

LAW AND ORDER CODE  
ARTICLE III  
CRIMINAL OFFENSES

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LAW AND ORDER CODE  
ARTICLE III  
CRIMINAL OFFENSES

[NOTE: Except as otherwise stated, the provisions of Article III of the Law and Order Code were enacted on June 22, 1974 by Ordinance No. 26; as amended on December 10, 1976 by Ordinance 26F; as amended on June 11, 1979 by Ordinance 26G; as amended on August 9, 1986 by Ordinance 86-3; as amended on March 10, 1990 by Ordinance 90-2; as amended on January 11, 1991 by Ordinance 92-1; and as amended on July 11, 2019 by Ordinance No. 19-01.]

CHAPTER A. GENERAL PROVISIONS

Section 301. General.

The offenses specified in this Article III, and those provided for in other Ordinances of the Tribal Council, constitute forbidden criminal conduct against the Colorado River Indian Tribes. Persons committing such offenses may be tried and punished by the Courts of the Tribes as provided for by this Code; provided, however, such jurisdiction, whether or not exercised, shall not affect the power or authority of any other courts, including those of the United States, which may have jurisdiction.

Section 302. Penalties.

Except for offenses under Article VI of this Code to which this sentence shall not apply, any offense under any Ordinance of the Tribal Council for which no penalty is otherwise specifically provided may be punished by imprisonment for a period not to exceed six (6) months, or a fine not to exceed Five Hundred Dollars (\$500.00), or both. Upon conviction of, or plea of guilty or no contest to, any offense specified by this Code or other Ordinance enacted by the Tribal Council for which imprisonment may be imposed, unless imprisonment is mandatory, the court in its discretion, with the concurrence of the offender, may:

a. Order the offender to perform labor for the Tribes without compensation for a number of days not to exceed the maximum period of imprisonment which could be imposed; or

b. Order the offender imprisoned and upon release from imprisonment to perform such labor, provided that the total number of days of imprisonment and performance of labor together shall not exceed the maximum period of imprisonment which could be imposed.

If performance of labor is ordered it shall be upon the condition that it be diligently and satisfactorily performed upon penalty for noncompliance of imposition of imprisonment. If such condition of performance of labor is not met, the time when such labor was to have been performed shall not be counted in determining the length of maximum duration of imprisonment.

### Section 303. Statute of Limitation.

Subject to other express limitations elsewhere specified in this Code, no person shall be prosecuted, tried, or punished for any criminal offense unless a complaint thereof, designating that person as the alleged offender, is filed within one (1) year after discovery that the offense was committed by someone. When an offense is based upon a series of acts performed at different times the period of limitation prescribed by this Section commences at the time when the last discovered act is committed.

### Section 304. Pleas.

Every person charged with a criminal offense shall enter a plea of guilty or not guilty, or, with the consent of the court a plea of no contest. If a person charged with an offense refuses or fails to enter a plea, including such failure or refusal after a tender of a no contest plea is rejected by the court, the court shall enter a plea of not guilty on behalf of that person.

a. No plea of guilty shall be accepted by the court until the court shall have advised the defendant of the maximum and minimum penalties that the court may impose, that the defendant shall be deemed to have waived his right to trial on all issues, and that the defendant shall be deemed to be admitting his commission of the offense. The court shall not accept a plea of guilty, but shall enter a plea of not guilty on behalf of the defendant, if the court has cause to believe that the defendant does not understand the significance of his tendered plea of guilty.

b. The acceptance or rejection by the court of a tendered plea of no contest shall be within the discretion of the court. Prior to the acceptance by the court of a plea of no contest, the court shall advise the

defendant as to the maximum and minimum penalties that the court may impose and his right to trial on all issues. Any person whose plea of no contest is accepted by the court shall be subject to the imposition of all penalties and consequences provided by this Code applicable to a person who has been convicted or pled guilty to such an offense.

Section 305. Double Jeopardy.

If a criminal prosecution is for a violation of the same provision of law and is based upon the same facts as a former prosecution by the Courts of the Tribes, it is barred by the former prosecution if the former prosecution resulted in an acquittal, or if the former prosecution proceeded on the basis of a plea of guilty or no contest, or if the former prosecution resulted in a conviction which has not been reversed or vacated.

Section 306. Presumption of Innocence.

Every person is presumed innocent of any offense with which he is charged until proven guilty. No person shall be convicted of any offense unless his guilt thereof, as to each material element thereof, is proved beyond a reasonable doubt.

Section 307. Speedy Trial.

a. Except as provided below in this Section, if a defendant is to brought to trial on the issues raised by a complaint of a criminal offense within one (1) year from the date of filing of said complaint, the pending charge shall be dismissed, and the defendant shall not again be the subject of a complaint for the same alleged offense, or for another alleged offense based upon the same act or series of acts arising out of the same criminal conduct or episode.

(1) The time limitation imposed by the foregoing provision of this subsection a. of this section shall be tolled while the alleged offender is absent from the Reservation or is not amendable to the process or jurisdiction of the Courts of the Tribes and the duration of such absence or nonamenability shall be excluded from the computation of the time within which the trial must be commenced.

(2) The period within which a trial must be commenced under the provisions of this subsection a., of this section, does not include any period in which a prosecution in any court of any jurisdiction is pending

against the defendant for the same conduct, regardless of the disposition of such pending prosecution.

b. Except as otherwise provided below in this section, if a defendant is not brought to trial on the issues raised by a complaint of a criminal offense within six (6) months from the date of the entry of a plea of not guilty, he shall be discharged from custody if he has not been admitted to bail, and, whether in custody or on bail, the pending charge shall be dismissed, and the defendant shall not again be the subject of a complaint for the same alleged offense, or for another alleged offense based upon the same act or series of acts arising out of the same criminal conduct or episode.

c. The respective requirements for a speedy trial, and the respective periods of time for commencement of trial under either of subsections a. or b. of this Section shall be subject to or modified by, including extension or exclusion of periods of time, by the following further provisions:

(1) If trial results in conviction which is reversed on appeal, any new trial must be commenced within six (6) months from the date of the final decision on appeal.

(2) If a trial date has been fixed by the court, and thereafter the defendant requests and is granted a continuance for trial, the period within which the trial shall be commenced is extended by the number of days intervening between the granting of such continuance and the date to which trial is continued.

(3) If a trial date has been fixed by the court, and thereafter the person charged with responsibility under this Code for the prosecution of the trial requests and is granted a continuance, the time is not thereby extended within which the trial shall be commenced unless the defendant expressly agrees to the continuance. The time for commencement of trial, in the event of such agreement, is extended by the number of days intervening between the granting of such continuance and the date to which trial is continued.

(4) The requirement under this Section for a trial within a specified period of time shall be deemed to be satisfied if the trial commences within the specified period, even though its conduct may extend beyond the specified period for commencement, provided that its conduct thereafter is with reasonable diligence by the prosecution.

(5) To be entitled to a dismissal under this Section, a defendant must move for dismissal prior to the commencement of the trial. Failure so to move is a waiver of the defendant's rights under this Section.

(6) In computing the time within which a defendant shall be brought to trial as provided in this Section, the following periods of time shall be excluded:

(a) Any period during which the defendant is incompetent to stand trial, or is unable to appear by reason of illness or physical disability;

(b) The period of delay caused by an interlocutory appeal whether commenced by the defendant or by the prosecution;

(c) A reasonable period of delay when the defendant is joined for trial with a co-defendant as to whom the time for trial has not expired and there is good cause for not granting a severance;

(d) The period of delay resulting from the voluntary absence or unavailability of the defendant; however, a defendant shall be considered unavailable whenever his whereabouts are known but his presence for trial cannot be obtained, or he resists being returned to the Reservation for trial;

(e) The period of delay caused by and mistrial, not to exceed three (3) months for each mistrial;

(f) The period of any delay caused at the instance of the defendant;

(g) The period of delay not exceeding six (6) months resulting from a continuance granted at the request of the person or party prosecuting the case, without the consent of the defendant, if the continuance is granted because of the unavailability of evidence material to the prosecutor's case, when the prosecutor has exercised due diligence to obtain such evidence and there are reasonable grounds to believe that such evidence will be available at the later date.

Section 308. Affirmative Defense.

Unless the prosecution evidence raises an issue of affirmative defense to an alleged offense, the defendant, to raise the issue, must present some credible evidence on that issue. If the issue involved in an affirmative defense is raised, then the guilt of the defendant must be established beyond a reasonable doubt as to that issue as well as all other elements of the offense. Affirmative defenses include but are not necessarily limited to legal justification; lawful authority; justifiable and reasonable defense of self, a third person or property; and those specified elsewhere in this Article III.

Section 309. Multiple Counts.

When the conduct of a defendant may establish the commission of more than one offense, the defendant may be prosecuted for each such offense. He may not be convicted of more than one offense if:

- a. One offense consists only of an attempt to commit the other, or
- b. Inconsistent findings of fact are required to establish the commission of the offenses; or
- c. The offenses differ only in that one is defined to prohibit a designated kind of conduct generally and the other to prohibit a specific instance of such conduct; or
- d. The offense is defined as a continuing course of conduct and the defendant's course of conduct was uninterrupted, unless the law provides that specific periods or instances of such conduct constitute separate offenses.

If the same conduct is defined as an offense in different Ordinances of the Tribal Council or in different sections of this Code, the offender may be prosecuted under any one or all of such sections or Ordinances subject to the limitations provided by this Section. It shall be immaterial to such prosecution that one of the enactments or sections provides a lesser penalty than another, or was enacted at a later date than another unless the later section or enactment specifically repeals the earlier.



### Section 310. Intoxication.

Intoxication of the defendant is not a defense to the charge of a criminal offense, but in any prosecution for an offense evidence of intoxication of the defendant may be offered by the defendant whenever it is relevant to negative the existence of a specific intent if such intent is an element of the crime charged. "Intoxication" as used in this Section means a disturbance of mental or physical capacities resulting from the introduction of an substance into the body including, but not limited to, alcohol or drugs.

### Section 311. Complicity.

A person is legally accountable as principal for the behavior of another constituting a criminal offense if, with the intent to promote or facilitate the act or conduct constituting commission of the offense, he aids, abets, or advises such other person in planning or committing the offense.

### Section 312. Federal Standards.

Insofar as they are not inconsistent with (a) this Code or other Ordinances of the Tribal Council, (b) the lawful tradition and policies of the Tribes and the Courts of the Tribes, or (c) other governing or applicable law, the standards of, (i) statutory interpretation, (ii) admissibility of evidence, and (iii) criminal judicial procedure, including determination of the elements of an offense, of the federal courts of the United States may be referred to by the Courts of the Tribes to aid in the interpretation and application of this Article III, and in the conduct of criminal procedures under this Code. Nothing contained in this Section shall be deemed to deprive the Courts of the Tribes or the Tribal Council from establishing, by decision or enactment, such other or differing standards as they may deem appropriate, subject always to any limitations, restrictions or exceptions imposed by and under the authority of the Constitution or By-Laws of the Tribes, or the Constitution or laws of the United States.

## CHAPTER B. INCHOATE OFFENSES

### Section 313. Criminal Attempt.

A person commits the separate offense of criminal attempt if he intentionally engages in conduct constituting a substantial step toward commission of another specified offense. A substantial step is any conduct, whether act, omission, or possession which is corroborative of the actor's

intent to commit the other offense. Factual or legal impossibility of committing the other offense is not a defense to a charge of criminal attempt if the other offense would have been committed had the attendant circumstances been as the actor believed them to be. A person who engages in conduct intending to aid another to commit any offense commits criminal attempt if the conduct would establish his complicity under Section 311, Chapter A, of this Article III were the offense to be committed by the other person, even if the other person is not guilty of committing or attempting the offense. A person guilty of criminal attempt may be sentenced to such term of imprisonment, or such fine, or both, as may be provided for the other offense, whether or not committed, of which the attempt was made.

[As Amended January 11, 1992, Ord. No. 92-1, § 2.]

Section 314. Conspiracy.

A person commits the offense of criminal conspiracy if, with the intent to promote or facilitate the commission of another specified offense, he agrees with another person or persons that they, or one or more of them, will engage in conduct which constitutes such other offense or an attempt to commit such other offense, or if he agrees to aid such other person or persons in the planning or commission of such other offense or of an attempt to commit such other offense.

a. No person may be convicted of a conspiracy to commit an offense unless an overt act in pursuance of such conspiracy is proved to have been done by him or by a person with whom he conspired.

b. If a person knows that one with whom he conspires to commit an offense has conspired with another person or persons to commit the same offense, he is guilty of criminal conspiracy to commit such other offense with such other person or persons, whether or not he knows their identity.

A person guilty of criminal conspiracy may be sentenced to such term of imprisonment, or such fine, or both, as may be provided for the offense which was the subject of the conspiracy, whether or not such other offense was committed.

[As Amended January 11, 1991, Ord. No. 92-1, § 2.]

Section 315. Solicitation.

Except as to authorized acts of persons authorized by law to investigate and detect the commission of offense by others, a person is guilty of criminal solicitation if he commands, induces, entreats, or otherwise attempts to persuade another person to commit an offense, whether as principal or accomplice, with intent to promote or facilitate the commission of that crime. It is no defense to a prosecution under this Section that the person solicited could not commit or could not be guilty of the offense because of lack of responsibility or culpability, or other incapacity. A person guilty of criminal solicitation may be sentenced to such term of imprisonment, or such fine, or both, as may be provided for the offense which was the subject of the solicitation whether or not it was committed.

[As Amended January 11, 1991, Ord. No. 92-1, § 2.]

CHAPTER C. OFFENSES AGAINST PERSONS

Section 316. Criminal Homicide.

A person commits the offense of criminal homicide if:

- a. He intentionally causes the death of another person without legal justification; or
- b. With intent to cause bodily injury to a person without legal justification, or to assault, threaten, menace, intimidate, or endanger any person he causes the death of that person or any other person; or
- c. Acting either alone or with one or more persons, he voluntarily commits or participates in the commission or attempt to commit arson, robbery, burglary, kidnapping, assault, or unlawful sexual behavior, and in the course of or in furtherance of the crime that is being committed or attempted, or of immediate flight therefrom by anyone, the death of a person is caused; or
- d. He recklessly or by gross negligence causes the death of another person; or
- e. Under circumstances manifesting indifference to the value of human life, he intentionally engages in conduct which creates significant risk

of injury or death to a person, and thereby causes the death of another person; or

f. He operates a motor vehicle in a reckless or grossly negligent manner, or while intoxicated, or while under the influence of alcohol, drug or other intoxicant, and such conduct causes the death of another person.

A person guilty of criminal homicide may be sentenced to imprisonment for a period not to exceed one (1) year, or a fine not to exceed Five Thousand Dollars (\$5,000.00), or both.

Section 317. Assault.

A person commits the offense of assault if:

a. He intentionally causes bodily injury to another person without legal justification; or

b. With intent to assault, threaten, menace, intimidate, or endanger any person he causes bodily injury to another person; or

c. Acting either alone or with one or more persons, he voluntarily commits or participates in the commission or attempt to commit criminal homicide, arson, robbery, burglary, kidnapping, or unlawful sexual behavior, and in the course of or in furtherance of the crime that is being committed or attempted, or of immediate flight therefrom by anyone, bodily injury to another person is caused; or

d. If he recklessly or by gross negligence causes bodily injury to another person; or

e. Under circumstances manifesting indifference to the value of human life, he intentionally engages in conduct which creates significant risk of injury to a person, and thereby causes bodily injury to another person; or

f. He operates a motor vehicle in a reckless or grossly negligent manner, or while intoxicated, or while under the influence of alcohol, drug or other intoxicant, and such conduct causes bodily injury to another person.

A person guilty of assault not involving the use of a deadly weapon or a dangerous instrument, and where serious physical injury does not occur,

may be sentenced to imprisonment for a period not to exceed six (6) months, or a fine not to exceed Five Hundred Dollars (\$500.00), or both. A person guilty of assault involving the use of a deadly weapon or a dangerous instrument, or where serious physical injury occurs, may be sentenced to imprisonment for a period not to exceed one (1) year, or a fine not to exceed Five Thousand Dollars (\$5,000.00), or both.

[As Amended January 11, 1992, Ord. No. 92-1, § 3.]

#### Section 318. Threats or Endangerment.

A person commits an offense if he:

- a. By any threat or physical action, intentionally places or attempts to place another person in fear of bodily injury; or
- b. Without lawful authority or legal justification threatens to confine, restrain, or to cause bodily harm to the threatened person or another, or to damage the property or reputation of the threatened person or another with intent thereby to induce the threatened person or another against his will to do an act or refrain from doing a lawful act; or
- c. Recklessly engages in conduct which creates a significant risk of bodily injury to another person.

A person guilty of an offense under this Section may be sentenced to imprisonment for a period of not to exceed six (6) months, or a fine not to exceed Five Hundred Dollars (\$500.00), or both.

#### Section 319. Kidnapping.

A person commits the offense of kidnapping if:

- a. He forcibly or otherwise seizes and carries any person from one place to another without his consent and without legal justification or lawful authority; or
- b. He entices, takes, or decoys away any child under the age of eighteen (18) years not his own, with intent to keep or conceal the child from its parent, guardian or lawful custodian; or

c. He intentionally confines, restrains or detains another without the other's consent and without legal justification or lawful authority; or

d. He is a natural, adoptive or foster parent of a child under the age of eighteen (18) years, but knowing or having reasonable cause to know that he has no privilege to do so, he takes or entices such child from the custody of another parent, guardian or lawful custodian.

A person guilty of kidnapping may be sentenced to imprisonment for a period not to exceed one (1) year, or a fine not to exceed Five Thousand Dollars (\$5,000.00), or both.

[As Amended January 11, 1992, Ord. No. 92-1, § 1.]

Section 320. Unlawful Sexual Behavior.

a. Rape. Any male who has sexual intercourse with a female person not his wife commits the offense of rape if:

(1) He compels her to submit by force, or by threat of death, bodily harm, physical pain, or kidnapping, to be inflicted upon her or anyone else; or

(2) He has substantially impaired her power to appraise or control his or her conduct by administering or employing without her consent or knowledge, any drug, intoxicant, or other means for the purpose of preventing awareness or resistance; or

(3) The female is unconscious; or

(4) He knows or reasonably should know that the female is of such a state of consciousness or of mind, or that she suffers from a mental disease or defect, which renders her incapable of recognizing the nature of his or her conduct; or

(5) The female is less than eighteen (18) years of age.

Penetration however slight constitutes sexual intercourse for the purpose of this subsection a.

A person guilty of rape may be sentenced to imprisonment for a period not to exceed one (1) year, or a fine not to exceed Five Thousand Dollars (\$5,000.00), or both.

b. Deviate Sexual Contact. Any person commits the offense of deviate sexual contact with another person if:

(1) He compels another person to participate by force, or by threat of death, bodily harm, physical pain, or kidnapping, threatened to be inflicted upon the victim or anyone else; or

(2) He has substantially impaired the victim's power to appraise or control either person's conduct by administering or employing without the victim's consent or knowledge, any drug, intoxicant, or other means for the purpose of preventing awareness or resistance; or

(3) The victim is unconscious; or

(4) He knows or reasonably should know that the victim is of such a state of consciousness or of mind, or that the victim suffers from a mental disease or defect, which renders the victim incapable of recognizing the nature of either person's conduct; or

(5) The victim is less than eighteen (18) years of age.

The term "deviate sexual contact" as used in this subsection b. means any act of sexual gratification between human beings who are not husband and wife, involving contact of the genital organs of one and any other orifice of the body of another. A person guilty of deviate sexual contact may be sentenced to imprisonment for a period not to exceed one (1) year, or a fine not to exceed Five Thousand Dollars (\$5,000.00), or both.

c. Sexual Assault. Any person who subject another person not his spouse to any sexual contact commits the offense of sexual assault if:

(1) He knows or reasonably should know that the sexual contact is offensive to the other person; or

(2) He has substantially impaired the power of the other person to appraise or control either person's conduct by administering or employing without consent or knowledge of the other person any drug, intoxicant or other means for the purpose of preventing awareness or resistance; or

(3) He knows or reasonably should know that the other person is of such a state of consciousness or of mind, or that the other person suffers from a mental disease or defect, which renders that person incapable of recognizing the nature of either person's conduct; or

(4) The other person is less than eighteen (18) years of age.

The term "sexual contact" as used in this subsection c. is any intentional touching of the genital organs of a male or female person, or the breasts of a female person, or any portion of the body of a female person between the knees and a line around the circumference of the abdomen at the point of the navel, whether the touching is on the bare skin or on intervening clothing. Any person guilty of sexual assault may be sentenced to imprisonment for a period not to exceed one (1) year, or a fine not to exceed Five Thousand Dollars (\$5,000.00), or both.

d. Special Limitation. No prosecution may be instituted or maintained for rape, deviate sexual contact, or sexual assault unless the alleged offense was brought to the notice of the Tribal Police Department or other law enforcement official within thirty (30) days after its occurrence, except when the alleged victim is less than sixteen (16) years of age or otherwise incompetent to make complaint at the expiration of said thirty (30) day period. In such case, notice to the Tribal Police Department or other law enforcement official is sufficient if given within thirty (30) days after a parent, guardian, or other competent person specially interested in the victim learns of the offense, or within thirty (30) days after the victim attains the age of sixteen (16) years or the other incompetency is removed, whichever is the shortest period.

[As Amended January 11, 1992, Ord. No. 92-1, § 1.]

#### CHAPTER D. OFFENSES AGAINST PROPERTY.

##### Section 321. Arson.

A person who, without legal justification or lawful authority to do so, intentionally sets fire to, burns, causes to be burned, or by the use of any explosive damages or destroys, or causes to be damaged or destroyed, any property of another, including public property or that of any unit of government, or in which another has any legally recognizable interest,



commits the offense of arson. A person guilty of arson may be sentenced to imprisonment for a period not to exceed one (1) year, or a fine not to exceed Five Thousand Dollars (\$5,000.00), or both.

[As Amended January 11, 1992, Ord. No. 92-1, § 1.]

#### Section 322. Burglary.

A person commits the offense of burglary if:

a. He knowingly enters, breaks into or remains unlawfully in a building or other structure with intent to commit therein a crime against a person or property, other than criminal trespass as defined in Section 327; or

b. Without legal justification or lawful authority he enters or breaks into any vault, safe, cash register, coin vending machine, product dispenser, money depository, safety deposit box, telephone coin box, vehicle, or other apparatus or equipment whether or not coin operated with intent to take, use, or steal such object or facility or anything therein.

A person guilty of burglary may be sentenced to imprisonment for a period not to exceed one (1) year, or a fine not to exceed Five Thousand Dollars (\$5,000.00), or both.

[As Amended January 11, 1992, Ord. No. 92-1, § 1.]

#### Section 323. Robbery.

A person who, without legal justification or lawful authority, takes anything of value from the person or presence of another by the use of force, threats, coercion, or intimidation commits the offense of robbery. A person guilty of robbery may be sentenced to imprisonment for a period not to exceed one (1) year, or a fine not to exceed Five Thousand Dollars (\$5,000.00), or both.

[As Amended January 11, 1992, Ord. No. 92-1, § 1.]

#### Section 324. Theft.

A person commits the offense of theft when he knowingly obtains or exercises control over any thing of value of another without authorization, or

by threat or deception, or knowing said thing of value to have been stolen;  
and

a. Intends to deprive such other person permanently of the use or benefit of the thing of value; or

b. Knowingly uses, conceals, or abandons the thing of value in such manner as to deprive such other person permanently of its use or benefit; or

c. Uses, conceals, or abandons the thing of value intending that such use, concealment, or abandonment will deprive such other person permanently of its use and benefit; or

d. Demands any consideration to which he is not legally entitled as a condition of restoring the thing of value to such other person; or

e. Having lawfully obtained possession for temporary use of the personal property of another, deliberately fails to reveal the whereabouts of or to return said property to the owner thereof or his representative or to the person from whom he has received it, with the intent to permanently deprive such other person of its use and benefit.

A person guilty of theft wherein the value of the thing of value stolen does not exceed Five Hundred Dollars (\$500.00) may be sentenced to imprisonment for a period not to exceed six (6) months, or a fine not to exceed Five Hundred Dollars (\$500.00), or both. A person guilty of theft wherein the value of the thing of value stolen exceeds Five Hundred Dollars (\$500.00) may be sentenced to imprisonment for a period not to exceed one (1) year, or a fine not to exceed Five Thousand Dollars (\$5,000.00) or both.

[As Amended January 11, 1992, Ord. No. 92-1, § 4.]

#### Section 325. Illegally Receiving Property.

A person guilty of illegally receiving property wherein the value of the property illegally received does not exceed Five Hundred Dollars (\$500.00) may be sentenced to imprisonment for a period not to exceed six (6) months, or a fine not to exceed Five Hundred Dollars (\$500.00), or both. A person guilty of illegally receiving property wherein the value of the property illegally received exceeds Five Hundred Dollars (\$500.00) may be sentenced

to imprisonment for a period not to exceed one (1) year, or a fine not to exceed Five Thousand Dollars (\$5,000.00), or both.

[As Amended January 11, 1992, Ord. No. 92-1, § 5.]

#### Section 326. Abusing Property.

A person commits the offense of abusing property if, without legal justification or lawful authority, he knowingly uses or damages any property not exclusively his own. A person guilty of abusing property may be sentenced to imprisonment for a period not to exceed three (3) months, or a fine not to exceed Five Hundred Dollars (\$500.00), or both.

#### Section 327. Criminal Trespass.

A person commits the offense of criminal trespass if, knowing or having reasonable cause to know that he is not licensed or privileged to do so, he willfully enters or remains upon or within any building structure, or land, or portion thereof after being ordered or notified not to enter or remain therein or thereupon. Such notice or order may be given by:

- a. Written or verbal communication actually given to the intruder; or
- b. Written notice posted on or about the property in a manner reasonably likely to come to the attention of potential intruders; or
- c. Fences, barricades, or other devices manifestly designed to enclose the property and to exclude potential intruders.

A person guilty of criminal trespass may be sentenced to imprisonment for a period not to exceed three (3) months, or a fine not to exceed Two Hundred and Fifty Dollars (\$250.00), or both.

#### Section 328. Joyriding.

A person who drives or takes away any motor vehicle without the consent of the owner or lawful possessor thereof, or participates with any other person in such conduct, with the intent of temporarily depriving the owner or rightful possessor of the use of the same, or of temporarily making use thereof, commits the offense of joyriding. For the purpose of this Section, "temporarily depriving" and "temporarily making use" shall refer to

a period of time of not more than twenty-four (24) hours. If the offender intends to use or deprive the owner or rightful possessor of the use of the motor vehicle and in fact the owner or rightful possessor is deprived of the use of the motor vehicle, for a period in excess of twenty-four (24) hours, it shall be conclusively presumed that the person driving or taking away the motor vehicle without the consent of the owner or lawful possessor thereof intended to permanently deprive the owner or lawful possessor of its use and benefit. A person guilty of joyriding may be sentenced to imprisonment for a period not to exceed thirty (30) days, or a fine not to exceed One Hundred Dollars (\$100.00), or both; provided, however, that if the vehicle is damaged while the owner or lawful possessor thereof is deprived of its use, the offender may be sentenced to imprisonment for a period not to exceed three (3) months or a fine not to exceed Five Hundred Dollars (\$500.00), or both.

Section 329. Littering.

Any person who deposits, throws, dumps, discards, abandons, or leaves any litter on any public or private property or waters commits the offense of littering, unless:

- (1) Such property is an area designated by law for the disposal of such litter and such person is authorized by the proper public authority to so use such property; or
- (2) The litter is placed in a receptacle or container installed on such property for such use by the public or such person placing litter in it; or
- (3) Such person is the owner or tenant in lawful possession of such property, or has first obtained written consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of said owner or tenant.

The term "litter" as used in this Section means all rubbish, waste material refuse, garbage, trash, debris, or other foreign substances, solid or liquid, of every form, size, kind and description. A person guilty of the offense of littering may be sentenced to imprisonment for a period not to exceed thirty (30) days, or a fine not to exceed One Hundred Dollars (\$100.00), or both.

## CHAPTER E. OFFENSES INVOLVING FRAUD OR DECEIT

### Section 330. Forgery.

A person commits the offense of forgery if with intent to defraud he falsely makes, completes, alters, offers, issues, utters, delivers, files, or submits a written instrument or any portion thereof, for the purpose of obtaining money or other consideration or thing of value, for himself or any other person. A person guilty of forgery may be punished by imprisonment not to exceed one (1) year, or a fine not to exceed Five Thousand Dollars (\$5,000.00), or both.

[As Amended January 11, 1992, Ord. No. 92-1, § 1.]

### Section 331. Fraud.

A person commits the offense of fraud if he obtains money, property, gain, advantage, credit, interest or asset from another by intentional misrepresentation or deceit. A person guilty of fraud may be sentenced to imprisonment for a period not to exceed one (1) year, or a fine not to exceed Five Thousand Dollars (\$5,000.00), or both.

[As Amended January 11, 1992, Ord. No. 92-1, § 1.]

### Section 332. Passing Bad Checks.

A person commits the offense of passing a bad check when he makes, utters, issues, delivers or passes a written order to pay a sum of money, drawn on a bank, payable on demand or at a time certain, and signed by the drawer, when the person so acting knows or has reasonable cause to know at that time the order will not be paid or honored by the drawee because of insufficient funds or the lack of an account of the drawer deposited or on account with the drawee. A person guilty of passing a bad check may be sentenced to imprisonment for a period not to exceed six (6) months, or a fine not to exceed Five Hundred Dollars (\$500.00), or both.

## CHAPTER F. OFFENSES INVOLVING PUBLIC PEACE, WELFARE, ORDER AND GOVERNMENT OPERATIONS.

### Section 333. Bribery.

- a. A person commits the offense of public bribery, if:

(1) He offers, confers, bestows or agrees to confer or bestow any personal or pecuniary benefit, gain, privilege or advantage upon a public servant, or other person designated or agreed to by the public servant, with the intent to improperly influence the public servant's vote, opinion, judgment exercise of discretion, or other action or inaction in his official capacity; or

(2) While serving as a public servant, he solicits, accepts, or agrees to accept any personal or pecuniary benefit, gain privilege or advantage directed to himself or another person designated or agreed to by the public servant, upon an agreement or understanding that the vote, opinion, judgment, exercise of discretion, or other action or inaction by him as a public servant will be influenced thereby.

The term "public servant" as used in this Section means any officer, agent, representative, or employee of an entity or jurisdiction of government, including that of the Colorado River Indian Tribes, the United States, or any state or division thereof, whether elected or appointed, and any person participating as an advisor or consultant of government, or otherwise performing a governmental function or a service to a government.

b. A person commits the offense of private bribery, if:

(1) He offers, confers, bestows, or agrees to confer or bestow any personal or pecuniary benefit, gain, privilege or advantage upon any other person, or upon any third person designated or agreed to by that other person, as consideration for that other person violating or agreeing to violate a duty to which he is subject as:

(a) Agent or employee; or

(b) Trustee, guardian, or other fiduciary; or

(c) Lawyer, physician, accountant, appraiser, or other professional advisor; or

(d) Officer, director, partner, manager, or other participant in the affairs of an incorporated or unincorporated firm, enterprise, company or association; or

(e) Duly elected or appointed representative or trustee of a labor organization or a trust fund; or

(f) Arbitrator or other purportedly disinterested adjudicator or referee; or

(2) He is a person owing a duty in any capacity set forth in (a) through (f) above, and while in that status he solicits, accepts, or agrees to accept any personal or pecuniary benefit, gain, privilege or advantage directed to himself or another person designated or agreed to by him, upon an agreement or understanding that he will violate or agree to violate his said duty.

a. A person commits the offense of bribery in sports, if:

(1) He offers, confers, bestows, or agrees to confer or bestow any benefit upon threatens any detriment to a participant or official in a sports contest or event, directed either to that person or such other person as may be designated or agreed to by that person, with the intent to influence that person not to give his best efforts as a participant or with intent to influence him to perform his duties as an official improperly; or

(2) Being a sports participant or official in a sports contest he accepts, agrees to accept, or solicits any benefit, directed to himself or such other person as may be designated or agreed to by him, from another person upon an understanding that he will thereby be influenced not to give his best and honest efforts as a participant or official in a sports contest.

b. A person guilty of public bribery, private bribery, or bribery in sports may be sentenced to imprisonment for a period not to exceed one (1) months, or a fine not to exceed Five Thousand Dollars (\$5,000.00), or both.

[As Amended January 11, 1992, Ord. No. 92-1, § 1.]

#### Section 334. Abuse of Office.

A person commits the offense of abuse of office if with corrupt intent he acts or purports to act in an official capacity, including willful failure to act, so as to obtain any personal or pecuniary benefit, gain, advantage or privilege to which he is not entitled in or by the performance of his official duties. A person guilty of abuse of office may be sentenced to imprisonment

for a period not to exceed one (1) year, or a fine not to exceed Five Thousand Dollars (\$5,000.00), or both.

[As Amended January 11, 1992, Ord. No. 92-1, § 1.]

Section 335. Riot.

As used in this Section the term "riot" means a public disturbance involving an assemblage of three (3) or more persons which by tumultuous and violent conduct creates substantial danger of damage or injury to property or persons or substantially obstructs the performance of any lawful governmental function. A person commits the offense of rioting if he engages in a riot. A person commits the offense of inciting a riot if he:

- a. Incites or urges a person to participate or engage in a current or potential riot; or
- b. Gives commands, instructions, or signals to other persons in furtherance of a riot; or
- c. Knowingly supplies a weapon or destructive device for use in a riot; or
- d. Teaches another to prepare or use a weapon or destructive device with intent that it be used in a riot.

A person guilty of rioting or of inciting to riot may be sentenced to imprisonment for a period not exceed one (1) year, or a fine not to exceed Five Thousand Dollars (\$5,000.00), or both.

[As Amended January 11, 1992, Ord. No. 92-1, § 1.]

Section 336. Disobedience of Public Safety Orders Under Riot Conditions.

A person commits the offense of disobedience of a public safety order under riot conditions if during a riot, or when one is impending, he intentionally disobeys a reasonable public safety order to move, disburse, or refrain from specified activities in the immediate vicinity of the riot. A public safety order is an order designed to prevent or control disorder, or promote the safety of persons or property, issued by an authorized member of the police, fire, military, or other governmental force concerned with the riot. A



person guilty of disobedience of a public safety order during riot conditions may be sentenced to imprisonment for a period not to exceed five (5) days or a fine not to exceed One Hundred Dollars (\$100.00), or both.

#### Section 337. Obstructing Highway or Other Passageway.

A person commits the offense of obstructing a highway or other passageway if without legal privilege he intentionally, knowingly or recklessly:

a. Obstructs a highway, street, sidewalk, railway, water way, building entrance, elevator, aisle, stairway, or hallway to which the public or a substantial group of the public has access; or any other place used for the passage of persons, vehicles, or conveyances, whether the obstruction arises from his acts alone or from his acts and the acts of others; or

b. Disobeys a reasonable request or order to move issued by a police officer, fireman, or a person with authority to control the use of the premises, to prevent obstruction of a highway or passageway, or to maintain public safety by disbursing those gathered in dangerous proximity to a fire, riot, or to other hazard.

A person guilty of obstructing a highway or other passageway may be sentenced to imprisonment for a period not to exceed thirty (30) days, or a fine not to exceed Two Hundred and Fifty Dollars (\$250.00), or both.

#### Section 338. Trespass or Interference in Public Buildings.

A person commits the offense of trespass or interference in public buildings if he so conducts himself at or in any public building or facility owned or controlled by the Tribes or any other governmental entity, so as to willfully deny to any public official, public employee, or member of the public the lawful rights of such person to enter, to use the facilities of, or to leave any such public building or facility. It shall also be an offense under this Section for any person:

a. At or in any such public building or facility to willfully impede any public official or employee in the lawful performance of duties or activities through the use of restraint, abduction, coercion, intimidation, or by force and violence or threat thereof; or

b. To willfully refuse or fail to leave any such public building or facility upon being requested to do so by the chief administrative officer, or his designee, charged with maintaining order in such public building or facility, if such person has committed, is committing, threatens to commit, or incites others to commit any act which does, or would if completed, disrupt, impair, interfere with, or obstruct the lawful missions, processes, procedures, or functions being carried on in such public building or facility; or

c. At any meeting or session conducted by any judicial, legislative, or administrative body or official at, or in, any public building or facility, to willfully impede, disrupt, hinder the normal proceedings of such meeting or session by any act of intrusion into the chamber or other areas designated for the use of the body or official conducting such meeting or session, or to commit any act designed to intimidate, coerce, or hinder any member of such body or official engaged in the performance of duties at such meeting or session.

A person guilty of trespass or interference in public buildings may be sentenced to imprisonment for a period not to exceed three (3) months, or a fine not to exceed Two Hundred and Fifty Dollars (\$250.00), or both.

#### Section 339. Obstructing Performance of Police Duties.

A person commits the offense of obstructing performance of police duties if he willfully prevents or attempts to prevent a police officer or other duly authorized law enforcement officer from effecting an arrest or otherwise discharging the duties of his office by any of the following:

- a. Creating or appearing to create a risk of bodily harm to the officer or any other person; or
- b. Employing means or threatening to employ means which would justify or require force on the part of the officer to overcome them; or
- c. Escaping, attempting to escape, or assisting or attempting to assist another to escape from custody of the officer.

A person guilty of obstructing performance of police duties may be imprisoned for a period not to exceed one (1) year, or a fine not to exceed Five Thousand Dollars (\$5,000.00), or both.

[As Amended January 11, 1992, Ord. No. 92-1, § 1.]

Section 340. Desecration.

A person commits the offense of desecration if he intentionally defaces, damages, pollutes, or otherwise physically mistreats or destroys in any way any public monument, public structure or facility, or place of worship or burial, or desecrates in a public place any other object of veneration or respect by the public or a significant segment thereof. A person guilty of desecration may be sentenced to imprisonment for a period not to exceed three (3) months, or a fine not to exceed Five Hundred Dollars (\$500.00), or both.

Section 341. Disobedience of a Court Order.

A person commits the offense of disobedience of a court order if he willfully disobeys any outstanding order, subpoena, warrant or command duly issued by the Courts of the Tribes or of any judge thereof. A person guilty of disobedience of a court order may be sentenced to imprisonment for a period not to exceed six (6) months, or a fine not to exceed Five Hundred Dollars (\$500.00), or both.

Section 342. Perjury.

A person commits the offense of perjury if he makes any sworn statement, either in writing or orally, or a sworn affidavit, knowing or having reasonable cause to know the same to be false, or if he induces another person to do so. A person guilty of perjury may be sentenced to imprisonment for a period not to exceed three (3) months, or a fine not to exceed Three Hundred Dollars (\$300.00), or both; provided, however, that if any other person is unjustly deprived of liberty or property, or the use or benefit thereof, as a result of such perjury, the sentence therefor may be imprisonment for a period not to exceed one (1) year, or a fine not to exceed Five Thousand Dollars (\$5,000.00), or both.

[As Amended January 11, 1992, Ord. No. 92-1, § 1.]

Section 343. Disorderly Conduct.

A person commits the offense of disorderly conduct if he intentionally, knowingly, or recklessly:

- a. Uses abusive, indecent, profane, or vulgar language in a public or private place which by its very utterance tends to incite violence, unlawful conduct, or breach of peace by others, or
- b. Makes an offensive gesture or display in a public place which by its very nature tends to incite violence, unlawful conduct, or a breach of the peace by others; or
- c. Abuses or threatens a person in a public or private place in a manner calculated to place the threatened person in fear of bodily harm; or
- d. Makes unreasonable noise in a public place, or on or near private property that he has no right to occupy; or
- e. Fights with another in a public or private place; or
- f. Not being lawfully authorized or privileged to do so discharges a firearm in a public or private place; or
- g. Not being legally authorized to do so, displays a deadly weapon in a public or private place in a manner calculated to alarm; or
- h. Not being legally justified to do so disrupts any lawful public or religious meeting or assembly; or
- i. Lies or sleeps on any public street, alley or sidewalk, or in any other public place, or upon private property that he has no right to occupy.

Any person guilty of disorderly conduct may be sentenced to imprisonment for a period not to exceed fifteen (15) days, or a fine not to exceed One Hundred and Fifty Dollars (\$150.00), or both.

[As Amended December 10, 1976, Ord. No. 26F.]

Section 344. Causing or Maintaining a Public Nuisance.

A person commits the offense of causing or maintaining a public nuisance if he:

uses; or

permits to be used; or

allows to be in such condition,

any real or personal property under his control so as to damage, injure or endanger the health, safety or property of another person or the public. A person guilty of causing or maintaining a public nuisance may be sentenced to imprisonment for a period not to exceed thirty (30) days, or a fine not to exceed Two Hundred and Fifty Dollars (\$250.00), or both, and may be ordered by the court to abate or eliminate the nuisance. Such an order to abate or eliminate the nuisance shall include the identification of the nuisance and the period of time in which it must be abated or eliminated.

#### Section 345. Carrying a Concealed Weapon.

A person commits the offense of carrying a concealed weapon if, without legal justification, or lawful authority as hereinafter provided, he knowingly carries concealed on or about his person a knife, firearm, or other dangerous weapon as hereinafter defined.

a. It shall be an affirmative defense that the accused was:

(1) Lawfully authorized to carry such knife, firearm or other dangerous weapon concealed on or about his person, which lawful authority shall be by permit issued by the Tribal Council or such other authority designated by it, or by written permit or other authority of the United States;

(2) A police or other law enforcement officer of the Tribes or the United States acting in the performance of his official duties; or

(3) Was in his own dwelling, or place of business, or on property owned or under his control at the time of the act of carrying; or

(4) Was in a private automobile or other means of conveyance and was carrying the weapon therein for lawful protection of his or another person's person or property while traveling.

b. The following definitions apply to this Section:

(1) "Knife" means any dagger, dirk, knife, sword, spear, or stiletto with a blade over three and one-half (3½) inches in length, or any other instrument capable of inflicting cutting, stabbing, or tearing wounds, but it does not include a hunting or fishing knife carried for sports or other lawful use.

(2) "Firearm" means any gun, revolver, pistol, rifle, shotgun, or other weapon which discharges a projectile by explosive force.

(3) "Dangerous weapon," in addition to a firearm or knife, includes any dart, blow-gun, air or pellet gun, non-safety razor, blackjack, billy club, sand club, sand bag, any hand-operated striking weapon consisting at the striking end of an encased heavy substance or at the handle end a strap or springy shaft which increases the force of impact, any device designed for propelling by release of gas or spring pressure, any device designed to discharge chemicals as an offensive or defensive weapon, a bomb or any other explosive or incendiary device or Molotov cocktail, brass knuckles or other device intended to be worn on the hand or other part of the body for infliction of injury to another person.

A person guilty of carrying a concealed weapon may be sentenced to imprisonment for a period not exceed one (1) year, or a fine not to exceed Five Thousand Dollars (\$5,000.00), or both.

[As Amended January 11, 1992, Ord. No. 92-1, § 1.]

#### Section 346. Adultery.

A person commits the offense of adultery by having voluntary sexual intercourse with another person if either of such persons is married to a third person; provided, however, it shall be an affirmative defense of a person charged with adultery that such person had no knowledge or reasonable cause to have knowledge that either participant was married to a third person. A person guilty of adultery may be sentenced to imprisonment for a period not to exceed fifteen (15) days, or a fine not to exceed One Hundred and Fifty Dollars (\$150.00), or both. No prosecution may be instituted or maintained for adultery except upon the complaint of a spouse of either of the offenders, nor unless criminal proceedings are commenced by such person by the filing of a written complaint within thirty (30) days after discovery by the complainant of the alleged adultery.

#### Section 347. Unlawful Cohabitation.

A person commits the offense of unlawful cohabitation if that person customarily or regularly lives or cohabits with another person as husband and wife, not being married to such other person. A person guilty of unlawful cohabitation may be sentenced to imprisonment for a period not to exceed five (5) days, or a fine not to exceed Fifty Dollars (\$50.00), or both.

#### Section 348. Bigamy.

A person is guilty of the offense of bigamy if knowing or having reasonable cause to know that he is then married, he marries another person, or he marries another person knowing or having reasonable cause to know that such other person is then married to a third person. A person guilty of bigamy may be sentenced to imprisonment for a period not to exceed three (3) months, or a fine not to exceed Two Hundred and Fifty Dollars (\$250.00), or both.

#### Section 349. Incest.

A person commits the offense of incest who knowingly marries or has sexual intercourse with an ancestor or descendant, a brother or sister of the whole or half blood, or an uncle, aunt, nephew, or niece of the whole blood. A person guilty of incest may be sentenced to imprisonment for a period not to exceed three (3) months, or a fine not exceed two Hundred and Fifty Dollars (\$250.00), or both.

#### Section 350. Indecent Exposure.

A person commits the offense of indecent exposure by deliberately exposing the genital organs of a person to the view of another person or persons or by exposing them under such circumstances that the exposing person has reasonable cause to know that such exposure may be viewed by another person or persons, if in either event the exposing person knows or has reasonable cause to know the conduct may offend some person or persons viewing the same. A person guilty of indecent exposure may be sentenced to imprisonment for a period not to exceed thirty (30) days, or a fine not to exceed One Hundred Dollars (\$100.00), or both.

Section 351. Prostitution and Related Offenses.

a. A person who performs, offers, or agrees to perform any act of sexual intercourse, or any act of deviate sexual contact with any person not the spouse of the offender in exchange for money or any other thing or consideration of value commits the offense of prostitution. A person guilty of prostitution may be sentenced to imprisonment for a period not to exceed one hundred and twenty (120) days, or a fine not to exceed Two Hundred and Fifty Dollars (\$250.00), or both.

b. A person commits the offense of solicitation for prostitution if that person:

(1) Solicits another for the purpose of prostitution; or

(2) Arranges or offers to arrange a meeting of persons for the purpose of prostitution; or

(3) Knowingly grants or permits the use of a place of which the person has or exercises control for the purpose of prostitution; or

(4) Knowingly lives on or is supported or maintained in whole or in part by money or other consideration or thing of value earned, received, procured, or realized by any person through prostitution; or

(5) By word, gesture, or action endeavors to further the practice of prostitution in any public place or within public view; or

(6) Who furnishes or makes available to another person any facility, knowing that the same is to be used for or in aid of prostitution, or who shall advertise in any manner that he furnishes or is willing to furnish or make available any such facility for such purpose.

A person guilty of soliciting for prostitution may be sentenced to imprisonment for a period not to exceed one hundred and twenty (120) days, or a fine not to exceed Two Hundred and Fifty Dollars (\$250.00), or both.

c. A person who engages in any act of sexual intercourse or of deviate sexual contact with a prostitute commits the offense of patronizing a prostitute. A person guilty of patronizing a prostitute may be sentenced to



imprisonment for a period not to exceed one hundred and twenty (120) days, or a fine not to exceed Two Hundred and Fifty Dollars (\$250.00), or both.

#### Section 352. Offenses Concerning Liquor.

a. **Illegal Consumption of Liquor.** A person commits the offense of illegal consumption of liquor if he consumes any malt, vinous or spirituous liquor in any public place except on premises upon which there is lawful authority to sell such liquor by the drink for consumption thereon. Possession of a container of malt, vinous or spirituous liquor on which the United States excise tax seal has been broken or removed, or from which the cap, cork, or seal placed thereon by the manufacturer has been removed shall constitute a rebuttable presumption of consumption. A person guilty of illegal consumption of liquor may be sentenced to imprisonment for a period not to exceed thirty (30) days, or a fine not to exceed One Hundred Dollars (\$100.00), or both.

b. **Delivery of Liquor to a Person Under the Age of Twenty-One.** A person commits the offense of delivering liquor to a person under the age of twenty-one (21) if he sells, furnishes, procures for, or knowingly assists in the furnishing of any malt, vinous or spirituous liquor to any person under the age of twenty-one (21) years. A person guilty of delivery of liquor to a person under the age of twenty-one (21) may be sentenced to imprisonment for a period not to exceed six (6) months, or a fine not to exceed Five Hundred Dollars (\$500.00), or both.

c. **Under Age Possession of Liquor.** A person under the age of twenty-one (21) years commits the offense of under-age possession of liquor if he buys, receives, possesses, or consumes, or attempts to buy, receive or possess any malt, vinous or spirituous liquor. Violations of this subsection committed by persons under the age of eighteen (18) years shall be handled in accordance with Article 1. of the Domestic Relations Code of the Colorado River Indian Tribes. A person under the age of twenty-one (21) years who is guilty of underage possession of liquor may be confined in an appropriate facility for a period not to exceed thirty (30) days, or required to pay a fine in an amount not to exceed Fifty Dollars (\$50.00), or both.

d. For the purposes of this Section, malt, vinous or spirituous liquor includes beer and any other beverage obtained by the alcoholic fermentation of any infusion or decoction of barley, malt, hops or any other similar product or any combination thereof in water; wine and fortified wines and

any other alcoholic beverage obtained by the fermentation of the natural sugar contents of fruits or other agricultural product containing sugar; and any alcoholic beverage obtained by distillation, mixed with water and other substances in solution, including brandy, rum, whiskey, gin and every liquid or solid, patented or not, containing alcohol and which is manufactured primarily for beverage purposes.

[As Amended, October 11, 1986, nunc pro tunc August 9, 1986, Ord. No. 86-3.]

Section 353. Public Intoxication.

A person commits the offense of public intoxication if he appears in any public place manifestly under the influence of alcohol, narcotics, or other drugs to the degree that he may endanger himself or other person or property. A person guilty of public intoxication may be sentenced to imprisonment for a period not to exceed thirty (30) days, or a fine not to exceed One Hundred Dollars (\$100.00), or both.

Section 354. Possession or Furnishing of Narcotics.

a. A person commits the offense of possession or furnishing of narcotics if he knowingly possesses, manufactures, transports, sells, consumes, uses, cultivates, or trades in any of the following:

(1) Marijuana or any portion of the plant *cannabis sativa* L. or any substance containing it.

This Section does not apply to hemp cultivation and production, defined as the agricultural commodity *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.

(2) Opium, morphine, codeine, hashish, or heroin; or

(3) Any drug or other substance identified or defined as a "controlled substance" under the provisions of Chapter 13, Title 21, United States Code, as amended to the date of the offense.

This Section shall not apply to the possession, furnishing or use of any substance for medical purposes under the prescription or supervision of a person licensed by the United States or one of the states thereof to administer, prescribe, control or dispense such substance. A person guilty of the offense of possession of narcotics may be sentenced to imprisonment for a period not to exceed one (1) year, or a fine not to exceed Five Thousand Dollars (\$5,000.00), or both; provided, however that if any person over the age of eighteen (18) years is guilty of an offense under this Section by providing or furnishing such substance to a person under the age of eighteen (18) years, the maximum sentence specified hereunder shall be imposed in its entirety by the court.

[As Amended July 11, 2019 by Ord. No. 19-01 amending Section 354(a)(1).]

b. Seizure of Vehicles used in Narcotics Violations:

(1) The interest of legal owner or owners of record of any vehicle used to transport unlawfully a narcotic drug, or in which a narcotic drug is unlawfully kept, deposited or concealed, or in which a narcotic is unlawfully possessed by an occupant, shall be forfeited to the Tribes.

Any peace officer making or attempting to make an arrest for a violation of this Section shall seize the vehicle used to transport unlawfully a narcotic drug, or in which a narcotic drug is unlawfully possessed by an occupant, and shall immediately deliver the vehicle to the Tribal Chief of Police.

(2) A peace officer who seizes a vehicle under the provisions of this Section shall file a notice of the seizure and intention to institute forfeiture proceedings with the Judicial Clerk of the Tribal Court, and the Judicial Clerk shall serve notice thereof on all owners or claimants of the vehicle, by one of the following methods:

a. Upon an owner or claimant whose right, title or interest is of record in the division of motor vehicles where the vehicle is registered and licensed, by mailing a copy of the notice by registered mail to the address on the records of the appropriate motor vehicle division.

b. Upon an owner or claimant whose name and address are known, by mailing a copy of the notice by registered mail to his last known address.

c. Upon an owner or claimant whose address is unknown but who is believed to have an interest in the vehicle, by publication in one issue of a newspaper of general circulation on the Reservation.

(3) Within twenty (20) days after the mailing or publication of a notice of seizure, as provided, the owner of the seized vehicle may file a verified answer to the allegation of the use of the vehicle contained in the notice of seizure and of the intended forfeiture proceedings. No extension of time shall be granted for the purpose of filing the answer.

(4) If a verified answer to the notice given as prescribed by this Section is not filed within twenty (20) days after the mailing or publication thereof, the court shall hear evidence upon the charge of unlawful use of the vehicle, and upon motion shall order the vehicle forfeited to the Tribes.

(5) A claimant of any right, title or interest in the vehicle may prove his lien, mortgage or conditional sales contract to be bona fide, and his right, title or interest was created after a reasonable investigation of the moral responsibility, character and reputation of the purchaser, and without knowledge that the vehicle was being, or was to be used for the purpose charged, but no person who has a lien dependent upon possession for the compensation to which he is legally entitled for making repairs or performing labor upon and furnishing supplies or materials, for, and for the storage, repair or safekeeping of any vehicle and no person doing business under any law of a state or the United States relating to banks, trust companies, building and loan associations, and loan companies, credit unions, or licensed pawnbrokers or money lenders or regularly engaged in the business of selling vehicles or of purchasing conditional sales contracts on vehicles shall be required to prove that his right, title or interest was created after a reasonable investigation of the moral responsibility, character and reputation of the owner, purchaser, or person in possession of the vehicle when it was brought to the claimant.

(6) If proper proof is presented at the hearing, the court shall order the vehicle released to the bona fide owner, lien holder, mortgagee or vendor if the amount due him is equal to, or in excess of, the value of the vehicle as of the date of seizure, it being the purpose of this Section to forfeit only the right, title or interest of the purchaser.

(7) If the amount due the claimant is less than the value of the vehicle, the vehicle shall be sold at public auction by the Tribal Chief of Police.

(8) When a vehicle is seized, forfeited and sold under the provision of this Section, the net proceeds of the sale shall be distributed as follows and in the order indicated:

(a) To the bona fide or innocent purchaser, conditional sales vendor or mortgagee of the vehicle, if any, up to the amount of his interest in the vehicles, when the court declaring the forfeiture orders a distribution to such person.

(b) The remainder, if any, to the Tribal Treasurer, for deposit in the General Fund.

(9) If the court finds that the vehicle was not used to transport narcotic drugs, it shall order it released to the owner as his right, title or interest appears of record as the date of the seizure.

(10) Exemption. The provisions of this Section relating to forfeiture of vehicles shall not apply to a common carrier or to a peace officer acting within the scope of his employment.

[As Amended January 11, 1992, Ord. No. 92-1, § 1.]

#### Section 355. Inhaling Toxic Vapors.

A person commits the offense of inhaling toxic vapors if he, for the purpose of becoming intoxicated or subjecting himself to the influence of them, willfully inhales the vapors or fumes of paint, gasoline, glue or any other substance producing intoxicating fumes or vapors. A person guilty of inhaling toxic vapors may be sentenced to imprisonment for a period not to exceed thirty (30) days, or a fine not to exceed Two Hundred and Fifty Dollars (\$250.00), or both.

#### Section 356. Child Abuse.

A person commits the offense of child abuse if he knowingly, intentionally, or negligently, and without legal justification, causes or permits a person under the age of eighteen (18) years to be:

- a. Placed in a situation that may endanger its life or health; or
- b. Exposed to the inclemency of the weather; or
- c. Abandoned, tortured, cruelly confined, or cruelly punished; or
- d. Deprived of necessary food, clothing or shelter.

A person guilty of child abuse may be sentenced to imprisonment for a period not to exceed one (1) year, or a fine not to exceed Five Thousand Dollars (\$5,000.00), or both.

[As Amended January 11, 1992, Ord. No. 92-1, § 1.]

Section 357. Contributing to the Delinquency of a Minor.

A person commits the offense of contributing to the delinquency of a minor if he knowingly causes, encourages or assists a person under the age of eighteen (18) years to be delinquent. For purposes of this Section 357, delinquent shall mean (1) a child who has violated a law of the Tribes or of a federal or state government, or any political subdivision thereof; (2) a child who, by reason of being incorrigible or habitually disobedient, is uncontrolled by his parents, guardian or custodian; (3) a child who is habitually truant from school or home; (4) a child who knowingly and habitually acts so as to injure or endanger the morals or health of himself or others. A person guilty of contributing to the delinquency of a minor may be sentenced to imprisonment for a period not to exceed six (6) months, or a fine not to exceed Five Hundred Dollars (\$500.00), or both.

[As Amended March 10, 1990, Ord. No. 90-2, § IIa.]

Section 358. Cruelty to Animals.

A person commits an offense of cruelty to animals if, except as otherwise authorized by law or with legal justification, he intentionally or recklessly:

- a. Subjects any animal to mistreatment; or
- b. Subjects an animal in his custody to neglect; or

- c. Abandons any animal; or
- d. Kills or injures any animal belonging to another,

A person guilty of cruelty to animals may be sentenced to imprisonment for a period not to exceed thirty (30) days, or a fine not to exceed Fifty Dollars (\$50.00), or both.

#### Section 359. Soliciting Without a License.

A person commits the offense of soliciting without a license if he begs or solicits gifts or donations of money or property door to door, or by telephone, or on the streets, sidewalks or other public places, without a license issued by the Tribal Council or its duly authorized agency or representative. A person guilty of soliciting without a license may be sentenced to imprisonment for a period not to exceed thirty (30) days, or a fine not to exceed Two Hundred Dollars (\$200.00), or both.

#### Section 360. Transmitting False Alarms.

A person commits the offense of transmitting false alarms if he knowingly transmits or causes to be transmitted a false message, report or signal of fire or other emergency to or within any organization dealing with emergencies involving danger to life or property. A person guilty of transmitting a false alarm may be sentenced to imprisonment for a period not to exceed thirty (30) days, or a fine not to exceed One Hundred Dollars (\$100.00), or both; provided, however, if the false alarm results directly or indirectly in injury to person or property the person guilty of the offense may be sentenced to imprisonment for a period not to exceed six (6) months, or a fine not to exceed Five Hundred Dollars (\$500.00), or both.

#### Section 361. Curfew.

A person commits the offense of violation of curfew if:

- a. He is a child under the age of sixteen (16) years and is found in any public place within the Reservation between the hours of 10:00 o'clock P.M. and 6:00 o'clock A.M. unaccompanied by a parent, custodian, guardian, or other person having legal responsibility for such child; or
- b. He is the parent, custodian, guardian or other person having legal responsibility for a child under the age of sixteen (16) years and

permits said child to be in any public place within the Reservation between the hours of 10:00 o'clock P.M. and 6:00 o'clock A.M. unaccompanied by a parent, custodian or guardian having such responsibility, or who fails to exercise reasonable supervision and control of such child to prevent such child from being in violation of curfew.

It shall not be an offense under this Section, if a child under the age of sixteen (16) years is traveling directly between his home and an event supervised or under the direct control of a person over the age of eighteen (18) years, nor if the said child is responding to an emergency situation. A person over the age of eighteen (18) years who is guilty of violation of curfew may be sentenced to a fine not to exceed One Hundred Dollars (\$100.00).

A child under the age of sixteen (16) years who is guilty of violation of curfew, in addition to any other court order or disposition under the provisions of the Domestic Relations Code, may be restricted or confined to appropriate living or other facilities for a period not to exceed thirty (30) days.

[As Amended March 10, 1990, Ord. No. 90-2, § IIb.]

#### Section 362. Sewage Disposal.

A person commits the offense of improper disposal of sewage if he empties, discharges, permits to accumulate, or deposits upon any land or waters within the Reservation any form or amount of sewage or sewage affluent, except that which has been properly and completely treated in an authorized treatment plant, or which is disposed of in or by a facility and in accordance with procedures approved by the Tribal Council or other agency designated by it. A person guilty of improper disposal of sewage may be sentenced to imprisonment for a period not to exceed thirty (30) days, or a fine not to exceed One Hundred Dollars (\$100.00), or both.

#### Section 363. Unlawful Repossession.

A person commits the offense of unlawful repossession if he repossesses or attempts to repossess upon the Reservation any personal property for the satisfaction or discharge, in whole or in part, of any claim or debt, or upon the claimed default of any agreement or the terms of any indebtedness unless first he:



a. Executes and delivers to the owner, purchaser, or other person in possession a waiver of claim for any remaining debt or other obligation (including finance and other charges) of the property to be repossessed, and obtains written consent from the debtor not more than five (5) days prior to the time of repossession; or

b. Obtains an order, decree or judgment from the Tribal Court, made and entered after due notice to the debtor and the conduct of a hearing. A duly authorized tribal police officer must accompany any person who has obtained such order, decree or judgment when such person attempts to satisfy or enforce this order, decree or judgment.

A person guilty of unlawful repossession may be sentenced to imprisonment for a period not to exceed thirty (30) days, or a fine not to exceed Two Hundred Dollars (\$200.00), or both. In addition, a person guilty of unlawful repossession shall be liable for damages in a civil action brought for that purpose.

#### Section 364. Contempt Upon The CRIT Flag.

A person commits the offense of contempt upon the CRIT Flag if he knowingly and publicly mutilates, defaces, defiles, burns or tramples upon the CRIT Flag. A person guilty of contempt upon the CRIT Flag may be sentenced to imprisonment for a period not to exceed thirty (30) days, or a fine not to exceed One Hundred Dollars (\$100.00), or both. A person not subject to the criminal jurisdiction of the Colorado River Indian Tribes who commits any act or engages in any conduct or activity which constitutes the offense of contempt upon the CRIT Flag shall be expelled from the Reservation.

[As Amended June 11, 1979, Ord. No. 26G, § 1.]