

CRIMINAL OFFENSES

CHAPTER EIGHT

SPECIAL OFFENSES

Section 801. Embezzlement and theft from Indian tribal organizations.

Whoever embezzles, steals, knowingly converts to his use or the use of another, willfully misapplies, or willfully permits to be misapplied any of the moneys, fund, credits, goods, assets, or other property belonging to any Indian tribal organization or intrusted to the custody or care of any officer, employee, or agent of an Indian tribal organization; or

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

Shall be fined not more than \$5,000.00 or imprisoned not more than one year, or both.

As used in this section, the term "Indian tribal organization" means any tribe, band, or community of Indians which is subject to the laws of the United States relating to Indian affairs or any corporation, association, or group which is organized under any of such laws.

[History: Resolution SF-04-130, July 26, 2004.]

Section 802. Destroying boundary and warning signs.

Whoever willfully destroys, defaces, or removes any sign erected by an Indian tribe, or a Federal Government agency (1) to indicate the boundary of an Indian reservation or of any Indian country or (2) to give notice that hunting, trapping or fishing is not permitted there without lawful authority or permission, shall be fined \$1,000.00 or imprisoned not more than one year, or both.

[History: Resolution SF-04-130, July 26, 2004.]

Section 803. Theft from gaming establishments on Indian lands.

Whoever abstracts, purloins, willfully misapplies, or takes and carries away with intent to steal, any money, funds, or other property belonging to an establishment operated by or for or licensed by the Sac and Fox Nation shall be fined in an amount not to exceed \$5,000.00 or be imprisoned for not more than one year, or both.

[History: Resolution SF-04-130, July 26, 2004.]

CRIMINAL OFFENSES

Section 804. Theft by officers or employees of gaming establishments on Indian lands.

Whoever, being an officer, employee, or individual licensee of a gaming establishment operated by or for or licensed by the Sac and Fox Nation, embezzles, abstracts, purloins, willfully misapplies, or takes and carries away with intent to steal, any moneys, funds, assets, or other property of such establishment shall be fined not more than \$5,000.00 or imprisoned not more than one year, or both.

[History: Resolution SF-04-130, July 26, 2004.]

Section 805. Possession of firearms and dangerous weapons in Tribal facilities.

(a) Except as provided in subsection (d), whoever knowingly possesses or causes to be present a firearm or other dangerous weapon in a Tribal facility (other than a Tribal court facility), or in the Tribal Indian country, or attempts to do so, shall be fined in an amount not to exceed \$5,000.00 or imprisoned not more than one year, or both.

(b) Whoever, with intent that a firearm or other dangerous weapon be used in the commission of a crime, knowingly possesses or causes to be present such firearm or dangerous weapon in a Tribal facility, or attempts to do so, shall be fined in an amount not to exceed \$5,000.00 or imprisoned not more than one year, or both.

(c) A person who kills or attempts to kill any person in the course of a violation of subsection (a) or (b), or in the course of an attack on a Tribal facility involving the use of a firearm or other dangerous weapon, shall be fined in the amount not to exceed \$5,000.00 or imprisoned not more than one year, or both.

(d) Subsection (a) shall not apply to—

(1) the lawful performance of official duties by an officer, agent, or employee of the Sac and Fox Nation, the United States, a State, or a political subdivision thereof who is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of law;

(2) the possession of a firearm or other dangerous weapon by a Tribal, Federal or State official or a member of the Armed Forces if such possession is authorized by law; or

(3) the lawful carrying of firearms or other dangerous weapons, in an open, conspicuous and unconcealed manner, in a Tribal facility incident to hunting or other lawful purposes.

(e) (1) Except as provided in paragraph (2), whoever knowingly possesses or causes to be present a firearm in a Tribal court facility, or attempts to do so, shall be fined not more than \$5,000.00, or imprisoned not more than one year, or both.

CRIMINAL OFFENSES

(2) Paragraph (1) shall not apply to conduct which is described in paragraph (1) or (2) of subsection (d).

(f) Nothing in this section limits the power of a court of the Sac and Fox Nation to punish for contempt or to promulgate rules or orders regulating, restricting, or prohibiting the possession of weapons within any building housing such court or any of its proceeding or upon any grounds appurtenant to such building.

(g) As used in this section:

(1) The term "Tribal facility" means a building or part thereof owned or leased by the Sac and Fox Nation Government, where Tribal employees are regularly present for the purpose of performing their official duties.

(2) The term "dangerous weapon" means a weapon, device, instrument, material, or substance, animate or inanimate,, that is used for, or is readily capable of causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 1/2 inches in length.

(3) The term "Tribal court facility" means the courtroom, judges' chambers, witness rooms, jury deliberation rooms, attorney conference rooms, prisoner holding cells, offices of the court clerks, the Tribal attorney, the Attorney General and the Tribal marshal, probation and parole offices, and adjoining corridors of any court of the Sac and Fox Nation.

(h) Notice of the provisions of subsections (a) and (b) shall be posted conspicuously at each public entrance to each Tribal facility, and notice of subsection (e) shall be posted conspicuously at each public entrance to each Tribal court facility, and no person shall be convicted of an offense under subsection (a) or (e) with respect to a Tribal facility if such notice is not so posted at such facility, unless such person had actual notice of subsection (a) or (e), as the case may be.

[History: Resolution SF-04-130, July 26, 2004.]