CRIMINAL ORDINANCE

CHAPTER E--CRIMES AGAINST THE PUBLIC

ARTICLE 500: AIDING AN ESCAPED PRISONER

1 (A) Aiding an Escaped Prisoner: Any person who intentionally aids or assists an escaped prisoner, or fails to report the presence of escaped prisoner, or who conceals the presence of escaped prisoner, or who prevents the recapture of an escaped prisoner shall be guilty of aiding an escaped prisoner.

(B) Punishment: Any person found guilty of aiding an escaped prisoner shall be punished a fine not more than Three Hundred Dollars ($300.00) and\or three not more than (3) months jail.

ARTICLE 501: BRIBERY

1 (A) Bribery: Any person, business, or corporation who intentionally gives, offers, solicits, promises any thing of value to any elected or appointed official, public officer, or juror of the Kickapoo Tribe of Oklahoma as to secure a vote, decision, or judgment on any matter of interest to that person, business, or corporation shall be guilty of bribery.

(B) Punishment: Any person, business, or corporation found guilty of bribery be imposed a punishment not to exceed a fine of One Thousand Dollars ($1,000.00) and\or six (6) months jail. If a corporation the Court can order the revocation of the corporate charter.

ARTICLE 502: OFFICIAL ACCEPTING A BRIBE

1 (A) Official Accepting a Bribe: Any elected or appointed official, public servant or officer, juror, judge, or justice who accepts a bribe or anything of value as to influence the outcome of his\her vote or the interference of his\her duties shall be guilty of accepting a bribe.

(B) Punishment: Any person found guilty of accepting a bribe shall be imposed a fine of not more than One Thousand Dollars ($1,000.00) and\or no more than six (6) months jail.

ARTICLE 503: TAMPERING WITH A WITNESS

1 (A) Tampering with a witness: No person shall bribe, solicit, threaten, intimidate, or force, any witness to with hold or conceal information or documents, misrepresent facts known to the witness, or to encourage the witnesses to elude or avoid legal process, if that person knows, or has reason to believe, that a legal or official investigation is being conducted by law enforcement or properly authorized Tribal officials.

(B) Punishment: Any person found guilty of a tampering with a witness shall be fined no more than Three Hundred Dollars ($300.00) and\or no more than one (1) month jail.

ARTICLE 504: INTERFERENCE WITH PUBLIC RECORDS

1 (A) Interference with public records: No person or Tribal official shall intentionally falsify information, conceal, destroy, wrongfully alter, make a false entry into, prevent the discovery, or wrongfully remove Tribal documents.

(B) Punishment: Any person or Tribal official found guilty of interference with public records shall be punished a fine not to exceed Three Hundred Dollars ($300.00) and\or no more than one (1) month jail.

ARTICLE 505: OBSTRUCTION OF JUSTICE

1 (A) Obstruction of Justice: Any person who intentionally prevents or interferes with a law enforcement investigation, warns another as to prevent an arrest, conceals or destroys evidence concerning a criminal matter, or misleads or provides false information to a law enforcement officer shall be guilty of obstruction of justice.

(B) Under this Ordinance, any person who encourages, solicits, threatens, or uses force against another, so that person will obstruct justice, is guilty of obstruction of justice.

(C) Punishment: Any person who is found guilty of obstruction of justice shall be imposed a fine of not more than Five Hundred Dollars ($500.00) and\or four no more than (4) months in jail.

ARTICLE 505: PERJURY

1 (A) Perjury: Any person who intentionally, at a trial, hearing, investigation, deposition, under oath, or on a written document subscribes, under oath, that the following was true, when in fact the person knew such statement or written declaration was false shall be guilty of perjury.

(B) Punishment: Any person found guilty of perjury shall be imposed a fine not to exceed Five Hundred Dollars ($500.00) and\ or no more than three (3) months in jail.

ARTICLE 506: DISTURBING THE PEACE:

1 (A) Disturbing the Peace: Any person who intentionally acts in a manner that disturbs the peace, creates a public nuisance, or who threatens the health or safety of another, or outrages public decency shall be guilty of disturbing the peace.

(B) Under this Ordinance, any person who has possession or control over a domestic or wild animal, whether living or dead, that disturbs the peace or health of another, shall be guilty of disturbing the peace.

(C) Punishment: A person found guilty of disturbing the peace shall be imposed a fine not to exceed Fifty Dollars ($50.00) and\or no more than five (5) days in jail.

ARTICLE 507: PEEPING TOM:

1 (A) Peeping Tom: Any person who intentionally hides, waits, or secretly invades the privacy of another person while that person is in their residency or dwelling with the intent to watch or gaze upon that person shall be guilty of peeping tom.

(B) Punishment: A person found guilty of being a peeping tom shall be imposed a fine not to exceed Fifty Dollars ($50.00) and\or no more than five (5) days in jail.

ARTICLE 508: INCITEMENT OF A RIOT

1 (A) Incitement of a Riot: Any person who intentionally incites, initiates, provokes, utters profane or abusive language to encourage riotous behavior, or who solicits a riotous assembly shall be guilty of incitement a riot.

(B) This Ordinance, shall not impose limitations on any member's Tribal Constitutional right to speak or peacefully assembly.

(C) Punishment: A person found guilty of incitement of a riot shall be punished a fine of not more than Two Hundred Dollars ($200.00) and\or no more than two (2) months in jail.

ARTICLE 509: FAILURE TO DISPERSE

1 (A) Failure to Disperse: Any person who intentionally refuses or knowingly fails to obey an order to disperse or leave the immediate vicinity given by a law enforcement officer or other public servant performing an enforcement function, at the scene of a riot, fire, or other public disorder or given in the official course of an investigation of the commission of an accident, fire, offense, or suspected offense.

(B) Punishment: A person found guilty of failure to disperse shall be punished a fine not to exceed Two Hundred Dollars ($200.00) and\or no more than two (2) months jail.

ARTICLE 510: FALSE ARREST

1 (A) False Arrest: Any public official or officer who exceeds the scope of their authority or pretends to be acting as an officer of the Court shall not intentionally arrest another except when that officer has reason or probable cause to do so.

(B) Punishment: Any public official or officer that is found guilty of false arrest shall be imposed of sentence not to exceed Five Hundred Dollars ($500.00) and\or no more than three (3) months in jail.

ARTICLE 511: RESISTING LAWFUL ARREST

1 (A) Resisting Lawful Arrest: Any person who intentionally resists by any physical force their legal arrest or detention shall be guilty of resisting arrest.

(B) Punishment: Any person who is found guilty of resisting lawful arrest shall be punished with a fine not to exceed Three Hundred Dollars ($300.00) and\or no more than three (3) months jail.

ARTICLE 512: REFUSING TO AID AN OFFICER

1 (A) Refusing to aid an officer: No person shall intentionally or recklessly refuse to aid a law enforcement officer, or a fireman, in the performance of his\her official duties when called upon to do so by an officer or fireman.

(B) Punishment: Any person found guilty of refusing to aid an officer or a fireman shall be punished at a fine not to exceed Two Hundred Dollars ($200.00) and\or no more than one (1) month jail.

ARTICLE 513: ESCAPE

1 (A) Escape: Any person who intentionally escapes from the detention of a public officer or law enforcement official or escapes from a detention facility shall be guilty of escape.

(B) Punishment: Any person found to guilty of escape shall be imposed a fine not to exceed Three Hundred Dollars ($300.00) and\ or no more than three (3) months in jail.

ARTICLE 514: FAILURE TO OBEY AN ORDER OF THE COURT

1 (A) Failure to obey an order of the Court: Any person, business, or corporation who intentionally refuses to honor, abide, or obey any order of the Court shall be guilty of failure to obey an order of the Court.

(B) Under this Ordinance, if a parent failed to honor a child support order than that parent would be in violation of a failure to obey an order of the Court.

(C) This article shall not apply to a failure to appear as a party in a civil action where default or a similar judgment is available to the other party.

(D) Punishment: Any person found guilty of refusing to obey an any order of the Court shall be imposed a fine not to exceed Five Hundred Dollars ($500.00) and\or no more than six (6) months in jail.

ARTICLE 515: DISTURBING A RELIGIOUS OR CEREMONIAL ASSEMBLY

1 (A) Disturbing a Religious or Ceremonial Assembly: Any person who intentionally disturbs, prevents, interferes, acts or verbally speaks in a disrespectful manner as to offend the majority of participants at religious or ceremonial assembly shall be guilty of disturbing a religious or ceremonial assembly.

(B) Punishment: Any person found to be guilty of disturbing a religious or ceremonial assembly shall be imposed a fine not to exceed Five Hundred Dollars ($500.00) and\or no more than six (6) months jail.

ARTICLE 516: POSSESSION OF DRUGS WITHOUT MEDICAL SUPERVISION

1 (A) Possession of Drugs: Any person who intentionally has in their possession any mind altering drug, drugs that would be considered by the community as illegal or harmful to the mind, included would be vapor or inhalant materials with the presence of parapanehila, or any other dangerous substance without prior medical approval shall be guilty of possession of drugs without medical supervision.

(B) Punishment: Any person found to be guilty of possession of drugs without medical supervision shall be imposed a fine not to exceed Five Hundred Dollars ($500.00) Dollars and\or no more than six (6) months jail.

ARTICLE 517: PUBLIC INTOXICATION

1 (A) Public Intoxication: Any person who intentionally appears to any degree, in public acting in a manner or under the influence of beer, drugs, vapors, inhalants, any other dangerous substance, and alcohol as to interfere with the peace, quiet, and tranquility of the community shall be guilty of public intoxication.

(B) Punishment: Any person found guilty of public intoxication shall be imposed a fine not to exceed One Hundred Dollars ($100.00) and\or no more than ten (10) days in jail. On any subsequent conviction the Court can impose a fine of Three Hundred Dollars ($300.00) and\or no more than two (2) months jail. If necessary, the Court can order treatment or counseling.

ARTICLE 518: POSSESSION OF ALCOHOLIC BEVERAGES, OR INHALANTS WITHIN THE JURISDICTION OF THE KICKAPOO TRIBE OF OKLAHOMA

1 (A) Possession of Alcoholic Beverages Or Inhalants: Any person who brings alcoholic beverages, spirits, wine, whiskey, liquor, and\or inhalants or vapors for consumption into the jurisdiction of the Kickapoo Tribe of Oklahoma shall be guilty of possession of alcoholic beverages or inhalants or vapors on Tribal land.

(B) Punishment: Any person found to be guilty of possession of alcoholic beverages on Tribal land shall be imposed with a fine not to exceed One Hundred Dollars ($100.00) and\or no more than ten (10) days in jail. On any subsequent conviction the Court can impose a fine of not more than Five Hundred Dollars ($500.00) and\or no more than three (3) months in jail. If necessary, the Court can order treatment or counseling.

ARTICLE 519: CONSUMPTION OR ABUSE OF INHALANT OR CHEMICAL MATERIALS

1 (A) Consumption or abuse of Inhalant or Chemicals Materials: Any person who intentionally consumes, smells, inhales, injects, partakes, or indulges with inhalants, paints, gasolines, fuels, or chemical solvents or who intentionally sells, distributes, or who gives away such substances for human consumption shall be guilty of consumption or abuse of chemical materials.

(B) Punishment: Any person found to guilty of consumption or abuse of inhalant or chemical materials shall be imposed a fine not to exceed One Hundred Dollars ($100.00) and\or one (1) month in jail. The Court can order treatment or counseling.

ARTICLE 520: DISTRIBUTION AND ACQUISITION OF A DANGEROUS DRUG

1 (A) Distribution and acquisition of a dangerous drug: No person shall intentionally sell, distribute, cultivate, manufacture, or give away any drug, except as authorized by Federal law, or to acquire any such drug through means of deception, fraud, forgery, purchase, or gift.

(B) Drug shall be any mind altering drug, not allowed by Federal law, including those substances listed in 21 U.S.C Section 812 (1972), other chemicals, solvents, controlled dangerous substance, plants, natural or artificial materials or substances, not allowed by Federal law.

(C) Under this Ordinance, it is not a crime to have possession or use of peyote.

(D) Any person convicted of distribution and acquisition of a dangerous drug may be punished for a jail term not to exceed one (1) year in jail and\or a fine not to exceed Five Thousand Dollars ($5,000.00).

ARTICLE 521: INTERFERENCE WITH OFFICIAL POLICE DUTIES

(A) Interference with official police duties: No person shall intentionally provide false information or make a false report to a law enforcement officer knowing that such information was false or that such a report was false.

(B) Under this Ordinance, no person shall interfere or obstruct, hinder or eavesdrop on a law enforcement officer while in the official scope of his\her duty.

(C) Punishment: Any person found guilty of interference with official police duties shall be imposed a fine not to exceed Two Hundred Dollars ($200.00) and\or no more than one (1) month jail.

ARTICLE 522: ILLEGAL DUMPING OR LITTERING

1 (A) Illegal Dumping or Littering: No person shall dump any junk, materials, carcasses, hazardous waste, garbage, trash, or litter on the lands of a Tribal member without permission of that member or on land owned by the Kickapoo Tribe of Oklahoma.

(B) Punishment: Any person found guilty of illegal dumping or littering shall be punished as follows:

(1) If a minor dumping or littering, the Court shall impose a fine not to exceed Fifty Dollars ($50.00).

(2) If serious in nature, the Court shall impose a fine not to exceed Five Hundred Dollars ($500.00).

ARTICLE 523: DISORDERLY CONDUCT

1 (A) Disorderly conduct: Any person who intentionally creates a public inconvenience, alarm, annoyance, or creates a risk by reckless conduct, behavior, or attitude shall be guilty of disorderly conduct.

(B) Under this order Ordinance disorderly conduct shall include harassment, nuisance, threatening to fight or engage in violent actions.

(C) Under this Ordinance, disorderly conduct shall include appearing in public under intoxication to any degree, under the following conditions:

(1) Creating noise, disrupting others, or intruding upon the privacy of a person or persons; or

(2) lost, wandering, or confused without being able to give a reasonable account of destination to a officer; or

(3) appearing at or in the vicinity of an area set aside for religious or ceremonial activities either by Tribe or person conducting such activity with the prohibition of no intoxicated persons or consumption of alcoholic beverages during the religious or traditional ceremony.

(D) "Public" shall mean likely to affect persons in a place to which the public or a substantial number of people have access and includes, but not limited to streets, highways, roads, businesses open to the public, office buildings, houses, and apartments.

(E) Punishment: A person found guilty of disorderly conduct shall be punished as follows:

(1) On the first offense, a fine not to exceed One Hundred Dollars ($100.00), and\or no more than one (1) month jail.

(2) On the second offense, a fine not to exceed Five Hundred Dollars ($500.00) and\or no more than three (3) months jail.

(3) On the third offense, a fine not to exceed One Thousand Dollars ($1,000.00) and\or no more than one (1) year jail. At any time the Court may order counseling.

ARTICLE 524: WEAPONS OFFENSE

1 (A) Weapons offense: No person shall intentionally be permitted to carry a dangerous weapon or firearm or conceal a dangerous weapon or firearm, without lawful authority to do so.

(B) Under this Ordinance any possession of a loaded firearm on a public road, or discharge of a loaded firearm from a vehicle, or fire a loaded firearm across or at the direction of a public road shall be a weapons offense.

(C) Punishment: Any person found guilty of weapons offense shall be punished by fine not to exceed Two Hundred Fifty Dollars ($25.00) and\or no more than three (3) months jail.

ARTICLE 525: AGGRAVATED WEAPONS OFFENSE

1 (A) Aggravated Weapons Offense: No person shall carry a dangerous weapon concealed on the person or to threaten to use or exhibit a dangerous weapon in a dangerous and threatening manner, or use a dangerous weapon in a fight or quarrel; or possess a shotgun or rifle having a barrel or barrels of less than sixteen (16) inches in length, or an altered or modified shotgun or rifle less than twenty-four (24) inches overall length.

(B) Punishment: Any person found guilty shall be punished by fine not to exceed Five Hundred Dollars ($500.00) and\or no more than six (6) months jail.

ARTICLE 526: ILLEGAL HUNTING OR FISHING

1 (A) Illegal hunting or fishing: No person shall intentionally hunt or fishes, on the property of another, without legal authority or permission of the land owner.

(B) Punishment: Any person found guilty of hunting or fishing on the property of another, without permission of the land owner shall be fined a amount not to exceed Three Hundred Dollars ($300.00) and\or no more than one (1) month jail.

ARTICLE 527: SPREADING A SEXUALLY TRANSMITTED DISEASE

1 (A) Spreading a Sexually Transmitted Disease: No person shall intentionally transmit, or infect another person, with any venereal or sexually transmitted disease.

(B) Under this Ordinance, if the person has cause to believe that they may have a sexually transmitted disease and continues to engage in sexual activity with another that person is guilty of spreading a sexually transmitted disease.

(C) Upon conviction, the Court shall, have the power to order an medical examination and treatment of the convicted offender and may also order an investigation to determine to what extent others may be infected by the convicted offender.

(D) Punishment: Any person found guilty of spreading a sexually transmitted disease shall be punished a fine no more than Five Thousand Dollars ($5,000.00) and\or no more than One (1) year in jail.

ARTICLE 528: VIOLATING A CEMETERY

1 (A) Violating a cemetery: No person shall intentionally violate a cemetery ground or remove any thing from the ground of a cemetery.

(B) Punishment: Any person found guilty of violating a cemetery shall be punished at a fine not to exceed One Thousand Dollars ($1,000.00) dollars and\or no more than one year (1) jail.

ARTICLE 529: CRUELTY TO ANIMALS

1 (A) Cruelty to Animals: No person shall intentionally or knowingly do the following:

(1) Torture or seriously overwork an animal.

(2) Fail to provide necessary food, water, or shelter for a animal that one has in personal custody.

(3) Transport or confine a animal in a cruel manner.

(4) Kill, injure, or poison an animal in a sadistic manner for no purpose or without justification.

(5) To have one mammal fight another.

ARTICLE 530: FIREWORKS OFFENSE

1 (A) Fireworks offense: It shall be unlawful to possess, buy, sell, distribute, transport, activate, ignite, or detonate, or to allow any minor under one's physical control or actual care, custody, to possess, buy, sell, distribute, transport, activate, ignite, or detonate any firecracker, or other firework type device which is capable of, or intended to explode, ignite, become self-propelled, give off any projectile, spark, or other ignited or fused object or manifestation, or in any way give off sound or light by virtue of its burning or exploding.

(B) Under this Ordinance, it shall not be an offense:

(1) To use or ignite hand-held sparkler type devices in such a manner that they burn openly and singly or to use toy caps and cap guns singly in the intended fashion; or

(2) To use or ignite fireworks at a patriotic, religious, or Tribal ceremony, gathering, or celebration in a safe manner provided that a permission has been obtained by the Police Department.

(3) To buy, possess, use, or ignite fireworks between June 25 and July 10 inclusive of each year, provided that such devices are handled safely with regard to the safety of others and their property, and provided further, that minors under the age of twelve (12) buying possessing, using, or igniting fireworks must be under the actual direct physical supervision of some responsible adult over twenty-one (21) years of age for this exception to apply.

(4) To possess or sell fireworks between June 25 and July 10 inclusive of each year provided that a permit to do so has been obtained from the Tribe or a lawfully authorized Tribal agency as designated by the Business Committee prior to such possession and sale, provided further, that upon proof of a secure and safe facility, such permit may state a particular location for year round storage of fireworks by a business engaged in retail or wholesale of fireworks.

(C) Punishment: A fireworks offense shall be punished by a fine not to exceed Two Hundred Dollars ($200.00) and\or by one (1) month in jail.