

CRIMINAL ORDINANCE

CHAPTER C--CRIMES AGAINST PROPERTY

Article 300: BURGLARY OF THE FIRST DEGREE

1 (A) Burglary of the First Degree: Any person who intentionally enters the residence, house, dwelling or habitat of another, without their permission, with the intent to commit any crime shall be guilty of burglary of the first degree.

(B) Under this Ordinance, any physical breaking or the use any tool or other instrument, can be used to gain entrance.

(C) Punishment: A person found guilty of a burglary of the first degree shall be fined not more than One Thousand Dollars (\$5,000.00) and\or no more than one (1) year jail.

Article 301: BURGLARY OF THE SECOND DEGREE

1 (A) Burglary of The Second Degree: Any person who intentionally enters the building, booth, tent, automobile, truck, vehicle, or structure of another, without their permission, with the intent to commit any crime shall be guilty of burglary in the second degree.

(B) Under this Ordinance, any physical breaking or the use of any tool or instrument, can be used to gain entrance.

(C) Punishment: A person found guilty of a burglary in the second degree shall be fined not more than Seven hundred dollars (\$700.00) and\or no more than four (4) months jail.

Article 302: EXTORTION

1 (A) Extortion: Any person who intentionally obtains, possession of, or title to, property, from another with their consent, by force, fear, intimidation, or under the pretense of official title shall be guilty of extortion.

(B) Under this Ordinance, the threat to expose, reveal, accuse, or make known any secret or matters of confidential nature shall be included in the element of fear.

(C) Punishment: A person found guilty of extortion shall be fined no more than Five hundred dollars (\$500.00) and\or no more than three (3) months in jail.

Article 303: BLACKMAIL

1 (A) Blackmail: Any person who intentionally accuses, threatens to expose, written material, any fact, information, report, or verbal communication, that will place another to the ridicule or contempt of the community, with the objective to any thing of value or to force that person to do an act against their will shall be guilty of blackmail.

(B) Under this Ordinance, the information does not have to be true or otherwise.

(C) Punishment: A person found guilty of blackmail shall be fined no more than Three Hundred Dollars (\$300.00) and\or no more than one (1) month in jail.

Article 304: GRAND LARCENY

1 (A) Grand Larceny: Any person who intentionally takes any property of another, where such property exceeds the value of more than Forty Dollars (\$40.00), without their permission, and to deprive that person of their property shall be guilty of grand larceny.

(B) Punishment: A person found guilty of grand larceny shall be fined no more than a One Thousand Dollars (\$1,000.00) and\or no more than six (6) months jail.

Article 305: PETTY LARCENY

1 (A) Petty Larceny: Any person who intentionally takes any property of another without their permission, wherein such property, does not exceed the value of more than Forty Dollars (\$40.00), without permission, and to deprive that person of their property shall be guilty of petty larceny.

(B) Punishment: Any person found guilty of petty larceny shall be fined no more than Five Hundred Dollars (\$500.00) and\or no more than three (3) months jail.

Article 306: OBTAINING PROPERTY UNDER FALSE PRETENSES, TRICK, OR DECEPTION

1 (A) Obtaining property under False Pretenses, Trick, or Deception: Any person who intentionally acts in a manner to defraud, cheat, conceal information, employ deception, misrepresent, pilferage, or act in any such manner as to obtain property without just consideration, or receive any thing of value from another person, corporation, government entity, or business shall be guilty of obtaining property under false pretenses, trick, or deception.

(B) Under this Ordinance, any fraudulent use of any written document, shall include check, title or deed, credit card, or the use of any machine to defraud another of valuable property shall constitute a use of deception.

(C) Punishment: Any person found guilty of obtaining property under False Pretenses, Trick, or Deception shall be fined no more than Seven Hundred Dollars (\$700.00) and\or no more than four (4) months in jail.

ARTICLE 307: FORGERY OF A WRITTEN INSTRUMENT

1 (A) Forgery of a Written Instrument: Any person who intentionally drafts, wrongfully alters, forges, or counterfeits any document for the purpose of defrauding another, corporation or business, Tribal government, or the estate of a person shall be guilty of forgery of a written instrument.

(B) Under this Ordinance, any person who forges, alters, or counterfeits a Tribal document shall be guilty of forgery of a written instrument.

(C) Punishment: Any person found to be guilty of forgery of a written instrument shall be fined no more than One Thousand Dollars (\$1,000.00) and\or no more than six (6) months in jail.

ARTICLE 308: BAD CHECKS

1 (A) Bad checks: No person shall pass, issue a check, bogus check, or similar sight order paper for the payment of money, or for the purpose of obtaining money, property, or other thing of value or for paying for services, rent, wages, or salary, knowing or believing that it will not be honored by the drawee.

(B) Punishment: Any person found guilty of a bad check offense shall be fined not more than Five Hundred Dollars (\$500.00) and\or no more than three (3) months jail. Restitution will be required.

ARTICLE 309: EMBEZZLEMENT

1 (A) Embezzlement: Any person, business, corporation, or government official who intentionally or knowingly receives property of another person, business, corporation, or any Tribal funding source, without permission, and acting in position of trust uses that property for a use not intended, or misappropriates such property, shall be guilty of embezzlement.

(B) Punishment: Any person found to be guilty of embezzlement shall be fined no more than Five Thousand Dollars (\$5,000.00) and\or no more than six (6) months.

ARTICLE 310: CRIMINAL TRESPASS

1 (A) Trespass: Any person who intentionally, exerting physical force or otherwise, enters into the yard, garden, field, or the real property of another person, including business, corporation, or Tribal property, without permission or prior consent, or who refuses to leave such property shall be guilty of trespassing.

(B) Under this Ordinance, any person who is on the real property of another person, including business, corporation, or Tribal property, without permission, to remove property, to harm or damage the property, or commit waste shall be guilty of trespassing.

(C) Punishment: Any person found to be guilty of trespassing shall be fined at no more than Two Hundred and Fifty Dollars (\$250.00) and/or no more than two (2) months jail.

(D) This Article shall not apply to Tribal owned property if the trespass was for the purpose of securing materials for religious purposes.

ARTICLE 311: ARSON OF THE FIRST DEGREE

1 (A) Arson of the First Degree: Any person who intentionally burns, or attempts to start a fire with the intent of damaging or destroying, or incites an explosion, the dwelling house or residence of another, including a business or corporation, or a building of the Tribal government, or the building structure of another person, including a business or corporation, or a building of Tribal government, or any property of another person, business or corporation, or Tribal government shall be guilty of arson in the first degree.

(B) Under this Ordinance, any person, business or corporation that attempts to defraud an insurer shall be guilty of arson.

(C) Punishment: Any person found to be guilty of arson in the first degree shall be fined no more than Five Thousand Dollars (\$5,000.00) and/or no more than one (1) year jail.

(D) If the Tribal Attorney General, at his discretion, believes that the arson of the first degree is serious in nature, he/she may refer such information to the appropriate Federal authorities.

ARTICLE 312: ARSON IN THE SECOND DEGREE

1 (A) Arson in the Second Degree: Any person who recklessly, negligently, or carelessly starts a fire or incites an explosion that did endanger human life or that did destroy property of another shall be guilty of arson in the second degree.

(B) Punishment: Any person found guilty of arson in the second degree shall be fined no more than Five Hundred Dollars (\$500.00) and\or no more than six (6) months in jail.

#### ARTICLE 313: ARSON IN THE THIRD DEGREE

1 (A) Arson in the Third Degree: Any person, who started a legal fire but did not exhaust that fire or did not exercise control over that fire which caused property damage to another or that endangered human life shall be guilty of Arson in the Third Degree.

(B) Under this Ordinance, every reasonable effort must be made to exhaust or control the fire, and if necessary to provide prompt alarm to others as to protect property and life.

(C) Punishment: Any person found to be guilty of arson in the third degree shall be fined no more than Four Hundred Dollars (\$200.00) and\or no more than two (2) months in jail.

#### ARTICLE 314: DESTRUCTION OF PROPERTY

1 (A) Destruction of Property: Any person, who intentionally destroys, mutilates, or damages any property, animal or otherwise, of another, including a business or corporation, or property of the Tribal government, shall be guilty of destruction of property.

(B) Under this Ordinance, destruction of property shall include the interference, tampering, or altering any property as to make that property unsafe for human or animal use.

(C) Punishment: Any person found to be guilty of destruction of property shall be punished at no more than One Thousand Dollars and\or no more than four (4) months jail.

#### ARTICLE 315: BREAKING AND ENTRY

1 (A) Breaking and Entry: Any person who intentionally breaks, and\or enters, any property of another, without their consent, to commit any criminal act or did commit a criminal act shall be guilty of breaking and entry.

(B) Punishment: Any person found to be guilty of Breaking and Entry shall be punished at no more than Three Hundred Dollars (\$500.00 and\or no more than five (5) months in jail.

#### ARTICLE 316: UNAUTHORIZED USE OF A VEHICLE

1 (A) Unauthorized Use of a Vehicle: Any person, who intentionally drives, operates, or takes possession of another persons, motor vehicle, truck, cycle, or any form of transportation, without their consent, shall be guilty of Unauthorized Use of a Vehicle.

(B) Punishment: Any person found to be guilty of Unauthorized Use of Vehicle shall be punished at no more than One Thousand Dollars (\$1,000.00) and\or no more than four (6) months in jail.

#### ARTICLE 317: RECEIVING STOLEN PROPERTY

1 (A) Receiving Stolen Property: Any person who intentionally buys or receives property, knowing that the property in question, regardless of value, was obtained in a illegal manner such as stolen, embezzlement, under false pretenses, robbery, or by means of larceny, and holds, conceals, uses, or prevents the return of the property shall be guilty of receiving stolen property.

(B) Punishment: Any person found guilty of Receiving Stolen Property shall be punished at no more than a fine of One Thousand Dollars (\$1,000.00) and\or no more than six (6) months jail.

#### ARTICLE 318: THEFT OF SERVICE

1 (A) Theft of Services: Any person who intentionally receives services from another, including a business or corporation, knowing that they will not provide consideration for those services shall be guilty of Theft of Services.

(B) Under this Ordinance, a person who by force, intimidation, deception, threat, or any other means of creating apprehension in the victim who performs a service shall be guilty of Theft of Service.

(C) Punishment: Any person found guilty of theft of services shall be punished by a fine at no more than a fine of Three Hundred Dollars (\$300.00). In addition, the Court may order restitution.

#### ARTICLE 319: THEFT OF PROPERTY

1 (A) Theft of Property: Any person who intentionally or knowingly converts lost property, mislaid property, or that property delivered by mistake for his\her own use, without any attempt to return the property to the rightful owner shall be guilty of theft of property.

(B) Under this Ordinance, abandon property shall not be included as theft of property.

(C) Punishment: Any person found guilty of Theft of Property shall be punished by a fine at not more than Three Hundred Dollars (\$300.00). In addition, the Court may order restitution.

ARTICLE 320: FRAUDULENT USE OF CHECKS AND\OR OTHER FINANCIAL PAPER

1 (A) Fraudulent use of checks and other Financial paper: Any person, who intentionally drafts, writes, passes, misrepresents the actual owner of the check or financial paper, or conveys a check or other financial paper, for the person of securing anything of value shall be guilty of Fraudulent use of checks and\or other financial paper.

(B) Punishment: Any person, business, or corporation found guilty of Fraudulent use of checks and\or other financial paper shall be punished by a fine at not more than One Thousand Dollars and\or no more than six (6) months jail. Restitution will be required.

ARTICLE 321: DECEPTIVE BUSINESS OPERATIONS

1 (A) Deceptive Business Operations: Any person, business, or corporation, that intentionally misleads, falsifies information, conceals information, mislabels information, and alters or purports a product or item to be genuine, when it is not, shall be guilty of deceptive business operations.

(B) Under this Ordinance, if a person, business, or corporation intentionally places a product, item, or machine for sale on the open market, or includes a product, item, or machine as a condition for the sale, knowingly that such product, item, or machine was inherently dangerous, and failed to inform, the public or consumer that person, business, or corporation shall be guilty of deceptive business operations.

(C) Punishment: Any person, business, or corporation found guilty of deceptive business operations shall be punished by a fine at not more than One Thousand Dollars (\$1,000.00) and\or no more than six (6) months jail.

ARTICLE 322: FRAUD ON A CREDITOR(S)

1 (A) Fraud On A Creditor(s): Any person who intentionally reports false credit information, false credit report, or provides substantially misleading credit information, and or who destroys or alters credit information for the purpose of securing credit or property of any value shall be guilty of fraud on a creditor.

(B) Punishment: Any person, business, or corporation found guilty of fraud on a creditor(s) shall be punished at a fine of at not more than Five Hundred Dollars (\$500.00). The Court may order restitution.

PROPOSED CRIMINAL VIOLATIONS ORDINANCE

CHAPTER D--CRIMES AGAINST CHILDREN

ARTICLE 400: DESERTION OR ABANDONMENT OF A MINOR

1 (A) Desertion or abandonment of a minor: Any parent, legal custodian, or guardian, who intentionally deserts or abandons a minor child under the age of eighteen (18), or removes the minor from the jurisdiction of the Kickapoo Tribe of Oklahoma to desert or abandon the minor, shall be guilty of desertion or abandonment.

(B) Desertion or abandonment shall include neglect, refusal or failure by the parent, custodian, or guardian to provide food, shelter, clothing, and/or medical attention to a minor.

(C) If the minor flees the home or residence, refuses to cooperate with the parent, custodian, or guardian then there is no desertion or abandonment.

(D) Under this Ordinance, there shall be no Article or Section that prevents any Judge or Justice of the Kickapoo Tribe of Oklahoma to assume immediate custody of a minor as to protect the best interests of the health and welfare of the minor.

(E) Punishment: Any parent, custodian, or guardian of minor that is guilty of desertion or abandonment of a minor shall be punished of a fine at not more than One Thousand Dollars (\$1,000.00) and/or no more than one (1) year jail.

(F) At the discretion of the Tribal Attorney General, if the desertion or abandonment is serious in nature, the Office of the Attorney General can forward such information to the appropriate State or Federal authorities.

ARTICLE 401: CHILD ABUSE

1 (A) Child Abuse: Any parent, or person, who intentionally threatened to harm, sell or exploit, or who in fact neglected, sold or exploited, sexually abused, or who intentionally inflicted by unreasonable force or violence the beating, torture, maiming, or the causing of physical or mental injury to a minor shall be guilty of child abuse.

(B) Under this Ordinance, there shall be no Article or Section shall prevent any Judge or Justice of the Judicial system of the Kickapoo Tribe of Oklahoma to remove immediately any minor, on a temporary or permanent basis, or to terminate parental rights due to an act of child abuse.

(C) Under this Ordinance, the parent, custodian, or guardian may use reasonable and ordinary force as to maintain proper discipline and control over a minor.



(D) Punishment: Any parent, or person, guilty of child abuse shall be punished of a fine at not more than Five Thousand Dollars (\$5,000.00) and\or no more than one (1) year jail.

(E) At the discretion of the Tribal Attorney General, a serious act or acts of child abuse can be reported to the proper State and\or Federal authorities.

ARTICLE 402: CONTRIBUTING TO THE DELINQUENCY OF A MINOR

1 (A) Contributing to the Delinquency of a Minor: No person, or parent, shall intentionally aid, assist, solicit, contribute, or encourage a minor to commit any criminal act.

(B) Under this Ordinance, a minor shall be any child that is under the age of eighteen and it is presumed that the person who contributed to the delinquency of the minor was aware or had knowledge that the minor was not of age.

(C) Punishment: Any person found guilty of Contributing to the Delinquency of a Minor shall be punished at a fine of not more than Five Hundred Dollars (\$500.00) and\or no more than three (3) months jail.

ARTICLE 403: A MINOR IN POSSESSION OF AN ALCOHOLIC BEVERAGE, ILLEGAL DRUG, OR INHALANT MATERIAL

1 (A) A Minor in Possession of an Alcoholic Beverage, Illegal Drug, or Inhalant material: No minor under the age of eighteen (18) shall be permitted to have in their possession, or shall use, distribute, or solicit an alcoholic beverage(s), illegal drug(s), or inhalant material(s).

(B) Punishment: A minor who is found guilty of possession of a alcoholic beverage, an illegal drug, or inhalant materials, will be placed under the custody of the Court, and the Court will determine appropriate remedy.

ARTICLE 404: FURNISHING TOBACCO PRODUCTS OR PAPER TO A MINOR:

1 (A) Furnishing Tobacco Products or Paper To A Minor: Any person who intentionally furnishes, sells, provides access, contributes, or gives any tobacco product or tobacco paper to a minor under the age of eighteen (18) years shall be guilty of furnishing tobacco products or paper to a minor.

(B) Punishment: Any person found guilty of furnishing a tobacco product or tobacco paper to a minor shall be fined no more than Twenty-Five Dollars (\$25.00). On every offense thereafter, the Court can impose a punishment of no more than Fifty Dollars (\$50.00) and\or no more than five (5) days jail.

ARTICLE 405: ABANDONMENT OF DANGEROUS PROPERTY ACCESSIBLE TO A MINOR

1 (A) Abandonment of Dangerous Property Accessible To A Minor: Any person, business or corporation, that intentionally discards, abandons, or disposes of property such as an icebox, refrigerator, container, or ice chest with a capacity of more than one and one-half cubic feet without removing the attached door, lid, or latch, in an area or vicinity in which children have access to, shall be guilty of abandonment of dangerous property accessible to children.

(B) Punishment: Any person found guilty of abandonment of dangerous property accessible to a minor shall be imposed a fine of not more than Fifty Dollars (\$50.00) and\or no more than five (5) days jail.

ARTICLE 406: CHILD STEALING

1 (A) Child Stealing: Any person, who intentionally by fear, intimidation, threat, violence, force, or who deliberately entices or abducts a minor, without permission from the legally recognized parent, custodian, or guardian shall be guilty of child stealing.

(B) Punishment: Any person found guilty of child stealing shall be imposed a fine of not more than Five Thousand Dollars (\$5,000.00) dollars and\or no more than one (1) year jail.

(C) At the discretion of the Tribal Attorney General, information regarding a child stealing matter can forward to the appropriate Federal authorities.

ARTICLE 407: CURFEW VIOLATION

1 (A) Curfew violation: No parent, guardian, or other person having physical custody or charge of a minor will allow the minor, under the age of eighteen (18) to be away from his\her place of residence in a public place, or a private place, other than the place where he\she intends to spend the night with the permission of the owner of such place; nor shall a minor be in a vehicle driving about, after the hour of midnight (12:00 a.m.) local time, unless accompanied by a parent, guardian, or other person having physical charge or custody of the minor, otherwise the parent, guardian, or person having physical custody of the minor shall be guilty of a curfew violation.

(B) Under this Ordinance, if the minor is returning from a school, religious activity, public or Tribal function there is no curfew violation.

(C) Punishment: Any parent, guardian, or other person found to be guilty of an curfew violation shall be fined in amount not to exceed One Hundred Dollars (\$100.00) and\or not more than one (1) month jail.