fifteen Thousand Dollars (\$15,000) or by a term of incarceration not to exceed three (3) years, or both a fine and incarceration.

(d) All persons convicted of Rioting shall be liable for all damages to person or property by reason of the same.

#### **Section 504. Failure to Disperse.**

(a) It shall be unlawful to refuse or knowingly fail to obey an order to disperse or leave the immediate vicinity when given instruction by a law enforcement officer or other public servant performing an enforcement function, at the scene of a riot, fire, or other public disorder or given in the course of the investigation of the commission of an accident, fire, offense or suspected offense.

(b) Failure to Disperse is a misdemeanor and shall be punishable by a fine not to exceed Five Hundred Dollars (\$500) or by a term of incarceration not to exceed three (3) months, or both a fine and incarceration.

#### **Section 505. Harassment.**

(a) It shall be unlawful, with the purpose to annoy or alarm another, to:

(1) Insult, taunt, or challenge another in manner likely to provoke a violent or disorderly response;

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

(3) Make a telecommunication or other electronic communication with intent to terrify, intimidate or harass, or threaten to inflict injury or physical harm to any person or property of that person;

(4) Make a telecommunication or other electronic communication whether or not conversation ensues, without disclosing the identity of the person making the call or communication and with intent to annoy, abuse, threaten, or harass any person who receives the communication;

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

(6) Subject another to offensive touching; or

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

(b) A first offense of Harassment shall be a misdemeanor and shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000) or by a term of incarceration not to exceed One (1) year, or both a fine and incarceration. A second or subsequent offenses of Harassment is a felony and shall be punishable by a fine not to exceed Fifteen Thousand Dollars (\$15,000) or by a term of incarceration not to exceed three (3) years, or both a fine and incarceration.

**Section 506. Public Nuisance.**

(a) It shall be unlawful to do any act, or fail to perform any duty, without lawful authority to do so, which act or commission either:

(1) Unreasonably and substantially annoys and injures or endangers the comfort, repose, health, or safety of three or more persons;

(2) Offends public decency;

(3) Unlawfully interferes with, obstruct, or tends to obstruct, or renders dangerous for use or passage any public access area, including but not limited to highways and roads, lakes, streams or parks; or

(4) In any way unreasonably renders three or more persons insecure in life or the use of property.

(b) Public Nuisance is a misdemeanor and shall be punishable by a fine not to exceed Three Thousand Dollars (\$3,000) or by a term of incarceration not to exceed three (3) months, or both a fine and incarceration.

**Section 507. Weapons Offense.**

(a) It shall be unlawful to:

(1) Have a dangerous weapon in one's actual possession (a) while being addicted to any narcotic drug, (b) after having been declared mentally incompetent, (c) while being intoxicated or otherwise under the influence of alcoholic beverages or other intoxicating substance, drug, or medicine, (d) while possessing the intent to unlawfully assault another, (e) or while under the age of sixteen (16) years old and without the consent of the minor's parent or guardian.

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

(b) 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 unspent 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 position as next to be fired.

(c) Weapons offense is a misdemeanor and shall be punishable by a fine not to exceed Three Thousand Dollars (\$3,000) or by a term of incarceration not to exceed three (3) months, or both a fine and incarceration.

#### **Section 508. Aggravated Weapons Offense.**

(a) It shall be unlawful to carry a dangerous weapon concealed on the person when not legally permitted to do so or to threaten to use or exhibit a dangerous weapon in a dangerous and threatening manner, or use a dangerous weapon in a fight or quarrel; or to possess a shotgun or rifle having a barrel or barrels of less than sixteen (16) inches in length or an altered or modified shotgun or rifle less than twenty-four (24) inches overall in length.

(b) Aggravated Weapons Offense is a felony and shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000) or by a term of incarceration not to exceed one (1) year, or both a fine and incarceration.

#### **Section 509. Carrying Concealed Weapons.**

(a) It shall be unlawful for a person to carry a concealed weapon upon his or her person when not lawfully permitted to do so.

(b) Carrying a Concealed Weapon is a misdemeanor and shall be punishable by a fine not to exceed Five Hundred Dollars (\$500) or a term of incarceration not to exceed three (3) months, or both a fine and incarceration.

#### **Section 510. Dangerous Devices.**

(a) It shall be unlawful to:

(1) Deliver of cause to be delivered to any person, or place in the mail, or throw or place on or about the premises or property of another or in any place where another may be injured

thereby, a dangerous device, knowing it to be such, unless the threatened person is informed of the nature thereof and its placement is for some lawful purpose; or

(2) Knowingly construct or contrive any dangerous device, or with the intent to injure another person or property, possess a dangerous device.

(b) For purposes of this Section, a “dangerous device” is any box, package, contrivance, bomb, or apparatus containing or arranged with an explosive, acid, poisonous or inflammable substance, chemical, or compound, or knife, loaded firearm or other dangerous or harmful weapon or thing, constructed, contrived, or arranged so as to explode, ignite, or throw forth its contents, or to strike with any of its parts, unexpectedly when moved, handled, or opened or after the lapse of time or under conditions or in a manner calculated to endanger health, life, limb, or property.

(c) Dangerous Devices offenses is a felony and shall be punishable by a fine not to exceed Fifteen Thousand Dollars (\$15,000) or by a term of incarceration not to exceed three (3) years, or both a fine and incarceration.

### **Section 511. Littering.**

(a) It shall be unlawful to throw, dump, place or deposit upon the lands of another or any tribal or public property, highway, street, road, or other area not the person’s own, without the consent of the owner or other lawful permission, any garbage, debris, junk, carcasses, trash, refuse or other substances of any nature whatsoever which could mar the appearance or detract from the cleanliness of the area; or to store, keep, or allow to accumulate an unreasonable number of any wrecked, junked, or unserviceable vehicles, appliances, or implements, unless one has a permit to maintain a salvage or junk yard.

(b) Littering is a misdemeanor and shall be punishable by a fine not to exceed Two Thousand, Five Hundred Dollars (\$2,500) or by a term of incarceration not to exceed three (3) months, or both a fine and incarceration.

### **Section 512. Obscenity.**

(a) It shall be unlawful to:

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

(2) Publish, exhibit or otherwise make available any obscene material;

(3) Possess any obscene material for purposes of sale or other commercial dissemination;  
or

(4) Sell, advertise or otherwise commercially disseminate material, whether or not obscene, by representing or suggesting that it is obscene.

(b) Material is obscene if, considered as a whole:

(1) It lacks serious literary, artistic, political, or scientific value;

(2) It depicts or describes nudity, sex or excretion in a patently offensive manner that goes substantially beyond customary limits of candor in describing or representing such matters; and

(3) If the average person, applying contemporary community standards, would find that the material, taken as a whole, appeals predominately to a morbid or unnatural interest in nudity, sex, or excretion.

(c) A person who disseminates or possesses obscene material in the course of business is presumed to do so knowingly or recklessly.

(d) Predominant appeal shall be judged with reference to ordinary adults unless it appears from the character of the material or the circumstances of its dissemination to be designed for children or some other specifically susceptible audience.

(e) Undeveloped photographs molds, printing plates and the like, shall be deemed obscene notwithstanding that processing or other acts may be required to make the obscenity patent or to disseminate it.

(f) It shall be a defense to a prosecution under this Section that the dissemination of the obscene material was restricted to institutions or persons having scientific, educational, governmental or other similar justification for possessing obscene material.

(g) Obscenity is a felony and shall be punishable by a fine not to exceed Fifteen Thousand Dollars (\$15,000) or three (3) years' incarceration, or both a fine and incarceration, and all obscene material shall be confiscated and destroyed.

### **Section 513. Abuse of Office.**

(a) It shall be unlawful to act or purport to act in an official capacity or take advantage of such actual or purported capacity, if knowing that his or her conduct is illegal, he or she:

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

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

(b) Abuse of Office is a misdemeanor and shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000) or a term of incarceration not to exceed one (1) year, or both a fine and incarceration.

### **Section 514. Tobacco Offense; Exceptions.**

(a) Except as provided in paragraph (b) of this Section, it shall be unlawful to:

(1) Purchase, obtain, possess, smoke, chew, inhale, or ingest any product from or with tobacco if under the age of twenty-one (21) years; or

(2) Sell to, otherwise obtain for or arrange for the obtaining of tobacco or tobacco product for a person under the age of twenty-one (21) years.

(b) This Section shall not apply to tobacco possessed or used for ceremonial and spiritual purposes consistent with religious practices such as, but not limited to, prayer, spiritual purposes consistent with religious practices such as, but not limited to, prayer, protection, offerings, respect and healings.

(c) Tobacco Offenses is a misdemeanor and shall be punishable by a fine not to exceed Five Hundred Dollars (\$500).

**Section 515. Contributing to the Delinquency of a Minor.**

(a) It shall be unlawful for a person eighteen (18) years of age or older to:

(1) Knowingly or recklessly sell or give to or otherwise make beer, liquor or other alcoholic beverages available to a person under the age of twenty-one (21) years;

(2) Knowingly or recklessly, by act or omission, encourage, cause or contribute to the delinquency or unlawful conduct of a minor under eighteen (18) years of age.

(b) A first offense of Contributing to the Delinquency of a Minor is a misdemeanor and shall be punishable by fine of not more than One Thousand Dollars (\$1,000) or by a term of incarceration of not more than three (3) months, or both a fine and incarceration. A second, or subsequent offense of Contributing to the Delinquency of a Minor is a felony and shall be punished by a fine not to exceed Five Thousand Dollars (\$5,000) or by a term of incarceration not to exceed three (3) years, or both a fine and incarceration.

**Section 516. Intoxicating Beverage Purchase by Person Under 21 Years of Age Prohibited.**

(a) It shall be unlawful for a person under the age of twenty-one (21) years of age to purchase, receive, or have in their possession an intoxicating beverage product, or present or offer to any person any purported proof of age, which is false or fraudulent for the purpose of purchasing or receiving any intoxicating beverage product.

(b) It shall not be unlawful for an employee over the age of eighteen (18) years of age but under the age of twenty-one (21) years to handle intoxicating beverage products when required in the performance of the employment duties.



(c) Intoxicating Beverage Purchase by Person Under 21 Years of Age is a misdemeanor and shall be punishable by a fine not to exceed Five Hundred Dollars (\$500), or by a term of incarceration of not more than three (3) months, or both a fine and incarceration.

### **Section 517. 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 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 chemical compounds: acetone, 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 substances. The statement of listing of the contents of a substance packaged in a container by the manufacture 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 is a misdemeanor and shall be punishable by a fine not to exceed Five Hundred Dollars (\$500) or by a term of incarceration not to exceed three (3) months, or both a fine and incarceration, and the court may order any person using psychotoxic solvents for inhalation to be committed to a treatment facility for a period not to exceed six (6) months.

### **Section 518. Dangerous Drug Offense.**

(a) It shall be unlawful, except as authorized and controlled by Federal law to manufacture, distribute, possess with intent to distribute, dispense, create, possess, or cultivate a controlled or a counterfeit substance; or to obtain or acquire possession of controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge; or knowingly or intentionally use any communication facility in committing any of the above prohibited acts.

(b) Controlled or counterfeit substances shall consist of the substances listed in 21 U.S.C. 812, and any other chemical substance, natural, or artificial, defined as a controlled or dangerous substance the possession, sale, distribution, or use of which is prohibited by Federal law, except peyote.

(c) A dangerous drug offense is a misdemeanor and shall be punishable by a fine not to exceed Three Thousand Dollars (\$3,000) or by incarceration not to exceed one (1) year, or both a fine and incarceration. Sales, distribution, possession with intent to distribute, manufacturing with intent to

sell, or cultivation with intent to distribute is a felony and shall be punishable by a fine not to exceed Fifteen Thousand Dollars (\$15,000) or by incarceration not to exceed Three (3) years, or both a fine and incarceration. Exclusion may also be imposed for a term not more than ten (10) years for felony convictions.

(d) Any substance handled in violation of this Section is hereby declared to be contraband and civil forfeiture proceedings may be had against such substance as provided by law.

(e) Any personal property used to transport, conceal manufacture, cultivate, or distribute the controlled dangerous substance in violation of this Section shall be subject to forfeiture as contraband by civil proceeding as provided by law.

(f) It shall not be a crime under this code for an individual to possess marijuana for medicinal purposes pursuant to a valid state-issued Medical Marijuana License.

### **Section 519. Violating Protective Order.**

(a) It shall be unlawful for a person who has been served with an ex parte or final protective order or foreign protective order to violate such order.

(b) A first offense of Violating a Protective Order is a misdemeanor and is punishable by a fine not to exceed One Thousand Dollars (\$1,000) or by a term of incarceration not to exceed one (1) year, or both a fine and incarceration.

(c) A second or subsequent conviction of violating a protective order is a felony and shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000) and a term of incarceration for not less than thirty (30) days and not more than three (3) years, or both a fine and incarceration.

(d) Violation of a protective order, temporary or final, wherein the offense causes physical injury or physical impairment to the victim is a felony and shall upon conviction be punished by a term of incarceration of not less than ninety (90) days and not more than three (3) years. In addition to the term of incarceration, a fine not to exceed Fifteen Thousand Dollars (\$15,000) may be imposed.

### **Section 520. Child Abuse, Exploitation and Neglect.**

(a) It shall be unlawful for any person to willfully or maliciously:

(1) Engage, facilitate, cooperate, or allow another person to engage in child abuse involving a child within the defendant's custody or care;

(2) Engage, facilitate, cooperate, or allow another to engage in child neglect involving a child within the defendant's custody or care;

(3) Engage, facilitate, cooperate, or allow another to engage in sexual abuse of a minor child involving a child within the defendant's custody or care; or

(4) Engage, facilitate, cooperate, or allow another to engage in child sexual exploitation of a child in the defendant's custody or care.

(b) Child Abuse, Exploitation and Neglect is a felony and shall be punishable by a fine not to exceed Fifteen Thousand Dollars (\$15,000) or by a term of incarceration not to exceed three (3) years, or exclusion for a period not to exceed five (5) years, or any combination thereof.

### **Section 521. Cruelty to Animals.**

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

- (1) Torture or seriously overwork an animal;
- (2) Fail to provide necessary food, care, or shelter for an animal in one's care;
- (3) Abandon an animal in one's custody;
- (4) Transport or confine an animal in a cruel manner;
- (5) Kill, injure, or administer poison to an animal without legal privilege to do so; or
- (6) Cause one animal to fight with another.

(b) Cruelty to Animals is a felony and shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000) or by a term of incarceration not to exceed three (3) years, or both a fine and incarceration. It is a defense to prosecution under this Section that the conduct of the actor toward the animal was an accepted veterinary practice or directly related to a bonafide experimentation for scientific research.

### **Section 522. Control of Dogs; Trespassing on Public, Private and Tribal Property Prohibited.**

(a) It shall be unlawful for any person to permit a dog, owned, possessed or harbored by him or her:

(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 therefrom, or by keeping the dog inside a house or other building, or by a leash at least ten (10) 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 to 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 public or tribal property unless the dog is:

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

(ii) 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 (6) feet in length and of sufficient strength to control the actions of the dog.

(iii) For 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 tethered.

(iv) 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 authorized law enforcement officer of the Nation may kill any vicious dog found running loose on Nation property which in his discretion poses an 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.

(b) It shall be unlawful for the owner of any dog that previously has bitten any person on public or private property, unprovoked, which has caused injury or imminent threat of injury or death, to permit such dog to run at large.

(c) Control of Dogs; Trespassing on Public, Private and Tribal Property is a misdemeanor and shall be punishable by a fine not to exceed Three Hundred Dollars (\$300).

### **Section 523. Livestock Offense.**

(a) It shall be unlawful to:

(1) Knowingly or recklessly refuse or fail to mark or brand livestock when such is required in the interest of livestock identification or as directed by law or ordinance;

(2) Alter, obliterate, or remove a brand or mark, or misbrand or mismark livestock with a purpose to deceive another for any reason;

(3) Knowingly permit livestock to graze or trespass on the property of another without permission to do so;

(4) Knowingly fail to treat or dispose of a sick or dead animal where there is a substantial danger of infecting other livestock or animals;

(5) Fail to dip, inoculate or otherwise treat livestock in the manner which is required by law or ordinance; or

(6) Make a false report of livestock owned.

(b) Except in cases in which the owner or person having custody of the livestock believed to be in violation of this Section cannot be found, for Subsections 1, 2, 3, 4, and 5 set forth above, no conviction may be sustained unless the owner or person having custody of the livestock is given forty-eight hours written notice of the alleged violation.

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

(d) Livestock Offense is a misdemeanor and shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000) or by a term of incarceration not to exceed One (1) year, or both a fine and incarceration.

(e) Livestock handled or kept in violation of this Section are hereby declared to be contraband and civil proceedings may be had against such animals for forfeiture as provided by law.

#### **Section 524. 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, tablet, 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, cell phone, tablet or any other property;

(4) Willfully and without authorization, gain or attempt to gain access to a computer, computer system, computer network, cell phone, tablet 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 or computer network, telephone, cellular phone, tablet, or any other electronic device or property to annoy, abuse, threaten or harass another person; or

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

(10) Willfully and without authorization, use a computer, computer system, computer network, telephone, cellular phone, tablet or any other electronic device or property to disburse, disseminate or transmit explicit photographs, videos or any other electronic media of another individual.

(b) Computer and Electronic Crimes is a felony and shall be punishable by a fine not to exceed Fifteen Thousand Dollars (\$15,000) or a term of incarceration not to exceed three (3) years, or both a fine and incarceration.

## **CHAPTER SIX TRAFFIC OFFENSES**

### **Section 601. Definitions.**

(a) The term “motor vehicle” shall mean every device in, upon, or by which any person or property is or may be drawn or transported upon a public road and which device is self-propelled, 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 602. 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 an operator’s license in possession is a misdemeanor and shall be punishable by a fine not to exceed One Hundred-Fifty Dollars (\$150).

### **Section 603. 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 is a misdemeanor and shall be punishable by a fine not to exceed Two-Hundred Fifty Dollars (\$250).

#### **Section 604. 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 a misdemeanor and is punishable by a fine not to exceed Three Hundred Dollars (\$300), or by a term of incarceration not to exceed three (3) months, or by suspension or revocation of one's driver's license, or any combination of the above punishments.

(c) A second and subsequent conviction shall be a felony and will result in a fine not to exceed One Thousand Dollars (\$1,000), or by a term of incarceration not to exceed one (1) year, or any combination of the above punishments.

#### **Section 605. 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 is a misdemeanor and shall be punishable by a fine not to exceed Three Hundred Dollars (\$300).

#### **Section 606. 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 is a misdemeanor and shall be punishable by a fine not to exceed Three Hundred Fifty Dollars (\$350), or by a term of incarceration not to exceed three (3) months, or both.

#### **Section 607. 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 is a misdemeanor. Upon a first offense, Reckless Driving shall be punishable by a fine not to exceed Five Hundred Dollars (\$500), or by a term of incarceration not to exceed six (6) months, or by suspension of driving privileges for a period not to exceed one (1) 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 Two Thousand Five Hundred Dollars (\$2,500), or by a term of incarceration not to exceed one (1) year, or by suspension of driving privileges for a period not to exceed one (1) year or any combination of the above punishments.

### **Section 608. 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, van, 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 is a misdemeanor and shall be punishable by a fine not to exceed Five Hundred Dollars (\$500).

### **Section 609. 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 (6) months whether or not such person is convicted of any offense. Such suspension is mandatory.



(c) A first offense of Driving under the influence is a misdemeanor and a second or subsequent offense shall be a felony. Driving under the influence shall be punishable by a fine not to exceed Two Thousand Five Hundred Dollars (\$2,500), or by a term of incarceration not to exceed One (1) year, or by suspension of driving privileges for a period not to exceed two (2) years or any combination of the above punishments.

(d) A blood alcohol content of 0.16% shall be an aggravated felony and shall be punishable by a fine not to exceed Five Thousand (\$5,000), or by a term of incarceration not to exceed Three (3) years. Aggravated felony shall result in a suspension of driving privileges within the Nation's jurisdiction for a period not to exceed three (3) years, or any combination of the above punishments.

### **Section 610. 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 is a felony and shall be punishable by a fine not to exceed Ten Thousand Dollars (\$10,000), or by a term of incarceration not to exceed three (3) years, or by suspension of driving privileges for a period not to exceed three (3) years, or by a combination of the foregoing punishments.

### **Section 611. 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 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 is a misdemeanor and shall be punishable by a fine not to exceed Five Hundred Dollars (\$500), or by a term of incarceration not to exceed One (1) year, or by suspension of driving privileges for a period not to exceed one (1) year, or a combination of the foregoing punishments. Upon conviction, restitution shall be required.

### **Section 612. 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 Police Department as soon as possible.

(b) Failure to perform the duty of a driver upon striking highway fixtures is a misdemeanor and shall be punishable by a fine not to exceed Five Hundred Dollars (\$500), or by a term of incarceration not to exceed One (1) year, or both. Upon conviction, restitution may be ordered.

### **Section 613. 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 law enforcement.

(b) Failure to make such a report is a misdemeanor and shall be punishable by a fine not to exceed Five Hundred Dollars (\$500).

### **Section 614. 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 is a misdemeanor and shall be punishable by a fine not to exceed Two Hundred Dollars (\$200).

### **Section 615. 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 of a law enforcement officer is a misdemeanor and shall be punishable by a fine not to exceed Seven Hundred Fifty Dollars (\$750).

### **Section 616. Eluding Law Enforcement Officer.**

(a) A person is guilty of eluding Law Enforcement Officer 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) Eluding law enforcement officer shall be a misdemeanor and shall be punishable by a fine not to exceed Three Thousand Dollars (\$3,000), or by a term of incarceration not to exceed one (1) year, or by suspension of driving privileges for a period not to exceed one (1) year, or by a combination of any of the foregoing punishments.

(d) Endangering or injuring another person during the offense of eluding an officer shall be a felony and shall be punishable by a fine of Five Thousand Dollars (\$5,000), or by a term of incarceration of not less than six (6) months and not to exceed three (3) years, and suspension of driving privileges for a period not to exceed three (3) years or by a combination of any of the foregoing punishments.

#### **Section 617. 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 is a misdemeanor and shall be punishable by a fine not to exceed Two Hundred Dollars (\$200).

#### **Section 618. 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 is a misdemeanor and shall be punishable by a fine not to exceed Five Hundred Dollars (\$500) and suspension of driving privileges for a period of three (3) months.

#### **Section 619. 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 is a misdemeanor and shall be punishable by a fine not to exceed Two Hundred Dollars (\$200).

### **Section 620. 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 is a misdemeanor and shall be punishable by a fine not to exceed Two Hundred Dollars (\$200).

### **Section 621. 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 is a misdemeanor and shall be punishable by a fine not to exceed Two Hundred Dollars (\$200).

### **Section 622. 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 is a misdemeanor and shall be punishable by a fine not to exceed One Hundred Fifty Dollars (\$150).

### **Section 623. 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 is a misdemeanor and shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250).

### **Section 624. 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 is a misdemeanor and shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250).

#### **Section 625. No-Passing Zones.**

(a) 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.

(b) Passing in a no-passing zone is a misdemeanor and shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250).

#### **Section 626. 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 multi-beam so that the driver can adjust lights from bright to dim, and such lights must be in proper working order at all times so as to be seen by oncoming traffic for a reasonable distance during hours of darkness or other times when light conditions require the use of headlights.

(2) REAR LAMPS: One lighted red lamp on each side of the back of the motor vehicle that will be plainly visible for a reasonable distance to the rear, and such lamp must be in proper working order at all times. If the vehicle is equipped with a center high-mounted stop lamp, it shall be in 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. This provision shall include center high-mounted stop lamps as well.

(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.

(b) Violation of this Section is a misdemeanor and is punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250) per violation.

**Section 627. 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:

(i) 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

(ii) 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 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) Violation of this Section is a misdemeanor and is punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250) per violation.

#### **Section 628. 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 stoplights 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.

(b) Violation of this Section is a misdemeanor and is punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250) per violation.



### **Section 629. 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.

(b) Violation of this Section is a misdemeanor and is punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250) per violation.

### **Section 630. 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 a misdemeanor and is punishable by a fine not to exceed Two Hundred Dollars (\$200).

### **Section 631. 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 is a misdemeanor and shall be punishable by a fine not to exceed Twenty Dollars (\$20).

### **Section 632. Required 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.

(d) 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.

(e) Violation of this Section is a misdemeanor and shall be punished by a fine of One Hundred Dollars (\$100).

### **Section 633. Speed Limits.**

(a) Speed limits on any public road within the Nation's jurisdiction shall be set by State or by the Wyandotte Nation Board of Directors.

(b) In any area of the Nation's 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.

(c) The fact that the speed of a motor vehicle is lower than the foregoing prima facie limits does not relieve the driver from the duty of all persons to use due care.

(d) Exceeding the speed limit is a misdemeanor and shall be punishable by a fine not to exceed Three Hundred Fifty Dollars (\$350). Exceeding a posted speed limit by more than thirty-six (36) miles per hour shall also incur an additional charge of Reckless Driving.

(e) 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 is a misdemeanor and shall be punishable by a fine not to exceed Three Hundred Fifty Dollars (\$350).

#### **Section 634. 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 Subsection (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.

(c) Approaching and passing stationary emergency vehicles and wreckers is a misdemeanor and shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000).

#### **Section 635. 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 is a misdemeanor and shall be punishable by a fine not to exceed One Hundred Fifty Dollars (\$150).

**Section 636. 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 is a misdemeanor and shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250).

**Section 637. Discarding Litter on Roads, Roadways and Public Property.**

(a) 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 when such act is performed while using a motor vehicle.

(b) Discarding litter on roads, roadways and public property is a misdemeanor and shall be punishable by a fine not to exceed Three Hundred Fifty Dollars (\$350).

**Section 638. 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 when such act is performed while using a motor vehicle.

(b) Violation of this Section is a misdemeanor and shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000).

**Section 639. 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 is a misdemeanor and shall be punishable by a fine not to exceed Two Thousand Five Hundred Dollars (\$2,500).

(c) Violation of this Section during a publicly noticed burn ban shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000).

**Section 640. 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;
- (6) Any area designated as a fire lane.

(d) It shall be unlawful to stop, park, or leave standing a vehicle in a place designated for handicapped parking only unless the vehicle is properly equipped with a designated handicapped placard.

(e) A violation of this Section is a misdemeanor and shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250).

**Section 641. 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 642. Authorization to Remove Abandoned Vehicles.**

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.

**Section 643. 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 is a misdemeanor and shall be punishable by a fine not to exceed Five Hundred Dollars (\$500), or by a term of incarceration not to exceed three (3) months, or a combination thereof.

**Section 644. Failure to Maintain Insurance or Security.**

(a) It shall be unlawful to drive a motor vehicle while failing to maintain insurance or security verification and shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250) or thirty (30) days incarceration, or both.

(b) A conviction may result in driving privileges being suspended. Upon issuing a citation, the law enforcement officer may: (a) seize the vehicle being operated by the person and cause the vehicle to be towed and stored; or (b) seize the license plate.

**Section 645. 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, provided however, that no fine

shall exceed Fifteen Thousand Dollars (\$15,000) nor shall any term of incarceration exceed three (3) years.