

CRIMINAL OFFENSES

CHAPTER ONE

CRIMES AGAINST PROPERTY

Section 101. Arson In The First Degree

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

(1) Destroying or damaging any building, dwelling, occupied structure or other property of another exceeding One Thousand Dollars (\$1,000.00) in value; or

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

(b) Arson in the First degree shall be punishable by a fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Thousand Dollars (\$5000.00); or by imprisonment in the Tribal jail for a term of not less than three months nor more than one year; or by banishment for a period of not less than five nor more than ten years; or any combination of the above sentences.

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

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

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 or safety life, or

(2) Damages or destroys the property of another,

(b) Arson in the Second degree shall be punishable by a fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Thousand Dollars (\$5000.00), or by imprisonment in the Tribal jail for a term not exceeding one year, or both.

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

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Section 103. Arson In The Third Degree

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

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

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

(b) Arson in the third degree shall be punishable by a fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Thousand Dollars (\$5000.00), or by imprisonment in the Tribal jail for a period not exceeding three months, or both.

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

Section 104. Criminal Mischief

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

(1) Damage or destroy any property with the intent to defraud and insurer, or;

(2) Tamper with the property of another so as to recklessly endanger the safety of another, or recklessly cause any damage to any property or utility service, or;

(3) Damage, destroy, maim, or deface any domestic animal property of another, or;

(4) Purposely or recklessly shoot or propel a missile or other object upon or against a motor vehicle, airplanes, boat, locomotive or train.

(b) Criminal mischief shall be punishable by a fine of not more than Three Hundred Dollars (\$300.00), or by imprisonment in the Tribal jail for not more than three months, or both.

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

Section 105-109. Reserved

Section 110. Burglary

(a) It shall be unlawful to break into by any force whatsoever and enter in any manner any dwelling, building, office, room, apartment, tenement, shop warehouse, store, mill, barn,

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stable, garage, tent, vessel, railroad car, airplane, motor vehicle, trailer, or semitrailer, mobile home, or any similar enclosed structure of another without consent with the intent to steal or commit any offense punishable by imprisonment.

(b) Burglary shall be punishable by a fine of not less than Two Hundred and Fifty Dollars (\$250.00); or, by imprisonment in the Tribal jail for not less than three months nor more than one year; or, by banishment for a period of not less than five years nor more than ten years; or by any combination of the above sentences.

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

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

Section 111. Breaking And Entering

(a) It shall be unlawful to break into by any force whatsoever and enter in any manner any dwelling, building, office, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, garage, tent, vessel, railroad car, airplane, motor vehicle trailer or semitrailer, mobile home, trunk, drawer, box, coin operated machine, or similar structure, object, or device of another without consent with the intent to:

- (1) Cause annoyance or injury to any person therein, or;
- (2) Cause damage to any property therein, or;
- (3) Commit any offense therein, or
- (4) Steal, or
- (5) Cause, or does actually cause, whether intentionally or recklessly, fear for the safety of another.

(b) Breaking and Entering shall be punishable by a fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Thousand Dollars (\$5000.00), or by imprisonment in the Tribal jail for a period not exceeding three months, or both.

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

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Section 112. 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 had been given by:

(1) Personal communication by the owner or someone having authority to act for the owner, or

(2) Fencing, other than barbed wire or similar field fences except as hereafter provided, or other enclosure obviously designed to exclude intruders, or

(3) Posting of signs prohibiting entry reasonable designed to come to the attention of intruders.

(b) Criminal Trespass shall be punishable by a fine not exceeding Five Thousand Dollars (\$5000.00), or by imprisonment in the Tribal jail for a term not exceeding three months, or both.

(c) It is a complete 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 of 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 domestic animals, signs prohibiting entry or use at least six inches by eight inches placed upon or in plain sight next to such fence not more that one hundred fifty feet apart shall create a rebuttable presumption that reasonable notice against entry or entry for certain purposes had been given.

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

Sections 113-119. Reserved

Section 120. Larceny

(a) It shall be unlawful to take or carry away any tangible or intangible personal property by fraud or stealth with the intent to deprive the owners thereof.

(b) Larceny shall be punishable by a fine not exceeding Five Thousand Dollars

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(\$5000.00), or by imprisonment in the Tribal jail for a term not exceeding one year, or both.

(c) If the value of the property taken exceeds One Thousand Dollars, (\$1,000.00) a sentence of banishment for a period of not exceeding ten years may be imprisoned in addition to the punishment authorized above.

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

Section 121. Extortion

(a) It shall be unlawful to take, receive, or control the use or disposition of property of another with the intent to deprive his of the possession or use thereof by threatening to:

(1) Cause bodily harm to any person, or

(2) Commit any offense, or

(3) Unlawfully injure or destroy any property, or

(4) Expose any personal information or secret not public knowledge tending to expose any person to hatred, contempt, or ridicule, or to impair his business or reputation, except by institution of legal proceedings to recover the debt demanded or proper reports to bonafide credit agencies, or;

(5) Unlawfully take or withhold official action.

(b) Extortion shall be punishable by a fine not exceeding Five Thousand Dollars (\$5000.00), or by imprisonment in the Tribal jail for a term not exceeding one year, or both.

(c) If the value of the property extorted exceeds One Thousand Dollars (\$1,000.00), a sentence of banishment for a period not exceeding ten years may be imposed in addition to the punishment authorized above.

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

Section 122. False Pretenses

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

(b) False Pretenses shall be punishable by a fine not exceeding Five Thousand Dollars

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(\$5000.00), or by imprisonment in the Tribal jail for a term not exceeding one year, or both.

(c) If the value of the property gained by False Pretenses exceeds One Thousand Dollars (\$1,000.00), a sentence of banishment for a period not exceeding ten years may be imposed in addition to the punishment authorized above.

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

Section 123. Embezzlement

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

(b) Embezzlement shall be punishable by a fine not exceeding Five Thousand Dollars (\$5000.00), or by imprisonment in the Tribal jail for a term not exceeding one year, or both.

(c) If the value of the property embezzled exceeds One Thousand Dollars (\$1,000.00), a sentence of banishment for a period not exceeding ten years may be imposed in addition to the punishment authorized above.

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

Section 124. Receiving Stolen Property

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

(b) Receiving stolen property shall be punishable by a fine not exceeding Five Thousand Dollars (\$5000.00), or by imprisonment in the Tribal jail for a term not exceeding one year, or both.

(c) If the value of the property exceeds One Thousand Dollars (\$1,000.00), a sentence of banishment for a period not exceeding ten years may be imposed in addition to the punishment authorized above.

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

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Section 125. Theft Of Property Lost, Mislaid Or Delivered By Mistake

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

(b) Theft of property lost, mislaid, or delivered by mistake shall be punishable by a fine not exceeding Five Thousand Dollars (\$5000.00), or by imprisonment in the Tribal jail for a term not exceeding one year, or both.

(c) If the value of the property exceeds One Thousand Dollars (\$1,000.00), a sentence of banishment for a period not exceeding ten years may be imposed in addition to the punishment authorized above.

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

Section 126. Theft Of Services

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

(b) Theft of services shall be punishable by a fine not exceeding Five Thousand Dollars (\$5000.00), or by imprisonment in the Tribal jail for a term not exceeding one year, or both.

(c) If the value of the service rendered exceeds One Thousand Dollars (\$1,000.00), a sentence of banishment for a period not exceeding ten years may be imposed in addition to the punishment authorized above.

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

Section 127. Unauthorized Use Of A Vehicle

(a) It shall be unlawful to take, drive, or operate another's motor vehicle, motorcycle, bicycle, or wheeled conveyance without the consent of the owner, with the intent to temporarily deprive the owner of its use or possession.

(b) Unauthorized use of a vehicle shall be punishable by a fine not exceeding Five Thousand Dollars (\$5000.00), or by imprisonment in the Tribal jail for a term not exceeding one year, or both.

(c) If the vehicle sustains damages while in the custody, possession, or under the

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control of the person violating this section, the violator shall be required to make double restitution of the amount of the actual damage to the vehicle.

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

Sections 129-135. Reserved

Section 136. Forgery

(a) It shall be unlawful to alter any writing of another without his authority, or to make, complete, execute, authenticate, issue or transfer any writing so that it purports to be the act of another who did not authorized that act, with the intent to defraud or injure anyone.

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

(c) Forgery shall be punishable by a fine not exceeding Five Thousand Dollars (\$5000.00), or by imprisonment in the Tribal jail for a term not exceeding one year, or by a sentence of banishment for a period not less than one year nor exceeding five years, or any combination of the above punishments. Upon a second or subsequent conviction for forgery, a sentence of banishment for a period not less that five years nor exceeding ten years may be imposed in addition to the punishment authorized above.

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

Section 137. Criminal Simulation

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

(b) Criminal simulation shall be punishable by a fine not exceeding Five Thousand Dollars (\$5000.00), or by imprisonment in the Tribal jail for a term not exceeding one year, or both.

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

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Section 138. Fraudulent Handling Of Recordable Instruments

(a) It shall be unlawful to destroy, remove or conceal any will, deed, mortgage, security instrument, Tribal resolution, any Tribal record, for which the law provides public recording, or to knowingly record a false or forged instrument, with the intent to deceive or injure anyone, or to conceal wrong doing.

(b) Fraudulent handling of recordable instruments shall be punishable by a fine not exceeding Five Thousand Dollars (\$5000.00), or by imprisonment in the Tribal jail for a term not exceeding one year, or by sentence of banishment for a period not less than one year nor exceeding five years, or any combination of the above punishments. Upon a second conviction for fraudulent handling of recordable instruments, a sentence of banishment for a period not less than five years nor exceeding ten years may be imposed in addition to the punishment authorized above.

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

Section 139. Tampering With Records

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

(b) Tampering with records shall be punishable by a fine not exceeding Five Thousand Dollars (\$5000.00), or by imprisonment in the Tribal jail for a term not exceeding one year, or by both fine and imprisonment, or by a sentence of banishment for a period not less than one year nor exceeding five years, or any combination of the above punishments. Upon a second conviction for tampering with records, a sentence of banishment for a period not less than five years nor exceeding ten years may be imposed in addition to the punishment authorized above.

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

Section 140. Bad Checks

(a) It shall be unlawful to issue or pass a check or similar sight order for the payment of money, for the purpose of obtaining any money, property, or other thing of value or paying for any services, rent, wages or salary, knowing or believing that it will not be honored by the drawee.

(b) Bad checks shall be punishable by a fine not exceeding Five Thousand Dollars

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(\$5000.00), or by imprisonment in the Tribal jail for a term not exceeding one year, or both. Restitution shall be required.

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

Section 141. Fraudulent Use Of A Credit Card

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

- (1) The card was stolen: or
- (2) The card has been revoked or canceled; or
- (3) For any other reason his use of the credit card is unauthorized by either the issuer or the person to whom the card has been issued.

(b) Fraudulent use of a credit card shall be punishable by a fine not exceeding Five Thousand Dollars (\$5000.00), or by imprisonment in the Tribal jail for a term not exceeding one year, or both. Restitution shall be required.

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

Sections 142-146. Reserved

Section 147. Deceptive Business Practices

(a) It shall be unlawful to, in the course of business, intentionally:

- (1) Use or possess for use a false weight or measure, or any other device for falsely determining or recording any quality or quantity; or
- (2) Sell, offer, or expose for sale or deliver less than the represented quality or quantity of any commodity or service; or
- (3) Take or attempt to take more than the represented quantity of any commodity or service when as buyer he furnishes the weight or measure; or
- (4) Sell, offer or expose for sale adulterated or mislabeled commodities:
 - (i) "adulterated" means varying from the standard of composition or

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quality prescribed by law or commercial usage; or

(ii) "mislabeled" means varying from the standard of truth or disclosure in labeling prescribed by law or commercial usage; or

(5) Make a substantial false or misleading statement in any advertisement addressed to the public or a substantial segment thereof for the purpose of promoting the purchase or sale of property or services; or

(6) Make a false or misleading written statement for the purpose of obtaining property or credit; or

(7) Make a false or misleading written statement for the purpose of promoting the sales of securities, or omit information required by law to be disclosed in written documents relating to securities.

(b) Deceptive business practice shall be punishable by a fine not exceeding Five Hundred Fifty Dollars (\$500.00), or by imprisonment in the Tribal jail for a term not exceeding three months, or both.

(c) It is an affirmative defense to deceptive business practice that the defendant's conduct was not knowingly or recklessly deceptive.

(d) Upon a second or subsequent offense, banishment for a period of not more than ten years may be imposed in addition to the punishment authorized above.

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

Section 148. Defrauding Creditors

(a) It shall be unlawful to:

(1) Destroy, remove, conceal, encumber, transfer, or otherwise deal with property subject to a security interest with the intent to hinder enforcement of that interest; or

(2) Deal with property with the intent to defeat or obstruct the operation of any law relating to administration of property for the benefit of creditors; or knowingly falsify any writing or record relating to the property; or knowingly misrepresent or refuse to disclose to a person entitled to administer property for the benefit of creditors, the existence, amount or location of the property, or any other information which the actor could be legally required to furnish in relation to such administration.

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

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months, or both.

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

Section 149. Securing Execution Of Documents By Deception

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

(b) Securing execution of documents by deception shall be punishable by a fine not exceeding Two Hundred Fifty Dollars (\$250.00), or by imprisonment in the Tribal jail for a term not exceeding three months, or both.

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

Section 150. Criminal Usury

(a) It shall be unlawful to intentionally provide financing or make loans at a rate of interest higher than the following:

(1) If the amount to which the interest applies is less than One Hundred Dollars (\$100.00) or the period of the loan or financing is less than one year, or both, the rate of interest shall not exceed a 24% per annum simple interest rate.

(2) If the amount to which the interest applies is greater than One Hundred Dollars or the period of the loan or financing is greater than one year, or both, the rate of interest shall not exceed an 18% per annum simple interest rate.

(b) Criminal usury shall be punishable by a fine not exceeding Two Hundred Fifty Dollars, or by imprisonment in the Tribal jail for a term not exceeding three months, or both. The victim shall be entitled to restitution for double the actual amount of interest which was actually paid and cancellation of all interest owing for the term of the financing.

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

Section 151. Unlawful Dealing With Property By A Fiduciary

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

(b) As used in this section, "fiduciary" includes a trustee, guardian, executor,

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administrator, receiver or any person carrying on fiduciary functions on behalf of a corporation or other organization which is a fiduciary.

(c) Unlawful dealing with property by a fiduciary shall be punishable by a fine not exceeding Five Thousand Dollars (\$5000.00), or by imprisonment in the Tribal jail for a term not exceeding one year, or both.

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

Section 152. Making A False Credit Report

(a) It shall be unlawful to knowingly make a materially false or misleading statement to obtain property or credit for oneself or another or to keep some other person from obtaining credit.

(b) Making a false credit report shall be punishable by a fine not exceeding Two Hundred Fifty Dollars (\$250.00), or by imprisonment in the Tribal jail for a term not exceeding three months, or both.