

## TITLE 10 - CRIMINAL OFFENSES

### CHAPTER FOUR

#### CRIMES AGAINST PUBLIC JUSTICE

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

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

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

[History: PUBLIC LAW #SF-85-62, June 21, 1985, as amended by SF-87-59 May 28, 1987.]

##### **Section 402. Improper Influence In Official Matters**

(a) It shall be unlawful to:

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

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

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

(4) Privately address any public servant who has or will have an official discretion in a judicial or administrative proceeding and making thereby any representation, entreaty, argument, or other communication designed to influence the outcome on the basis of considerations other than those authorized by law.

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

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(c) Improper influence in official matters shall be punishable by a fine not to exceed Five Hundred Dollars; or by a term of imprisonment in the Tribal jail not to exceed one year; or by banishment for not less than five years nor more than ten years; or any combination of the above authorized punishments. For a second or subsequent conviction under this section, banishment may be imposed for not less than ten years not more than life.

[History: PUBLIC LAW #SF-85-62, June 21, 1985, as amended by SF-87-59 May 28, 1987.]

### **Section 403. Retaliation For Past Official Action**

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

(b) Retaliation for past official action shall be punishable by a fine not to exceed Five Hundred Dollars; or by a term of imprisonment in the Tribal jail not to exceed one year; or by banishment for not less than five years nor more than ten years; or any combination of the above authorized punishments. For a second or subsequent conviction under this section, banishment may be imposed for not less than ten years not more than life.

[History: PUBLIC LAW #SF-85-62, June 21, 1985, as amended by SF-87-59 May 28, 1987.]

### **Section 404. Improper Gifts To Public Servants**

(a) It shall be unlawful to knowingly confer or offer or agree to confer any benefit to a public servant with the intent to induce an exercise of their discretion in an unlawful manner, or to undermine official impartiality.

(b) This section shall not apply to:

(1) Fees prescribed by law to be received by public servant, or any benefit for which the recipient gives lawful consideration or to which he is otherwise entitled; or

(2) Gifts or other benefits conferred on account of kinship, traditional ceremonies, or other personal, professional or business relationship independent of the official status of the receiver; or

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

(c) Improper gifts to public servants shall be punishable by a fine not to exceed

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

[History: PUBLIC LAW #SF-85-62, June 21, 1985, as amended by SF-87-59 May 28, 1987.]

### **Section 405. Unofficial Misconduct**

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

(b) Unofficial misconduct shall be punishable by a fine not to exceed Five Hundred ; or by a term of imprisonment in the Tribal jail not to exceed one year; or by banishment for not less than five years nor more than ten years; or any combination of the above authorized punishments. For a second or subsequent conviction under this section, banishment may be imposed for not less than ten years not more than life.

[History: PUBLIC LAW #SF-85-62, June 21, 1985, as amended by SF-87-59 May 28, 1987.]

### **Section 406. Oppression In Office**

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

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

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

(b) Oppression in office shall be punishable by a fine not to exceed Five Hundred Dollars; or by a term of imprisonment in the Tribal jail not to exceed one year; or by banishment for not less than five years nor more than ten years; or any combination of the above authorized punishments. For a second or subsequent conviction under this section, banishment may be imposed for not less than ten years nor more than life.

[History: PUBLIC LAW #SF-85-62, June 21, 1985, as amended by SF-87-59 May 28, 1987.]

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### Section 407. Misusing Public Money

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

- (1) Without lawful authority appropriate the money or any portion of it to his own use or the use of another; or
- (2) Loan the money or any portion thereof without lawful authority; or
- (3) Fail to keep the money in his possession until lawfully disbursed or paid out according to law; or
- (4) Deposit the money in an unauthorized bank or with a person not lawfully authorized to receive such; or
- (5) Knowingly keep any false account, or make a false entry or erasure in any account of or relating to the money; or
- (6) Fraudulently alter, falsify, conceal, destroy, or obliterate any such account; or
- (7) Knowingly refuse or omit to pay over on lawful demand by competent authority any public monies in his hands; or
- (8) Knowingly omit to transfer money when transfer is required by proper authority; or
- (9) Make a profit for himself or another when not lawfully entitled to such, or in an unlawful manner, out of public monies; or
- (10) Fail to pay over to the proper account or authority any fines, forfeitures, or fees received by him; or
- (11) Otherwise handle public money in a manner not authorized by law for his own benefit or the
- (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 Tribe or any other government, or any account or money held by the Tribe or government for any individual or group.

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(c) Misusing public money shall be punishable by a fine not to exceed Five Thousand Dollars (\$5000.00); or by a term of imprisonment in the Tribal jail not to exceed one year; or by banishment for not less than five years or more than ten years; or any combination of the above authorized punishments. For a second or subsequent conviction under this section, banishment may be imposed for not less than ten years not more than life.

[History: PUBLIC LAW #SF-85-62, June 21, 1985, as amended by SF-87-59 May 28, 1987.]

### **Section 408. Perjury In The First Degree**

(a) It shall be unlawful, in any official proceeding, to make a false statement under oath or equivalent affirmation, or swear or affirm the truth of a statement previously made, when the statement is material and he does not believe it to be true.

(b) Falsification is material, regardless of the admissibility of the statement under rules of evidence, if it could have affected the course or outcome of the proceeding. It is no defense that the declarant mistakenly believed the falsification to be immaterial. Whether a falsification is material in a given factual situation is a question of law to be decided by the court.

(c) It is no defense to prosecution under this section that the oath or affirmation was administered or taken in an irregular manner or that the declarant was not competent to make the statement. A document purporting to be made on oath or affirmation at any time when the actor presents it as being so verified shall be deemed to have been duly sworn or affirmed.

(d) No person shall be guilty of an offense under this section if he retracted the falsification in the course of the proceeding in which it was made before it became manifest that the falsification was or would be exposed and before the falsification substantially affected the proceeding.

(e) No person shall be convicted of an offense under this section where proof of falsity rests solely upon contradiction by testimony of a single person other than the defendant.

(f) Perjury in the first degree shall be punishable by a fine not to exceed Five Thousand Dollars (\$5000.00); or by a term of imprisonment in the Tribal jail not to exceed one year; or by banishment for not less than five years nor more than ten years; or any combination of the above authorized punishments. For a second or subsequent conviction under this section, banishment may be imposed for not less than ten years not more than life.

[History: PUBLIC LAW #SF-85-62, June 21, 1985, as amended by SF-87-59 May 28, 1987.]

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### Section 409. Perjury In The Second Degree

- (a) It shall be unlawful to:
- (1) Make any written false statement which he does not believe to be true; or
  - (2) Purposely create a false impression in a written application for any benefit by omitting information necessary to prevent statements therein from being misleading; or
  - (3) Submit or invite reliance on any writing which he knows to be forged, altered or otherwise lacking in authenticity; or
  - (4) Submit or invite reliance on any sample, specimen, map, boundary mark, or other object which he knows to be false;

with a purpose to mislead a public servant in performing his official function.

(b) A person is guilty of perjury in the second degree if he makes a written false statement which he does not believe to be true, on or pursuant to a form bearing notice, authorized by law, to the effect that false statements made therein are punishable.

(c) It is no defense to prosecution under this section that the oath or affirmation was administered or taken in an irregular manner or that the declarant was not competent to make the statement. A document purporting to be made on oath or affirmation at any time when the actor presents it as being so verified shall be deemed to have been duly sworn or affirmed.

(d) No person shall be guilty of an offense under this section if he retracted the falsification in the course of the proceeding in which it was made before it became manifest that the falsification was or would be exposed and before the falsification was or would be exposed and before the falsification substantially affected the proceeding.

(e) No person shall be convicted of an offense under this section where proof of falsity rests solely upon contradiction by testimony of a single person other than the defendant.

(f) Perjury in the second degree shall be punishable by a fine not to exceed Five Thousand Dollars (\$5000.00); or by a term of imprisonment in the Tribal jail not to exceed one year; or by banishment for not less than five years nor more than ten years; or any combination of the above authorized punishments. For a second or subsequent conviction under this section, banishment may be imposed for not less than ten years not more than life.

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[History: PUBLIC LAW #SF-85-62, June 21, 1985, as amended by SF-87-59 May 28, 1987.]

### Section 410. Tampering With Witnesses

- (a) It shall be unlawful:
- (1) While believing that an official proceeding or investigation is pending or about to be instituted, to attempt to induce or otherwise cause a person to:
    - (i) testify or inform falsely; or
    - (ii) withhold any testimony, information, document or thing, or
    - (iii) elude legal process summoning him to testify or supply evidence; or
    - (iv) absent himself from any proceeding or investigation to which he has been legally summoned; or
  - (2) To harm another by an unlawful act in retaliation for anything done by another in his capacity as a witness or informant; or
  - (3) To solicit, accept or agree to accept any benefit in consideration for doing any of the things specified in this section.

(b) Tampering with witnesses shall be punishable by a fine not to exceed Five Thousand Dollars (\$5000.00), or by a term of imprisonment in the Tribal jail not to exceed one year or both.

[History: PUBLIC LAW #SF-85-62, June 21, 1985, as amended by SF-87-59 May 28, 1987.]

### Section 411. Tampering With Evidence

- (a) It shall be unlawful, while believing that an official proceeding or investigation is pending or about to be instituted, to:
- (1) Alter, destroy, conceal or remove any record, document, or thing with the intent to impair its verity or availability in such proceeding or investigation; or
  - (b) 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

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or investigation.

(c) Tampering with evidence shall be punishable by a fine not to exceed Five Thousand Dollars (\$5000.00); or by a term of imprisonment in the Tribal jail not to exceed one year; or by banishment for not less than five years nor more than ten years; or any combination of the above authorized punishments. For a second or subsequent conviction under this section, banishment may be imposed for not less than ten years not more than life.

[History: PUBLIC LAW #SF-85-62, June 21, 1985, as amended by SF-87-59 May 28, 1987.]

### **Section 412. Tempering With Public Records**

(a) It shall be unlawful to:

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

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

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

(b) Tampering with Public Records shall be punishable by a fine not to exceed Five Thousand Dollars (\$5000.00); or by a term of imprisonment in the Tribal jail not to exceed one year; or by banishment for not less than five years nor more than ten years; or both combination of the above authorized punishments. For a second or subsequent conviction under this section, banishment may be imposed for not less than ten years not more than life.

[History: PUBLIC LAW #SF-85-62, June 21, 1985, as amended by SF-87-59 May 28, 1987.]

### **Section 413. Impersonating A Public Servant**

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

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(b) Impersonating a public servant shall be punishable by a fine not to exceed Five Thousand Dollars (\$5000.00), or by a term of imprisonment in the Tribal jail not to exceed one year, or both.

[History: PUBLIC LAW #SF-85-62, June 21, 1985, as amended by SF-87-59 May 28, 1987.]

### Section 414. Obstructing Governmental Function

(a) It shall be unlawful to:

(1) Use force, violence, intimidation, or engage in any other unlawful act with a purpose to interfere with a public servant performing or purporting to perform an official function; or

(2) Purposely obstruct, impair, or prevent the administration of law or other governmental function by force, violence, physical interference or obstacle, breach of official duty, or any other unlawful act, except that this section does not apply to flight by a person charged with crime, refusal to submit to arrest, failure to perform a duty other than an official duty, or any other means of avoiding compliance with law without affirmative interference with governmental functions.

(b) Obstructing governmental function shall be punishable by a fine not to exceed Five Thousand Dollars (\$5000.00) or by a term of imprisonment in the Tribal jail not to exceed one year, or both.

[History: PUBLIC LAW #SF-85-62, June 21, 1985, as amended by SF-87-59 May 28, 1987.]

### Section 415. False Statements or Entries

(a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the Business Committee, specifically including law enforcement, Grievance and Election Committees or Judicial Branch of the government of the Sac and Fox Nation, knowingly and willfully:

(1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

(2) makes any materially false, fictitious, or fraudulent statement or representation; or

(3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;

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shall be guilty of a Class III Misdemeanor.

(b) Subsection (a) does not apply to a party to a judicial proceeding, or that party's counsel, for statements, representations, writings or documents submitted by such party or counsel to a judge or magistrate in that proceeding.

(c) With respect to any matter within the jurisdiction of the Sac and Fox administrative branch, subsection (a) shall apply only to executive / administrative matters such as law enforcement investigations, claims or requests for payment, a matter related to the procurement of property or services, personnel or employment practices, or support services, or a document required by law, rule, or regulation to be submitted to any office or officer within the administration.

[History: PUBLIC LAW #SF-15-24, December 11, 2014.]

### **Sections 416 - 425. Reserved**

#### **Section 426. False Arrest**

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

(b) False arrest shall be punishable by a fine not to exceed Five Thousand Dollars (\$5000.00), or by a term of imprisonment in the Tribal jail not to exceed one year, or both.

[History: PUBLIC LAW #SF-85-62, June 21, 1985, as amended by SF-87-59 May 28, 1987.]

#### **Section 427. Refusing To Aid An Officer**

(a) It shall be unlawful to knowingly or recklessly refuse to aid a law enforcement officer or fireman in the performance of his official duties when called upon by the officer to do so.

(b) Refusing to aid an officer shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00), or by a term of imprisonment in the Tribal jail not to exceed three months, or both.

[History: PUBLIC LAW #SF-85-62, June 21, 1985.]

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### Section 428. Obstructing Justice

(a) It shall be unlawful, with the purpose to hinder the apprehension, prosecution, conviction or punishment of another for the commission of an offense, to:

- (1) Harbor or conceal the other; or
- (2) Provide or aid in providing a weapon, transportation, disguise or other means of avoiding apprehension or effecting escape; or
- (3) Conceal or destroy evidence of the offense, or tamper with a witness, informant, document or other source of information, regardless of its admissibility in evidence; or
- (4) Warn the other of impending discovery or apprehension, except if such warning is given in an attempt to get the other person to comply with the law; or
- (5) Volunteer false information to a law enforcement officer for the purpose of preventing the apprehension of another; or
- (6) Obstruct by force, threat, bribery or deception anyone from performing an act which might aid in the discovery, apprehension, prosecution or conviction of another person.

(b) Obstructing justice shall be punishable by a fine not to exceed Five Thousand Dollars (\$5000.00), or by a term of imprisonment in the Tribal jail not to exceed one year, or both, unless the recipient of any of the above aid has been previously sentenced to banishment, in which case a conviction under this section may result in both parties being banished for a term equal to one half of the original sentence of banishment, plus a fine up to Five Thousand Dollars (\$5000.00).

[History: PUBLIC LAW #SF-85-62, June 21, 1985, as amended by SF-87-59 May 28, 1987.]

### Section 429. Providing Contraband

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

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

[History: PUBLIC LAW #SF-85-62, June 21, 1985.]

### Section 430. Resisting Lawful Arrest

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

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

[History: PUBLIC LAW #SF-85-62, June 21, 1985.]

### Section 431. Escape

(a) It shall be unlawful to:

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

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

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

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

(b) "Official detention" means arrest, detention in any facility for custody of person under charge or convicted of crime; or any other detention for law enforcement purposes; but "official detention" does not include supervision of probation or parole, or constraint incident to release on bail.

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(c) Escape shall be punishable by a fine not to exceed Five Thousand Dollars (\$5000.00) or by a term of imprisonment in the Tribal jail not to exceed one year, or both.

[History: PUBLIC LAW #SF-85-62, June 21, 1985, as amended by SF-87-59 May 28, 1987.]

### **Section 432. Bail Jumping**

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

(b) Bail jumping shall be punishable by a fine not to exceed Five Thousand Dollars (\$5000.00), or by a term of imprisonment in the Tribal jail not to exceed one year, or both.

[History: PUBLIC LAW #SF-85-62, June 21, 1985, as amended by SF-87-59 May 28, 1987.]

### **Section 433. Failure To Obey A Lawful Order Of The Court**

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

(b) This Section shall not apply to a failure to appear as a party in a civil action where default or a similar remedy is available to the other party.

(c) Failure to obey a lawful order of the court shall be punishable by a fine not to exceed Five Thousand Dollars (\$5000.00) or by a term or imprisonment in the Tribal jail not to exceed one year, or both.

[History: PUBLIC LAW #SF-85-62, June 21, 1985, as amended by SF-87-59 May 28, 1987.]

### **Section 434. Unlawful Return Of Banished Persons**

(a) It shall be unlawful for any person under sentence of banishment during the term of such banishment, to:

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

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(2) To apply for or attempt to claim any right, privilege or immunity by virtue of membership in the Tribe except as provided by law.

(b) Unlawful return of Banished persons shall be punishable by a fine of Five Thousand Dollars (\$5000.00), and by imprisonment in the Tribal jail for a term not exceeding one year, and by banishment for a term equal to the original term of banishment which was violated.

(c) In addition, any personal property of every kind and description which the banished person brought with him or used to return to the tribal jurisdiction shall be contraband and forfeited to the Tribe, by civil forfeiture provided, that if any of said property belongs to another, that person, if known, shall be served with civil process, as in forfeiture proceedings and may defend by showing that the banished person did not have permission to use or possess the property or to enter the Tribal jurisdiction with that property.

[History: PUBLIC LAW #SF-85-62, June 21, 1985, as amended by SF-87-59 May 28, 1987.]

### Section 435. Aiding Return Of Banished Persons

(a) It shall be unlawful for any person to aid, abet, or assist a person under sentence of banishment to:

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

(2) Apply for or attempt to claim any right, privilege, or immunity by virtue of membership in the Tribe except as allowed by law.

(b) Aiding return of banished persons shall be punishable by a fine of Five Thousand Dollars (\$5000.00) and by imprisonment in the Tribal jail for a term not exceeding one year, and by banishment for a period not in excess of one-half of the term for which the returned person was banished.

(c) In addition, any personal property of every kind and description which the banished person brought with him or used to return to the Tribal jurisdiction shall be contraband and forfeited to the Tribe, by civil forfeiture provided, that if any of said property belongs to another, that person, if known, shall be served with civil process, as in forfeiture proceedings and may defend by showing that the banished person did not have permission to use or possess the property or to enter the Tribal jurisdiction with that property.

[History: PUBLIC LAW #SF-85-62, June 21, 1985, as amended by SF-87-59 May 28, 1987.]

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### Sections 436-439. Reserved

### Section 440. False Alarms

- (a) It shall be unlawful to knowingly:
- (1) Cause a false fire alarm or alarm of other emergency to be transmitted to or within any organization, official or volunteer, for dealing with emergencies involving danger to life or property; or
  - (2) Give false information to any law enforcement officer with purpose to implicate another in an offense; or
  - (3) Report to law enforcement authorities an offense or other incident within their concern knowing or believing that it did not occur; or
  - (4) Pretend to furnish law enforcement authorities with information relating to an offense or incident when one knows he has 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 his official duties.
- (b) False alarms shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00), or by a term of imprisonment in the Tribal jail not to exceed three months, or both.

[History: PUBLIC LAW #SF-85-62, June 21, 1985.]

### Section 441. Doing Business Without A License

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

[History: PUBLIC LAW #SF-85-62, June 21, 1985.]

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### Section 442. Tampering With Public Property

(a) It shall be unlawful to:

(1) Steal, deface, mutilate, alter, falsify, or remove all or part of any record, map, book, document or thing, or any court documents or records, placed or filed in any public office, or with any public officer, or to permit another to do so; or

(2) Knowingly injure, deface or remove any signal, monument or other marker placed or erected as part of an official survey of the tribe or federal government without authority to do so; or

(3) Intentionally deface, obliterate, tear down, or destroy any copy or transcript or extract from any law or any proclamation, advertisement, or notice set up or displayed by any public officer or court, without authority to do so and before the expiration of the time for which the same was to remain set up.

(b) Tampering with public property shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00), or by a term of imprisonment in the Tribal jail not to exceed three months, or both.

[History: PUBLIC LAW #SF-85-62, June 21, 1985.]

### Section 443. Injuring Public Property

(a) It shall be unlawful to:

(1) Intentionally break down, pull down or otherwise injure or destroy any jail or other place of confinement: or

(2) Intentionally and without authority dig up, remove, displace or otherwise injure or destroy any public roadway highway or bridge or private road or bridge or other public building or structure; or

(3) Remove or injure any milepost, guidepost or road or highway sign or marker or any inscription on them while such is erected along a road or highway.

(4) Knowingly and without authority to do so, remove, injure, deface, or destroy any public building or structure, or any personal property belonging to the Tribe to any other government or government agency.

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(b) Injuring public property shall be punishable by a fine not to exceed Five Thousand Dollars (\$5000.00), or by a term of imprisonment in the Tribal jail not to exceed one year, or both.

[History: PUBLIC LAW #SF-85-62, June 21, 1985, as amended by SF-87-59 May 28, 1987.]

**Sections 444-450. Reserved**

### **Section 451. Compensation For Past Official Behavior**

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

(b) Compensation for past official behavior shall be punishable by a fine not to exceed Five Thousand Dollars (\$5000.00), or by a term of imprisonment in the Tribal jail not to exceed one year; or by banishment for not less than five years nor more than ten years; or any combination of the above authorized punishments. For a second or subsequent conviction under this section, banishment may be imposed for not less than ten years nor more than life.

[History: PUBLIC LAW #SF-85-62, June 21, 1985, as amended by SF-87-59 May 28, 1987.]

### **Section 452. Official Unlawful Action**

(a) It shall be unlawful, being a public servant, and with the intent to materially benefit himself or another or to harm another, to:

(1) Knowingly commit an unauthorized act which purports to be an act of his office, or knowingly refrains from performing a non-discretionary duty imposed on him by law, or

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

(i) acquires or divests himself of a valuable interest in any property, transaction, or enterprise which may be affected by such action or

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information; or

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

(b) Official unlawful action shall be punishable by a fine not to exceed Five Thousand Dollars (\$5000.00) or by a term of imprisonment in the Tribal jail not to exceed one year; or by banishment for not less than five years nor more than ten years; or any combination of the above authorized punishments. For a second or subsequent conviction under this section, banishment may be imposed for not less than ten years nor more than life.

[History: PUBLIC LAW #SF-85-62, June 21, 1985, as amended by SF-87-59 May 28, 1987.]

### **Section 453. Special Influence**

(a) It shall be unlawful to solicit, receive, or agree to receive any financial benefit as consideration for exerting special unlawful influence upon a public servant, in order to influence that public servant to violate the law or to exercise his discretion in a particular fashion or procuring another to do so; or to offer, confer or agree to confer any financial benefit receipt of which is prohibited by this section.

(b) Special influence shall b punishable by a fine not to exceed Five Thousand Dollars (\$5000.00), or by a term of imprisonment in the Tribal jail not to exceed one year; or by banishment for not less than five years nor more than ten years; or any combination of the above authorized punishments. For a second or subsequent conviction under this section, banishment may be imposed for not less than ten years nor more than life.

[History: PUBLIC LAW #SF-85-62, June 21, 1985, as amended by SF-87-59 May 28, 1987.]