

**LEGISLATIVE**

**RESOLUTION NO. L-AS-2012-04**

**ABSENTEE SHAWNEE TRIBE OF OKLAHOMA**

**REGULAR EXECUTIVE COMMITTEE MEETING**

**JULY 18, 2012**

**A RESOLUTION DULY PROPOSED BY THE EXECUTIVE COMMITTEE OF THE ABSENTEE SHAWNEE TRIBE OF OKLAHOMA AMENDING THE ABSENTEE SHAWNEE TRIBE OF INDIANS OF OKLAHOMA TRIBAL CRIMINAL CODE CHAPTERS 3 AND 4 AS PROVIDED FOR IN THE ATTACHMENT "EXHIBIT A", EFFECTIVE IMMEDIATELY. (CHAPTER 3 - INCHOATE CRIMES, CHAPTER 4 - CRIMES AGAINST PUBLIC JUSTICE)**

**WHEREAS,** the Absentee Shawnee Tribe of Oklahoma is a federally recognized Indian tribe exercising all inherent sovereign rights from time immemorial; and

**WHEREAS,** the Absentee Shawnee Tribe of Oklahoma has a Constitution approved by the Department of the Interior, last amended in May 2011; and

**WHEREAS,** the Executive Committee of the Absentee Shawnee Tribe of Oklahoma is empowered by the Constitution to speak and otherwise conduct business in the name of, and on behalf of, the Absentee Shawnee Tribe of Oklahoma; and

**WHEREAS,** the authorities granted by this Resolution shall be continuing until and unless amended, repealed, superseded, rescinded or nullified by separate action of this body; and

**WHEREAS,** it is the responsibility of the Executive Committee to uphold its constitutional responsibility to the Tribe and its membership as the highest priority; and


**WHEREAS,** from time to time it is necessary to amend laws and ordinances to reflect the best interests of the Tribe and the Executive Committee believes it to be in the best interest of the Tribe for the Criminal Code to be amended; and

**NOW, THEREFORE, BE IT RESOLVED** that the Executive Committee of the Absentee-Shawnee Tribe of Oklahoma hereby amends Absentee Shawnee Tribe of Indians of Oklahoma Tribal Criminal Code, Chapters 3 and 4 as provided for in the attachment "Exhibit A", effective immediately. (*Chapter 3 - Inchoate Crimes, Chapter 4 - Crimes against Public Justice*)

**CERTIFICATION**

We, George Blanchard, Governor and Teri Reed, Secretary of the Absentee Shawnee Tribe of Oklahoma, do hereby certify this Resolution No. L-AS-2012-04 to be a true and exact copy as approved by the Executive Committee of the Absentee Shawnee Tribe of Oklahoma at a duly called meeting held on July 18, 2012, there being a quorum present, by vote of 3 in favor, 0 opposed, and 0 abstentions, as follows: Lt. Governor Gibson: Absent, Secretary Reed: Yes, Treasurer Deere: Yes, Representative Gibson: Yes, Governor Blanchard's vote, if required, NA.

  
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GEORGE BLANCHARD, Governor

  
\_\_\_\_\_  
TERI REED, Secretary



CHAPTER THREE  
INCHOATE CRIMES

- 301 Attempt
- 302 Criminal Conspiracy
- 303 Accessory to Crime
- 304 Solicitation

CHAPTER THREE  
INCHOATE CRIMES

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

- a.     A person is guilty of an attempt to commit a crime if, acting with the kind of culpability otherwise required for commission of the crime, he unlawful to engages in conduct, within the Tribal 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, or engages in conduct which would constitute the crime if the attendant circumstances were as he believes them to be, or when causing a particular result in an element of the crime, does anything with the purpose of causing or with the belief that it will cause such result, without further conduct on his part.
- b.     A person is guilty of an attempt to commit a crime if, acting with the kind of culpability otherwise required for commission of the crime, he engages in conduct, anywhere, constituting a substantial step toward the commission of any Tribal or Federal offenses within the Tribal jurisdiction.
- c.     Attempts shall be punishable by the same penalties as the completed crime.
- d.     No person can be convicted of an attempt to commit a crime when it appears that the crime intended or attempted was perpetrated by such person in pursuance of such attempt.
- e.     This section does not protect a person who in attempting unsuccessfully to commit a crime, accomplishes the commission of another and different crime, whether greater or less in guilt, from suffering the punishment prescribed by law for the crime committed.

**Section 302:**                    **Criminal Conspiracy.**

- a.    It shall be unlawful, within the Tribal jurisdiction, to agree with one (1) 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 be performed, and any one (1) person commits an overt act in pursuance of the conspiracy.
- b.    It shall be unlawful, anywhere, to agree with one (1) 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 any one (1) person commits an overt act in pursuance of the conspiracy.
- c.    Conspiracy to commit an offense carries the same possible punishment as the completed offense.

**Section 303:**                    **Accessory to crime.**

- a.    The crime of accessory occurs when a person unlawfully conceals or aids another person who has committed a crime knowing that the other person has committed a crime. The aiding or concealing must be done with the intent that the other person avoid or escape from arrest, trial, conviction or punishment.
- b.    Accessory to a crime carries the same possible punishment as the completed offense.

**Section 304:**                    **Solicitation.**

- a.    It shall be unlawful within the Tribal 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.
- b.    It shall be unlawful, in any place, to entice, advise, incite, order, or otherwise encourage another to commit any offense, with the intent that such other person commit an offense punishable by Tribal, Federal, or State laws within the Tribal jurisdiction.
- c.    Solicitation 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 two (2) months, or both.

CHAPTER FOUR  
CRIMES AGAINST PUBLIC JUSTICE

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## 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 Thousand Dollars (\$5,000.00); or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.
- c. All monies, properties and assets of any kind or character used in the violation of any and all of the bribery laws of this state, and which has been paid, delivered or turned over to any person, firm, corporation or public official, shall be forfeited to the Absentee Shawnee Tribe by order of the court before which the action concerning the person, firm, or corporation charged with such bribery has terminated with the conviction of such person, firm, or corporation.
  1. The court before which bribery charges are pending, shall, pending the trial thereof, issue such orders and issue such writs as may be necessary directing the Absentee Shawnee Tribe Police Department to seize and take possession of such monies, funds, properties or assets, and to hold the same subject to the further proceedings to be had therein.
  2. The court having jurisdiction of the monies, funds, properties or assets so seized upon conviction of the person, firm, or corporation charged, shall, without a jury, order an immediate hearing as to whether the monies, funds, properties or assets so seized were being used for unlawful purposes, and take such legal evidences as are offered on each behalf and determine the same as in civil cases. Should the court find from a preponderance of the testimony that the monies, funds, properties or assets so seized were being used for the violation of the bribery laws of the Absentee Shawnee Tribe, it shall render judgment accordingly and declare said monies, funds, properties or assets forfeited to the Absentee Shawnee Tribe. Thereupon, said properties or assets shall, under the order of said court, be sold by the officer having the same in charge, after ten (10) days' notice published in a daily newspaper of the county wherein said sale is to take place, or if no daily newspaper is published in said county, then by posting five (5) notices in conspicuous places in the city or town wherein such sale is to be made; and if the same is money or a fund, or of such

nature as being negotiable and sale unnecessary, then such money, fund or negotiable property shall be held by the officer having charge of same, until disposed of in accordance with the provisions of this act. All sales of property and assets hereunder shall be for cash.

3. Appeals may be allowed as in civil cases, but the possession of monies, funds, properties or assets being so unlawfully used shall be prima facie evidence that it is the properties, funds, monies or assets of the person so using it. Where said monies, funds, properties or assets are sold or otherwise ordered forfeited under the provisions of this act the proceeds shall be disbursed and applied as follows:

First. To the payment of the costs of the forfeiting proceedings and actual expenses of preserving the properties.

Second. One-third (1/3) of the remaining proceeds to the Absentee Shawnee Tribe's Attorney General's Office.

Third. One-third (1/3) of the remaining proceeds to the Absentee Shawnee Tribe's Police Department.

Fourth. One-third (1/3) of the remaining proceeds to the Absentee Shawnee Tribe's Treasure to be used for the need and benefit of the Tribe.

## **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, juror, 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.
- c. Improper influence in official matters shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00); or by a term of imprisonment in the Tribal jail not to exceed six (6) months; or both.

**Section 403. Conflict of Interest by Tribal Official**

- a. It shall be unlawful for a tribal official to knowingly receive any consideration:
  - 1. In exchange for furnishing any person property or transferring any real property to or for the use of the entity with which the Tribal official is associated.
  - 2. Beyond the person's approved salary and benefits in exchange for furnishing services or information to or for use of the entity with which the Tribal official is associated.
- b. Conflict of interest by a Tribal official shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00); or by a term of imprisonment in the Tribal jail not to exceed six (6) months; or both.

**Section 404. 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 Thousand Dollars (\$5,000.00); or by a term of imprisonment in the Tribal jail not to exceed one (1) year; or both.

**Section 405. 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 a 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 Five Thousand Dollars (\$5,000.00); or by a term of imprisonment in the Tribal jail not to exceed six (6) months; or both.

**Section 406. Impersonation of Tribal Official**

- a. It shall be unlawful to falsely pose as a Tribal official with the intent to induce another person to submit to such pretended official authority or otherwise to act in reliance on such pretense and:
- 1) the actor performs any act in the pretended capacity; or
  - 2) another person acts in reliance upon such pretense.
- b. "Falsely pose" means to represent oneself in any manner as a Tribal official, including wearing or displaying without authority any uniform, badge, insignia, identification, card, or any other token by which a Tribal official is distinguished.
- c. Unofficial misconduct shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00); or by a term of imprisonment in the Tribal jail not to exceed one (1) year; or both.

**Section 407. 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 Thousand Dollars (\$5,000.00); or by a term of imprisonment in the Tribal jail not to exceed one (1) year; or both.

**Section 408.                   Obstructing an Officer in the Performance of Duties**

- a. It shall be unlawful for a person with the purpose to hinder the apprehension, prosecution, conviction or punishment of another for a crime, to harbor or conceal the other, provide a weapon, transportation, disguise or other means of escape, warn the other of impending discovery or volunteer false information to a law enforcement officer.
- b. Obstructing an officer shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000.00); or by a term of imprisonment in the Tribal jail not to exceed six (6) months; or both.

**Section 409.                   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.
- c. Misusing public money shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00); or by a term of imprisonment in the Tribal jail not to exceed one (1) year; or both.

**Section 410.**

**Perjury in the First Degree**

- a. It shall be unlawful, in any official proceeding, trial, hearing, investigation, deposition, or declaration in which the making or subscribing of a statement is required or authorized by law, 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 or knows it not 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 (\$5,000.00); or by a term of imprisonment in the Tribal jail not to exceed one (1) year; or both.

**Section 411.**

**Perjury In The Second Degree**

- a. It shall be unlawful, with an intent to mislead a public servant in performing his official function, 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.
- 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 or knows is not 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 (\$5,000.00); or by a term of imprisonment in the Tribal jail not to exceed one (1) year; or both.

**Section 412. Tampering with Witnesses**

- a. It shall be unlawful:
- 1) While believing that an official proceeding, trial, inquiry 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. excuse 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; or
  - 4) To threaten or procure physical or mental harm through force or fear with the intent to prevent any witness from appearing in court to give his testimony, or to alter his testimony.
  - 5) To knowingly prevent a witness from appearing at an official proceeding or investigation, either by obstructing service of process summoning the witness to testify or supply evidence, or by causing the witness to be absent from an official proceeding or investigation to which the witness has been legally summoned. The prevention must be done with the intent to subvert an official proceeding or investigations.
- b. Tampering with witnesses shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year or both.

**Section 413. Retaliation Against a Witness**

- a. It shall be unlawful to knowingly inflict harm upon a witness or upon another person with whom the witness has a family, social, business or other similar relationship and the harm is done with the intent to retaliate for any lawful or unlawful act done by a person as a witness.
- b. Retaliation against a witness shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00); or by a term of imprisonment in the Tribal jail not to exceed one (1) year; or both.

**Section 414. Suppressing Evidence**

- a. It shall be unlawful, for an individual to maliciously and through fraud, deceit or intimidation prevent any party to an official proceeding from:
  - 1) Obtaining any article which may be physical evidence in that proceeding; or
  - 2) Procuring the attendance or testimony of any witness in that proceeding.
- b. Suppressing evidence shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00); or by a term of imprisonment in the Tribal jail not to exceed one (1) year; or both.

**Section 415. Tampering with Evidence**

- a. It shall be unlawful, while believing that an official trial, proceedings, inquiry or investigation is pending or about to be instituted, to:
  - 1) Alter, destroy, conceal, forge, or remove any book, paper, document, record, other instrument in writing, or thing with the intent to impair its verity or availability in such trial, proceedings, inquiry or investigation; or
  - 2) Make, present, prepare, or use any book, paper, document, record, other instrument in writing, or thing knowing it to be false and with a purpose to mislead a public servant who is or may be engaged in such trial, proceedings, inquiry or investigation.
- b. Tampering with evidence shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00); or by a term of imprisonment in the Tribal jail not to exceed one (1) year; or both.

**Section 416.**

**Tampering with Public Records**

- a. It shall be unlawful to:
  - 1) Knowingly make a false entry in, or false alteration of, any record, map, book, document, paper, proceeding of any court of justice, or thing belonging to, received, kept, or filed by or in 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, use, file, record, or register any record, map, book, document, paper, proceeding of any court of justice, 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 steal, destroy, mutilate, deface, alter, conceal, remove, secret, or otherwise impair the truth or availability of any such record, map, document, paper, proceeding of any court of justice or thing.
- b) Tampering with Public Records shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00); or by a term of imprisonment in the Tribal jail not to exceed one (1) year or both.

**Section 417.**

**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 or to seize, levy, or dispossess anyone of any property, land, or tenements without due legal process..
- b. Impersonating a public servant shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.

**Section 418.**

**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 impair, delay, obstruct, interfere with or prevent a public servant performing or purporting to perform an official function; or
  - 2) Purposely obstruct, delay, impair, interfere with, 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 (\$5,000.00) or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.

**Sections 419-429.                    Reserved**

**Section 430.    Failure to Obey an Officer**

- a. It shall be unlawful to knowingly or recklessly fail to obey the command or direction of any law enforcement officer.
- b. Failure to obey the direction of a law enforcement officer shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00), or a term of imprisonment in the Tribal jail not to exceed three (3) months or both.

**Section 431.    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 (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.

**Section 432.    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 (3) months, or both.



**Section 433.            Obstructing Justice**

- a. It shall be unlawful, with the purpose to hinder the apprehension, prosecution, conviction or punishment of another to:
  - 1) Feed, lodge, clothe, arm, equip in whole or in part, harbor, aid, assist 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;
  - 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. It shall be unlawful to willfully delay or obstruct any public officer in the discharge or attempt to discharge any duty of his office
- c. Obstructing justice shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.

**Section 434.            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.
- 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 (3) months, or both.

**Section 435. 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 (3) months, or both.

**Section 436. 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.
- c. Escape shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00) or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.

**Section 437. 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 in court or before a judge.
- b. Bail jumping shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.

**Section 438.**

**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, ordered, decreed, adjudged, 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 (\$5,000.00) or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.

**Sections 439-445.**

**Reserved**

**Section 446.**

**False Swearing**

- a. It shall be unlawful for an individual in other than an official proceeding:
  - 1) Makes a false statement under oath with the intent to mislead a Tribal official from performing an official duty.
  - 2) Knowingly makes a false statement under oath when the statement is required by law to be sworn or affirmed before a notary or other person authorized to administer oaths.
  - 3) Swears to or reaffirms the truth of a false statement previously made with the intent to mislead a Tribal official in performing an official duty.
- b. Providing a false statement under oath shall be punishable by a fine not to exceed Five Thousand Dollars (\$2,500.00) or by a term of imprisonment in the Tribal jail not to exceed six (6) months, or both.

**Section 447.**

**Unsworn Falsification**

- a. It shall be unlawful for an individual to communicate with a tribal official in the performance of the Tribal official's duties by:
  - 1) Making a false statement in writing with the intent to mislead the Tribal official.

- 2) Omitting information from a written application for any benefit knowing that such information is necessary to prevent statements therein from being misleading.
  - 3) making use of any writing or object knowing that it is not authentic or that it is false.
- b. Providing unsworn false information shall be punishable by a fine not to exceed Five Thousand Dollars (\$2,500.00) or by a term of imprisonment in the Tribal jail not to exceed six (6) months, or both.

**Section 448.**

**False Alarms**

- a. It shall be unlawful to knowingly:
- 1) Cause a false fire alarm or alarm of another emergency to be transmitted to an official or volunteer or within any organization that deals with emergencies involving danger to life or property; or
  - 2) Give false information to any law enforcement officer with purpose of implicate another in a crime; or
  - 3) Report to law enforcement authorities a crime, circumstances indicating the possibility of a crime having been committed, or other incident knowing or believing that the offense, circumstance or incident did not occur; or
  - 4) Pretend to furnish law enforcement authorities with information relating to an crime, circumstance indicating the possibility of a crime having been committed, or incident when one knows he has no information relating to such offense, circumstance, or incident; or
  - 5) Communicate false information concerning a missing child to a law enforcement authorities; or
  - 6) Give a false name, address, or age 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 (3) months, or both.

**Section 449.**

**Doing Business Without a License**

- a. It shall be unlawful to commence, conduct, or carry on any business, trade, activity, transaction, service, profession, or calling 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 (3) months, or both.

**Section 450.**

**Tampering with Public Property**

- a) It shall be unlawful to:
  - 1) Steal, deface, mutilate, alter, erase, displace, obstruct, falsify, cut, tear, disfigure, soil, 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, break, deface displace, obstruct, mask, 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, alter, erase, displace, obstruct, 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; or
  - 4) Maliciously injure or destroy any standing crops, grain, cultivated fruits, or vegetables of another, in any case for which a punishment is not otherwise prescribed; or
  - 5) Maliciously or mischievously enter the enclosure or go upon the premises of another, and knock off, pick, destroy, or carry away any apples, peaches, pears, plums, grapes, or other fruit, melons, or flowers of any tree, shrub, bush, or vine; or
  - 6) Maliciously or mischievously, bruise, break or pull up, cut down, carry away, destroy, or in anywise injure any fruit or ornamental tree, shrub, vine or material for hedge, being, growing, or standing on the land of another.
- 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 (3) months, or both.

**Section 451.**

**Destruction of 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, break, remove, displace, interfere, 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, displace, deface, alter, obstruct, break, tear down, mask, 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.
- b. Destruction of public property shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year, or both.

**Sections 452-455.**

**Reserved**

**Section 456.**

**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 discretion favorable to another, or for having violated his duty; or for having offered, conferred or agreed to confer compensation, the acceptance of which is prohibited by law.
- b. Compensation for past official behavior shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year; or both.

**Section 457.**

**Unlawful Official Action**

- a. It shall be unlawful for a public servant, 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 disobeys any provisions of law regulating his official conduct or knowingly neglects, refrains from performing or refuses to perform 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 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 (\$5,000.00) or by a term of imprisonment in the Tribal jail not to exceed one (1) year; or both.

**Section 458.**

**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 the receipt of which is prohibited by law.
- b. Special influence shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by a term of imprisonment in the Tribal jail not to exceed one (1) year; or both.