

TITLE 7: LAW & ORDER

PART 1: GENERAL PROVISIONS, GENERAL PRINCIPLES, & JUSTIFICATIONS

THE FORT BELKNAP INDIAN COMMUNITY CODE

TITLE 7: LAW & ORDER

PART 1: GENERAL PROVISIONS, GENERAL PRINCIPLES, & JUSTIFICATIONS

TABLE OF CONTENTS

CHAPTERS:

7.1.1 GENERAL PROVISIONS

Sections:

- 7.1.1.1 Purpose**
- 7.1.1.2 Not an Exhaustive List; Relationship to Other FBIC Laws**
- 7.1.1.3 Jurisdictional Hearing**
- 7.1.1.4 Council Exclusion Authority; Delegated Judicial Exclusion/Community Protection Authority**
- 7.1.1.5 Definitions**
- 7.1.1.6 Statutory Construction**
- 7.1.1.7 Court-Assessed Fines Allocation Policy**

7.1.2 GENERAL PRINCIPLES

Sections:

- 7.1.2.1 Parties to Offenses**
- 7.1.2.2 Responsibility; Accountability**
- 7.1.2.3 Prosecuting a Juvenile as an Adult**
- 7.1.2.4 Former Jeopardy or Acquittal as Bar to Same or Lesser Offense**
- 7.1.2.5 Double Punishment**
- 7.1.2.6 Requirements for Liability**
- 7.1.2.7 Causal Relationship Between Conduct and Result; Relationship to Mental Culpability**

7.1.3 JUSTIFICATIONS

Sections:

- 7.1.3.1 Use of Physical Force**
- 7.1.3.2 Self-Defense**
- 7.1.3.3 Use of Deadly Force**
- 7.1.3.4 Defense of Third Person**

TITLE 7: LAW & ORDER

PART 1: GENERAL PROVISIONS, GENERAL PRINCIPLES, & JUSTIFICATIONS

- 7.1.3.5 Use of Physical Force in Defense of Premises or Property**
 - 7.1.3.6 Use of Physical Force in Law Enforcement**
 - 7.1.3.7 Use of Deadly Physical Force in Law Enforcement**
 - 7.1.3.8 Use of Force in Crime Prevention; Applicability**
 - 7.1.3.9 Affirmative Defense; Duress**
 - 7.1.3.10 Domestic Violence**
 - 7.1.3.11 Necessity Defense**
 - 7.1.3.12 Presumptions; Defense of Residential Structure or Occupied Vehicle; Exceptions; Definitions**
-

TITLE 7: LAW & ORDER

PART 1: GENERAL PROVISIONS, GENERAL PRINCIPLES, & JUSTIFICATIONS

**CHAPTER 7.1.1
GENERAL PROVISIONS**

Sections:

- 7.1.1.1 Purpose**
 - 7.1.1.2 Not an Exhaustive List; Relationship to Other FBIC Laws**
 - 7.1.1.3 Jurisdictional Hearing**
 - 7.1.1.4 Council Exclusion Authority; Delegated Judicial Exclusion/Community Protection Authority**
 - 7.1.1.5 Definitions**
 - 7.1.1.6 Statutory Construction**
 - 7.1.1.7 Court-Assessed Fines Allocation Policy**
-

7.1.1.1 Purpose.

The FBIC declares that the public policy and general purposes of this Title are:

- (1) To proscribe conduct that unjustifiably and inexcusably causes or threatens substantial harm to FBIC, individual, public, or cultural interests;
- (2) To give fair warning of the nature of the conduct proscribed and of the liability authorized upon adjudication of accountability;
- (3) To define the act or omission and the accompanying mental state which constitute each offense/violation and limit the condemnation of conduct when it does not fall within the purposes set forth;
- (4) To differentiate on reasonable grounds between serious and minor offenses/violations and to prescribe appropriate and proportionate penalties for each;
- (5) To ensure public safety by preventing the commission of offenses/violations through the deterrent influence of the sentences authorized;
- (6) To impose just liability on those whose conduct threatens the public peace and general welfare; and
- (7) To promote truth and accountability in sentencing.

7.1.1.2 Not an Exhaustive List; Relationship to Other FBIC Laws.

- (1) The offenses listed in this Title 7 are not an exhaustive list of offenses under FBIC Law,
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TITLE 7: LAW & ORDER

PART 1: GENERAL PROVISIONS, GENERAL PRINCIPLES, & JUSTIFICATIONS

as other offenses, violations, regulatory requirements, and remedial provisions may be listed under other Titles or Parts of the FBIC Code.

- (2) Without limitation, separate Titles or Parts of the FBIC Code may regulate motor vehicles, highways, roadway safety, towing, impoundment, licensing, vehicle operation, administrative driving restrictions, and related matters. Nothing in this Title 7 shall be construed to repeal, narrow, supersede, or displace such provisions unless the Council expressly states otherwise.
- (3) Where the same conduct may violate this Title 7 and another provision of FBIC Law, the matter may be cited, charged, or otherwise proceeded upon under either or both provisions, as authorized by law; provided, however, that the Court shall avoid impermissible double punishment and shall apply any applicable merger, election-of-remedies, jurisdictional, and due process principles.

7.1.1.3 Jurisdictional Hearing.

- (1) When any person is cited, charged, or arrested for an alleged offense under this Code, the Court must make an initial determination that it has jurisdiction to hear and adjudicate the matter before proceeding to adjudicate the merits of the alleged offense or imposing any final order or disposition in the case.
- (2) To avoid unnecessary delay, the jurisdictional hearing required by this Section may be held:
 - (A) Concurrently with an initial appearance, arraignment, detention hearing, bail hearing, status hearing, or other preliminary hearing; or
 - (B) Immediately consecutively with such hearing during the same court setting.
- (3) Before proceeding beyond the preliminary stage of the case, the Court must make an initial finding on the record that it has jurisdiction, or that there is a sufficient preliminary basis to proceed subject to further jurisdictional briefing or findings. If the Court determines that additional information is needed to finally resolve jurisdiction, it may enter interim case-management, scheduling, release, detention, protection, no-contact, discovery, or other non-merits orders necessary to preserve safety, orderly process, and the administration of justice while the jurisdictional issue remains under submission.
- (4) In determining whether the Court has jurisdiction to hear and adjudicate the matter and, if so, how the Court may proceed and any limitations that may exist, the Court shall address the following in a written order, which may be issued after the hearing if necessary:
 - (A) Applicable Federal law;
 - (B) Applicable FBIC Law;

TITLE 7: LAW & ORDER

PART 1: GENERAL PROVISIONS, GENERAL PRINCIPLES, & JUSTIFICATIONS

- (C) Whether the offense is civil-regulatory or criminal-prohibitory in nature and the relevance such a determination may have;
 - (D) Whether the defendant/respondent is Indian—including “Indian” for purposes of criminal jurisdiction, if applicable—or non-Indian and the relevance such a determination may have;
 - (E) The status of the underlying land at issue and the relevance such a determination may have;
 - (F) The types of orders or maximum fine/payment/penalty/sentence that may be imposed in the case;
 - (G) A proposed scheduling order for disposition or adjudication of the case; and
 - (H) Any other relevant considerations.
- (5) If the Court has any outstanding questions or concerns about its jurisdictional authority, it may:
- (A) Ask questions of the parties during the jurisdictional hearing; and/or
 - (B) Order that the parties brief the respective issue(s) and take the matter under submission.
- (6) If the Court determines that a person is not subject to the FBIC’s criminal jurisdiction, or if the FBIC prosecutor represents to the Court that the FBIC is not seeking criminal adjudication of a person, that person may still be subject to:
- (A) Civil adjudication and be subject to a civil order, loss of FBIC benefits or privileges, payment of a fine or restitution, community service, etc.; and/or
 - (B) Exclusion/banishment from FBIC Lands, for which the underlying matter may still need to be adjudicated to determine whether exclusion/banishment is necessary. For purposes of exclusion/banishment, the underlying adjudication is not an exercise of criminal jurisdiction—even if the underlying offense is criminal—because the Court is solely adjudicating whether the respondent/defendant has violated one of the terms and conditions for being allowed or permitted on FBIC Lands.

7.1.1.4 Council Exclusion Authority; Delegated Judicial Exclusion/Community Protection Authority.

- (1) The Council retains its independent sovereign and constitutional authority to exclude, expel,

TITLE 7: LAW & ORDER

PART 1: GENERAL PROVISIONS, GENERAL PRINCIPLES, & JUSTIFICATIONS

restrict, or otherwise regulate the presence of persons on or within FBIC Lands pursuant to the FBIC Constitution, Bylaws, and other applicable FBIC Law.

- (2) In addition to the Council’s retained authority, the Council may, by ordinance enacted as part of this Title or other applicable FBIC Law, delegate to the Court authority to issue Judicial Exclusion/Community Protection Orders in adjudicated matters as civil-regulatory remedies necessary to protect victims, specific persons, governmental functions, FBIC property, cultural resources, programs, services, or the general safety and welfare of the FBIC community.
- (3) A Judicial Exclusion/Community Protection Order issued by the Court under delegated authority is separate from, and does not waive, impair, limit, or replace, the independent authority of the Council to issue a Council Exclusion Order.
- (4) Unless otherwise expressly stated by FBIC Law, a Council Exclusion Order and a Judicial Exclusion/Community Protection Order may coexist. A person subject to both must comply with each order unless and until modified by lawful authority.
- (5) Detailed procedures governing protection orders, including Judicial Exclusion/Community Protection Orders, may be set forth in Part 6 of this Title or other applicable FBIC Law.

7.1.1.5 Definitions.

For this Title, the words and phrases set forth have the meanings respectively ascribed to them herein.

- (1) “Accomplice” means, unless the context otherwise requires, a person, other than a peace officer acting in their official capacity within the scope of their authority and in the line of duty, who with the intent to promote or facilitate the commission of an offense:
 - (A) Solicits or commands another person to commit the offense; or
 - (B) Aids, counsels, agrees to aid, or attempts to aid another person in planning or committing an offense; or
 - (C) Provides means or opportunity to another person to commit the offense.
- (2) “Accused” means a person who has been cited, charged, and/or arrested for committing an offense/violation and who is held for an initial appearance or other proceeding before trial.
- (3) “Arrest” means the actual custodial restraint of a person or the person's submission to custody.
- (4) “Child” means a person who has not attained the age of eighteen (18) years.

TITLE 7: LAW & ORDER

PART 1: GENERAL PROVISIONS, GENERAL PRINCIPLES, & JUSTIFICATIONS

- (5) “Clerk” means the Clerk of the Court or the Clerk’s authorized designee.
- (6) “Controlled Substance”:
- (A) Means a drug or its immediate precursor classified in Schedules I through V under the federal Controlled Substances Act, 21 U.S.C. §§ 811 to 812, as modified under FBIC Law.
 - (B) Does not include the plant Cannabis family Cannabaceae; any part of the plant Cannabis family Cannabaceae, whether growing or not; resin extracted from any part of the plant Cannabis family Cannabaceae; the seeds of the plant Cannabis family Cannabaceae; or any compound, manufacture, salt, derivative, mixture, or preparation of a plant, part of a plant, resin, or seed described in this paragraph.
 - (C) Does not include psilocybin or psilocin, but only if and to the extent that a person manufactures, delivers, or possesses psilocybin, psilocin, or psilocybin products in accordance with FBIC Law.
 - (D) Does not include distilled spirits, wine, malt beverages, or tobacco.
 - (E) Does not include peyote when used in accordance with established and documented Native American Church practices.
- (7) “Council” means the FBIC Council.
- (8) “Council Exclusion Order” means an exclusion, expulsion, restriction, or similar territorial order issued by the Council pursuant to applicable FBIC Law as an exercise of the FBIC’s retained sovereign authority.
- (9) “Court” means the FBIC Court.
- (10) “Culpable Mental States” means intentionally, knowingly, recklessly, or with gross negligence as those terms are defined as follows:
- (A) “Intentionally or with the intent to” means, with respect to a result or to conduct described by a FBIC Law defining an offense that a person’s objective is to cause that result or to engage in that conduct.
 - (B) “Knowingly” means with respect to conduct or to a circumstance described by a FBIC Law defining an offense that a person is aware or believes that their conduct is of that nature or that the circumstances exists. It does not require any knowledge of the unlawfulness of the act or omission.
 - (C) “Recklessly” means with respect to a result or to a circumstance described by a FBIC Law defining an offense that a person is aware of and consciously disregards

TITLE 7: LAW & ORDER

PART 1: GENERAL PROVISIONS, GENERAL PRINCIPLES, & JUSTIFICATIONS

a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such nature and degree that disregard of such risk constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation. A person who creates such a risk but is unaware of such risk solely by reason of voluntary intoxication also acts recklessly with respect to such risk.

- (D) “Gross negligence” means with respect to a result or to a circumstance described by a FBIC Law defining an offense that a person fails to perceive a substantial and unjustifiable risk that the result will occur or that the circumstances exist. The risk must be of such nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation.
- (11) “Dangerous Instrument” means anything that under the circumstances in which it is used, attempted to be used or threatened to be used is readily capable of causing death or serious physical injury.
- (12) “Deadly Weapon” means anything designed for lethal use, including a firearm.
- (13) “Defendant” or “Respondent” means a person or entity that is formally charged by complaint, indictment, or information with committing an offense.
- (14) “FBIC” means the Fort Belknap Indian Community.
- (15) “FBIC Lands” means all lands, territory, rights-of-way, buildings, facilities, enterprises, housing, programs, and other locations under the jurisdiction, control, ownership, operation, protection, or lawful territorial authority of the FBIC, to the fullest extent recognized by applicable law.
- (16) “Judicial Exclusion/Community Protection Order” means a civil-regulatory order issued by the Court under delegated authority of FBIC Law in an adjudicated matter to protect a victim, specific persons, governmental functions, FBIC property, cultural resources, programs, services, or the general safety and welfare of the FBIC, including by restricting contact, conduct, presence, or access to all or part of FBIC Lands.
- (17) “Physical Injury” means the impairment of physical condition and includes but shall not be limited to any skin bruising, bleeding, failure to thrive, malnutrition, burns, fracture or any bond, subdural hematoma, soft tissue swelling, injury to any internal organ or any physical condition which imperils a person’s health or welfare.
- (18) “Protection Order” means any civil, criminal, temporary, final, ex parte, post-adjudication, or other protective order enforceable by the FBIC, including but not limited to a Judicial Exclusion/Community Protection Order, domestic violence protection order, no-contact order, stay-away order, restraining order, and any substantially similar order issued by the

TITLE 7: LAW & ORDER

PART 1: GENERAL PROVISIONS, GENERAL PRINCIPLES, & JUSTIFICATIONS

FBIC, another tribe, a state, or the U.S., if enforceable by the FBIC under applicable law.

- (19) “Serious Physical Injury” means physical injury which creates a reasonable risk of death, or which causes serious or permanent disfigurement, or serious impairment of health or loss or protracted impairment of the function of any bodily organ or limb.

7.1.1.6 Statutory Construction.

- (1) If proof of a certain culpable mental state is required to establish commission of any particular offense, then proof of that required culpable mental state shall apply to each element unless otherwise clearly stated.
- (2) If proof of a certain culpable mental state is not required to establish commission of any particular offense, then the offense is one of strict liability. If the offense is one of strict liability, proof of any culpable mental state will suffice to establish criminal responsibility. The exception to strict liability is if the proscribed conduct, by definition, involves a culpable mental state.
- (3) If gross negligence is sufficient to establish an element of the offense, then gross negligence is also established if the person acts intentionally, knowingly, or recklessly. If recklessness is sufficient to establish an element, then recklessness is also established if the person acted intentionally or knowingly. A person’s intentional action is sufficient to establish that the person acted knowingly.

7.1.1.7 Court-Assessed Fines Allocation Policy.

- (1) This policy establishes the framework for allocating and utilizing funds obtained through the assessment and collection of fines by courts under the FBIC’s jurisdiction. It does not apply to court ordered restitution or the costs of damages to victims, disgorgement of profits to victims, the cost of remediation and/or fair rental value to victims, or other funds ordered for the benefit of a victim.
- (2) The funds obtained through the assessment and collection of fines by courts under the FBIC’s jurisdiction must only be spent in accordance with an annual budget that is approved via FBIC resolution for that fiscal year, which should prioritize the expenditure of funds for the following purposes:
- (A) Court administration, including operational expenses, staffing, training, technology upgrades, and facility maintenance;
 - (B) Law enforcement administration, including operational expenses, equipment, training, and community engagement;
 - (C) Social services for victim support and the prevention of offenses, including rehabilitation programs and mental health/addiction treatment; and

TITLE 7: LAW & ORDER

PART 1: GENERAL PROVISIONS, GENERAL PRINCIPLES, & JUSTIFICATIONS

- (D) A victim’s restitution fund for victim compensation (if compensation is not otherwise available from a defendant/respondent), victim assistance, counseling, advocacy, and legal aid.
 - (3) The Court and any entity that receives funds under this policy must provide a monthly written report to the Council detailing the allocation and use of funds and how such allocation or use complies with this policy.
 - (4) Council may require that the allocation and use of funds under this policy be subject to audits to ensure accountability.
 - (5) Council shall periodically review and update this policy, as needed, based on the evolving needs and stakeholder feedback to ensure the funds are utilized effectively.
 - (6) Unspent funds must be set aside in a reserve fund for the funds original intended purpose.
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**CHAPTER 7.1.2
GENERAL PRINCIPLES**

Sections:

- 7.1.2.1 Parties to Offenses**
 - 7.1.2.2 Responsibility; Accountability**
 - 7.1.2.3 Prosecuting a Juvenile as an Adult**
 - 7.1.2.4 Former Jeopardy or Acquittal as Bar to Same or Lesser Offense**
 - 7.1.2.5 Double Punishment**
 - 7.1.2.6 Requirements for Liability**
 - 7.1.2.7 Causal Relationship Between Conduct and Result; Relationship to Mental Culpability**
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7.1.2.1 Parties to Offenses.

- (1) A person may be accountable for an offense committed by such person’s own conduct or by the conduct of another for which such person is accountable as provided by law, or both. In any prosecution, testimony of an accomplice need not be corroborated.
 - (2) A person is accountable for the conduct of another if:
 - (A) The person is made accountable for such conduct by the statute defining the offense; or
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TITLE 7: LAW & ORDER

PART 1: GENERAL PROVISIONS, GENERAL PRINCIPLES, & JUSTIFICATIONS

- (B) Acting with the culpable mental state sufficient for the commission of the offense, such person causes another person, whether or not such other person is capable of forming the culpable mental state, to engage in such conduct; or
 - (C) The person is an accomplice of such other person in the commission of an offense including any offense that is a natural and probable or reasonably foreseeable consequence of the offense for which the person was an accomplice.
- (3) If causing a particular result is an element of an offense, a person who acts with the kind of culpability with respect to the result that is sufficient for the commission of the offense is accountable for that offense if:
- (A) The person solicits or commands another person to engage in the conduct causing such result; or
 - (B) The person aids, counsels, agrees to aid, or attempts to aid another person in planning or engaging in the conduct causing such result.
- (4) If any adjudication for an offense in which the liability of the accused is based upon the conduct of another under this Section or conspiracy, it is no defense that:
- (A) The other person has not been accused of, charged with, or found accountable for prosecuted for such offense, or has been acquitted of such offense, or has been found accountable for a different offense or degree of offense or has an immunity to prosecution or conviction for such offense; or
 - (B) The accused belongs to a class of persons who by definition of the offense are legally incapable of committing the offense in an individual capacity.

7.1.2.2 Responsibility; Accountability.

- (1) Temporary intoxication resulting from the voluntary ingestion, consumption, inhalation or injection of alcohol, cannabis, psilocybin or psilocin, an illegal substance under this Title, or other psychoactive substance, or the abuse of prescribed medication does not constitute insanity and is not a defense for any act or requisite state of mind.
- (2) Ignorance or mistake as to a matter of law does not relieve a person of responsibility.
- (3) Ignorance or a mistaken belief as to a matter of fact does not relieve a person of accountability unless:
 - (A) It negates the culpable mental state required for commission of the offense; or
 - (B) It supports a defense of justification as defined in Chapter 7.1.3 of this Title.

TITLE 7: LAW & ORDER

PART 1: GENERAL PROVISIONS, GENERAL PRINCIPLES, & JUSTIFICATIONS

7.1.2.3 Prosecuting a Juvenile as an Adult.

- (1) The FBIC prosecutor may prosecute a juvenile in the same manner as an adult if the juvenile is at least sixteen (16) years of age at the time the alleged offense is committed and the juvenile is accused of any of the following offenses:
 - (A) First degree murder;
 - (B) Second degree murder;
 - (C) Forcible sexual assault;
 - (D) Armed robbery;
 - (E) Aggravated assault; and/or
 - (F) Any offense that is properly joined to an offense listed in this Subsection.
- (2) A juvenile who is charged with an offense under Subsection 7.1.2.3(1) may be prosecuted in the same manner as an adult only if the prosecutor demonstrates by clear and convincing evidence that the juvenile is competent to stand trial as an adult. The decision to prosecute a juvenile as an adult shall be made by the court after a competency evaluation and hearing.
- (3) Before a juvenile is prosecuted as an adult, the following procedures shall be followed to assess the juvenile's competency to stand trial:
 - (A) **Competency Evaluation:** The juvenile shall undergo a psychological evaluation conducted by a qualified mental health professional who has experience in juvenile assessments. The evaluator shall be selected by the court or agreed upon by the parties.
 - (B) **Factors for Assessment:** In determining whether a juvenile is competent to stand trial as an adult, the court shall consider the following factors:
 - (1) **Mental State and Capacity:** The juvenile's ability to understand the charges and the nature of the proceedings against them.
 - (2) **Ability to Consult with Counsel:** The juvenile's ability to communicate effectively with legal counsel and understand the legal strategy.
 - (3) **Understanding of Court Procedures:** The juvenile's understanding of the trial process, including the roles of the judge, prosecutor, defense counsel, and jury.

TITLE 7: LAW & ORDER

PART 1: GENERAL PROVISIONS, GENERAL PRINCIPLES, & JUSTIFICATIONS

- (4) Maturity Level: The juvenile's emotional and intellectual maturity, including the ability to comprehend the seriousness of the charges and potential consequences.
 - (5) Past History of Behavior and Criminal Activity: The juvenile's past involvement in criminal activity and any patterns of behavior that suggest an ability to comprehend and participate in adult legal proceedings.
 - (6) Psychological or Psychiatric Conditions: Any psychological or psychiatric conditions that may impair the juvenile's ability to understand the proceedings or effectively participate in their defense.
- (C) Competency Hearing: A competency hearing shall be held prior to the juvenile's trial in which the court will consider the results of the psychological evaluation and any other relevant evidence (e.g., whether the juvenile is emancipated). Both the prosecutor and the defense may present evidence and argue the juvenile's competency.
- (4) If the court determines that the juvenile is competent to stand trial as an adult, the court shall issue an order allowing the juvenile to be prosecuted as an adult. If the court finds that the juvenile is not competent, the case shall proceed through the juvenile justice system.
 - (5) Right to Appeal: The juvenile has the right to appeal the decision of the court regarding competency. The appeal shall be filed within one (1) year from the court's ruling, and the appellate court shall review the evidence presented and the court's findings to determine whether the decision was in error.
 - (6) Reevaluation of Competency: If, at any time during the proceedings, there is a substantial change in the juvenile's mental state or conditions that may affect their competency, the court may order a reevaluation of the juvenile's competency to stand trial.

7.1.2.4 Former Jeopardy or Acquittal as Bar to Same or Lesser Offense.

When the Court has determined whether a defendant/respondent is or is not accountable, that Court determination is a bar to another adjudication of the offense charged, or for an attempt to commit the offense, or for any offense necessarily included therein, of which they might have been adjudicated under the charging document.

7.1.2.5 Double Punishment.

An act or omission which is addressed or remedied in different ways by different sections of the laws may be addressed or remedied under both, but in no event may a sentence be other than concurrent. An adjudication and/or sentence under either one bars an adjudication for the same act or omission under any other.

TITLE 7: LAW & ORDER

PART 1: GENERAL PROVISIONS, GENERAL PRINCIPLES, & JUSTIFICATIONS

7.1.2.6 Requirements for Liability.

The minimum requirement for liability is the performance by a person of conduct which includes a voluntary act or the omission to perform a duty imposed by law which the person is physically capable of performing.

7.1.2.7 Causal Relationship Between Conduct and Result; Relationship to Mental Culpability.

Where an intentional, reckless, or negligent mental state is required to establish an element of any offense, the element is established even though the actual result differs from that intended or contemplated, or otherwise from the probable result, when:

- (1) The actual result differs only in the respect that a different person or property is injured or affected.
- (2) The actual injury or harm is less serious or extensive than that intended or probable.
- (3) The actual result involves similar injury or harm as that intended or probable, and occurs in a manner which the person knows or should know is rendered substantially more probable by such person's conduct.

CHAPTER 7.1.3 JUSTIFICATIONS

Sections:

7.1.3.1 Generally

7.1.3.2 Use of Physical Force

7.1.3.3 Self-Defense

7.1.3.4 Use of Deadly Force

7.1.3.5 Defense of Third Person

7.1.3.6 Use of Physical Force in Defense of Premises or Property

7.1.3.7 Use of Physical Force in Law Enforcement

7.1.3.8 Use of Deadly Physical Force in Law Enforcement

7.1.3.9 Use of Force in Crime Prevention; Applicability

7.1.3.10 Affirmative Defense; Duress

7.1.3.11 Domestic Violence

7.1.3.12 Necessity Defense

7.1.3.13 Presumptions; Defense of Residential Structure or Occupied Vehicle; Exceptions; Definitions

TITLE 7: LAW & ORDER

PART 1: GENERAL PROVISIONS, GENERAL PRINCIPLES, & JUSTIFICATIONS

7.1.3.1 Generally.

- (1) Except as otherwise provided by law, a defendant/respondent shall prove any affirmative defense raised by a preponderance of the evidence. Justification defenses under this Chapter are not affirmative defenses. Justification defenses describe conduct that, if not justified, would constitute an offense but, if justified, does not constitute wrongful conduct.
- (2) Even though a person is justified under this Chapter in threatening or using physical force or deadly physical force against another, if in doing so such person recklessly injures or kills an innocent third person, the justification afforded by this Chapter is unavailable in an adjudication for the reckless injury or killing of the innocent third person.
- (3) This Section shall not affect any specifically enumerated presumptions contained in any applicable section to an offense.

7.1.3.2 Use of Physical Force.

The use of physical force upon another person which would otherwise constitute an offense is justifiable and not wrong under any of the following circumstances:

- (1) A parent or guardian may use reasonable and appropriate physical force upon the minor or incompetent person when and to the extent reasonably necessary and appropriate to maintain discipline; provided, however, that the use of physical force that causes bruising, bleeding, or broken bones shall be presumed to not be reasonable or appropriate.
- (2) An entrusted official of a jail, prison, or correctional institution may use physical force for the preservation of peace, to maintain order or discipline, or to prevent the commission of any violation.
- (3) A person acting under a reasonable belief that another person is about to commit suicide or to inflict serious injury upon himself may use physical force upon that person to the extent reasonably necessary to thwart the result.
- (4) A duly licensed physician or a registered nurse or a person acting under their direction, or any other person who renders emergency care at the scene of an emergency occurrence, may use reasonable physical force for the purpose of administering a recognized and lawful form of treatment which is reasonably adapted to promoting the physical or mental health of the patient if:
 - (A) The treatment is administered with the consent of the patient or, if the patient is a minor or an incompetent person, with the consent of his parent, guardian, or other person entrusted with his care and supervision except as otherwise provided by law; or

TITLE 7: LAW & ORDER

PART 1: GENERAL PROVISIONS, GENERAL PRINCIPLES, & JUSTIFICATIONS

- (B) The treatment is administered in an emergency when the person administering such treatment reasonably believes that no one competent to consent can be consulted and that a reasonable person wishing to safeguard the welfare of the patient would consent.
- (5) A person may otherwise use physical force upon another person as further provided in this Title.

7.1.3.3 Self-Defense.

- (1) Except as provided in Subsection (2) of this Section, a person is justified in threatening or using physical force against another when and to the extent a reasonable person would believe that physical force is immediately necessary to protect themselves against the other's use or attempted use of unlawful physical force that will result in serious physical injury.
- (2) The threat or use of physical force against another is not justified:
 - (A) In response to verbal provocation alone; or
 - (B) To resist an arrest that the person knows or should know is being made by a peace officer or by a person acting in a peace officer's presence and at their direction, whether the arrest is lawful or unlawful, unless the physical force used by the peace officer exceeds that allowed by law; or
 - (C) If the person provoked the other's use or attempted use of unlawful physical force, unless:
 - (1) The person withdraws from the encounter or clearly communicates to the other their intent to do so reasonably believing they cannot safely withdraw from the encounter; and
 - (2) The other nevertheless continues or attempts to use unlawful physical force against the person.

7.1.3.4 Use of Deadly Force.

- (1) A person is justified in threatening or using deadly physical force against another:
 - (A) If such person would be justified in threatening or using physical force against the other in self-defense, and
 - (B) When and to the degree a reasonable person would believe that deadly physical force is immediately necessary to protect themselves against the other's use or attempted use of unlawful deadly physical force.

TITLE 7: LAW & ORDER

PART 1: GENERAL PROVISIONS, GENERAL PRINCIPLES, & JUSTIFICATIONS

- (2) A person has no duty to retreat before threatening or using deadly physical force pursuant to this Section if the person is in a place where the person may legally be and is not engaged in an unlawful act.

7.1.3.5 Defense of Third Person.

A person is justified in threatening or using physical force or deadly physical force against another to protect a third person if, under the circumstances as a reasonable person would believe them to be, such third person would be justified in threatening or using physical force or deadly physical force to protect themselves.

7.1.3.6 Use of Physical Force in Defense of Premises or Property.

- (1) A person or their agent in lawful possession or control of premises is justified in threatening to use deadly physical force or in threatening to use physical force against another—to the extent that a reasonable person would believe it immediately necessary—to prevent or terminate the commission or attempted commission of a trespass by the other person in or upon the premises.
- (2) A person is justified in using physical force against another—to the extent that a reasonable person would believe it necessary—to prevent what a reasonable person would believe is an attempt or commission by the other person of theft or damage involving tangible movable property under their possession or control, but such person may only use deadly physical force under these circumstances as otherwise permitted under this Title.
- (3) In this Section, “premises” means any real property and any structure, movable or immovable, permanent or temporary, adapted for both human residence and lodging whether occupied or not.

7.1.3.7 Use of Physical Force in Law Enforcement.

A person is justified in threatening or using physical force against another if—in making or assisting in making an arrest or detention or in preventing or assisting in preventing the escape after arrest or detention of that other person—all of the following exist:

- (1) A reasonable person would believe that such force is immediately necessary to effect the arrest or detention or prevent the escape;
- (2) Such person makes known the purpose of the arrest or detention or believes that it is otherwise known or cannot reasonably be made known to the person to be arrested or detained; and
- (3) A reasonable person would believe the arrest or detention to be lawful.

TITLE 7: LAW & ORDER

PART 1: GENERAL PROVISIONS, GENERAL PRINCIPLES, & JUSTIFICATIONS

7.1.3.8 Use of Deadly Physical Force in Law Enforcement.

- (1) A Police Officer may only use deadly force when acting in self-defense, or in the defense of others, to prevent death or serious bodily injury or when there is immediate and active peril.
- (2) When overcoming resistance to arrest, or other lawful actions of the Police Officer, the law places certain restrictions upon the use of deadly force, and only allows the Police Officer to use that amount of deadly force that is necessary to protect themselves, others, or to overcome the resistance.
- (3) A Police Officer may only use deadly force when attempting to apprehend a fleeing suspect if all the following considerations have been made:
 - (A) The Police Officer is convinced beyond a reasonable doubt that the underlying offense would necessitate the use of deadly force;
 - (B) The Police Officer is convinced that the underlying offense, which would necessitate the use of deadly force was committed by the person fleeing;
 - (C) The Police Officer is convinced that an innocent bystander will not be injured by the Police Officer's action;
 - (D) The Police Officer is convinced that they have exhausted all other means of apprehension; and
 - (E) The Police Officer has reason to believe that the suspect may commit a violent offense if not taken into custody immediately.
- (4) A Police Officer is justified in threatening to use deadly physical force when and to the extent a reasonable Police Officer believes it necessary to protect themselves against another's potential use of physical force or deadly physical force.

7.1.3.9 Use of Force in Crime Prevention; Applicability.

- (1) A person is justified in threatening or using both physical force and deadly physical force against another if and to the extent the person reasonably believes that physical force or deadly physical force is immediately necessary to prevent the other's imminent or actual commission of arson of an occupied structure, kidnapping, manslaughter, second or first degree murder, sexual conduct with a minor, sexual assault, child molestation, armed robbery, or aggravated assault—but only after verbally warning the other to stop.
- (2) There is no duty to retreat before threatening or using physical force or deadly physical force justified by Subsection (1) of this Section.

TITLE 7: LAW & ORDER

PART 1: GENERAL PROVISIONS, GENERAL PRINCIPLES, & JUSTIFICATIONS

- (3) A person is presumed to be acting reasonably for the purposes of this Section if the person is acting to prevent what the person reasonably believes is the imminent or actual commission of any of the offenses listed in Subsection (1) of this Section.
- (4) This Section includes the use or threatened use of physical force or deadly physical force in a person's home, residence, place of business, land the person owns or leases, conveyance of any kind, or any other place within FBIC Lands where a person has a right to be.

7.1.3.10 Affirmative Defense; Duress.

- (1) Conduct which would otherwise constitute an offense or violation is justified if a reasonable person would believe that they were compelled to engage in the proscribed conduct by the threat or use of immediate physical force against their person or the person of another which resulted or could result in serious physical injury which a reasonable person in the situation would not have resisted.
- (2) The defense provided by Subsection (1) is unavailable if the person intentionally, knowingly, or recklessly placed themselves in a situation in which it was probable that they would be subjected to duress.
- (3) The defense provided by Subsection (1) is unavailable for offenses involving homicide or serious physical injury.

7.1.3.11 Domestic Violence.

If there have been past acts of domestic violence, as defined in FBIC Law, against the defendant/respondent by the victim, the state of mind of a reasonable person under self-defense, use of deadly force, and defense of a third person shall be determined from the perspective of a reasonable person who has been a victim of those past acts of domestic violence.

7.1.3.12 Necessity Defense.

- (1) Conduct that would otherwise constitute an offense/violation is justified if a reasonable person was compelled to engage in the proscribed conduct and the person had no reasonable alternative to avoid imminent public or private injury greater than the injury that might reasonably result from the person's own conduct.
- (2) An accused person may not assert the defense under Subsection (1) if the person intentionally, knowingly, or recklessly placed themselves in the situation in which it was probable that the person would have to engage in the proscribed conduct.
- (3) An accused person may not assert the defense under Subsection (1) for offenses/violations involving homicide or serious physical injury.

TITLE 7: LAW & ORDER

PART 1: GENERAL PROVISIONS, GENERAL PRINCIPLES, & JUSTIFICATIONS

7.1.3.13 Presumptions; Defense of Residential Structure or Occupied Vehicle; Exceptions; Definitions.

- (1) A person is presumed to reasonably believe that the threat or use of physical force or deadly force is immediately necessary for the purposes of self-defense, use of deadly force, defense of a third person, use of physical force in defense of premises or property, and duress if the person knows or has reason to believe that the person against whom physical force or deadly force is threatened or used is unlawfully or forcefully entering or has unlawfully or forcefully entered and is present in the person's residential structure or occupied vehicle.
 - (2) For the purposes of self-defense, use of deadly force, defense of a third person, use of physical force in defense of premises or property, and duress, a person who is unlawfully or forcefully entering or who has unlawfully or forcefully entered and is present in a residential structure or occupied vehicle is presumed to pose an imminent threat of unlawful deadly harm to any person who is in the residential structure or occupied vehicle.
 - (3) The presumptions in Subsections (1) and (2) of this Section do not apply if:
 - (A) The person against whom physical force or deadly physical force was threatened or used has the right to be in or is a lawful resident of the residential structure or occupied vehicle, including an owner, lessee, invitee or titleholder, and an order of protection or injunction against harassment has not been filed against that person.
 - (B) The person against whom physical force or deadly physical force was threatened or used is the parent or grandparent, or has legal custody or guardianship, of a child or grandchild sought to be removed from the residential structure or occupied vehicle.
 - (C) The person who threatens or uses physical force or deadly physical force is engaged in an unlawful activity or is using the residential structure or occupied vehicle to further an unlawful activity.
 - (D) The person against whom physical force or deadly physical force was threatened or used is a Police Officer who enters or attempts to enter a residential structure or occupied vehicle in the performance of official duties.
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TITLE 7: LAW & ORDER

PART 2: OFFENSES

THE FORT BELKNAP INDIAN COMMUNITY CODE

TITLE 7: LAW & ORDER

PART 2: OFFENSES

TABLE OF CONTENTS

CHAPTERS:

7.2.1 PREPARATORY AND/OR INCHOATE OFFENSES

Sections:

7.2.1.1 Attempt

7.2.1.2 Conspiracy

7.2.1.3 Facilitation; Aiding and Abetting

7.2.1.4 Solicitation

**7.2.1.5 Renunciation of Attempt, Solicitation, Conspiracy, or Facilitation;
Defenses**

7.2.2 OFFENSES AGAINST THE FBIC

Sections:

7.2.2.1 Disturbance/Interruption of FBIC Government and/or Operations

7.2.2.2 Unauthorized Leasing

7.2.2.3 Trespass to FBIC Lands or Property

7.2.3 OFFENSES AGAINST THE PERSON

Sections:

**7.2.3.1 Abandonment, Abuse, and/or Neglect of Dependent Person; Abuse or
Exploitation of Elder or Incapacitated Person**

7.2.3.2 Abduction

7.2.3.3 Assault; Aggravated Assault

7.2.3.4 Battery; Aggravated Battery

7.2.3.5 Coercion/Intimidating/Menacing/Threatening

7.2.3.6 Contributing to the Delinquency of a Minor

7.2.3.7 Custodial Interference

7.2.3.8 Defamation (Libel and Slander)

7.2.3.9 Endangerment

7.2.3.10 False Arrest/Unlawful Imprisonment or Detention

TITLE 7: LAW & ORDER

PART 2: OFFENSES

- 7.2.3.11 Harassment; Aggravated Harassment**
- 7.2.3.12 Homicide**
- 7.2.3.13 Human Trafficking (Non-Sex)**
- 7.2.3.14 Kidnapping**
- 7.2.3.15 Mutilation, Disinterment, or Removal of Dead Body**
- 7.2.3.16 Nonsupport of a Child**

7.2.4 SEXUAL OFFENSES

Sections:

- 7.2.4.1 Definitions Relating to Sexual Offenses**
- 7.2.4.2 Contributing to the Sexual Delinquency of a Child**
- 7.2.4.3 Giving Sexually Transmitted Disease to Another**
- 7.2.4.4 Incest**
- 7.2.4.5 Indecent Exposure**
- 7.2.4.6 Prostitution**
- 7.2.4.7 Public Sexual Indecency**
- 7.2.4.8 Rape**
- 7.2.4.9 Sexual Abuse**
- 7.2.4.10 Sexual Act with an Animal**
- 7.2.4.11 Sexual Assault; Aggravated Sexual Assault**
- 7.2.4.12 Sexual Exploitation**
- 7.2.4.13 Unlawful Dissemination of an Intimate Image**

7.2.5 OFFENSES AGAINST PROPERTY

Sections:

- 7.2.5.1 Arson**
- 7.2.5.2 Breaking and Entering**
- 7.2.5.3 Burglary**
- 7.2.5.4 Damage or Destruction**
- 7.2.5.5 Robbery**
- 7.2.5.6 Theft**
- 7.2.5.7 Trespass to Private Property**
- 7.2.5.8 Trafficking in Stolen Property**

7.2.6 OFFENSES AGAINST HEALTH, SAFETY, AND WELFARE

Sections:

- 7.2.6.1 Carrying a Prohibited Weapon; Unlawful Concealed Carry; Weapons in Weapon-Free Zones**
- 7.2.6.2 Controlled Substances: Possession**

TITLE 7: LAW & ORDER

PART 2: OFFENSES

- 7.2.6.3 **Controlled Substances: Dispensing, Distributing, Manufacturing, and/or Selling**
- 7.2.6.4 **Controlled Substances: Threshold Amounts**
- 7.2.6.5 **Disorderly Conduct**
- 7.2.6.6 **Disposal of Liquor Containers**
- 7.2.6.7 **Drug Paraphernalia**
- 7.2.6.8 **Employment or Use of Children in Drug Operations**
- 7.2.6.9 **Furnishing Tobacco to Persons Under Twenty-One (21) Years of Age**
- 7.2.6.10 **Intoxication by Inhaling**
- 7.2.6.11 **Littering**
- 7.2.6.12 **Liquor Sales Prohibited**
- 7.2.6.13 **Loitering**
- 7.2.6.14 **Public Drinking; Public Consumption of Marijuana, Psilocybin, and/or Psilocin**
- 7.2.6.15 **Public Nuisance**
- 7.2.6.16 **Reckless Discharge of a Firearm**
- 7.2.6.17 **Seizure and Civil Forfeiture of Alcohol and Controlled Substances**

7.2.7 OFFENSES AGAINST PUBLIC JUSTICE

Sections:

- 7.2.7.1 **Bribe: Giving and Receiving (Generally); Defenses**
- 7.2.7.2 **Bribe: Giving to a Witness/Receiving as a Witness**
- 7.2.7.3 **Escape**
- 7.2.7.4 **Failure to Appear**
- 7.2.7.5 **False Swearing/Perjury/Unsworn Falsification; Defenses Limited; Retraction; Corroboration of Falsity Required**
- 7.2.7.6 **Hindering Prosecution; Defenses Limited**
- 7.2.7.7 **Impersonation**
- 7.2.7.8 **Initiating a False Alarm and/or Report**
- 7.2.7.9 **Obstructing Administration of the Law**
- 7.2.7.10 **Refusing to Assist and/or Interfering with Justice or Services Personnel**
- 7.2.7.11 **Resisting Arrest**
- 7.2.7.12 **Simulating Legal Process**
- 7.2.7.13 **Tampering with a Witness**
- 7.2.7.14 **Tampering with Official Records**
- 7.2.7.15 **Tampering with Physical Evidence**

7.2.8 OFFENSES INVOLVING FRAUD AND DECEPTION

Sections:

- 7.2.8.1 **Definitions Relating to Offenses Involving Fraud and Deception**
- 7.2.8.2 **Forgery**

TITLE 7: LAW & ORDER

PART 2: OFFENSES

- 7.2.8.3 Fraud
- 7.2.8.4 Misappropriation of Entrusted Property
- 7.2.8.5 Negotiating a Bad Check
- 7.2.8.6 Obtaining Execution of Documents by Deception
- 7.2.8.7 Possession of a Forged Instrument
- 7.2.8.8 Simulation

7.2.9 OFFENSES AGAINST ANIMALS

Sections:

- 7.2.9.1 Abandonment, Abuse, and/or Neglect of Dependent Animals
- 7.2.9.2 Cruelty to Animals (Including Livestock); Examples; Determinations
- 7.2.9.3 Failure to Control Dependent Animals

7.2.10 TRAFFIC OFFENSES

Sections:

- 7.2.10.1 Driving in Violation of Court Order or While License Is Suspended
- 7.2.10.2 Driving Under the Influence
- 7.2.10.3 Driving Without License
- 7.2.10.4 Driving Without Required Registration or Vehicle in Unsafe Condition
- 7.2.10.5 Failure to Adhere to Duties in the Event of an Accident
- 7.2.10.6 Failure to Drive on Right Side of Road
- 7.2.10.7 Failure to Stop for Flashing School Bus Lights or Stop Sign
- 7.2.10.8 Failure to Yield Right-of-Way
- 7.2.10.9 Following Too Closely
- 7.2.10.10 Motorcycle Violations
- 7.2.10.11 Non-Motor Vehicle Violations
- 7.2.10.12 Obstruction to Driver's View or Driving Mechanism
- 7.2.10.13 Overtaking/Passing Without Regard for Safety
- 7.2.10.14 Pedestrians on Roads Without Regard for Safety
- 7.2.10.15 Permitting an Unauthorized Person to Drive
- 7.2.10.16 Putting Glass, Etc., on Road
- 7.2.10.17 Reckless Driving
- 7.2.10.18 Riding on Fenders, Bumpers, or Running Boards
- 7.2.10.19 Speeding
- 7.2.10.20 Starting, Turning, and Stopping Without Regard for Safety
- 7.2.10.21 Stopping, Standing, or Parking on Road
- 7.2.10.22 Parking Violations and Citations
- 7.2.10.23 Commercial Towing Service; Notice to FBIC Designated Security or Law Enforcement Officer
- 7.2.10.24 Excessive Revving of Engines; Unsafe Acceleration
- 7.2.10.25 Mufflers and Exhaust Noise Suppression Equipment

TITLE 7: LAW & ORDER

PART 2: OFFENSES

7.2.10.26 Obstructing Traffic

7.2.10.27 Careless Driving

7.2.10.28 Traffic Control Devices, Flaggers, and Lawful Orders

7.2.10.29 Child Passenger Restraints and Seat Belts

7.2.10.30 Fleeing or Eluding FBIC Designated Security or Law Enforcement Officer

7.2.11 STATUS OFFENSES

Sections:

7.2.11.1 Curfew Violation

7.2.11.2 Possession, Purchase, or Use of Alcohol and/or Controlled Substances

7.2.11.3 Truancy

7.2.12 FAILURE TO REPORT OFFENSES

Sections:

7.2.12.1 Duty to Report Certain Serious Offenses

7.2.12.2 Contents of Report; No Duty to Investigate

7.2.12.3 Good Faith Reporting

7.2.12.4 Confidentiality of Reporting Person

7.2.12.5 Privileges; Self-Incrimination; Relationship to Other Reporting Duties

TITLE 7: LAW & ORDER

PART 2: OFFENSES

**CHAPTER 7.2.1
PREPARATORY AND/OR INCHOATE OFFENSES**

Sections:

7.2.1.1 Attempt

7.2.1.2 Conspiracy

7.2.1.3 Facilitation; Aiding and Abetting

7.2.1.4 Solicitation

7.2.1.5 Renunciation of Attempt, Solicitation, Conspiracy, or Facilitation; Defenses

7.2.1.1 Attempt.

- (1) It is an offense, if acting with the kind of culpability otherwise required for commission of an offense, to:
 - (A) Intentionally engage in conduct which would constitute an offense if the attendant circumstances were as such person believes them to be; or
 - (B) Intentionally do or omit to do anything which, under the circumstances as such person believes them to be, is any step in a course of conduct planned to culminate in commission of an offense; or
 - (C) Engage in conduct intended to aid another to commit an offense, although the offense is not committed or attempted by the other person, provided the person's conduct would establish their complicity, if the offense were committed or attempted by the other person.
- (2) It is no defense that it was impossible to aid another party's commission of the offense, provided such person could have done so had the circumstances been as they believed them to be.

7.2.1.2 Conspiracy.

- (1) It is an offense, if with the intent to promote or aid the commission of an offense, to agree with one or more persons that at least one of them will engage in conduct constituting the offense and one of the parties commits an overt act in furtherance of the offense, except that an overt act shall not be required if the object of the conspiracy was to commit any offense upon the person of another, or to commit a burglary or arson offense.
- (2) If a person liable for conspiracy, as defined in Subsection (1) of this Section, knows or has reason to know that a person with whom such person conspires to commit an offense has conspired with another person or persons to commit the same offense, such person is guilty

TITLE 7: LAW & ORDER

PART 2: OFFENSES

of conspiring to commit the offense with such other person or persons, whether or not such person knows their identity.

7.2.1.3 Facilitation; Aiding and Abetting.

- (1) It is an offense to:
 - (A) Engage in conduct intended to aid another to commit an offense or aiding in the commission of any act, in furtherance of said offense; or
 - (B) Act with knowledge that another person is committing or intends to commit an offense, knowingly provides the other person with means or opportunity for the commission of the offense; or
 - (C) Aid another person to escape or attempt to escape from lawful custody.
- (2) This section does not apply to a FBIC designated security or law enforcement officer and/or criminal investigator who act in their official capacity within the scope of their authority and in the line of duty.

7.2.1.4 Solicitation.

Other than a FBIC designated security or law enforcement officer acting in their official capacity within the scope of their authority and in the line of duty, it is an offense—if with the intent to promote or facilitate the commission of an offense—to command, encourage, request, or solicit another to engage in specific conduct which would constitute the offense or which would establish the other's complicity in its commission.

7.2.1.5 Renunciation of Attempt, Solicitation, Conspiracy, or Facilitation; Defenses.

- (1) In a prosecution for attempt, conspiracy, facilitation and/or aiding and abetting, it is a defense that the charged person, under circumstances manifesting a voluntary and complete renunciation of their offensive intent, gave timely warning to law enforcement authorities or otherwise made a reasonable effort to prevent the conduct or result which is the object of the attempt, conspiracy, facilitation and/or aiding and abetting.
- (2) In a prosecution for solicitation, it is a defense that the charged person, under circumstances manifesting a voluntary and complete renunciation of the charged person's intent completed both of the following acts:
 - (A) Notified the person solicited; and
 - (B) Gave timely warning to law enforcement authorities or otherwise made a reasonable effort to prevent the conduct or result solicited.

TITLE 7: LAW & ORDER

PART 2: OFFENSES

- (3) A renunciation is not voluntary and complete within the meaning of this Section if it is motivated in whole or in part by:
 - (A) A belief that circumstances exist which increase the probability of immediate detection or apprehension of the accused or another participant in the offensive enterprise or which render more difficult the accomplishment of the offensive purpose; or
 - (B) A decision to postpone the offensive conduct until another time or to transfer the offensive effort to another victim, place, or another but similar objective.
 - (4) A warning to law enforcement authorities is not timely within the meaning of this Section unless the authorities, reasonably acting upon the warning, would have the opportunity to prevent the conduct or result. An effort is not reasonable within the meaning of this Section unless the charged person makes a substantial effort to prevent the conduct or result.
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**CHAPTER 7.2.2
OFFENSES AGAINST THE FBIC**

Sections:

- 7.2.2.1 Disturbance/Interruption of FBIC Government and/or Operations**
 - 7.2.2.2 Unauthorized Leasing**
 - 7.2.2.3 Trespass to FBIC Lands or Property**
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7.2.2.1 Disturbance/Interruption of FBIC Government and/or Operations.

- (1) The purpose of this Section is to protect the FBIC Government and Operations from intentional disruption or interruption that would impede the FBIC’s ability to serve and govern the FBIC and its community.
 - (2) It is an offense for any person to disrupt and/or interrupt FBIC Government or Operations.
 - (3) The following acts qualify as disruption or interruption under this Section:
 - (A) Failure to adhere to a Council Exclusion Order, Judicial Exclusion/Community Protection Order, or other enforceable Protection Order issued pursuant to FBIC Law.
 - (B) Unauthorized attendance at a meeting of FBIC Government or Operations after being asked to leave;
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TITLE 7: LAW & ORDER

PART 2: OFFENSES

- (C) Disrupting meetings, hearings, or ceremonies with excessive noise or unruly behavior;
- (D) Interfering with FBIC Officers, Officials, or Employees in the performance of their duties;
- (E) Blocking access to FBIC Government or Operations buildings or facilities;
- (F) Tampering with or damaging FBIC Government or Operations' property;
- (G) Disrupting the provision of services to the community;
- (H) Interfering with the operation of FBIC Government or Operations' vehicles or equipment;
- (I) Knowingly disseminating false information with the intent to cause imminent unlawful interference with FBIC Government or Operations;
- (J) Unauthorized use of FBIC Government or Operations' resources or facilities;
- (K) Engaging in conduct that poses a threat to the safety or well-being of the community during a FBIC Government or Operations' activity.

This list is not exhaustive and other acts may also qualify as disruption or interruption under this Section.

- (4) It is an affirmative defense under this Section if the charged person can show that the disruption or interruption resulted from an exercise of the rights protected under FBIC Law.

7.2.2.2 Unauthorized Leasing.

It is an offense to lease any FBIC Land without authorization from the FBIC or in violation of FBIC Law.

7.2.2.3 Trespass to FBIC Lands or Property.

- (1) It is an offense to enter or remain on FBIC Lands or property without consent and:
 - (A) With notice that the entry was prohibited or forbidden; or
 - (B) Being ordered to depart after entry and failing to do so; or
 - (C) Being subject to a Council Exclusion Order, Judicial Exclusion/Community Protection Order, or other enforceable Protection Order issued pursuant to FBIC

TITLE 7: LAW & ORDER

PART 2: OFFENSES

Law restricting presence on FBIC Lands and entering or remaining in violation of that order.

- (2) Notice or an order may be given by:
- (A) Written or verbal communication given to the intruder by a FBIC Official, FBIC designated security or law enforcement officer, the owner of the property, or a person authorized to act on behalf of the owner;
 - (B) Written notice posted on or about the property in a manner reasonably likely to come to the attention of potential intruders;
 - (C) Fences, barricades or other devices obviously designed to enclose the property and to exclude all potential intruders;
 - (D) Written notice of a Council Exclusion Order, Judicial Exclusion/Community Protection Order, or other enforceable Protection Order issued pursuant to FBIC Law; or
 - (E) Written FBIC, State or federal protective order(s) or restraining order(s) preventing a person from entering FBIC Lands or buildings within FBIC Lands.

For purposes of this Section, territorial restrictions imposed by either the Council or the Court pursuant to applicable FBIC Law are enforceable according to their terms.

CHAPTER 7.2.3 OFFENSES AGAINST THE PERSON

Sections:

7.2.3.1 Abandonment, Abuse, and/or Neglect of Dependent Person; Abuse or Exploitation of Elder or Incapacitated Person

7.2.3.2 Abduction

7.2.3.3 Assault; Aggravated Assault

7.2.3.4 Battery; Aggravated Battery

7.2.3.5 Coercion/Intimidating/Menacing/Threatening

7.2.3.6 Contributing to the Delinquency of a Minor

7.2.3.7 Custodial Interference

7.2.3.8 Defamation (Libel and Slander)

7.2.3.9 Endangerment

7.2.3.10 False Arrest/Unlawful Imprisonment or Detention

7.2.3.11 Harassment; Aggravated Harassment

TITLE 7: LAW & ORDER

PART 2: OFFENSES

7.2.3.12 Homicide

7.2.3.13 Human Trafficking (Non-Sex).

7.2.3.14 Kidnapping

7.2.3.15 Mutilation, Disinterment, or Removal of Dead Body

7.2.3.16 Nonsupport of a Child

7.2.3.1 Abandonment, Abuse, and/or Neglect of Dependent Person; Abuse or Exploitation of Elder or Incapacitated Person.

- (1) In this Section, unless the context otherwise requires,
- (A) “Dependent person” means an incapacitated person or an individual who relies on another for support, either due to physical or mental impairment, age, or financial need. This support can be necessary for the dependent person to carry out normal activities or to protect their rights. The term “dependent person” can include those who are under the age of eighteen (18) years of age, those with physical or developmental disabilities, or those individuals whose physical or mental abilities have significantly diminished because of age.
 - (B) “Elder” means a senior citizen who is at least fifty-five (55) years of age.
 - (C) “Incapacitated person” means a person who has a current inability or functional inability to make responsible decisions about themselves because of mental illness, mental deficiency, physical illness or disability, or chronic use of drugs or liquor. Incapacity may vary in degree and duration and shall not be determined solely based on age. A person’s incapacity can be recognized by an official determination, by the community, or by circumstances existing at a relevant time.
- (2) Any parent, guardian, or any person who has been entrusted with, employed to provide, or who has assumed the care of a dependent person has a legal duty to provide care for the dependent person and it is an offense for them to:
- (A) Leave the dependent person without care, or abandons the dependent person under any circumstances, whereby the dependent person may suffer from neglect;
 - (B) Neglect the dependent person in any manner or who shall cause such dependent person to be exposed to physical, mental, or emotional injuries;
 - (C) Abuse the dependent person by causing physical, mental, or emotional injuries, including but not limited to:
 - (1) Committing an offense against the dependent person;
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TITLE 7: LAW & ORDER

PART 2: OFFENSES

- (2) Allowing the dependent person to stay in a vehicle where drugs or narcotics are being unlawfully possessed, delivered, or manufactured;
 - (3) Allowing the dependent person to stay in or upon premises and in the immediate proximity where drugs or narcotics are unlawfully possessed, delivered, or manufactured or where a chemical reaction involving one or more precursor substances is either: occurring as part of unlawfully manufacturing a drug or narcotic or grinding, soaking or otherwise breaking down a precursor substance for the unlawful manufacture of a drug or narcotic; or has occurred as part of unlawfully manufacturing a drug or narcotic or grinding, soaking or otherwise breaking down a precursor substance for the unlawful manufacture of a drug or narcotic; or
 - (4) In or upon premises that have been determined to be not fit for use.
- (3) A person is liable for abuse of an elder or incapacitated person if they are not entrusted with, employed to provide, or have assumed the care of an elder or incapacitated person but commits an offense against the elder or incapacitated person with knowledge or reckless disregard of the fact that the person is an elder or incapacitated person.
 - (4) A person is liable for exploitation of an elder or incapacitated person if they use the funds, benefits, or property of an elder or incapacitated person for their personal benefit, profit, or gain through illegal or improper utilization.
 - (5) Prenatal Substance Endangerment.
 - (A) *Definitions.* For purposes of this subsection:
 - (1) “Knowingly pregnant” means the person knows they are pregnant, including after receiving a positive pregnancy test or being informed by a healthcare provider, and does not reasonably believe the pregnancy has ended.
 - (2) “Prohibited intoxicant” means: any Controlled Substance used without a valid prescription or used in a manner inconsistent with a lawful prescription; marijuana or any marijuana/THC product; psilocybin or psilocin; and any alcoholic beverage.
 - (3) “Evidence of prenatal exposure” means that a live-born child tests positive (including by blood, urine, meconium, or umbilical cord testing) for a prohibited intoxicant or its metabolites, or is medically diagnosed with substance withdrawal or other medically verified effects attributable to prenatal exposure to a prohibited intoxicant.
 - (B) *Offense.* A person is liable for prenatal substance endangerment if the person, while

TITLE 7: LAW & ORDER

PART 2: OFFENSES

knowingly pregnant, knowingly uses a prohibited intoxicant, and a live-born child has evidence of prenatal exposure.

(C) *Limitations; Non-Abortion Provision.*

(1) This subsection does not apply to and shall not be construed to create civil or criminal liability for abortion, termination of pregnancy, or any act undertaken to obtain, provide, or assist with abortion services.

(2) This subsection does not apply to miscarriage, stillbirth, or other pregnancy loss, and pregnancy loss alone shall not constitute evidence of a violation of this subsection.

(3) It is an affirmative defense that the prohibited intoxicant was used pursuant to a valid prescription and as directed by a licensed healthcare provider.

(6) Mandated Reporters.

(A) A mandated reporter is an individual who, in their professional or occupational capacity, is required to report any known or suspected instances of abandonment, abuse, and/or neglect of dependent person or abuse or exploitation of an elder or incapacitated person.

(B) Mandated reporters include, but are not necessarily limited to, healthcare providers, social workers, and law enforcement personnel.

(C) Mandated reports must immediately contact the FBIC Law Enforcement Services or designated FBIC social services agency or department via phone, written report, or online reporting (if available) if there are any known or suspected instances of abandonment, abuse, and/or neglect of dependent person or abuse or exploitation of an elder or incapacitated person.

(D) It is an offense for a mandated reporter to fail to immediately report known or suspected instances of abandonment, abuse, and/or neglect of dependent person or abuse or exploitation of an elder or incapacitated person to the FBIC Police Department or a FBIC social services agency or department

7.2.3.2 Abduction.

It is an offense to willfully take away or detain another person against their will or without consent of the parent, or other person having lawful care or charge of them, unless the person is released voluntarily by the person otherwise committing the abduction without physical injury in a safe place before citation or arrest.

7.2.3.3 Assault; Aggravated Assault.

TITLE 7: LAW & ORDER

PART 2: OFFENSES

- (1) A person is liable for assault if they intentionally, knowingly, or recklessly cause another to experience reasonable apprehension of bodily injury or offensive contact.
- (2) A person is liable for aggravated assault if they intentionally, knowingly, or recklessly cause another to experience reasonable apprehension of serious bodily injury or serious offensive contact, including, but not limited to when the person:
 - (A) Causes the requisite apprehension with a deadly weapon or dangerous instrument;
 - (B) Is an adult and causes a child to experience the requisite apprehension;
 - (C) Causes the requisite apprehension to someone who is bound or physically restrained or whose capacity to resist is substantially impaired;
 - (D) Causes the requisite apprehension in violation of an order of protection;
 - (E) Causes the requisite apprehension while knowing or having reason to know that the other person is a:
 - (1) FBIC justice or service personnel, or someone summoned and directed by FBIC justice or service personal, while engaged in the execution of their official duties;
 - (2) Teacher or other person employed by any school and the teacher or other employee is on the grounds of a school or grounds adjacent to the school or is in any part of a building or vehicle used for school purposes, any teacher or school nurse visiting a private home in the course of the teacher's or nurse's professional duties, or any teacher engaged in any authorized and organized classroom activity held on other than school grounds;
 - (3) A licensed health care practitioner, or a person summoned and directed by the licensed health care practitioner, while engaged in the person's professional duties (this subdivision does not apply if the person who commits the assault is seriously mentally ill or is afflicted with Alzheimer's disease or related dementia);
 - (4) A prosecutor or lay advocate with the prosecutor's office, while engaged in the execution of any official duties or if the assault results from the execution of the prosecutor's official duties;
 - (5) A public defender or a lay advocate with the public defender's office or court appointed counsel, while engaged in the execution of any official duties or if the assault results from the execution of the public defender or a lay advocate with the public defender's office or court appointed council's

TITLE 7: LAW & ORDER

PART 2: OFFENSES

official duties;

- (6) A Court judge or bailiff, while engaged in the execution of any official duties or if the assault results from the execution of the Judge or bailiff's official duties;
- (7) A Council member, while engaged in the execution of any official duties or if the assault results from the execution of the Council's official duties; or
- (8) If the person is imprisoned or otherwise subjected to the lawful custody of a department of corrections or detention/department of juvenile corrections or detention/law enforcement agency/any other entity contracting with a department of corrections or detention or law enforcement agency that has responsibility for sentenced or unsentenced detainees, and commits an assault knowing or having reason to know that the victim is acting in an official capacity as an employee of any of the entities listed in this paragraph.

7.2.3.4 Battery; Aggravated Battery.

- (1) A person is liable for battery if they intentionally, knowingly, recklessly, or negligently cause bodily injury or offensive contact to another.
- (2) A person is liable for aggravated battery if they intentionally, knowingly, recklessly, or negligently cause serious bodily injury or serious offensive contact to another, including, but not limited to when the person:
 - (A) Causes the requisite contact with a deadly weapon or dangerous instrument;
 - (B) Is an adult and causes the requisite contact to a child;
 - (C) Causes the requisite contact to someone who is bound or physically restrained or whose capacity to resist is substantially impaired;
 - (D) Causes the requisite contact in violation of an order of protection;
 - (E) Causes the requisite contact while knowing or having reason to know that the other person is a:
 - (1) FBIC justice or service personnel, or someone summoned and directed by FBIC justice or service personal, while engaged in the execution of their official duties;
 - (2) Teacher or other person employed by any school and the teacher or other employee is on the grounds of a school or grounds adjacent to the school or is in any part of a building or vehicle used for school purposes, any teacher

TITLE 7: LAW & ORDER

PART 2: OFFENSES

- or school nurse visiting a private home in the course of the teacher's or nurse's professional duties, or any teacher engaged in any authorized and organized classroom activity held on other than school grounds;
- (3) A licensed health care practitioner, or a person summoned and directed by the licensed health care practitioner, while engaged in the person's professional duties (this subdivision does not apply if the person who commits the assault is seriously mentally ill or is afflicted with Alzheimer's disease or related dementia);
 - (4) A prosecutor or lay advocate with the prosecutor's office, while engaged in the execution of any official duties or if the assault results from the execution of the prosecutor's official duties;
 - (5) A public defender or a lay advocate with the public defender's office or court appointed counsel, while engaged in the execution of any official duties or if the assault results from the execution of the public defender or a lay advocate with the public defender's office or court appointed council's official duties;
 - (6) A Court judge or bailiff, while engaged in the execution of any official duties or if the assault results from the execution of the Judge or bailiff's official duties;
 - (7) A Council member, while engaged in the execution of any official duties or if the assault results from the execution of the Council's official duties; or
 - (8) If the person is imprisoned or otherwise subjected to the lawful custody of a department of corrections or detention/department of juvenile corrections or detention/law enforcement agency/any other entity contracting with a department of corrections or detention or law enforcement agency that has responsibility for sentenced or unsentenced detainees, and commits an assault knowing or having reason to know that the victim is acting in an official capacity as an employee of any of the entities listed in this paragraph; or
- (F) Intentionally, knowingly, or recklessly impedes the normal breathing or circulation of blood of another person by applying pressure to the throat or neck or by obstructing the nose and mouth either manually or using an instrument.

7.2.3.5 Coercion/Intimidating/Menacing/Threatening.

- (1) It is an offense to compel or induce another person to engage in conduct from which they have a legal right to abstain, or to abstain from engaging in conduct in which they have a legal right to engage, by means of instilling in them a fear that, if the demand is not

TITLE 7: LAW & ORDER

PART 2: OFFENSES

complied with, the actor or another will:

- (A) Cause physical injury to the actor or some other person;
 - (B) Cause damage to property;
 - (C) Cause, or in reckless disregard to causing, serious public inconvenience including, but not limited to, evacuation of a building, place of assembly or transportation facility;
 - (D) Engage in other conduct in violation of any law;
 - (E) Accuse some person of violating the law or cause charges to be instituted against them;
 - (F) Expose a secret or publicize an asserted fact, whether true or false, tending to subject some person to hatred, contempt, or ridicule;
 - (G) Cause or continue a strike, boycott, or other collective action injurious to some person's business, except that such a threat shall not be deemed coercive when the act or omission compelled is for the benefit of the group in whose interest the actor purports to act;
 - (H) Testify or provide information or withhold testimony or information with respect to another's legal claim or defense;
 - (I) Use or abuse their position as a public servant by performing some act within or related to their official duties, or by failing or refusing to perform an official duty, in such manner as to affect some person adversely; or
 - (J) Inflict any other harm which would not benefit the actor.
- (2) Coercion/intimidating/menacing/threatening falls under obstruction of justice if the offense is committed to prevent or retaliate for a victim either reporting offensive activity or being involved in an organization, other than law enforcement, that is established for the purpose of reporting or preventing offensive activity.
- (3) In adjudicating responsibility or liability for coercion/intimidating/menacing/threatening committed by instilling in the victim a fear that they or another person would be charged with an offense, it is a defense that the charged person reasonably believed the threatened charge to be true and that their sole purpose was to compel or induce the victim to take reasonable action to make good the wrong which was the subject of the threatened charge.

7.2.3.6 Contributing to the Delinquency of a Minor.

TITLE 7: LAW & ORDER

PART 2: OFFENSES

- (1) It is an offense to, by any act, cause, encourage, or contribute to the delinquency of a minor.
- (2) To find a person liable of this offense, it is not necessary to prove that the minor has actually become delinquent if it appears from evidence that through any act, neglect, or omission of duty or by any improper act or conduct on the part of such person, the delinquency of a minor has been caused or encouraged.
- (3) Ceremonial Use Exception (Tobacco and Peyote). This Section does not apply to conduct involving the possession, offering, furnishing, or use of traditional tobacco or peyote by or to a minor solely as part of a bona fide religious or cultural ceremony or practice accepted by the FBIC, including Native American Church peyote practices, when:
 - (A) The ceremony or practice is conducted in good faith and not as a pretext to evade this Title;
 - (B) The minor's participation is supervised by the minor's parent/legal guardian or a recognized ceremonial leader/elder; and
 - (C) The conduct does not involve the commercial sale of tobacco products or any vapor product.

For purposes of this Subsection, "traditional tobacco" means natural tobacco used for customary offering, prayer, or ceremonial purposes (including loose tobacco and tobacco used in a pipe), and does not include vapor products.

7.2.3.7 Custodial Interference.

- (1) It is an offense—if knowingly or having reason to know that a person has no legal right to do so—to knowingly take, entice, or keep any child or ward from lawful custody of another person or institution.
- (2) If a child is born out of wedlock, the mother is the legal custodian of the child for the purposes of this Section until paternity is established and custody is determined by a court.

7.2.3.8 Defamation (Libel and Slander).

- (1) It is an offense to defame another.
- (2) Defamation may be by either libel or slander.
- (3) "Libel" is a defamatory statement that is written.
- (4) "Slander" is a defamatory statement that is oral.
- (5) A defamatory *per se* statement is so obvious and naturally harmful to one's reputation on

TITLE 7: LAW & ORDER

PART 2: OFFENSES

its face that proof of injury or actual damages is not required, including statements that:

- (A) A person committed an offense or immoral conduct;
 - (B) A person has an infectious, contagious, or “loathsome” disease;
 - (C) A person engaged in sexual misconduct; or
 - (D) Are harmful about someone’s business, trade, or profession.
- (6) A defamatory statement that is not defamatory *per se* is considered defamatory *per quod* and requires proof of injury or actual damages (e.g., the loss of something with actual value).
- (7) Truth is an absolute defense to defamation, regardless of whether the statement hurt another.
- (8) Culpable Mental State; Private Individuals; Public Officials/Figures; Continued Spread After Notice.
- (A) A person commits defamation against a private individual if the person makes, publishes, or republishes a defamatory statement about the private individual and:
 - (1) Knows the statement is false; or
 - (2) Acts with reckless disregard for whether the statement is true or false; or
 - (3) After receiving credible notice that the statement is false, continues to publish or republish the statement.
 - (B) A person commits defamation against a public official or public figure only if the person knows the statement is false or acts with reckless disregard for the truth.

7.2.3.9 Endangerment.

It is an offense to recklessly endanger another person with a substantial risk of imminent death or physical injury or creates such a risk but is unaware of such risk solely by reason of voluntary intoxication or being under the influence.

7.2.3.10 False Arrest/Unlawful Imprisonment or Detention.

It is an offense to cause another person to be arrested, detained, or imprisoned without lawful justification, with or without a claim of authority.

7.2.3.11 Harassment; Aggravated Harassment.

TITLE 7: LAW & ORDER

PART 2: OFFENSES

- (1) For this Section, “harassment” means conduct that is directed at a specific person that would cause a reasonable person to be seriously alarmed, annoyed, or harassed and the conduct in fact seriously alarms, annoys, or harasses the person. For purposes of this Section, conduct is “directed at a specific person” when that person is the intended target, including when the conduct is carried out through third persons, automated systems, or public postings that identify (or are reasonably understood to refer to) the person.
- (2) A person is liable for harassment if, with intent to harass or with knowledge that the person is harassing another person, the person:
 - (A) Anonymously or otherwise contacts, communicates, or causes a communication with another person by verbal, electronic, mechanical, telegraphic, telephonic, or written means in a manner likely to cause annoyance or alarm;
 - (B) Stalks or continues to follow another person in or about a public place for no legitimate purpose after being asked to desist;
 - (C) Publicly insults another person by abusive or obscene words or gestures in a manner likely to provoke a violent or disorderly response;
 - (D) Repeatedly commits an act or acts that alarms or seriously annoys another person and which serves no legitimate purpose;
 - (E) Surveils or causes another person to surveil a person for no legitimate purpose, including by physical or electronic means (e.g., location tracking using phones, apps, “Find My...”, shared Google/Apple locations, hidden AirTags/tiles, vehicle telematics, geotagged media, drones, smart-home/Internet-of-Things devices, unauthorized remote access to cameras/doorbells, or installation/use of spyware, stalkerware, or other monitoring tools);
 - (F) On more than one occasion makes a false report to a law enforcement, credit, or social service agency;
 - (G) Interferes with the delivery of any public or regulated utility to a person;
 - (H) Without authorization, accesses, attempts to access, or causes access to another person’s electronic accounts, devices, or communications in a manner likely to cause annoyance or alarm (including changing passwords, enabling email forwarding, linking “trusted” devices, obtaining authentication codes, SIM swapping, or taking over two-factor authentication);
 - (I) Impersonates the victim (or another person associated with the victim) or uses spoofing or false-identity tools to contact, harass, threaten, or cause others to contact, harass, threaten, monitor, or retaliate against the victim (e.g., caller-ID spoofing, fake email headers, fake social-media profiles, or deepfakes/voice

TITLE 7: LAW & ORDER

PART 2: OFFENSES

cloning used to make communications appear to be from the victim);

- (J) Publishes, posts, sells, trades, or otherwise discloses the victim's personally identifying or sensitive personal information in a manner likely to invite harassment, threats, stalking, retaliation, or "pile-on" harassment by others (e.g., home/work address, phone number, email, workplace/school location, or similar private identifying information) ("doxxing");
- (K) Solicits, commands, encourages, or coordinates with one or more persons (including through group chats, forums, or mass-reporting tools) to engage in harassment of the victim, where such conduct would be likely to cause annoyance or alarm and serves no legitimate purpose; or
- (L) Targets the victim at a workplace or school by contacting supervisors, teachers, coworkers, classmates, or institutional staff about the victim through falsehoods, impersonation, intimidation, or coordinated harassment, or by using workplace/school systems to monitor, threaten, or harass the victim.

This Subsection does not apply to an otherwise lawful demonstration, assembly, or picketing.

- (3) A person is liable for aggravated harassment if the person commits harassment, as provided in Subsection (2) of this Section, and any of the following applies:
 - (A) A court has issued an order of protection or an injunction against harassment against the person and in favor of the victim of harassment and the order or injunction has been served and is still valid; or
 - (B) The person has previously been found liable for a domestic violence or dating violence offense and the victim of any previous offense is the same as the present offense of harassment.
- (4) Stalking (included within harassment). For purposes of this Subsection:
 - (A) "Course of conduct" means two (2) or more acts, including acts carried out in person, through third persons, or by electronic or technological means, such as following, monitoring, observing, surveilling, communicating with or about the person, appearing at or near the person's home, workplace, school, or other locations, or tracking the person's location.
 - (B) A person commits stalking when the person engages in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for their safety or the safety of an immediate family member, or (2) suffer substantial emotional distress, and the conduct in fact causes such fear or substantial emotional distress.

TITLE 7: LAW & ORDER

PART 2: OFFENSES

- (C) “Substantial emotional distress” means significant mental suffering or anguish that may, but need not, require medical or other professional treatment or counseling.

7.2.3.12 Homicide.

- (1) In this Section, unless the context otherwise requires:

- (A) “Adequate provocation” means conduct or circumstances sufficient to deprive a reasonable person of self-control.
- (B) “Homicide” means first degree murder, second degree murder, manslaughter, or negligent homicide and includes causing the death of an unborn child under the following circumstances:

- (1) The biological mother intended to carry the pregnancy to term; and
- (2) The death was caused by an intentional act, reckless conduct, or criminal negligence that resulted in harm to the unborn child or the mother.

Exemption: The intentional termination of a pregnancy by a licensed healthcare provider, performed with the consent of the biological mother, does not constitute homicide under this Section. This exemption includes termination accomplished by prescribing, dispensing, administering, or supervising the use of medication (including a pill or other medication-based method), and includes any other medical or surgical method that conforms to generally accepted standards of safe medical practice within the provider’s lawful scope of licensure. For avoidance of doubt, “performed” includes circumstances in which the biological mother self-administers medication as directed by the licensed healthcare provider.

- (C) “Person” means a human being.
- (D) “Premeditation” means that the charged person acts with either the intention or the knowledge that they will kill another human being, when such intention or knowledge precedes the killing by any length of time to permit reflection. Proof of actual reflection is not required, but an act is not done with premeditation if it is the instant effect of a sudden quarrel or heat of passion.
- (2) A person is liable for first degree murder if:
- (A) Intending or knowing that the person’s conduct will cause death, the person causes the death of another person, including an unborn child, with premeditation or, because of causing the death of another person with premeditation, causes the death of an unborn child.
- (B) Acting either alone or with one or more other persons, the person commits or

TITLE 7: LAW & ORDER

PART 2: OFFENSES

attempts to commit:

- (1) Sexual conduct with a child;
- (2) Sexual assault;
- (3) Child abuse;
- (4) Molestation of a child;
- (5) Dangerous drug or narcotics offenses;
- (6) Involving or using children in drug offenses;
- (7) Kidnapping;
- (8) Burglary;
- (9) Arson;
- (10) Robbery; or
- (11) Escape from lawful detention or unlawful flight from a pursuing FBIC designated security or law enforcement officer, and

During and in furtherance of the offense or immediate flight from the offense, the person or another person causes the death of any person.

- (C) Intending or knowing that the person's conduct will cause death to a FBIC designated security or law enforcement officer, the person causes the death of a FBIC designated security or law enforcement officer who is in the line of duty.
 - (D) Homicide, as prescribed in Subsection (2)(B) of this Section requires no specific mental state other than what is required for the commission of any of the enumerated offenses.
- (3) A person is liable for second degree murder if without premeditation:
- (A) The person intentionally causes the death of another person, including an unborn child or, because of intentionally causing the death of another person, causes the death of an unborn child; or
 - (B) Knowing that the person's conduct will cause death or serious physical injury, the person causes the death of another person, including an unborn child or, because of knowingly causing the death of another person, causes the death of an unborn child;

TITLE 7: LAW & ORDER

PART 2: OFFENSES

or

- (C) Under circumstances manifesting extreme indifference to human life, the person recklessly engages in conduct that creates a grave risk of death and thereby causes the death of another person, including an unborn child or, because of recklessly causing the death of another person, causes the death of an unborn child.
- (4) A person is liable for manslaughter if they:
- (A) Recklessly cause the death of another person; or
 - (B) Commit second degree murder as prescribed in Subsection (3) upon a sudden quarrel or heat of passion resulting from adequate provocation by the victim; or
 - (C) Intentionally provide the physical means that another person uses to commit suicide, with the knowledge that the person intends to commit suicide; or
 - (D) Commit second degree murder as prescribed in Subsection (3)(C) while being coerced to do so by the use or threatened immediate use of unlawful deadly physical force upon such person or a third person which a reasonable person in his situation would have been unable to resist; or
 - (E) Knowingly or recklessly cause the death of an unborn child by any physical injury to the mother.
- (5) A person is liable for negligent homicide if the person:
- (A) Is so reckless or careless that it shows disregard for the life or safety of others; or
 - (B) Grossly deviates from the standard of care that a reasonable person would exercise, and the person's conduct involves a substantial and unjustifiable risk; and
 - (C) The person's conduct causes the death of another person, including an unborn child.

A person's subjective belief or good faith is irrelevant in cases of negligent homicide.

Clarification—Death Caused by an Animal. For purposes of this Subsection (5), a person's "conduct" may include a culpable failure to act when a legal duty exists under FBIC Law. Mere ownership of an animal, without culpable conduct, is insufficient. An owner or custodian's failure to confine, restrain, or control an animal—including failure to comply with Section 7.2.9.3—may constitute negligent homicide only if the elements of Subsection (5)(A) through (C) are proven by the requisite burden of proof.

TITLE 7: LAW & ORDER

PART 2: OFFENSES

7.2.3.13 Human Trafficking (Non-Sex).

It is an offense to recruit, transfer, harbor, or receive a person, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or a position of vulnerability, or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation, involuntary servitude, peonage, debt bondage, or slavery.

7.2.3.14 Kidnapping.

- (1) It is an offense to:
 - (A) Intentionally using force, or the threat of force, to unlawfully cause the confinement and transportation of another; or
 - (B) Knowingly restraining another person with the intent to:
 - (1) Hold the person victim for ransom, as a shield, or as a hostage;
 - (2) Hold the person for involuntary servitude;
 - (3) Inflict death, physical injury, or a sexual offense on the person, or to otherwise aid in the commission of another offense; or
 - (4) To place the person in reasonable apprehension of imminent physical injury or offensive contact.
- (2) A mitigating factor in charging and determining liability for a person who has committed kidnapping is whether the kidnapped person was released voluntarily by the charged person without physical injury in a safe place before citation/arrest and before the charged person accomplished any of the further enumerated offenses in Subsection (1)(B) of this Section.

7.2.3.15 Mutilation, Disinterment, or Removal of Dead Body.

It is an offense to:

- (1) Mutilate, disinter, or remove a dead human body or ashes of a human being from its burial or resting place, without authority of law or order of court; or
- (2) Desecrate or disrupt a human burial site.

7.2.3.16 Nonsupport of a Child.

- (1) It is an offense for the parent, lawful guardian, or other person lawfully charged with the support of a child, born in or out of wedlock, to refuse or neglect without lawful excuse to

TITLE 7: LAW & ORDER

PART 2: OFFENSES

provide support for such child.

- (2) It is no defense that either parent has contracted a subsequent marriage, that a child has been born of a subsequent marriage, that the charged person is the parent of a child born of a prior marriage, or that the child is being supported by another person or agency.
 - (3) The intended beneficiary (i.e., the child after having reached the age of eighteen (18) years) may directly bring a claim for past nonsupport if the person that was lawfully charged with their support never provided the support and those who actually did provide the intended beneficiary’s support are deceased.
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**CHAPTER 7.2.4
SEXUAL OFFENSES**

Sections:

- 7.2.4.1 Definitions Relating to Sexual Offenses**
 - 7.2.4.2 Contributing to the Sexual Delinquency of a Child**
 - 7.2.4.3 Giving Sexually Transmitted Disease to Another**
 - 7.2.4.4 Incest**
 - 7.2.4.5 Indecent Exposure**
 - 7.2.4.6 Prostitution**
 - 7.2.4.7 Public Sexual Indecency**
 - 7.2.4.8 Rape**
 - 7.2.4.9 Sexual Abuse**
 - 7.2.4.10 Sexual Act with an Animal.**
 - 7.2.4.11 Sexual Assault; Aggravated Sexual Assault**
 - 7.2.4.12 Sexual Exploitation**
 - 7.2.4.13 Unlawful Dissemination of an Intimate Image**
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7.2.4.1 Definitions Relating to Sexual Offenses; General Provisions.

- (1) In this Section, unless the context otherwise requires:
 - (A) “Consent” means affirmative consent, which is the knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, if those words or actions create clear permission regarding willingness to engage in the sexual activity.
 - (B) “Forcible compulsion” means to compel by physical force or threat of physical force; or a threat, express or implied, that places a person in fear of immediate
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TITLE 7: LAW & ORDER

PART 2: OFFENSES

physical injury to themselves or another person or in fear that they or another person will immediately or in the future be kidnapped or harmed.

- (C) “Mentally disabled” means that a person suffers from a mental disease or defect that renders them incapable of appraising the nature of their conduct.
 - (D) “Mentally incapacitated” means that a person is rendered incapable of appraising or controlling their conduct at the time of the alleged offense because of the influence of a narcotic or other intoxicating substance administered to them without their consent or because of any other act committed upon them without their consent.
 - (E) “Physically helpless” means that a person is unconscious or for any other reason is physically unable to communicate unwillingness to an act.
 - (F) “Sexual activity” or “sexual contact” means any touching of the sexual or other intimate parts of another person or causing such person to touch the sexual or other intimate parts of the actor for the purpose of arousing or gratifying the sexual desire of either party, or for the purpose of abusing, humiliating, harassing, or degrading the other person. Sexual activity includes but is not limited to masturbation, oral sex, sexual penetration with objects, or the transfer or transmission of semen.
 - (G) “Sexual intercourse” has its ordinary meaning and occurs upon any penetration, however slight; emission is not required.
- (2) A person is considered incapable of consenting to a sexual act if they are:
- (A) Under eighteen (18) years of age;
 - (B) Mentally disabled;
 - (C) Mentally incapacitated;
 - (D) Physically helpless; or
 - (E) Incapacitated for any reason, including by voluntary or involuntary use of intoxicants, medication, or drugs.
- (3) If the nature of the offense depends on a person being under the age of eighteen (18), it is no defense that the charged person, if over the age of twenty-one (21), did not know the child’s age or that they reasonably believed the child to be older than the age of eighteen (18).
- (4) If the nature of the offense depends on the victim’s lack of consent based solely upon their incapacity to consent because they are mentally disabled or mentally incapacitated, it is an

TITLE 7: LAW & ORDER

PART 2: OFFENSES

affirmative defense for the charged person to prove that at the time of the alleged offense they did not know of the facts or conditions responsible for the victim’s incapacity to consent.

7.2.4.2 Contributing to the Sexual Delinquency of a Child.

A person eighteen (18) years of age or older is liable for contributing to the sexual delinquency of a child if they cause another person less than eighteen (18) years of age to engage in sexual contact or sexual intercourse.

7.2.4.3 Giving Sexually Transmitted Disease to Another.

(1) It is an offense to:

- (A) Knowingly or recklessly infect another person with a sexually transmitted disease without the other person consenting; or
- (B) Transfer a sexually transmitted disease during the commission of another sex offense.

7.2.4.4 Incest.

It is an offense to marry or engage in sexual contact or sexual intercourse with a person with whom the marriage would be prohibited under FBIC Law as incest.

7.2.4.5 Indecent Exposure.

It is an offense to expose one’s genitals or anus if another person is present and:

- (1) The other person is under the age of eighteen (18) years of age; or
- (2) The charged person is reckless about whether such other person, as a reasonable person, would be offended or alarmed by the act.

7.2.4.6 Prostitution.

(1) In this Section, unless the context otherwise requires:

- (A) “Place of prostitution” means any place where prostitution is practiced.
- (B) “Prostitution” means any engaging in or agreeing or offering sexual conduct under a fee arrangement with any person for money or any other valuable consideration.

(2) It is an offense to knowingly:

TITLE 7: LAW & ORDER

PART 2: OFFENSES

- (A) Engage in prostitution as a prostitute;
 - (B) Entice any other person to a place of prostitution for the purpose of prostitution with another person;
 - (C) By any false pretense, false representations, or other fraudulent means, procure any other person to engage in prostitution with another person;
 - (D) Receive money or other valuable thing for, or on account of, procuring or placing a person in a place of prostitution for the purpose of prostitution;
 - (E) Receive money or other valuable thing from the earnings of a person engaged in prostitution;
 - (F) By force, fraud, intimidation or threats, cause a spouse or life partner to live a life of prostitution or live in a place of prostitution;
 - (G) Detain any person in a place of prostitution because of a debt such person has contracted or is said to have contracted; or
 - (H) Operate or maintain a place of prostitution.
- (3) It is an offense to seek out or solicit sexual conduct for a fee (also known as a “john”).
- (4) It is a more severe offense to procure, seek, or solicit prostitution from a person under eighteen (18) years of age.

7.2.4.7 Public Sexual Indecency.

It is an offense to intentionally or knowingly engage in a sexual act, if another person is present, and to be reckless about whether such other person is either under eighteen (18) years of age or such other person, as a reasonable person, would be offended or alarmed by the sexual act.

7.2.4.8 Rape.

It is an offense to have sexual intercourse with another who is:

- (1) Subjected to forcible compulsion by the actor;
- (2) Incapable of consent by reason of mental disability, mental incapacitation, or physical helplessness;
- (3) Incapacitated; or
- (4) Less than eighteen (18) years of age and more than three (3) years younger than the actor.

TITLE 7: LAW & ORDER

PART 2: OFFENSES

7.2.4.9 Sexual Abuse.

- (1) It is an offense to engage in sexual contact with another who is less than eighteen (18) years of age and more than three (3) years younger than the actor.
- (2) It is a defense to this Section if the act was done in furtherance of lawful medical practice and such act conformed to industry standards.

7.2.4.10 Sexual Act with an Animal.

- (1) In this Section, unless the context otherwise requires, “animal” means any creature, animal, or being that is not human.
- (2) It is an offense to:
 - (A) Engage in a sexual act with an animal;
 - (B) Knowingly cause, aid, or abet another person to engage in a sexual act with an animal;
 - (C) Knowingly permit a sexual act with an animal to be conducted in any premises under one’s control;
 - (D) Advertise, offer, or accept the offer of an animal for the purpose of sexual acts;
 - (E) Photograph or film a sexual act with an animal;
 - (F) Distribute or possess any visual depiction of a sexual act with an animal; or
 - (G) Organize, promote, conduct, or participate as an observer of a sexual act with an animal.
- (3) This Section does not apply to:
 - (A) Accepted animal husbandry practices that conform to industry standards, which are designed to ensure the health and well-being of the animals involved, related to the care, cultivation, and breeding of animals;
 - (B) Conformation judging (i.e., the practice related to the evaluation of animals, particularly in the context of shows and competitions) that conform to industry standards;
 - (C) Veterinary medical practices that conform to industry standards, or

TITLE 7: LAW & ORDER

PART 2: OFFENSES

- (D) Licensed scientific research that conform to industry standards.

7.2.4.11 Sexual Assault; Aggravated Sexual Assault.

- (1) A person is liable for sexual assault if they intentionally or knowingly engaging in sexual contact with any person without consent of such person, including but not limited to a person who is:
 - (A) Subjected to forcible compulsion by the actor;
 - (B) Incapable of consent by reason of mental disability, mental incapacitation, or physical helplessness; or
 - (C) Incapacitated.
- (2) A person is liable for aggravated sexual assault if the sexual assault:
 - (A) Involves the threat, use, or exhibition of a deadly weapon or dangerous instrument;
 - (B) Involves the intentional or knowing infliction of serious physical injury;
 - (C) Was committed by a person who had previously been found liable for sexual assault; or
 - (D) Was perpetrated against a child, dependent person, elder, or incapacitated person.
- (3) It is a defense to this Section if the act was done in furtherance of lawful medical practice and such act conformed to industry standards.

7.2.4.12 Sexual Exploitation.

It is an offense to cause another to be exposed to explicit sexual acts, explicit sexual photographs/videos/images, or to take sexually explicit photographs/videos/images of another if:

- (1) The victim is less than eighteen (18) years of age;
- (2) The victim is unaware of the photographs or videos being taken;
- (3) The victim is physically helpless; or
- (4) The victim has a mental disability or is mentally incapacitated, which renders them incapable of appraising the nature of their conduct.

7.2.4.13 Unlawful Dissemination of an Intimate Image.

TITLE 7: LAW & ORDER

PART 2: OFFENSES

- (1) In this Section, unless the context otherwise requires:
 - (A) “Disclose” includes, but is not limited to, transfer, publish, distribute, exhibit, advertise, and/or offer.
 - (B) “Intimate image” includes, but is not limited to, a photograph, film, videotape, recording, digital picture, and other visual or audio reproduction—whether authentic, altered, or synthetically generated—that depicts or appears to depict sexual activities or uncovered human genitals, buttocks, pubic areas, or female nipples, regardless of the way the image or audio is stored.
 - (C) “Of another person” means the person depicted or purportedly depicted is reasonably identifiable, either from the image itself or from information displayed with, referenced in, or otherwise associated with the disclosure (including captions, usernames, comments, messages, or other context).
- (2) It is an offense to disclose an intimate image of another person without that person’s prior, informed, and affirmative consent.
- (3) It is an offense to threaten to disclose an intimate image of another person without that person’s prior, informed, and affirmative consent, when the threat is made with the intent to harass, intimidate, coerce, extort, or obtain money or any other thing of value, or to compel the person to engage in conduct from which they have a legal right to abstain (or to abstain from conduct in which they have a legal right to engage).
- (4) Exceptions; Good-Faith Reporting; Evidence Submission. This Section does not apply to:
 - (A) Disclosure made in connection with a legal proceeding (including a petition for a protection order), when disclosure is consistent with common practice in legal proceedings or necessary for the proper functioning of the justice system;
 - (B) A disclosure made in good faith for the purpose of making a report, complaint, or providing evidence of a suspected violation of this Section or other unlawful conduct to: a FBIC, federal, state, or local law enforcement agency; a prosecuting authority; a court; or another governmental authority with responsibility to receive such reports or protect victims; or
 - (C) A disclosure made in good faith to the disclosing person’s attorney for the purpose of obtaining legal advice related to the incident.
- (5) Limitation on Scope of Disclosures Covered by Subsection (4). A person relying on Subsection (4) must limit the disclosure to that which is reasonably necessary for the report, evidence submission, legal advice, or legal proceeding, and must not disclose the intimate image to additional persons or for any unrelated purpose.

TITLE 7: LAW & ORDER

PART 2: OFFENSES

**CHAPTER 7.2.5
OFFENSES AGAINST PROPERTY**

Sections:

- 7.2.5.1 Arson**
 - 7.2.5.2 Breaking and Entering**
 - 7.2.5.3 Burglary**
 - 7.2.5.4 Damage or Destruction**
 - 7.2.5.5 Robbery**
 - 7.2.5.6 Theft**
 - 7.2.5.7 Trespass to Private Property**
 - 7.2.5.8 Trafficking in Stolen Property**
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7.2.5.1 Arson.

It is an offense to start a fire or cause an explosion and intentionally or recklessly:

- (1) Place another person in danger of physical injury;
- (2) Damage any structure, place, or thing customarily occupied by people;
- (3) Place any property, regardless of ownership, in danger of damage; or
- (4) Damage any property, regardless of ownership.

7.2.5.2 Breaking and Entering.

It is an offense to enter any dwelling, vehicle, or other structure, movable or immovable, without the consent of the owner or occupant.

7.2.5.3 Burglary.

It is an offense to:

- (1) Enter or remain unlawfully in or on a residential structure, nonresidential structure, or in a fenced commercial or residential yard with the intent to commit an offense;
 - (2) Make unlawful entry into any part of a motor vehicle, including but not limited to by means of a manipulation key or master key, with the intent to commit an offense;
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TITLE 7: LAW & ORDER

PART 2: OFFENSES

- (3) While effecting entry or remaining under Subsections (1) or (2), or in immediate flight therefrom:
 - (A) Be armed with burglar's tools (e.g., acetylene torch, electric arc, burning bar, thermal lance, oxygen lance or other similar device capable of burning through steel, concrete or other solid explosive, tool, instrument, or other article adapted, designed, or commonly used for committing or facilitating a forcible entry into premises or theft by a physical taking);
 - (B) Be armed with a deadly weapon;
 - (C) Cause or attempt to cause physical injury to any person; or
 - (D) Use or threaten to use a dangerous weapon.

7.2.5.4 Damage or Destruction.

It is an offense—if without the consent of the owner—to:

- (1) Damage or destroy property;
- (2) Tamper with property and cause financial loss or substantial inconvenience to the owner or to someone with a lawful right to possess or use the property (including tampering with smart-home/Internet-of-Things devices, connected security systems/cameras, digital locks, thermostats, doorbells, or vehicle telematics);
- (3) Make markings, including inscriptions, slogans, drawings, or paintings on property;
- (4) Alter, deface, or damage in any way FBIC owned, managed, or protected property, which may include a monument, structure, facility, place of worship, burial, or other property respected by the FBIC; or
- (5) Aid, assist, command, or counsel another to commit damage or destruction.

7.2.5.5 Robbery.

It is an offense—while committing theft, attempting to commit theft, or fleeing from either the commission or attempt to commit theft—to:

- (1) Use or threaten the immediate use of physical force upon the person of another with the intent of:
 - (A) Preventing or overcoming resistance to the actor's taking of the property or to the actor's retention thereof immediately after the taking; or

TITLE 7: LAW & ORDER

PART 2: OFFENSES

- (B) Compelling the owner of such property or person to deliver the property or to engage in other conduct which might aid in the commission of the theft; or
- (2) Represent by word or action that the actor is armed with what purports to be a dangerous or deadly weapon;
- (3) Be aided by another person actually present;
- (4) Be armed with, use, or attempt to use a dangerous or deadly weapon; or
- (5) Cause or attempt to cause serious physical injury to any person.

7.2.5.6 Theft.

- (1) It is an offense to:
 - (A) With intent to deprive another of property, take, appropriate, obtain, or withhold such property from the owner thereof;
 - (B) Come into control of property of another and knows or has good reason to know that the property is lost, mislaid, or delivered under a mistake and fail to take reasonable measures to restore the property to the owner;
 - (C) Compel or induce another person to deliver property to oneself or to a third person by means of instilling fear that if the property is not so delivered, the actor will:
 - (1) Cause physical injury to some person;
 - (2) Cause damage to property;
 - (3) Engage in other conduct constituting an offense;
 - (4) Accuse some person of an offense or cause charges to be instituted against that person;
 - (5) Expose a secret (including the threatened disclosure of an “intimate image” as defined in Section 7.2.4.13, private communications, or personally identifying/sensitive personal information) or publicize an asserted fact, whether true or false, tending to subject some person to hatred, contempt, or ridicule;
 - (6) Cause or continue a strike, boycott, or other collective action injurious to some person’s business (except such conduct shall not be considered extortion when the property is demanded or received for the benefit of the group in whose interest the actor purports to act);

TITLE 7: LAW & ORDER

PART 2: OFFENSES

- (7) Testify or provide information or withhold testimony or information with respect to another's legal claim or defense;
 - (8) Use or abuse their position as a public servant by performing some act within or related to their official duties, or by failing or refusing to perform an official duty, in such manner as to affect some person adversely; or
 - (9) Inflict any other harm;
 - (D) Obtain property of another by:
 - (1) Creating or confirming another's false impression of law, value, intention, or other state of mind which the actor does not believe to be true;
 - (2) Failing to correct a false impression which one previously created or confirmed;
 - (3) Preventing another from acquiring information pertinent to the disposition of the property involved;
 - (4) Selling or otherwise transferring or encumbering property, failing to disclose a lien, adverse claim, or other legal impediment to the enjoyment of the property whether such impediment is or is not valid, or is or is not a matter of official record; or
 - (5) Promising performance which they do not intend to perform or know they will not be performed;
 - (E) Receive (e.g., acquire possession, control or title, or lending on the security of the property), conceal, or dispose of property of another knowing or having good reason to know that the property was the subject of theft; or
 - (F) With the intent to avoid payment thereof, obtain services that are available only for compensation by force, threat, deception, or other means to avoid payment for the services or having control over the disposition of labor or of business, commercial, or industrial equipment or facilities of another, use or divert to the use of themselves or a third person such labor, equipment, or facilities with intent to derive a commercial benefit for oneself or a third person not entitled thereto.
- (2) For purposes of this Section, "property" includes tangible and intangible items of value, including money held in bank, credit-union, "cash app," prepaid, digital-wallet, or other fintech accounts; virtual currency or digital assets; and account-access credentials or authentication factors (e.g., passwords, PINs, access codes, or authentication codes) when taken, obtained, used, or withheld as part of the theft.

TITLE 7: LAW & ORDER

PART 2: OFFENSES

(3) Prima Facie Evidence Considerations:

- (A) If theft by deception is alleged based on a bad check, it is prima facie evidence of knowledge that the check or order would not be honored if the drawer has no account with the drawee at the time the check or order is drawn or uttered or payment is refused by the drawee for lack of funds, upon presentation within thirty (30) days after the date of utterance, and the drawer fails to make good within ten (10) days after receiving notice of refusal.
- (B) Absconding without payment or offer to pay for services for which compensation is customarily paid immediately upon the receiving of them is prima facie evidence that the services were obtained by deception.

(4) Defenses:

- (A) It is a defense to an allegation of theft that the actor acted under an honest claim of right in that they were unaware that the property was that of another or that they reasonably believed that they were entitled to the property involved or had a right to acquire or dispose of it as they did.
- (B) It is a defense to an allegation of theft by extortion (which happens when instilling in the victim a fear that they or another person would be charged with an offense) that the actor reasonably believed the threatened charge to be true and that their sole purpose was to compel or induce the victim to take reasonable action to make good the wrong which was the subject of the threatened charge.
- (C) It is a defense to an allegation of theft by deception that the actor's intention or belief that a promise would not be performed shall not be established by or inferred from the fact alone that such promise was not performed.
- (D) It is a defense to an allegation of theft by receiving that the actor received, retained, concealed, or disposed of the property with the intent of restoring it to the owner.

7.2.5.7 Trespass to Private Property.

- (3) It is an offense to enter or remain on the private property of another without consent and:
 - (A) With notice that the entry was prohibited or forbidden; or
 - (B) After being ordered to depart after entry and failing to do so.
- (4) Notice or an order may be given by:
 - (A) Written or verbal communication given to the intruder by a FBIC Official, FBIC

TITLE 7: LAW & ORDER

PART 2: OFFENSES

- designated security or law enforcement officer, the owner of the property, or a person authorized to act on behalf of the owner;
- (B) Written notice posted on or about the property in a manner reasonably likely to come to the attention of potential intruders;
 - (C) Fences, barricades or other devices obviously designed to enclose the property and to exclude all potential intruders;
 - (D) Written FBIC, State or federal protective order(s) or restraining order(s) preventing a person from entering FBIC Lands or buildings within FBIC Lands.

7.2.5.8 Trafficking in Stolen Property.

- (1) It is an offense to:
 - (A) Recklessly sell, transfer, distribute, dispense, or otherwise dispose of the property of another that has been stolen; or
 - (B) Knowingly initiate, organize, plan, finance, direct, manage, or supervise the theft and trafficking in the property of another that has been stolen.
- (2) In an action for trafficking in stolen property, the following are permissible inferences:
 - (A) Proof of possession of property recently stolen, unless satisfactorily explained, may give rise to an inference that the person in possession of the property was aware of the risk that it had been stolen or in some way participated in its theft;
 - (B) Proof of purchase or sale of stolen property at a price substantially below its fair market value, unless satisfactorily explained, may give rise to an inference that the person buying or selling the property was aware of the risk that it had been stolen; and/or
 - (C) Proof of purchase or sale of stolen property by a dealer in property, out of the regular course of business, or without the usual indicia of ownership other than mere possession, unless satisfactorily explained, may give rise to an inference that the person buying or selling the property was aware of the risk that it had been stolen.

CHAPTER 7.2.6 OFFENSES AGAINST HEALTH, SAFETY, AND WELFARE

Sections:

TITLE 7: LAW & ORDER

PART 2: OFFENSES

- 7.2.6.1 Carrying a Prohibited Weapon; Unlawful Concealed Carry; Weapons in Weapon-Free Zones**
 - 7.2.6.2 Controlled Substances: Possession**
 - 7.2.6.3 Controlled Substances: Dispensing, Distributing, Manufacturing, and/or Selling**
 - 7.2.6.4 Controlled Substances: Threshold Amounts**
 - 7.2.6.5 Disorderly Conduct**
 - 7.2.6.6 Disposal of Liquor Containers**
 - 7.2.6.7 Drug Paraphernalia**
 - 7.2.6.8 Employment or Use of Children in Drug Operations**
 - 7.2.6.9 Furnishing Tobacco to Persons Under Twenty-One (21) Years of Age**
 - 7.2.6.10 Intoxication by Inhaling**
 - 7.2.6.11 Littering**
 - 7.2.6.12 Liquor Sales Prohibited**
 - 7.2.6.13 Loitering**
 - 7.2.6.14 Public Drinking; Public Consumption of Marijuana, Psilocybin, and/or Psilocin**
 - 7.2.6.15 Public Nuisance**
 - 7.2.6.16 Reckless Discharge of a Firearm**
 - 7.2.6.17 Seizure and Civil Forfeiture of Alcohol and Controlled Substances**
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7.2.6.1 Carrying a Prohibited Weapon; Unlawful Concealed Carry; Weapons in Weapon-Free Zones.

- (1) Open Carry Generally. The FBIC is an open carry jurisdiction. Except as prohibited by this Title or other FBIC Law, a person who may lawfully possess a firearm may openly carry a firearm on FBIC Lands. Open carry under this Section does not authorize possession or carry of any Prohibited Weapon.
 - (2) Prohibited Weapons. It is an offense to knowingly possess, carry, openly carry, conceal carry, transport, or have on or about one's person any Prohibited Weapon on FBIC Lands. For purposes of this Section, "Prohibited Weapon" means:
 - (A) Any bomb, grenade, mine, rocket, missile, pipe bomb, plastic explosive, blasting cap, detonator, or other explosive or incendiary device designed or intended for use as a weapon;
 - (B) Any realistic replica of an explosive or destructive device that is carried or displayed in a manner reasonably likely to cause alarm or provoke a public safety response;
 - (C) Any poisonous gas or chemical weapon designed or intended to cause death or
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TITLE 7: LAW & ORDER

PART 2: OFFENSES

serious physical injury;

- (D) Any firearm, weapon, device, attachment, part, combination of parts, or conversion device the possession, transfer, transport, manufacture, or use of which is prohibited by applicable Federal law;
 - (E) Any firearm, weapon, device, attachment, part, or combination of parts classified under applicable Federal law or U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) regulation, guidance, or formal classification as a machinegun, machine gun conversion device, silencer, firearm muffler, short-barreled rifle, short-barreled shotgun, destructive device, or “any other weapon”;
 - (F) Any device, attachment, part, or combination of parts designed, intended, or readily convertible to convert a semiautomatic firearm into a machinegun or to materially increase its rate of fire in a manner prohibited by applicable Federal law, including but not limited to an auto sear, drop-in auto sear, “Glock switch,” or bump-stock-type device; and
 - (G) Any other weapon type expressly prohibited by FBIC Law, or by a weapons policy adopted by the Council under Subsection (7).
 - (H) *Federal Classification as Persuasive Authority.* In determining whether a weapon, device, attachment, part, or combination of parts falls within this Section, the Court may consider applicable Federal statutes, regulations, ATF classifications, ATF rulings, and other official ATF guidance as persuasive authority. A weapon or device need not be specifically named in this Title if it otherwise falls within one of the prohibited categories set forth herein.
- (3) Concealed Carry—Compliance with FBIC Law/Policy; Montana Law as Default.
- (A) It is an offense to knowingly carry a concealed firearm on or about one’s person on FBIC Lands unless the person is in compliance with: a concealed-carry ordinance, resolution, regulation, written policy, permit, or other authorization adopted or issued by the FBIC; or if the FBIC has not adopted any applicable concealed-carry ordinance, resolution, regulation, written policy, permit, or other authorization, then the person must be in compliance with the concealed-carry requirements of the State of Montana, as may be amended.
 - (B) For purposes of this Section, a firearm is “concealed” when it is carried in a manner that is not readily observable by a reasonable person. A firearm carried openly in a visible holster is not concealed
- (4) Weapon-Free Zones.
- (A) It is an offense to knowingly carry or possess a firearm, deadly weapon, or

TITLE 7: LAW & ORDER

PART 2: OFFENSES

Prohibited Weapon in a Weapon-Free Zone, except as provided in Subsection (4)(D).

- (B) “Weapon-Free Zone” includes: any FBIC government building, office, courtroom, detention facility, or other facility owned, leased, or operated by the FBIC for governmental purposes; any school, Head Start, child-care facility, playground, or school-sponsored activity area; any health care facility, clinic, or treatment facility; any church or place of worship; any powwow grounds, ceremonial area, cultural gathering, sporting event, or other public event or venue designated as weapon-free by the FBIC or event organizer; and any private business or private premises open to the public where the owner, occupant, or authorized agent (1) posts a “NO WEAPONS” notice at public entrances or (2) provides verbal or written notice that weapons are prohibited.
 - (C) A person who enters a Weapon-Free Zone while carrying a firearm, deadly weapon, or Prohibited Weapon must immediately leave the Weapon-Free Zone or promptly remove and secure the weapon (e.g., in a vehicle), if lawful to do so. Refusal to comply after notice constitutes a violation of this Section and may also constitute trespass under Section 7.2.5.7.
 - (D) This Subsection does not apply to: FBIC designated security or law enforcement officers acting within the scope of duty; or persons specifically authorized in writing by the FBIC or the event organizer to possess a weapon in a Weapon-Free Zone.
- (5) Seizure for Safety/Evidence; Return of Lawful Weapons. Any FBIC designated security or law enforcement officer may, upon probable cause, temporarily confiscate a firearm or other weapon carried or possessed in violation of this Section for officer safety or evidentiary purposes. A lawful weapon that is not subject to forfeiture shall be returned as soon as practicable after adjudication or earlier if it is no longer needed for evidentiary or public-safety purposes.
- (6) No Limitation on Private Property Rights. Nothing in this Title limits the right of any private business, property owner, or lawful occupant to prohibit weapons on their premises or to enforce that prohibition through exclusion or trespass remedies.
- (7) Council Authority. The Council may adopt weapons policies by ordinance, resolution, or other written policy, including:
- (A) Standards for concealed carry;
 - (B) Procedures for written authorizations under this Section; and
 - (C) Designation and administration of additional weapon-free zones, including signage standards and event-based restrictions.

TITLE 7: LAW & ORDER

PART 2: OFFENSES

7.2.6.2 Controlled Substances: Possession.

It is an offense to possess a Controlled Substance except as authorized under FBIC Law or applicable law.

7.2.6.3 Controlled Substances: Dispensing, Distributing, Manufacturing, and/or Selling.

- (1) It is an offense to dispense, distribute, manufacture, and/or sell a Controlled Substance, except as authorized under FBIC Law or applicable law.
- (2) It is not a defense that a person did not know the specific nature of the Controlled Substance involved, if they are aware that they dispensed, distributed, manufactured, and/or sold some form of a Controlled Substance. For example, it is an offense to distribute fentanyl even without specific knowledge that a Controlled Substance contained fentanyl, if the person was aware that they were dispensing, distributing, manufacturing, and/or selling any form of a Controlled Substance.

7.2.6.4 Controlled Substances and Regulated Intoxicants: Personal Use Amounts; Threshold Amounts.

- (1) Controlled Substances—Any Amount. Unless otherwise authorized under FBIC Law or applicable law, it is an offense to sell, give away, barter, distribute, buy, receive, or possess any amount of a Controlled Substance (as defined under FBIC Law).
- (2) Marijuana—Personal-Use Amount; Threshold Amounts. Notwithstanding any other provision of this Title:
 - (A) *Personal-Use Safe Harbor (No Offense).* A person who is twenty-one (21) years of age or older does not commit an offense under this Section by possessing one (1) ounce or less of usable marijuana for personal use, provided that nothing in this subsection authorizes: (1) public consumption or consumption in prohibited locations; (2) driving or operating a motor vehicle or other dangerous instrumentality while impaired; or (3) sale, delivery, distribution, or furnishing of marijuana except as expressly authorized under FBIC Law.
 - (B) *More Than Personal Use—Threshold Amount.* Unless otherwise authorized under FBIC Law, it is an offense to possess more than one (1) ounce but not more than one (1) pound of marijuana.
 - (C) *Aggravated Quantity.* Unless otherwise authorized under FBIC Law, it is an offense to possess more than one (1) pound of marijuana. Possession of more than one (1) pound may be treated by the Court as evidence of an intent to distribute or deliver, when relevant to an element of a charged offense.

TITLE 7: LAW & ORDER

PART 2: OFFENSES

- (D) *Definition.* “Usable marijuana” means marijuana flower or plant material and marijuana products intended for ingestion or inhalation, excluding packaging.
- (3) Psilocybin / Psilocin—Personal-Use Amount; Threshold Amounts. Notwithstanding any other provision of this Title:
- (A) *Personal-Use Safe Harbor (No Offense).* A person who is twenty-one (21) years of age or older does not commit an offense under this Section by possessing one-eighth (1/8) ounce (3.5 grams) or less of psilocybin or psilocin, for personal use, provided that nothing in this subsection authorizes: (i) public consumption or consumption in prohibited locations; (ii) driving or operating a motor vehicle or other dangerous instrumentality while impaired; or (iii) sale, delivery, distribution, or furnishing of psilocybin or psilocin except as expressly authorized under FBIC Law.
- (B) *More Than Personal Use—Threshold Amount.* Unless otherwise authorized under FBIC Law, it is an offense to possess more than one-eighth (1/8) ounce (3.5 grams) but not more than one (1) ounce of psilocybin or psilocin.
- (C) *Aggravated Quantity.* Unless otherwise authorized under FBIC Law, it is an offense to possess more than one (1) ounce of psilocybin or psilocin. Possession of more than one (1) ounce may be treated by the Court as evidence of an intent to distribute or deliver, when relevant to an element of a charged offense.
- (D) *Regulatory Authority; Equivalency.* The Council may adopt by ordinance, resolution, or written policy: (i) definitions and equivalency standards for psilocybin/psilocin in different forms; and (ii) adjusted personal-use and threshold amounts to reflect FBIC policy, public health, and public safety needs.
- (4) No Authorization of Trafficking. Nothing in this Section authorizes the manufacture, cultivation, sale, delivery, distribution, or furnishing of marijuana, psilocybin, or psilocin, except to the extent expressly authorized under FBIC Law.
- (5) Construction/Charging. This Section is intended to distinguish personal-use possession from quantities indicating more than personal consumption. Where conduct is governed by a more specific provision of this Title, the more specific provision controls.

7.2.6.5 Disorderly Conduct. It is an offense to:

- (1) Fight with another in a public place or challenge another person in a public place to fight;
- (2) Create a nuisance by any excessive noise, or other behavior, or allows or permits the creation of a nuisance on property owned, leased, occupied or otherwise controlled by such person, except for FBIC sanctioned events;

TITLE 7: LAW & ORDER

PART 2: OFFENSES

- (3) Make an offensive gesture or display in a public place, and the gesture or display tends to incite an immediate breach of the peace;
- (4) Abuse or threaten a person in a public place in an obviously offensive manner;
- (5) Displays a dangerous weapon in a public place in a manner calculated to alarm;
- (6) Drink an alcoholic beverage upon any public right-of-way (including the street, sidewalk, and public property up to the private property line), lane, alley, public park, or other public property unless the consumption of alcoholic beverages is expressly permitted by the FBIC;
- (7) Engage in lewd behavior and is reckless about whether another person is present who will be alarmed by their act;
- (8) Use abusive, indecent, profane, or vulgar language in a public place, and the language by its very utterance tends to incite a breach of the peace; or
- (9) Engage in a course of conduct that poses a danger to themselves or others.

7.2.6.6 Disposal of Liquor Containers.

It is an offense to:

- (1) Discard, throw away, or dispose of any container of alcoholic liquor, whether broken or not, upon any street, alley, public grounds, or public place; or
- (2) Permit any empty or discarded containers of alcoholic liquor to be in public view on the exterior of their premises or in parking areas maintained in connection with such premises.

7.2.6.7 Drug Paraphernalia.

- (1) In this Section, unless the context otherwise requires, “drug paraphernalia” means all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a Controlled Substance that is not permitted by FBIC Law.
- (2) It is an offense to:
 - (A) Use or possess with the intent to use drug paraphernalia in a way that violates FBIC Law;

TITLE 7: LAW & ORDER

PART 2: OFFENSES

- (B) Deliver, possess with the intent to deliver or manufacture with intent to deliver drug paraphernalia knowing, or under circumstances where one reasonably should know, that it will be used in a way that violates FBIC Law; or
 - (C) Place in an advertisement knowing, or under circumstances, where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.
- (3) All drug paraphernalia is subject to forfeiture as provided under FBIC Law. The failure to charge or dismissal or acquittal of an owner or anyone in the control of drug paraphernalia in violation of this Section does not prevent a finding that the object is intended for use or designed for use as drug paraphernalia.
- (4) This Section does not apply to:
- (A) Any person authorized by applicable law to manufacture, possess, or distribute such items; or
 - (B) Any items that, in the normal lawful course of business, is imported, exported, transported, or sold through the mail or by any other means, and traditionally intended for use with tobacco products, including any pipe, paper, or accessory.

7.2.6.8 Employment or Use of Children in Drug Operations.

It is an offense to knowingly or intentionally:

- (1) Employ, hire, use, persuade, entice, or coerce a child to engage in any conduct, completed or preparatory, regarding Controlled Substances; or
- (2) Sell, transfer, or offer to sell or transfer a Controlled Substance to a child.

7.2.6.9 Furnishing Tobacco to Persons Under Twenty-One (21) Years of Age.

- (1) It is an offense to knowingly or recklessly sell, give, or furnish a tobacco product (e.g., cigars, cigarettes, cigarette papers of any kind, smoking tobacco of any kind, chewing tobacco of any kind, etc.), a vapor product (e.g., a noncombustible tobacco-derived product containing nicotine that employs a mechanical heating element, battery or circuit, regardless of shape or size that can be used to heat liquid nicotine solution contained in cartridges), or any instrument or paraphernalia that is solely designed for the smoking or ingestion of tobacco or any mixture of tobacco leaf and honey, molasses, or dried fruit or any other sweetener, including a hookah or waterpipe, to someone under the age of twenty-one (21) years.
- (2) Ceremonial Use Exception. This Section does not prohibit the furnishing, offering, possession, or use of traditional tobacco by or to someone under the age of twenty-one (21)

TITLE 7: LAW & ORDER

PART 2: OFFENSES

years solely as part of a bona fide religious or cultural ceremony or practice accepted by the FBIC, when supervised by the person's parent/legal guardian or a recognized ceremonial leader/elder. This exception does not apply to the commercial sale of tobacco products, to any vapor product, or to furnishing tobacco outside a bona fide accepted ceremony or practice.

7.2.6.10 Intoxication by Inhaling.

- (1) It is an offense to knowingly:
 - (A) Breathe, inhale, or drink gasoline lighter fluid, glue, paint thinner, paint, or varnish by use of aerosol spray, or any vapor-releasing toxic substance for the purpose of becoming intoxicated;
 - (B) Sell, transfer, or offer to sell any vapor-releasing toxic substance to a child; or
 - (C) Sell, transfer, or offer to sell or transfer any vapor-releasing toxic substance if such person is not at the time of sale, transfer, or offer, employed by or engaged in operating a licensed commercial establishment at a fixed location regularly offering such substances for sale and such sale, transfer, or offer is made in the court of employment or operation.
- (2) This Section is not applicable to the transfer of a vapor-releasing toxic substance from a parent or guardian to their child, unless the parent or guardian knows or should know the child will intentionally breathe, inhale, or drink the vapor-releasing toxic substance for the purpose of becoming intoxicated.
- (3) This Section is not applicable to a sale or transfer of vapor-releasing toxic substances made for industrial or manufacturing purposes.

7.2.6.11 Littering.

- (1) It is an offense to place any garbage, refuse, ashes, junk, glass, bottles, cans, or any other form of litter or debris on or near any other public property or in or around any public waters of the FBIC.
- (2) It is a greater offense if the form of litter or debris is destructive or injurious material, sewage, oil products, or any harmful substances introduced into any public waters.

7.2.6.12 Liquor Sales Prohibited.

Except as permitted by FBIC Law, it is an offense to sell or purchase alcoholic beverages within FBIC Lands.

7.2.6.13 Loitering.

TITLE 7: LAW & ORDER

PART 2: OFFENSES

It is an offense to remain on FBIC property after notification by a FBIC designated security or law enforcement officer to leave the area.

7.2.6.14 Public Drinking; Public Consumption of Marijuana, Psilocybin, and/or Psilocin.

It is an offense to drink or consume any alcoholic beverage or smoke or otherwise consume any marijuana, psilocybin, or psilocin or marijuana, psilocybin, or psilocin product, in or upon any parking lot, public street, alley, public ground, or other public place unless the consumption of such is expressly permitted by the FBIC.

7.2.6.15 Public Nuisance.

It is an offense to:

- (1) Permit one's property to become dangerous or hazardous to others; or
- (2) Impair the safety, health, or comfort of the public by discarding of refuse or rubbish.

7.2.6.16 Reckless Discharge of a Firearm.

- (1) It is an offense to:
 - (A) Discharge a firearm within one hundred (100) yards of a residential or business area;
 - (B) Discharge a firearm at a person or animal without the intent to hurt the person or animal;
 - (C) Willfully discharge a firearm at a dwelling, occupied building, or occupied motor vehicle; or
 - (D) Discharges any firearm from or at roads or highways located within the FBIC Lands.
- (2) This Section does not apply to FBIC designated security or law enforcement officers acting within the scope of their authority granted under FBIC Law.

7.2.6.17 Seizure and Civil Forfeiture of Alcohol and Controlled Substances.

- (1) Whenever the FBIC prosecutor, or other FBIC designated security or law enforcement officer charged with enforcement of this Title, cites or arrests any person for violation of an offense under this Chapter, the FBIC prosecutor, or other FBIC designated security or law enforcement officer, shall take into their possession all alcoholic liquor and other

TITLE 7: LAW & ORDER

PART 2: OFFENSES

related property which the person so cited or arrested has in their possession, or on their premises, which is apparently being used in violation of this Chapter. If the person so charged or arrested is found guilty or liable, and it is found that the liquor and other property has been used in violation of FBIC Law, the same shall be forfeited and delivered to the Court. The Court is authorized to destroy or make such other disposition thereof as it considers to be in the public interest.

- (2) The FBIC prosecutor, or other FBIC designated security or law enforcement officer charged with enforcement of this Title, having personal knowledge or reliable information that a Controlled Substance or regulated intoxicant is being unlawfully transported or possessed in any vehicle or other conveyance, may search the same without warrant and without an affidavit being filed. If an unauthorized Controlled Substance or regulated intoxicant is found in or upon such conveyance, the FBIC prosecutor, or other FBIC designated security or law enforcement officer, may seize the unauthorized Controlled Substance or regulated substance, arrest any person in charge of the conveyance and, as soon as possible, take the arrested person and the seized Controlled Substance or regulated intoxicant before the Court. The FBIC prosecutor, or other FBIC designated security or law enforcement officer, shall also, without delay, make and file a complaint for any offense justified by the evidence obtained. Any vehicle or other conveyance used by or with the knowledge of the owner, operator, or person in charge thereof for the unlawful transportation, possession or concealment of an unauthorized Controlled Substance or regulated substance shall be forfeited to the FBIC and with like effect as provided in Subsection (1).
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CHAPTER 7.2.7 OFFENSES AGAINST PUBLIC JUSTICE

Sections:

- 7.2.7.1 Bribe: Giving and Receiving (Generally); Defenses
 - 7.2.7.2 Bribe: Giving to a Witness/Receiving as a Witness
 - 7.2.7.3 Escape
 - 7.2.7.4 Failure to Appear
 - 7.2.7.5 False Swearing/Perjury/Unsworn Falsification; Defenses Limited; Retraction; Corroboration of Falsity Required
 - 7.2.7.6 Hindering Prosecution; Defenses Limited
 - 7.2.7.7 Impersonation
 - 7.2.7.8 Initiating a False Alarm and/or Report
 - 7.2.7.9 Obstructing Administration of the Law
 - 7.2.7.10 Refusing to Assist and/or Interfering with Justice or Services Personnel
 - 7.2.7.11 Resisting Arrest
 - 7.2.7.12 Simulating Legal Process
 - 7.2.7.13 Tampering with a Witness
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TITLE 7: LAW & ORDER

PART 2: OFFENSES

7.2.7.14 Tampering with Official Records

7.2.7.15 Tampering with Physical Evidence

7.2.7.1 Bribe: Giving and Receiving (Generally); Defenses.

- (1) It is an offense to offer, confer, or agree to confer any gain or advantage upon a FBIC Officer, Official, or Employee with the intent to influence the FBIC Officer, Official, or Employee's vote, opinion, judgment, action, decision, or exercise of discretion in their official capacity.
- (2) It is an offense for a FBIC Officer, Official, or Employee to solicit, accept, or agree to accept any gain or advantage with the intent that their vote, opinion, judgment, action, decision, or exercise of discretion in their official capacity will thereby be influenced.
- (3) It is a defense to the offense of bribery that the defendant/respondent offered, conferred, or agreed to confer the advantage or gain because of the FBIC Officer, Official, or Employee's conduct constituting extortion or coercion.
- (4) It is no defense to either giving or receiving a bribe that the person sought to be influenced was not qualified to act in the desired way, whether because they had not assumed office, lacked jurisdiction, or for any other reason.

7.2.7.2 Bribe: Giving to a Witness/Receiving as a Witness.

- (1) It is an offense to offer, confer, or agree to confer any gain or advantage upon a witness in any official proceeding, or a person who may be called as a witness, with the intent that:
 - (A) Their testimony as a witness will thereby be influenced; or
 - (B) They will avoid legal process summoning them to testify; or
 - (C) They will absent themselves from any official proceeding to which they have been legally summoned.
- (2) It is an offense for a witness in any official proceeding, or a person who believes they may be called as a witness, to solicit, accept, or agree to accept any advantage or gain with the intent or an agreement or understanding that:
 - (A) Their testimony as a witness will thereby be influenced; or
 - (B) They will avoid legal process summoning them to testify; or
 - (C) They will absent themselves from any official proceeding to which they have been

TITLE 7: LAW & ORDER

PART 2: OFFENSES

legally summoned.

7.2.7.3 Escape.

- (1) “Escape” means the unlawful departure, including failure to return to custody after temporary leave granted for a specific purpose or limited period, of a person from custody or a correctional facility.
- (2) It is an offense to escape from custody or permit or assist a person in custody to escape.

7.2.7.4 Failure to Appear.

It is an offense to fail to appear if, having by court order been released from custody upon a release agreement upon the condition that they will subsequently appear personally in connection with a charge against them of having committed an offense, they fail to appear as required without good cause.

7.2.7.5 False Swearing/Perjury/Unsworn Falsification.

- (1) It is an offense to:
 - (A) Make a false sworn statement, knowing it to be false;
 - (B) Make a false sworn statement regarding a material issue, knowing it to be false; or
 - (C) Knowingly make any false statement to a FBIC Officer, Official, Employee in connection with an application for any benefit.
- (2) It is no defense to a charge or claim of false swearing/perjury/unsworn falsification that:
 - (A) The statement was inadmissible under the rules of evidence;
 - (B) The oath or affirmation was taken or administered in an irregular manner; or
 - (C) The defendant/respondent mistakenly believed the false statement immaterial.
- (3) It is a defense to a charge or claim of false swearing/perjury/unsworn falsification that the defendant/respondent retracted their false statement:
 - (A) In a manner showing a complete and voluntary retraction of the prior false statement, before any benefit may be bestowed (if any); or
 - (B) During the same official proceeding in which it was made; and
 - (C) Before the subject matter of the official proceeding is submitted to the ultimate trier

TITLE 7: LAW & ORDER

PART 2: OFFENSES

of fact.

- (4) In any adjudication of liability for false swearing/perjury/unsworn falsification, falsity of a statement may not be established solely through contradiction by the testimony of a single witness.

7.2.7.6 Hindering Prosecution; Defenses Limited.

- (1) It is an offense—if with intent to hinder the apprehension, prosecution, conviction, or punishment of a person who has committed an offense or with intent to assist a person who has committed an offense in profiting or benefiting from the commission of the offense—to:
- (A) Harbor or conceal such person;
 - (B) Warn such person of impending discovery or apprehension;
 - (C) Provide or aid in providing such person with money, transportation, weapon, disguise, or other means of avoiding discovery or apprehension;
 - (D) Prevent or obstruct, by means of force, intimidation or deception, anyone from performing an act which might aid in the discovery or apprehension of such person;
 - (E) Suppress by any act of concealment, alteration, or destruction of physical evidence which might aid in the discovery or apprehension of such person; or
 - (F) Aid such person in securing or protecting the proceeds of the offense.
- (2) It is no defense that the principal offense is not apprehended, prosecuted, convicted, or punished.

7.2.7.7 Impersonation.

It is an offense—if with intent to obtain a benefit or to injure or defraud another—to falsely impersonate a FBIC Officer, Official, or Employee and to do an act in such an assumed character.

7.2.7.8 Initiating a False Alarm and/or Report.

It is an offense to knowingly initiate, transmit, or cause to be transmitted a false alarm or report—by any means (including phone, text, email, online reporting, social media, or other electronic communication)—to a fire department, law enforcement agency, or other organization that deals with emergencies involving danger to life or property, including a false report intended to provoke an armed or emergency response to a person or location (“swatting”).

7.2.7.9 Obstructing Administration of the Law.

TITLE 7: LAW & ORDER

PART 2: OFFENSES

It is an offense to obstruct governmental administration by intentionally obstructing, impairing, or hindering the administration of law or other governmental function by means of lying, intimidation, force, physical interference, or obstacle.

7.2.7.10 Refusing to Assist and/or Interfering with Justice or Services Personnel.

- (1) It is an offense to:
 - (A) Unreasonably refuse or fail to assist a FBIC designated security or law enforcement officer, if commanded by a person known by them to be a FBIC designated security or law enforcement officer, to assist in effecting an authorized arrest or preventing another from committing an offense;
 - (B) Intentionally act in a manner that prevents, or attempts to prevent, a FBIC designated security or law enforcement officer, from performing the lawful duties of the FBIC designated security or law enforcement officer, with regards to another person;
 - (C) Refuse to obey a lawful order by a FBIC designated security or law enforcement officer, knowing that the person giving the order is a FBIC designated security or law enforcement officer; or
 - (D) Refuse to assist in firefighting operations when a person knows or should reasonably know that another person is a firefighter, or other FBIC designated security or law enforcement officer, and, upon command by the firefighter, or other FBIC designated security or law enforcement officer, the person unreasonably refuses or fails to assist in extinguishing a fire, fails to assist in protecting property threatened by a fire, or disobeys a lawful order relating to the conduct of the person in the vicinity of a fire.
- (2) Subsection (1)(B)-(C) does not apply to situations in which the person is engaging in activity that would constitute resisting arrest or passive resistance.

7.2.7.11 Resisting Arrest.

- (1) “Resists”, as used in this Section, means the use or threatened use of violence, physical force, or any other means that creates a substantial risk of physical injury to any person.
- (2) It is an offense to intentionally resist a person known to be a FBIC designated security or law enforcement officer, in making an arrest.
- (3) It is no defense to an adjudication under this Section that the FBIC designated security or law enforcement officer, lacked legal authority to make the arrest, provided they were acting under color of their official authority.

TITLE 7: LAW & ORDER

PART 2: OFFENSES

7.2.7.12 Simulating Legal Process.

It is an offense to knowingly issue or deliver to another person any document that in form and substance falsely simulates civil or criminal process.

7.2.7.13 Tampering with a Witness.

It is an offense to:

- (1) Knowingly induce or attempt to induce a witness in any official proceeding to offer false testimony or unlawfully withhold any testimony; or
- (2) Knowingly induce or attempt to induce a witness to absent themselves from any official proceeding to which they have been legally summoned.

7.2.7.14 Tampering with Official Records.

It is an offense—without lawful authority—to knowingly destroy, mutilate, conceal, remove, make a false entry in, or falsely alter any official record.

7.2.7.15 Tampering with Physical Evidence.

It is an offense—if with intent that it be used, introduced, rejected, or unavailable in an official proceeding which is then pending or to the knowledge of such person is about to be instituted—to:

- (1) Destroy, mutilate, alter, conceal, or remove physical evidence impairing its veracity or availability;
- (2) Knowingly make, produce, or offer any false physical evidence; or
- (3) Prevent the production of physical evidence by an act of force, intimidation or deception against any person.

CHAPTER 7.2.8 OFFENSES INVOLVING FRAUD AND DECEPTION

Sections:

7.2.8.1 Definitions Relating to Offenses Involving Fraud and Deception

7.2.8.2 Forgery

7.2.8.3 Fraud

TITLE 7: LAW & ORDER

PART 2: OFFENSES

7.2.8.4 Misappropriation of Entrusted Property

7.2.8.5 Negotiating a Bad Check

7.2.8.6 Obtaining Execution of Documents by Deception

7.2.8.7 Possession of a Forged Instrument

7.2.8.8 Simulation

7.2.8.1 Definitions Relating to Offenses Involving Fraud and Deception.

In this Section, unless the context otherwise requires:

- (1) “Written instrument” means any paper, document, instrument, or article containing written or printed matter or the equivalent thereof, whether complete or incomplete, used for the purpose of reciting, embodying, conveying or recording information or constituting a symbol or evidence of value, right, privilege or identification, which is capable of being used to the advantage or disadvantage of some person.
- (2) “Complete written instrument” means one which purports to be a genuine written instrument fully drawn with respect to every essential feature thereof.
- (3) “Incomplete written instrument” means one which contains some matter by way of content or authentication but which requires additional matter in order to render it a complete written instrument.
- (4) To “falsely make” a written instrument means to make or draw a complete written instrument in its entirety, or an incomplete written instrument which purports to be an authentic creation of its ostensible maker but which is not, either because the ostensible maker is fictitious or because, if real, he did not authorize the making or drawing thereof.
- (5) To “falsely complete” a written instrument means to transform, by adding, inserting, or changing matter, an incomplete written instrument into a complete one, without the authority of anyone entitled to grant it, so that the complete written instrument falsely appears or purports to be in all respects an authentic creation of its ostensible maker or authorized by him.
- (6) To “falsely alter” a written instrument means to change without authorization by anyone entitled to grant it, a written instrument, whether complete or incomplete, by means of erasure, obliteration, deletion, insertion of new matter, transposition of matter, or in any other manner, so that the instrument so altered falsely appears or purports to be in all respects an authentic creation of its ostensible maker or authorized by him.
- (7) To “utter” means to issue, deliver, publish, circulate, disseminate, transfer or tender a written instrument or object to another.

TITLE 7: LAW & ORDER

PART 2: OFFENSES

- (8) “Forged instrument” means a written instrument which has been falsely made, completed, or altered.

7.2.8.2 Forgery.

It is an offense—if with intent to injure or defraud—to:

- (1) Falsely make, complete, or alter a written instrument; or
- (2) Utter a written instrument which a person knows to be forged.

7.2.8.3 Fraud.

It is an offense—if with intent to defraud or injure another—to willfully misrepresent, deceive, falsely interpret, or use false measures to obtain money, property, services, access credentials, or any other thing of value. “False measures” include, but are not limited to, spoofing or impersonation (including impersonation of a private person, caller-ID spoofing, fake email headers, and fake or compromised online accounts), deepfakes or voice cloning used to mislead others, account takeovers (including unauthorized password changes or email forwarding), SIM swapping, and interception or misuse of authentication codes or two-factor authentication.

7.2.8.4 Misappropriation of Entrusted Property.

It is an offense—if with knowledge that the misappropriation is unlawful and that it involves a substantial risk of loss or detriment to the owner or beneficiary of such property—to intentionally misappropriate or dispose of property that has been entrusted to the actor as a fiduciary or that is property of a government or a financial institution.

7.2.8.5 Negotiating a Bad Check.

- (1) It is an offense to make, draw, or utter as check or order for the payment of money, knowing that it will not be honored by the drawee.
- (2) For purposes of this Section, unless the check or order is postdated, it is prima facie evidence of knowledge that the check or order would not be honored if:
 - (A) The drawer has no account with the drawee at the time the check or order is drawn or uttered; or
 - (B) Payment is refused by the drawee for lack of funds, upon presentation within thirty (30) days after the date of utterance, and the drawer fails to make good within ten (10) days after receiving notice of refusal.

7.2.8.6 Obtaining Execution of Documents by Deception.

TITLE 7: LAW & ORDER

PART 2: OFFENSES

It is an offense—if with intent to defraud or injure another or to acquire a substantial benefit—to obtain by means of fraud, deceit, or subterfuge the execution of a written instrument affecting or purporting to affect the pecuniary interest of any person.

7.2.8.7 Possession of a Forged Instrument.

It is an offense to possess a forged instrument knowing it to be forged and with intent to utter same.

7.2.8.8 Simulation.

It is an offense to:

- (1) With intent to defraud, make or alter any object in such a manner that it appears to have an antiquity, rarity, source, or authorship that it does not in fact possess; or
 - (2) With knowledge of its true character and with intent to defraud, utter or possess an object so simulated.
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**CHAPTER 7.2.9
OFFENSES AGAINST ANIMALS**

Sections:

7.2.9.1 Abandonment, Abuse, and/or Neglect of Dependent Animals

7.2.9.2 Cruelty to Animals (Including Livestock); Examples; Determinations

7.2.9.3 Failure to Control Dependent Animals

7.2.9.1 Abandonment, Abuse, and/or Neglect of Dependent Animals.

- (1) In this Section, unless the context otherwise requires, “Dependent animal” means any domesticated or livestock animal that relies on humans for basic needs such as food, water, shelter, and medical care.
 - (2) Any person who has been entrusted with, employed to provide, or who has assumed the care of a dependent animal has a legal duty to provide care for the dependent animal and has committed abandonment, abuse, and/or neglect of a dependent animal if they:
 - (A) Leave the dependent animal without provisions for its care, or abandons the dependent animal under any circumstances, whereby the dependent animal may suffer from neglect;
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TITLE 7: LAW & ORDER

PART 2: OFFENSES

- (B) Neglect the dependent animal in any manner or who shall cause such dependent animal to be exposed to mistreatment and/or physical injuries;
- (C) Abuse the dependent animal by causing mistreatment and/or physical injuries, including but not limited to committing an offense against the dependent animal.

7.2.9.2 Cruelty to Animals (Including Livestock); Examples; Determinations.

(1) Definitions. In this Section:

- (A) “Animal” includes any dependent animal, domesticated animal, or livestock animal, and any other creature that is not human.
- (B) “Livestock” includes cattle, horses, bison, sheep, goats, swine, poultry, and any other animal raised, kept, or managed for food, fiber, work, breeding, sport, or ranching/agricultural purposes.
- (C) “Cruel treatment” means unjustifiable physical pain, suffering, or injury, or the knowing or reckless failure to provide minimum care necessary to maintain the animal’s health and welfare.
- (D) “Minimum care” includes adequate food, potable water, appropriate shelter and ventilation for prevailing weather conditions, reasonable sanitation, and necessary veterinary care to prevent or treat serious illness or injury.
- (E) “Overcrowding/Overstocking” means keeping animals in numbers, density, or conditions that prevent adequate access to food or water, prevent animals from standing/lying/turning normally, materially increase disease or injury risk due to confinement or sanitation conditions, or otherwise fail to provide minimum care.

(2) Offense. It is an offense to intentionally, knowingly, or recklessly:

- (A) Cause serious physical injury to an animal; or
- (B) Cruelly cause the death of an animal; or
- (C) Subject an animal to cruel treatment, including but not limited to:
 - (1) Beating, torturing, tormenting, or mutilating an animal;
 - (2) Poisoning an animal or exposing an animal to a poisonous substance in a manner likely to cause injury or death;
 - (3) Failing to provide minimum care, including withholding adequate food, water, or necessary shelter;

TITLE 7: LAW & ORDER

PART 2: OFFENSES

- (4) Confining, housing, or transporting an animal in a manner that endangers health or causes unnecessary suffering, including but not limited to severe heat/cold exposure, lack of ventilation, or unsanitary conditions;
 - (5) Overcrowding/overstocking animals, or otherwise maintaining livestock or other animals in conditions that fail to provide minimum care;
 - (6) Failing to obtain necessary veterinary care for an animal suffering from a condition that causes serious pain, serious physical injury, or a substantial risk of death;
 - (7) Abandoning an animal or leaving an animal without provision for minimum care where the animal may suffer neglect or injury; or
 - (8) Tethering or restraining an animal in a manner that causes injury, strangulation risk, or denies reasonable access to food, water, or shelter.
- (3) Determinations; Investigation; Veterinary Assessment.
- (A) The FBIC law enforcement department and any animal control authority designated by the Council (including any contracted local animal control agency) are authorized to investigate alleged violations of this Section.
 - (B) In evaluating conditions such as overcrowding/overstocking, minimum care, or cruel treatment, investigators may rely on observations, photographs/video, husbandry records (if any), weather conditions, animal body condition, access to feed/water, sanitation conditions, and the written or oral assessment of a licensed veterinarian.
 - (C) The Court makes the ultimate determination whether this Section has been violated, based on the evidence presented.
- (4) Exceptions/Defenses (Responsible Practices).
- (A) This Section does not prohibit accepted animal husbandry or livestock management practices conducted in a humane manner and consistent with generally accepted industry standards, including branding, vaccination, dehorning, castration, hoof care, and other customary practices intended to maintain herd health and safety, provided such practices are not conducted in a manner that constitutes cruel treatment under Subsection (2).
 - (B) This Section does not apply to lawful veterinary medical practices performed in accordance with generally accepted standards of care.

TITLE 7: LAW & ORDER

PART 2: OFFENSES

- (C) This Section does not apply to lawful hunting, fishing, trapping, or slaughter of animals for food or population management when conducted in compliance with applicable law and in a humane manner.
- (D) It is a defense to this Section if the conduct was: (i) in accordance with FBIC accepted traditional/cultural practices; or (ii) if the conduct was immediately necessary to protect a person or another animal from imminent harm, and the force used was reasonable under the circumstances.

7.2.9.3 Failure to Control Dependent Animals.

It is an offense for an owner or custodian of an animal to fail to:

- (1) Adhere to all licensing, collar/tag, and vaccination requirements for the animal under FBIC Law;
 - (2) Keep said animal under immediate command and control when on any property other than that of the owner or custodian;
 - (3) Prevent the animal from running at large on any property other than that of its owner or custodian; and/or
 - (4) Prevent the animal from habitually barking, howling, or in any other manner disturbing the peace and tranquility of the public or any person within FBIC Lands.
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CHAPTER 7.2.10 TRAFFIC OFFENSES

Sections:

- 7.2.10.1 Driving in Violation of Court Order or While License Is Suspended**
 - 7.2.10.2 Driving Under the Influence**
 - 7.2.10.3 Driving Without License**
 - 7.2.10.4 Driving Without Required Registration or Vehicle in Unsafe Condition**
 - 7.2.10.5 Failure to Adhere to Duties in the Event of an Accident**
 - 7.2.10.6 Failure to Drive on Right Side of Road**
 - 7.2.10.7 Failure to Stop for Flashing School Bus Lights or Stop Sign**
 - 7.2.10.8 Failure to Yield Right-of-Way**
 - 7.2.10.9 Following Too Closely**
 - 7.2.10.10 Motorcycle Violations**
 - 7.2.10.11 Non-Motor Vehicle Violations**
 - 7.2.10.12 Obstruction to Driver's View or Driving Mechanism**
 - 7.2.10.13 Overtaking/Passing Without Regard for Safety**
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TITLE 7: LAW & ORDER

PART 2: OFFENSES

- 7.2.10.14 Pedestrians on Roads Without Regard for Safety**
 - 7.2.10.15 Permitting an Unauthorized Person to Drive**
 - 7.2.10.16 Putting Glass, Etc., on Road**
 - 7.2.10.17 Reckless Driving**
 - 7.2.10.18 Riding on Fenders, Bumpers, or Running Boards**
 - 7.2.10.19 Speeding**
 - 7.2.10.20 Starting, Turning, and Stopping Without Regard for Safety**
 - 7.2.10.21 Stopping, Standing, or Parking on Road**
 - 7.2.10.22 Parking Violations and Citations**
 - 7.2.10.23 Commercial Towing Service; Notice to FBIC Designated Security or Law Enforcement Officer**
 - 7.2.10.24 Excessive Revving of Engines; Unsafe Acceleration**
 - 7.2.10.25 Mufflers and Exhaust Noise Suppression Equipment**
 - 7.2.10.26 Obstructing Traffic**
 - 7.2.10.27 Careless Driving**
 - 7.2.10.28 Traffic Control Devices, Flaggers, and Lawful Orders**
 - 7.2.10.29 Child Passenger Restraints and Seat Belts**
 - 7.2.10.30 Fleeing or Eluding FBIC Designated Security or Law Enforcement Officer**
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7.2.10.1 Driving in Violation of Court Order or While License Is Suspended.

It is an offense to operate a motor vehicle in violation of a court order or if the operator's right to drive has been suspended by a court order.

7.2.10.2 Driving Under the Influence.

- (1) It is an offense for any person to operate or have actual physical control of any vehicle while under the influence of alcohol, a Controlled Substance, marijuana (including any product containing tetrahydrocannabinol ("THC")), psilocybin, psilocin, or any other drug or intoxicating substance, to a degree which renders them incapable of safely operating the vehicle.
- (2) Evidentiary Presumption. In a proceeding alleging driving under the influence, the amount of alcohol in the operator's blood at the time of the alleged violation gives rise to the following presumption.
 - (A) If the person had a blood alcohol content of 0.08% at the time of the alleged violation, there is a rebuttable presumption that the person was under the influence of alcohol to a degree which renders them incapable of safely operating a vehicle.
 - (B) This Section must not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether the person was under the influence of alcohol to a degree which renders them incapable of safely operating

TITLE 7: LAW & ORDER

PART 2: OFFENSES

a vehicle.

- (C) This evidentiary presumption applies only to alcohol. No numerical level of marijuana (THC), psilocybin, psilocin, or any other drug or intoxicating substance creates a presumption under this Section.

(3) Implied Consent to Test.

- (A) Any person who operates a vehicle upon a public road is deemed to have given consent, subject to the provisions herein, to a chemical test of their breath and, if (i) breath testing establishes probable cause, (ii) the arresting FBIC designated security or law enforcement officer has probable cause to believe the person has been driving under the influence of one or more substances identified in Subsection (1), or (iii) the operator is violently resisting, then a chemical test of their blood. Any test must be incidental to a lawful arrest, based on probable cause to believe the person has been driving under the influence. Any test must be given as promptly as practicable after the arrest.
- (B) The arrested person must be told that their failure to submit to a chemical test may result in the suspension of their privilege to operate a motor vehicle. The Police Office must further advise the arrested person that they may go to the nearest hospital or clinic and secure a test at their own expense, or else the test will be administered in a place and in a manner prescribed by the FBIC Police Department at the FBIC Police Department's expense. If the arrested person elects to secure a test at their own expense, the results of the test must be made available to the arresting FBIC designated security or law enforcement officer and to the arrested person. Disclosure of the test results by the person administering it is not a violation of the doctor/patient relationship.
- (C) Any person who is dead, unconscious, or otherwise incapable of refusal is deemed not to have withdrawn their consent to a test, and the test may be administered by medical personnel.

(4) Suspension of Right to Drive for Refusal to Submit to Test.

- (A) If a person under arrest refuses to submit to a chemical test as described in this Section, no test may be given. However, upon the receipt of the FBIC designated security or law enforcement officer's sworn statement that they had probable cause to believe the person was driving under the influence and that the person refused to submit to a test, the Court may issue an order depriving the person of the right to drive for up to one (1) year.
- (B) No such order is effective until twenty (20) days after receipt by the person of written notice thereof, submitted by certified mail to the last known address furnished to the court or by personal service. If a person does not demand a hearing

TITLE 7: LAW & ORDER

PART 2: OFFENSES

within that period, the right to a hearing is deemed waived. If a hearing is demanded, the Court must schedule a hearing within twenty-five (25) days of the demand and give notice to the person at least ten (10) days before the hearing. If a hearing is demanded and an order issues, it becomes effective as of the hearing date.

(5) Seizure and Civil Forfeiture of Vehicle Used While Driving Under the Influence.

- (A) Whenever the FBIC prosecutor, or other FBIC designated security or law enforcement officer charged with enforcement of this Title, cites any person for violation of an offense under this Section, the FBIC prosecutor, or other FBIC designated security or law enforcement officer, shall take reasonable steps to determine who the rightful owner of the vehicle is. If the vehicle is owned by someone other than the cited person, a reasonable effort should be made to contact the rightful owner so that they may pick up the vehicle. If the rightful owner cannot be reached or if the rightful owner is the cited person, then the vehicle shall be forfeited and delivered to the Court by the FBIC prosecutor or other FBIC designated security or law enforcement officer.
- (B) Upon being cited, and assuming that there has been no other offense that would warrant the person's arrest, the cited person may either contact someone to pick them up or be transported to a safe location. The FBIC prosecutor or other FBIC designated security or law enforcement officer may not leave the cited person unattended on the side of the road.
- (C) The Court is authorized to dispose of the vehicle as it considers to be in the public interest if it determines that the cited person is liable for violating this Section and that the vehicle used in violation of this Section is owned, at least in part, by the liable person.

7.2.10.3 Driving Without License.

It is an offense to operate a motor vehicle without a valid state or FBIC issued driver's license in the driver's possession.

7.2.10.4 Driving Without Required Registration or Vehicle in Unsafe Condition.

It is an offense to operate a motor vehicle unless such vehicle is in safe mechanical condition and complies with the registration and licensing laws of a state, FBIC, or foreign jurisdiction.

7.2.10.5 Failure to Adhere to Duties in the Event of an Accident.

It is an offense to violate any of the following regulations regarding duties in the event of an accident:

- (1) The operator of any vehicle involved in an accident resulting in injury, death, or damage

TITLE 7: LAW & ORDER

PART 2: OFFENSES

to another vehicle must immediately stop at the scene of such accident or as close thereto as possible. The operator must render reasonable assistance to any person injured in such an accident, including transportation to a hospital if required. A vehicle operator involved in an accident must also, upon request, give their name, insurance, and contact information to any other party involved in the accident.

- (2) The operator of any vehicle which collides with an unattended vehicle, resulting in damage, must immediately stop. The operator responsible for the collision must provide the operator or owner of the unattended vehicle with their name, insurance, and contact information, either by immediately locating them in person or by leaving a written note in a conspicuous place on or in/on the struck vehicle.
- (3) The driver of any vehicle involved in an accident resulting only in damage to fixtures or other property legally upon or adjacent to a road must take reasonable steps to locate and notify the owner or person in charge of such property of the accident and of their name and contact information.
- (4) The driver of a vehicle involved in an accident resulting in injury to or death of any person or property damage to another or others to an apparent extent of five hundred dollars (\$500.00) or more must, as soon as practicable thereafter, give notice of such accident to the FBIC Police Department.

7.2.10.6 Failure to Drive on Right Side of Road.

It is an offense to violate any of the following regulations regarding driving on the right side of the road:

- (1) Upon all roads of sufficient width, the operator of a vehicle must drive upon the right half of the road, except:
 - (A) When overtaking and passing another vehicle proceeding in the same direction; or
 - (B) When the right half of the road is closed to traffic for construction or other conditions, or if a sign is posted for one-way traffic.
- (2) No person may, at any time, operate a vehicle on the left side of the road:
 - (A) When approaching the crest of a grade or upon a curve in the road where the operator's view is obstructed within such distance as to create a hazard if another vehicle might approach from the opposite direction;
 - (B) When approaching within one hundred (100) feet of or traversing any intersection or railroad grade crossing; or
 - (C) When the view is obstructed upon approaching within one hundred (100) feet of any bridge, viaduct, or tunnel.

TITLE 7: LAW & ORDER

PART 2: OFFENSES

7.2.10.7 Failure to Stop for Flashing School Bus Lights or Stop Sign.

It is an offense to fail to stop:

- (1) For a stop sign at the designated stopping point; or
- (2) Before reaching a school bus receiving or discharging school children when flashing lights are in operation and to proceed before the school bus resumes motion.

7.2.10.8 Failure to Yield Right-of-Way.

It is an offense to violate any of the following regulations regarding yielding the right-of-way:

- (1) The operator of a vehicle about to enter or cross a public road from a private drive or road must yield the right-of-way to all vehicles approaching on the public road.
- (2) When two (2) vehicles from different public roads enter an intersection at approximately the same time, the operator of the vehicle on the left must yield the right-of-way to the vehicle on the right.
- (3) Where an intersection has a traffic light, in case of a conflict the signals given by the light supersede the provisions of Subsections (1)-(2).
- (4) The operator of a vehicle within an intersection intending to turn left must yield the right-of-way to any vehicle approaching from the opposite direction which is so close as to constitute an immediate hazard.
- (5) The operator of a vehicle approaching an intersection without having already entered it must yield the right-of-way to a vehicle already making a left turn within the intersection, provided the operator of the vehicle turning left has given a plainly visible signal of intention to turn.
- (6) Upon the immediate approach of an authorized emergency vehicle making use of audible or flashing light signals, the operator of every other vehicle must yield the right-of-way and must immediately drive to a position as close as possible to the right-hand edge of the road and stop until the emergency vehicle has passed. This provision does not relieve the operator of an authorized emergency vehicle from the duty to drive with due regard for the safety or property of all persons using the road.
- (7) The operator of any vehicle upon a road within a business or residential district shall yield the right-of-way to a pedestrian crossing at any marked or unmarked crosswalk at an intersection.

7.2.10.9 Following Too Closely.

TITLE 7: LAW & ORDER

PART 2: OFFENSES

It is an offense to for one vehicle to follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of such vehicle and the traffic upon and the condition of the road.

7.2.10.10 Motorcycle Violations.

- (1) In this Section, unless the context otherwise requires, “motorcycle” is generally any powered transportation device with a seat or saddle for the rider and with no more than three (3) wheels in contact with the ground. It also encompasses four (4)-wheeled vehicles such as ATVs, side-by-sides, and other similar non-highway-rated vehicles.
- (2) It is an offense to violate any of the following motorcycle regulations:
 - (A) A person operating a motorcycle must ride only upon the permanent and regular seat attached thereto and must not carry any other person nor may any other person ride on a motorcycle unless the motorcycle is designed or safely modified to carry more than one (1) person, in which event a passenger may ride upon another seat firmly attached to the motorcycle at the rear or side of the operator.
 - (B) A person must ride upon a motorcycle only while sitting astride the seat, facing forward.
 - (C) No person may operate a motorcycle while carrying any package, bundle or other article which prevents them from keeping both hands on the handlebars, obstructs their vision, or otherwise interferes with safe operation of the motorcycle.
 - (D) No operator may carry any person, nor may any person ride in a position that will interfere with the safe operation or control of the motorcycle or the view of the operator.
 - (E) All motorcycles are entitled to full use of a lane and no motor vehicle may be driven in such a manner as to deprive any motorcycle of the full use of a lane. Notwithstanding this Subsection, motorcycles may drive no more than two (2) abreast in a single lane if the single lane is wide enough to safely accommodate two (2) motorcycles driving abreast.
 - (F) No person may operate a motorcycle between lanes of traffic.
 - (G) Subsection (F) does not apply to FBIC designated security or law enforcement officers in the performance of their official duties.
 - (H) No person riding upon a motorcycle may attach themselves or the motorcycle to any other moving vehicle on a roadway.
 - (I) Any motorcycle carrying a passenger, other than in a sidecar of enclosed cab, must

TITLE 7: LAW & ORDER

PART 2: OFFENSES

be equipped with footrests for the passenger.

- (J) No person may operate any motorcycle with handlebars more than fifteen (15) inches in height above that portion of the seat occupied by the operator.
- (K) Operators of motorcycles operating in an officially authorized parade are exempt from Subsections (E) through (J).
- (L) No person may operate or ride nor may the operator permit a person to ride upon a motorcycle unless they are wearing protective headgear securely fastened on their head of a type which complies with the FMVSS 218 standard established by the U.S. Department of Transportation. This Subsection does not apply to persons riding within an enclosed cab.
- (M) Any person operating a motorcycle must have the headlamps of the motorcycle always activated, including daylight hours.
- (N) No person may operate a motorcycle in a manner that causes unreasonable noise in a residential area between the hours of 10:00 p.m. and 6:00 a.m. PST.
- (O) No person may drive a motorcycle upon any road on FBIC Lands unless such person has a valid driver's license with a motorcycle endorsement in their possession. The license and endorsement must be:
 - (1) A Class M1 license issued by the State of Montana or an equivalent from another jurisdiction to operate any two (2)-wheel motorcycle, motor-driven vehicle cycle, or motorized scooter and all vehicles listed under Class M2
 - (2) A Class M2 license issued by the State of Montana or an equivalent from another jurisdiction to operate any motorized bicycle, moped, or motorized scooter.
 - (3) A Class C license issued by the State of Montana or an equivalent from another jurisdiction to operate a motorcycle with a side car attached, three-wheel motorcycle, or motorized scooter.
- (P) Motorcycles are required to follow all provisions of this Chapter that do not conflict with this Section.

7.2.10.11 Non-Motor Vehicle Violations.

- (1) In this Section, unless the context otherwise requires:
 - (A) "Low-speed electric bicycle" means a two (2)- or three (3)-wheeled vehicle with fully operable pedals and an electric motor of less than seven hundred and fifty

TITLE 7: LAW & ORDER

PART 2: OFFENSES

(750) watts (one horsepower (1 h.p.)), whose maximum speed on a paved level surface, when powered solely by such a motor while ridden by an operator who weighs one hundred and seventy pounds (170 lbs), is less than twenty miles per hour (20 mph).

- (B) “Non-motor vehicle” means any non-powered transportation device, including but not limited to walking, bicycles, cycle rickshaws, skates, skateboards, push scooters, and hand carts. “Non-motor vehicle” also includes a low-speed electric bicycle.
- (2) It is an offense to violate any of the following non-motor vehicle regulations:
- (A) Every person operating a non-motor vehicle must ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle.
- (B) Persons riding non-motor vehicles must not ride more than two (2) abreast, if the single lane is wide enough to safely accommodate two (2) non-motor vehicles driving abreast.
- (C) Every person operating a non-motor vehicle at night must have the non-motor vehicle equipped with a lamp on the front which must emit a white beam of light visible from at least five hundred (500) feet to the front, and a red reflector or lamp on the rear of the non-motor vehicle of a type which must be visible for at least two hundred and fifty (250) feet to the rear when in front of the headlamps of an approaching motor vehicle.
- (3) If this Section is violated by a child, an adult is subject to a fine in addition to the fine levied upon the child if the adult is:
- (A) Responsible for the care and custody of the child; and
- (B) Authorizes or knowingly permits such violation.

7.2.10.12 Obstruction to Driver’s View or Driving Mechanism.

It is an offense to violate any of the following regulations regarding obstruction to driver’s view or driving mechanism:

- (1) No person may operate a vehicle when the operator’s view is obstructed to the front and sides or the operator’s access to the driving mechanism is obstructed. For purposes of this Section, an air freshener is considered an obstruction if hung from a rearview mirror.
- (2) No more than three (3) passengers may be present in the front seat of a motor vehicle.
- (3) No passenger in a vehicle shall ride in such position as to interfere with the driver’s view ahead or to the sides, or to interfere with their control over the driving mechanism of the

TITLE 7: LAW & ORDER

PART 2: OFFENSES

vehicle.

7.2.10.13 Overtaking/Passing Without Regard for Safety.

It is an offense to violate any of the following regulations regarding overtaking/passing:

- (1) The operator of a vehicle overtaking/passing another vehicle proceeding in the same direction may pass it at a safe distance to the left and may not again drive to the right side of the road until safely clear of the overtaken vehicle.
- (2) The operator of an overtaken vehicle must give way to the right in favor of the overtaking vehicle on signal and must not increase the speed of their vehicle until completely passed by the overtaking vehicle.
- (3) No person may drive a vehicle to the left side of the center line of a road in overtaking another vehicle unless such left side is clearly visible and is free from oncoming traffic for a sufficient distance ahead to permit such overtaking to be made in safety. In every event, the overtaking vehicle must return to the right-hand side of the road before coming within one hundred (100) feet of any vehicle approaching from the opposite direction.
- (4) No operator of a vehicle shall overtake another vehicle in a marked NO PASSING zone.

7.2.10.14 Pedestrians on Roads Without Regard for Safety.

It is an offense to violate any of the following regulations regarding pedestrians on roads:

- (1) Every pedestrian crossing a road at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection must yield the right-of-way to all vehicles upon the road.
- (2) Where sidewalks are provided, it is an offense for any pedestrian to walk along or upon an adjacent road. Where sidewalks are not provided, a pedestrian walking along a road must, when practical, walk only on the left side of the road or its shoulder facing traffic which may approach from the opposite direction.
- (3) No person may stand in a road for the purpose of soliciting a ride, employment, or business from the occupant of any vehicle.

7.2.10.15 Permitting an Unauthorized Person to Drive.

It is an offense to permit a child or ward to operate a motor vehicle unless such child or ward is licensed to operate the motor vehicle.

7.2.10.16 Putting Glass, Etc., on Road.

It is an offense to violate any of the following regulations regarding putting glass, etc., on a road:

TITLE 7: LAW & ORDER

PART 2: OFFENSES

- (1) No person may throw or deposit upon any road any glass, nails, tacks, wire, or any other substance likely to injure any person, animal, or vehicle upon such road.
- (2) Any person who unintentionally deposits destructive or injurious materials upon a road, or permits the same, must immediately remove the materials if it is safe to do so.
- (3) Any person removing a wrecked or damaged vehicle from a road must remove any glass or other injurious substance dropped upon the road from such vehicle when safe to do so.

7.2.10.17 Reckless Driving.

It is an offense to operate any vehicle in willful or wanton disregard for the safety of persons or property.

7.2.10.18 Riding on Fenders, Bumpers, or Running Boards.

It is an offense to permit passengers to ride on the fenders, bumpers, or running boards of a motor vehicle or for any passenger to ride on the fenders, bumpers, or running boards of a motor vehicle.

7.2.10.19 Speeding.

It is an offense to violate any of the following regulations regarding speeding:

- (1) Every person operating a vehicle of any character on a public road must drive in a careful and prudent manner and at a rate of speed no greater than is reasonable and proper given the conditions and actual and potential hazards then present. In any event, speed must be so controlled as may be necessary to avoid colliding with any person or vehicle on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.
- (2) Where no special hazard exists that requires lower speed under Subsection (1), it is a violation for any person to operate a vehicle at any speed more than the following limits:
 - (A) Fifteen (15) miles per hour in any marked school zone during opening, recess, or closing hours or where signs are posted indicating otherwise'
 - (B) Twenty-five (25) miles per hour in business districts, residential, or urban areas;
 - (C) Fifty-five (55) miles per hour where no speed limit is posted; and
 - (D) Where a speed limit higher than fifty-five (55) miles per hour is officially posted, it is not a violation for a person to drive within that speed limit.
- (3) The speed limitations set forth above do not apply to the following vehicles when operated with due regard for safety. This exemption does not protect the operator of any such vehicle

TITLE 7: LAW & ORDER

PART 2: OFFENSES

from the consequences of a reckless disregard of the safety or property of others.

- (A) FBIC Police Department vehicles, when operated in hot pursuit of persons charged with or suspected of a serious offense;
 - (B) Fire response vehicles, when traveling in response to an alarm; or
 - (C) Public or private ambulances, when traveling in an emergency.
- (4) No person may operate a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with law.

7.2.10.20 Starting, Turning, and Stopping Without Regard for Safety.

It is an offense to violate any of the following regulations regarding starting, turning, and stopping:

- (1) No person may cause a vehicle which is stopped, standing, or parked to start moving unless such movement can be made with reasonable safety.
- (2) No person may turn a vehicle at an intersection unless the vehicle is in such position on the road that the turn can be made with reasonable safety. Persons making a turn are required to signal the direction of the turn and unless turning from a complete stop, the signal must have been given continuously during not less than the last one hundred (100) feet traveled by the vehicle before turning.
- (3) No person may stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.
- (4) The signals herein required must be given either by means of the standard hand and arm signals or by mechanical or electrical signal device.
- (5) Every operator of a vehicle approaching an intersection with a stop sign, or a flashing red light, must stop on the near side of the intersection or railroad grade crossing, at the point where they have a view of approaching traffic and may not proceed until the intersection or crossing is clear.

7.2.10.21 Stopping, Standing, or Parking on Road.

It is an offense to violate any of the following regulations regarding stopping, standing, or parking on a road:

- (1) No person may park or leave standing any vehicle, whether attended or unattended, upon any road outside of a business or residential district when it is practicable to park or leave such vehicle in a place off the road. In every event, an unobstructed width of highway

TITLE 7: LAW & ORDER

PART 2: OFFENSES

opposite the standing vehicle must be left free for the passage of other vehicles and the vehicle must be clearly visible for five hundred (500) feet to the operators of vehicles approaching from either direction.

- (2) No person operating a motor vehicle may permit it to stand unattended without first stopping the engine, locking the ignition, removing the key, and effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the road.
- (3) Whenever a FBIC designated security or law enforcement officer finds a vehicle standing upon a road in violation of this provision, they are hereby authorized to move such vehicle or require the driver or person in charge of such vehicle to move the vehicle to the nearest place of safety.

7.2.10.22 Parking Violations and Citations.

- (1) Posted Restrictions; Authority to Designate Parking Rules.
 - (A) The Council, FBIC Police Department, and/or any other FBIC department, program, enterprise, event coordinator, or property manager designated by the Council (“Authorized Parking Authority”) may designate:
 - (1) Parking areas, time limits, and hours of authorized parking (including restrictions on overnight parking);
 - (2) Permit-only parking areas and permit requirements;
 - (3) Reserved parking spaces (including accessible/handicap spaces, emergency vehicle spaces, loading zones, and other reserved spaces);
 - (4) Fire lanes and no-parking zones; and
 - (5) Any other reasonable parking, standing, or stopping restrictions necessary for safety, access, traffic flow, and orderly use of FBIC lands and FBIC facilities.
 - (B) A restriction under this Section is enforceable when it is reasonably communicated, including by posted signs, painted markings, cones/barricades, posted event rules, written notice, or other clear designation by an Authorized Parking Authority.
- (2) Prohibited Acts. It is an offense to violate any of the following regulations regarding stopping, standing, or parking on FBIC lands:
 - (A) Parking in a permit-only area without a valid permit properly displayed as required by the Authorized Parking Authority.

TITLE 7: LAW & ORDER

PART 2: OFFENSES

- (B) Parking in an accessible/handicap parking space without a valid disability plate or placard issued by any federal, state, or tribal jurisdiction, unless the vehicle is actively loading or unloading a person who is entitled to use that space and the Authorized Parking Authority allows such temporary use.
 - (C) Parking in any space or area reserved for emergency vehicles, law enforcement, fire response, medical response, or other reserved use, without authorization.
 - (D) Parking in a fire lane.
 - (E) Blocking or obstructing a fire hydrant, fire department connection, emergency access route, driveway, gate, aisle, sidewalk curb ramp, crosswalk, building entrance, or other designated access way.
 - (F) Parking outside marked stalls or lines, including straddling stall lines, taking up more than one parking space, or parking so as to obstruct adjacent stalls or lanes of travel.
 - (G) Parking in any area posted or designated as “No Parking,” “No Standing,” “Tow Away Zone,” “Reserved,” “Loading Zone,” “Bus Zone,” “Drop-Off Only,” or similar restriction, except as expressly authorized.
 - (H) Parking in violation of posted time limits, posted hours, or posted overnight-parking restrictions.
- (3) Enforcement by Citation.
- (A) A FBIC designated security or law enforcement officer may enforce this Section by issuing a citation to the operator of the vehicle, or if the operator is not present, by affixing the citation to the vehicle in a conspicuous location.
 - (B) Each calendar day that a vehicle remains in violation after reasonable notice is a separate offense.
- (4) Vehicle Removal for Safety and Access.
- (A) Whenever a FBIC designated security or law enforcement officer finds a vehicle standing or parked in violation of this Section, the officer is authorized to require the operator or person in charge of the vehicle to move it immediately.
 - (B) If the operator is not present, refuses to comply, or the vehicle poses an immediate safety hazard or blocks emergency access, the officer is authorized to move the vehicle or cause the vehicle to be removed to the nearest place of safety or to an impound/storage location.

TITLE 7: LAW & ORDER

PART 2: OFFENSES

- (C) The vehicle owner and/or liable person is responsible for reasonable towing, storage, and administrative costs associated with removal or impound under this Subsection, in addition to any fines or other lawful orders.

7.2.10.23 Commercial Towing Service; Notice to FBIC Designated Security or Law Enforcement Officer.

- (1) A person commits an offense under this Section if the person, for compensation or in the course of business, removes, tows, or causes the removal of a motor vehicle from any location on FBIC Lands without complying with the notice requirements of this Section.
- (2) Except as provided in Subsection (3), a person or business engaged in commercial towing service that removes or tows a vehicle from FBIC Lands must notify a FBIC designated security or law enforcement officer immediately after taking custody of the vehicle and before removing the vehicle from FBIC Lands.
- (3) If a vehicle must be moved immediately because it is creating a traffic hazard, obstructing emergency access, or otherwise posing an immediate safety risk, the person or business engaged in commercial towing service shall notify a FBIC designated security or law enforcement officer as soon as reasonably possible after the vehicle is moved, and in no event later than twelve (12) hours after the removal.
- (4) The notice required by this Section must include, to the extent known:
- (A) The make, model, color, and license plate number of the vehicle;
 - (B) The location from which the vehicle was removed;
 - (C) The date and time of removal;
 - (D) The reason for removal;
 - (E) The name of the towing business and operator; and
 - (F) The location to which the vehicle was taken.
- (5) This Section does not apply to:
- (A) Towing or removal directed, requested, or authorized by a FBIC designated security or law enforcement officer acting within the scope of official duties;

TITLE 7: LAW & ORDER

PART 2: OFFENSES

- (B) Towing or removal by the vehicle owner or a person acting with the owner's actual authority;
 - (C) Emergency roadside assistance that does not result in the vehicle being taken into storage or impound; or
 - (D) Towing by a governmental emergency-response agency acting within the scope of official duties.
- (6) In addition to any other lawful remedy, the Court may order restitution, reasonable towing storage related cost adjustment, disgorgement of towing charges collected in violation of this Section, and any other equitable relief necessary to remedy a violation.

7.2.10.24 Excessive Revving of Engines; Unsafe Acceleration.

- (1) A person commits an offense under this Section if the person intentionally, knowingly, or recklessly:
- (A) Excessively revs the engine of a motor vehicle or motorcycle in a manner that unreasonably disturbs the peace or interferes with the quiet enjoyment of nearby persons; or
 - (B) Accelerates a vehicle in such an excessive or abrupt manner that safe control of the vehicle is difficult to maintain under the conditions then existing.
- (2) For purposes of this Section, conduct is not unlawful merely because engine noise is incident to ordinary driving, reasonable starting, reasonable hill-climbing, necessary towing, or legitimate repair, maintenance, testing, parade participation, emergency response, agricultural use, or other legitimate purpose.
- (3) In determining whether conduct violates this Section, the Court may consider:
- (A) The time of day;
 - (B) The proximity of residences, schools, medical facilities, ceremonies, or gatherings;
 - (C) Road, weather, and traffic conditions;
 - (D) Whether the conduct involved wheel spin, fishtailing, abrupt launch, or similar loss of traction or control; and
 - (E) Whether the conduct served any legitimate transportation or safety purpose.

7.2.10.25 Mufflers and Exhaust Noise-Suppression Equipment.

TITLE 7: LAW & ORDER

PART 2: OFFENSES

- (1) A person commits an offense under this Section if the person operates a motor vehicle on FBIC Lands unless the vehicle is equipped with a muffler or other exhaust noise-suppression equipment in good working order and in constant operation.
- (2) A person also commits an offense under this Section if the person operates a vehicle equipped with a cut-out, bypass, straight pipe, removed muffler, modified exhaust, or similar device that materially defeats or bypasses the ordinary noise-suppression function of the exhaust system.
- (3) This Section does not prohibit:
 - (A) Temporary operation reasonably necessary to obtain repair;
 - (B) Lawful emergency response vehicles acting in the course of official duties;
 - (C) Farm, construction, ceremonial, or other special-use vehicles operating as reasonably necessary for their intended purpose, provided the operation is not otherwise reckless or unreasonable under the circumstances; or
 - (D) Other limited exceptions expressly authorized by FBIC Law.
- (4) For a first violation that does not involve aggravating circumstances, a FBIC designated security or law enforcement officer may issue a written warning or correction notice in lieu of a citation if the officer believes the defect is capable of prompt correction. A warning does not preclude citation for a continuing or repeat violation.
- (5) In addition to any other lawful remedy, the Court may order proof of repair or correction within a specified time.

7.2.10.26 Obstructing Traffic.

- (1) A person commits an offense under this Section if the person, without lawful justification:
 - (A) Stops, stands, parks, abandons, places, or leaves a vehicle, trailer, object, or other obstruction upon a roadway in a manner that unnecessarily blocks or impedes the normal and reasonable flow of traffic;
 - (B) Drives a vehicle at such an unreasonably slow speed as to impede the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation, traffic conditions, weather, road conditions, a lawful order, or other legitimate reason;
 - (C) Turns, weaves, or maneuvers a vehicle in a manner that unnecessarily blocks, delays, or obstructs traffic;

TITLE 7: LAW & ORDER

PART 2: OFFENSES

- (D) Leaves a disabled or unattended vehicle on a roadway or shoulder longer than reasonably necessary under the circumstances, unless the person has promptly sought assistance and the vehicle does not pose an unreasonable hazard; or
 - (E) Otherwise creates or maintains an avoidable traffic obstruction.
- (2) This Section does not apply to:
- (A) A vehicle stopped due to actual traffic conditions;
 - (B) A vehicle stopped at the direction of a FBIC designated security or law enforcement officer, traffic-control device, or flagger;
 - (C) Emergency, utility, construction, agricultural, sanitation, or road-maintenance activity reasonably conducted; or
 - (D) A vehicle disabled by circumstances beyond the operator's reasonable control, provided the operator acts reasonably to warn others and obtain removal.
- (3) In addition to citation, a FBIC designated security or law enforcement officer may require the immediate removal of a vehicle or other obstruction, and if reasonably necessary for safety or traffic flow, may cause the same to be removed.
- (4) In addition to any other lawful remedy, the Court may order payment of reasonable towing, storage, or removal costs resulting from a violation of this Section.

7.2.10.27 Careless Driving.

- (1) A person commits an offense under this Section if the person operates a vehicle in a careless, imprudent, or inattentive manner, without due regard for:
- (A) The width, grade, curves, corners, traffic, and common use of the road;
 - (B) Weather, visibility, road surface, and other existing conditions; or
 - (C) The safety, rights, or property of another person.
- (2) Careless driving includes, but is not limited to, driving in a manner that unnecessarily endangers or is likely to endanger a person, animal, vehicle, structure, or other property, even if the conduct does not rise to the level of reckless driving under Section 7.2.10.17.
- (3) A person may be liable under this Section without proof of willful or wanton disregard required for reckless driving.
- (4) This Section shall not be construed to prohibit ordinary negligence principles from being considered in any related civil matter, but liability under this Section is determined solely

TITLE 7: LAW & ORDER

PART 2: OFFENSES

under FBIC Law.

7.2.10.28 Traffic-Control Devices, Flaggers, and Lawful Orders.

- (1) A person commits an offense under this Section if the person fails or refuses to obey:
 - (A) An official traffic-control device, sign, signal, marking, barrier, or barricade lawfully placed on FBIC Lands;
 - (B) A temporary traffic-control measure lawfully established for construction, emergency response, weather conditions, maintenance, ceremonial events, parades, funerals, school activity, or public safety; or
 - (C) A lawful hand signal, direction, or order of a FBIC designated security or law enforcement officer, firefighter, emergency responder, school crossing supervisor, flagger, or other person lawfully authorized to direct traffic.
- (2) A person also commits an offense under this Section if the person removes, damages, covers, defaces, bypasses, ignores, or interferes with a traffic-control device or temporary traffic-control measure in a manner likely to endanger safety or disrupt lawful traffic management.
- (3) This Section does not apply where the device, sign, signal, order, or direction is plainly unlawful, impossible to comply with safely, or clearly inoperative and not reasonably relied upon by others.
- (4) Compliance with this Section does not excuse compliance with any other applicable provision of FBIC Law.

7.2.10.29 Child Passenger Restraints and Seat Belts.

- (1) Child Passenger Restraints.
 - (A) A person commits an offense under this Subsection if the person operates a motor vehicle on FBIC Lands and transports a child who is between zero (0) and four (4) years of age, or weighs less than forty (40) pounds, without properly securing the child in a safety belt or other properly designed and manufactured child restraint system.
 - (B) For purposes of this Section, the duty imposed by this Subsection applies to the operator when the operator is the child's parent, legal guardian, or other person responsible for transporting the child.
- (2) Seat Belts. Except as otherwise provided in this Section, every operator and passenger in a motor vehicle on FBIC Lands shall wear a properly fastened seat belt when the vehicle is in motion.

TITLE 7: LAW & ORDER

PART 2: OFFENSES

- (3) Exceptions. This Section does not apply to:
- (A) A motor bus;
 - (B) A school bus;
 - (C) A taxicab;
 - (D) A moped;
 - (E) A motorcycle; or
 - (F) A three (3)- or four (4)-wheel all-terrain vehicle.
- (4) It is an affirmative defense that:
- (A) The person had a documented medical reason that made the use of a seat belt or child restraint unreasonable or unsafe; or
 - (B) The child restraint requirement could not reasonably be complied with because of a sudden and unforeseen emergency, provided the operator used the safest available alternative under the circumstances.
- (5) A violation involving an unrestrained child may be cited in addition to any other traffic violation arising from the same incident.
- (6) Nothing in this Section limits the authority of the Court to consider a violation of this Section as an aggravating factor when a person's failure to use or require the use of restraints contributes to injury.

7.2.10.30 Fleeing or Eluding FBIC Designated Security or Law Enforcement Officer.

- (1) A person commits the offense of fleeing or eluding a FBIC designated security or law enforcement officer if the person, while operating a vehicle on FBIC Lands, knowingly fails or refuses to stop after the person has been given a visual or audible signal to stop by a FBIC designated security or law enforcement officer acting within the scope of official duties.
- (2) A signal to stop may be given by emergency lights, siren, hand signal, marked vehicle, identifiable uniform, or other clear means reasonably calculated to inform the operator that they are being directed to stop.
- (3) A person commits aggravated fleeing or eluding if, while committing an offense under Subsection (1), the person:

TITLE 7: LAW & ORDER

PART 2: OFFENSES

- (A) Drives in willful or wanton disregard for the safety of persons or property;
 - (B) Causes bodily injury, property damage, or a substantial risk thereof;
 - (C) Attempts to evade by excessive speed, dangerous passing, driving off-road, or similar dangerous maneuver; or
 - (D) Commits the offense while their privilege to drive on FBIC Lands is suspended or while they are otherwise subject to a court order restricting driving.
- (4) It is not a defense that the officer’s vehicle was unmarked if the officer otherwise gave a clear signal to stop and was reasonably identifiable as law enforcement or FBIC security.
- (5) It is an affirmative defense that:
- (A) The person reasonably believed stopping immediately would create an imminent risk of serious bodily harm, and
 - (B) The person proceeded in a reasonably safe manner to the nearest practical location and then promptly stopped.
- (6) Liability under this Section does not preclude liability for reckless driving, DUI, obstruction, or any other offense arising out of the same incident.
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**CHAPTER 7.2.11
STATUS OFFENSES**

Sections:

7.2.11.1 Curfew Violation

7.2.11.2 Possession, Purchase, or Use of Alcohol and/or Controlled Substances

7.2.11.3 Truancy

7.2.11.1 Curfew Violation.

- (1) Children of the following ages may not be on or in any of the public streets, highways, bridges, alleys, parks or any public place of FBIC lands during the following hours, unless the child has a reason to be out and is accompanied by a parent, legal guardian, or a responsible person over twenty-one (21) years of age:
- (A) Under the age of fourteen (14), between the hours of 9:00 p.m. and 5:00 a.m. PST, Sunday through Thursday, and 10:00 p.m. and 5:00 a.m. PST, Friday and Saturday;
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TITLE 7: LAW & ORDER

PART 2: OFFENSES

and

- (B) From fourteen (14) years up to and including seventeen (17), between the hours of 10:00 p.m. and 5:00 a.m. MST, Sunday through Thursday, and between the hours of 12:00 a.m. and 5:00 a.m. MST, Friday and Saturday.
- (2) All adult-supervised activities attended primarily by children must cease no later than midnight, and any person under eighteen (18) attending has until 12:30 a.m. PST to return home.

7.2.11.2 Possession, Purchase, or Use of Alcohol and/or Controlled Substances.

- (1) It is an offense for any person under twenty-one (21) years of age to possess, purchase, or use alcohol and/or a Controlled Substance, or attempt to do any of the same.
- (2) Any alcohol and/or Controlled Substance present at the scene of a violation of this Section may be seized and held pending adjudication and upon a determination of liability, may be forfeited to the FBIC to be disposed of pursuant to the Court’s written order.

7.2.11.3 Truancy.

It is an offense for any person under eighteen (18) years of age to stay away from school without permission of those with authority to grant such permission.

**CHAPTER 7.2.12
FAILURE TO REPORT OFFENSES**

Sections:

- 7.2.12.1 Duty to Report Certain Serious Offenses**
 - 7.2.12.2 Contents of Report; No Duty to Investigate**
 - 7.2.12.3 Good Faith Reporting**
 - 7.2.12.4 Confidentiality of Reporting Person**
 - 7.2.12.5 Privileges; Self-Incrimination; Relationship to Other Reporting Duties**
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7.2.12.1 Duty to Report Certain Serious Offenses.

- (1) Reportable Offense. For purposes of this Chapter, “Reportable Offense” means:
 - (A) Homicide or attempted homicide (including conduct that would constitute an attempt under Chapter 7.2.1 when paired with an underlying homicide offense);
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TITLE 7: LAW & ORDER

PART 2: OFFENSES

- (B) Abduction under Section 7.2.3.2;
 - (C) Any Sexual Offense under Chapter 7.2.5;
 - (D) Abandonment, abuse, neglect, exploitation, or other offenses against dependent persons, elders, or incapacitated persons under Section 7.2.3.1; and
 - (E) Any other offense committed on FBIC Lands that the person directly knows involved an imminent or ongoing risk of death or serious bodily injury to another person.
- (2) Direct Knowledge. “Directly knows” means the person has information from personal observation or from a direct communication from the victim, the offender, or law enforcement—not rumor, speculation, or generalized suspicion.
- (3) Offense; Duty. A person (other than the offender) who directly knows that a Reportable Offense has been committed on FBIC Lands must report it to FBIC designated security or law enforcement officer or other appropriate law enforcement authority as soon as reasonably possible, and no later than seventy-two (72) hours after obtaining such direct knowledge. It is an offense to knowingly fail to make the report required by this Subsection.
- (4) No Duty for the Offender; No Self-Reporting Requirement. This Chapter does not require any person to report their own conduct or to provide information that would reasonably tend to incriminate themselves.
- (5) Victim Discretion. A person who is the victim of the Reportable Offense has no duty to report under this Chapter (but may do so).
- (6) No Retaliation Carveout. A person does not violate this Section if the person proves they delayed reporting because they reasonably feared immediate retaliation or physical harm to themselves or a household member, provided the person reports as soon as reasonably safe to do so.

7.2.12.2 Contents of Report; No Duty to Investigate.

- (1) A report under this Chapter should include, to the extent known: the nature of the suspected Reportable Offense; the time and location; the identities or descriptions of involved persons (if known); and the basis for the reporting person’s direct knowledge.
- (2) No Duty to Investigate or Confront. A person making a report has no duty to investigate, to collect evidence, or to confront any person.
- (3) No Compelled Waiver of Rights. Nothing in this Chapter requires a reporting person to provide follow-up statements or information in a manner that would waive any privilege or

TITLE 7: LAW & ORDER

PART 2: OFFENSES

right against self-incrimination.

7.2.12.3 Good Faith Reporting.

Any person who makes a report in good faith under this Chapter shall not be subject to liability or prosecution based solely on making the report, even if the report is later determined to be unsubstantiated. This protection does not apply to a person who knowingly makes a false report.

7.2.12.4 Confidentiality of Reporting Person.

To the greatest extent practicable, FBIC designated security or law enforcement officers and other receiving agencies shall keep the identity of the reporting person confidential. However, the identity of the reporting person may be disclosed when required by due process, a court order, or as otherwise necessary for lawful investigation or prosecution.

7.2.12.5 Privileges; Self-Incrimination; Relationship to Other Reporting Duties.

- (1) Privileges Preserved. Nothing in this Chapter abrogates any privilege recognized under FBIC Law, the FBIC Rules of Evidence, or other applicable law, including but not limited to attorney-client, spousal, clergy/penitent, and licensed counselor/medical privileges (to the extent recognized).
 - (2) Self-Incrimination. Nothing in this Chapter shall be construed to require any person to provide information that would reasonably tend to incriminate themselves.
 - (3) Other Reporting Laws. This Chapter is intended to address limited reporting duties for Reportable Offenses and does not replace or reduce any separate mandatory reporting duties imposed elsewhere in FBIC Law, including the mandated reporter provisions in Section 7.2.3.1(6).
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TITLE 7: LAW & ORDER
PART 3: SPECIAL TRIBAL CRIMINAL JURISDICTION

THE FORT BELKNAP INDIAN COMMUNITY CODE

TITLE 7: LAW & ORDER

PART 3: SPECIAL TRIBAL CRIMINAL JURISDICTION

TABLE OF CONTENTS

CHAPTERS:

7.3.1 GENERAL PROVISIONS

Sections:

- 7.3.1.1 Background**
- 7.3.1.2 Purpose**
- 7.3.1.3 Defendant Rights**

7.3.2 OFFENSES

Sections:

- 7.3.2.1 Assault of FBIC Justice Personnel**
 - 7.3.2.2 Child Violence**
 - 7.3.2.3 Dating Violence**
 - 7.3.2.4 Domestic Violence**
 - 7.3.2.5 Obstruction of Justice**
 - 7.3.2.6 Sexual Violence**
 - 7.3.2.7 Sex Trafficking**
 - 7.3.2.8 Stalking**
 - 7.3.2.9 Violation of a Protection Order**
-

CHAPTER 7.3.1
GENERAL PROVISIONS

Sections:

- 7.3.1.1 Background**
7.3.1.2 Purpose
7.3.1.3 Defendant Rights
-

7.3.1.1 Background.

- (1) In 1978, the U.S. Supreme Court’s decision in *Oliphant v. Suquamish Indian Tribe* held that, absent express Congressional authorization, tribes lack jurisdiction over all crimes committed by non-Indians.
- (2) The Violence Against Women Act Reauthorization Act of 2013 (“VAWA 2013”) included a historic provision that recognized the inherent authority of “participating Tribes” to exercise “special domestic violence criminal jurisdiction” (“SDVCJ”) over certain defendants, regardless of their Indian or non-Indian status, who commit acts of domestic violence or dating violence or violate certain protection orders in Indian country. This provision enabled Tribes to exercise criminal jurisdiction over non-Indian offenders for the first time since the *Oliphant* decision. VAWA 2013 also specified the rights that a participating tribe must provide to defendants in SDVCJ cases.
- (3) In 2022, Congress amended this provision to recognize “special Tribal criminal jurisdiction” (“STCJ”) over an expanded list of “covered crimes” that includes, in addition to the VAWA 2013 crimes, assault of Tribal justice personnel, child violence, obstruction of justice, sexual violence, sex trafficking, and stalking. This expanded recognition of Tribal sovereignty was enacted by the Violence Against Women Act Reauthorization Act of 2022 (“VAWA 2022”), signed into law by President Biden on March 15, 2022.
- (4) Under STCJ, a Tribe can exercise its sovereign power to investigate, prosecute, convict, and sentence both Indian and non-Indians who commit covered crimes in Indian country against Indian victims. In cases of obstruction of justice and assault of Tribal justice personnel, the victim need not be Indian. A Tribe may exercise this jurisdiction regardless of whether the non-Indian defendant has ties to the participating Tribe.
- (5) While voluntary for Tribes, the authority of U.S. Attorneys (and state/local prosecutors, where they have jurisdiction) to prosecute crimes in Indian country remains unchanged.
- (6) Under VAWA 2022, the following crimes are generally not covered:

TITLE 7: LAW & ORDER
PART 3: SPECIAL TRIBAL CRIMINAL JURISDICTION

- (A) Crimes committed outside of Indian country;
- (B) Crimes between two (2) non-Indians (except for assault of Tribal justice personnel and obstruction of justice); and
- (C) Drug offenses.

7.3.1.2 Purpose.

The FBIC hereby asserts its sovereign right to and intends to exercise, to the extent necessary, its restored STCJ.

7.3.1.3 Defendant Rights.

The FBIC recognizes that in exercising STCJ pursuant to the VAWA 2022, the Tribe must:

- (1) Protect the rights of defendants under the Indian Civil Rights Act of 1968, which largely tracks the U.S. Constitution's Bill of Rights, including the right to due process.
- (2) Protect the rights of defendants described in the Tribal Law and Order Act of 2010, by providing:
 - (A) Effective assistance of counsel for defendants;
 - (B) Free, appointed, licensed attorneys for indigent defendants;
 - (C) Law-trained Tribal judges who are also licensed to practice law;
 - (D) Publicly available Tribal criminal laws and rules; and
 - (E) Recorded criminal proceedings.
- (3) Include a fair cross-section of the community in jury pools and not systematically exclude non-Indians.
- (4) Inform (in writing) defendants ordered detained by the Tribal Court of their right to file federal habeas corpus petitions.

CHAPTER 7.3.2
OFFENSES

Sections:

TITLE 7: LAW & ORDER
PART 3: SPECIAL TRIBAL CRIMINAL JURISDICTION

- 7.3.2.1 Assault of FBIC Justice Personnel**
 - 7.3.2.2 Child Violence**
 - 7.3.2.3 Dating Violence**
 - 7.3.2.4 Domestic Violence**
 - 7.3.2.5 Obstruction of Justice**
 - 7.3.2.6 Sexual Violence**
 - 7.3.2.7 Sex Trafficking**
 - 7.3.2.8 Stalking**
 - 7.3.2.9 Violation of a Protection Order**
-

7.3.2.1 Assault of Tribal Justice Personnel.

A person commits the crime of “assault of Tribal justice personnel” if that person violates any FBIC Law that involves the use, attempted use, or threatened use of physical force against an individual authorized to act for or on behalf of the FBIC, or serving the FBIC during, or because of, the performance of duties of that individual in:

- (1) Preventing, detecting, investigating, making arrests relating to, making apprehensions for, or prosecuting an offense;
- (2) Adjudicating, participating in the adjudication of, or supporting the adjudication of an offense;
- (3) Detaining, providing supervision for, or providing services for persons charged with an offense; or
- (4) Incarcerating, supervising, providing treatment for, providing rehabilitation services for, or providing reentry services for persons convicted of an offense.

7.3.2.2 Child Violence.

- (1) A person commits the crime of “child violence” if that person violates any FBIC Law that involves the use, threatened use, or attempted use of violence against a child.
- (2) For purposes of this Section, “violence” is any act, or failure to act when a duty to act is owed, by an individual that causes physical, sexual, or psychological harm to a child and includes the offense/violation of endangering the welfare of a minor.

7.3.2.3 Dating Violence.

A person commits the crime of “dating violence” if that person violates any FBIC Law and the violation is committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of

TITLE 7: LAW & ORDER
PART 3: SPECIAL TRIBAL CRIMINAL JURISDICTION

relationship, and the frequency of interaction between the persons involved in the relationship.

7.3.2.4 Domestic Violence.

A person commits the crime of “domestic violence” if that person violates any FBIC Law and is:

- (1) The current or former spouse or intimate partner of the victim;
- (2) A person with whom the victim shares a child in common;
- (3) A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; or
- (4) A person similarly situated to a spouse of the victim under the domestic or family-violence laws of the FBIC.

7.3.2.5 Obstruction of Justice.

A person commits the crime of “obstruction of justice” if that person violates any FBIC Law that involves interfering with the administration or due process of FBIC Laws, including any FBIC investigation of or proceeding regarding an offense.

7.3.2.6 Sexual Violence.

A person commits the crime of “sexual violence” if that person commits any nonconsensual sexual act or contact proscribed by FBIC Law, including in any case in which the victim lacks the capacity to consent to the act.

7.3.2.7 Sex Trafficking.

- (1) A person commits the crime of “sex trafficking” if that person knowingly:
 - (A) Recruits, entices, harbors, transports, provides, obtains, advertises, maintains, patronizes, or solicits by any means a person; or
 - (B) Benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in violation of Subsection (1) of this Section, knowing, or, except where the act constituting the violation of Subsection (1) of this Section is advertising, in reckless disregard of the fact, that means of force, threats of force, fraud, coercion, or any combination of such means will be used to cause the person to engage in a commercial sex act, or that the person has not attained the age of eighteen (18) years and will be caused to engage in a commercial sex act, shall be punished to the maximum extent permitted under applicable law.

TITLE 7: LAW & ORDER

PART 3: SPECIAL TRIBAL CRIMINAL JURISDICTION

- (2) For purposes of this Section, in which the defendant had a reasonable opportunity to observe the person so recruited, enticed, harbored, transported, provided, obtained, maintained, patronized, or solicited, the Tribe need not prove that the defendant knew, or recklessly disregarded the fact, that the person had not attained the age of eighteen (18).
- (3) For purposes of this Section:
- (A) The term “coercion” means threats of serious harm to or physical restraint against any person; any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or the use or threatened use of a law or legal process, whether administrative, civil, or criminal, in any manner or for any purpose for which the law was not designed, in order to exert pressure on another person to cause that person to take some action or refrain from taking some action.
- (B) The term “commercial sex act” means any sex act, on account of which anything of value is given or received by any person.
- (C) The term “participation in a venture” means knowingly assisting, supporting, or facilitating a violation of Subsection (1)(A).
- (D) The term “serious harm” means any harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing commercial sexual activity to avoid incurring that harm.
- (E) The term “venture” means any group of two (2) or more individuals associated in fact, whether a legal entity or not.

7.3.2.8 Stalking.

- (1) For the purposes of this Section:
- (A) “Alarm” means to cause apprehension or fear resulting from the perception of danger.
- (B) “Coerce” means to restrain, compel, or dominate by force or threat.
- (C) “Contact” includes but is not limited to:
- (1) Following the other person;
- (2) Waiting outside the home, property, place of work, or school of the other person’s family or household;

TITLE 7: LAW & ORDER
PART 3: SPECIAL TRIBAL CRIMINAL JURISDICTION

- (3) Sending or making written communications in any form to the other person;
 - (4) Speaking with the other person by any means;
 - (5) Communicating with the other person through a third person;
 - (6) Committing an offense against the other person, a dependent of the other person, or a dependent animal of the other person;
 - (7) Communicating with a third person who has some relationship to the other person with the intent of effecting the third person's relationship with the other person, or with the intent of gaining knowledge about the other person;
 - (8) Communicating with business entities with the intent of effecting some right or interest of the other person, or gaining knowledge of the other person;
 - (9) Damaging the other person's home, property, place of work or school;
 - (10) Delivering directly or through a third person any object to the other person at any time or place; or
 - (11) Using technology to track, monitor or otherwise gain knowledge of the other person's activity, including but not limited to the use of computer spy ware, surveillance equipment, tracking devices or long-distance magnification devices.
- (D) "Repeated" means two or more times.
- (2) A person commits the crime of stalking when:
- (A) The person knowingly causes apprehension or fear resulting from the perception of danger (i.e., alarmed) or coerces another person or a member of that person's immediate family or household by engaging in repeated and unwanted contact with the other person;
 - (B) It is objectively reasonable for a person in the victim's situation to have been alarmed or coerced by the contact; and
 - (C) The repeated and unwanted contact causes the victim reasonable apprehension regarding the personal safety of the victim or the victim's immediate family or household.

7.3.2.9 Violation of a Protection Order.

TITLE 7: LAW & ORDER
PART 3: SPECIAL TRIBAL CRIMINAL JURISDICTION

- (1) A person commits the crime of “violation of a protection order” when that person’s conduct, occurring on FBIC Lands, violates a provision of a protection order that:
 - (A) Prohibits or provides protection against violent or threatening acts or harassment against, sexual violence against, contact or communication with, or physical proximity to, another person;
 - (B) Was issued against the defendant;
 - (C) Is enforceable by the FBIC; and
 - (D) Is consistent with 18 U.S.C. § 2265(b), which requires that:
 - (1) The court issuing the protection order had jurisdiction over the parties and the matter under applicable law; and
 - (2) Reasonable notice and opportunity to be heard was given to the person against whom the order was sought sufficient to protect that person’s right to due process. In the case of ex parte orders, notice and opportunity to be heard must be provided within the time required by applicable law and, in any event, within a reasonable time after the order is issued, sufficient to protect the respondent’s due process rights.
 - (2) For purposes of this Section, a “protection order” includes a Judicial Exclusion/Community Protection Order or other substantially similar protective territorial order enforceable by the FBIC, provided the order was issued consistent with applicable law and due process.
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TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS

THE FORT BELKNAP INDIAN COMMUNITY CODE

TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS

TABLE OF CONTENTS

CHAPTERS:

7.4.1 GENERAL PROVISIONS

Sections:

<u>7.4.1.1</u>	<u>Purpose of Schedule</u>
<u>7.4.1.2</u>	<u>Statute of Limitations</u>
<u>7.4.1.3</u>	<u>Civil-Regulatory Versus Criminal-Prohibitory Classification</u>
<u>7.4.1.4</u>	<u>Maximum Fine</u>
<u>7.4.1.5</u>	<u>Imposition of Fines: Considerations</u>
<u>7.4.1.6</u>	<u>Effect of Non-Payment of Fines</u>
<u>7.4.1.7</u>	<u>Punishable by Incarceration</u>
<u>7.4.1.8</u>	<u>General Sentencing Factors</u>
<u>7.4.1.9</u>	<u>Aggravating and Mitigating Factors</u>
<u>7.4.1.10</u>	<u>Presumptive Sentencing and Departures</u>
<u>7.4.1.11</u>	<u>Sentencing Findings on the Record</u>
<u>7.4.1.12</u>	<u>Sentencing Worksheet</u>
<u>7.4.1.13</u>	<u>Graduated Sanctions Matrix</u>
<u>7.4.1.14</u>	<u>Periodic Review of Sentencing Practices</u>
<u>7.4.1.15</u>	<u>Eligible for Deferred Prosecution and/or Sentencing Agreement</u>
<u>7.4.1.16</u>	<u>Eligible for Community Service</u>
<u>7.4.1.17</u>	<u>Subject to Judicial Exclusion/Community Protection Order; Relationship to Council Exclusion Authority</u>
<u>7.4.1.18</u>	<u>Eligible for Record Sealing/Expungement</u>
<u>7.4.1.19</u>	<u>Additional Considerations</u>
<u>7.4.1.20</u>	<u>Suspension of Sentence and/or Probation</u>
<u>7.4.1.21</u>	<u>Repeat Offenses</u>
<u>7.4.1.22</u>	<u>Risk of Recidivism; Release, Supervision, and Protection Orders</u>
<u>7.4.1.23</u>	<u>Alternatives to Incarceration</u>

7.4.2 SCHEDULE [SEE ATTACHMENT A]

TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS

**CHAPTER 7.4.1
GENERAL PROVISIONS**

Sections:

<u>7.4.1.1</u>	<u>Purpose of Schedule</u>
<u>7.4.1.2</u>	<u>Statute of Limitations</u>
<u>7.4.1.3</u>	<u>Civil-Regulatory Versus Criminal-Prohibitory Classification</u>
<u>7.4.1.4</u>	<u>Maximum Fine</u>
<u>7.4.1.5</u>	<u>Imposition of Fines: Considerations</u>
<u>7.4.1.6</u>	<u>Effect of Non-Payment of Fines</u>
<u>7.4.1.7</u>	<u>Punishable by Incarceration</u>
<u>7.4.1.8</u>	<u>General Sentencing Factors</u>
<u>7.4.1.9</u>	<u>Aggravating and Mitigating Factors</u>
<u>7.4.1.10</u>	<u>Presumptive Sentencing and Departures</u>
<u>7.4.1.11</u>	<u>Sentencing Findings on the Record</u>
<u>7.4.1.12</u>	<u>Sentencing Worksheet</u>
<u>7.4.1.13</u>	<u>Graduated Sanctions Matrix</u>
<u>7.4.1.14</u>	<u>Periodic Review of Sentencing Practices</u>
<u>7.4.1.15</u>	<u>Eligible for Deferred Prosecution and/or Sentencing Agreement</u>
<u>7.4.1.16</u>	<u>Eligible for Community Service</u>
<u>7.4.1.17</u>	<u>Subject to Judicial Exclusion/Community Protection Order; Relationship to Council Exclusion Authority</u>
<u>7.4.1.18</u>	<u>Eligible for Record Sealing/Expungement</u>
<u>7.4.1.19</u>	<u>Additional Considerations</u>
<u>7.4.1.20</u>	<u>Suspension of Sentence and/or Probation</u>
<u>7.4.1.21</u>	<u>Repeat Offenses</u>
<u>7.4.1.22</u>	<u>Risk of Recidivism; Release, Supervision, and Protection Orders</u>
<u>7.4.1.23</u>	<u>Alternatives to Incarceration</u>

7.4.1.1 Purpose of Schedule.

- (1) The purpose of the Schedule in Chapter 7.4.2 (“Schedule”) is to identify, for each enumerated offense under Title 7:
 - (A) The applicable statute of limitations;
 - (B) Whether the offense is civil or criminal;
 - (C) The maximum fine that may be imposed;
 - (D) Whether the offense is punishable by incarceration;
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TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS

- (E) Whether the offense is eligible for deferred prosecution and/or sentencing agreement;
 - (F) Whether the offense is eligible for community service;
 - (G) Whether the offense is subject to a Judicial Exclusion/Community Protection Order or other territorial protective restriction under FBIC Law;
 - (H) Whether the offense is eligible for record sealing or expungement; and
 - (I) Whether there are any additional considerations regarding sentencing the offense, including but not limited to required restitution, loss of benefits, or loss of privileges.
- (2) It is the intent that the Schedule will be reviewed at least annually by the Council to ensure that it is consistent with the values of the FBIC and to make any needed changes.

7.4.1.2 Statute of Limitations.

- (1) The purpose of a statute of limitations is to:
- (A) Protect respondents/defendants from facing charges or claims after a significant amount of time has passed, which could result in evidence being lost or memories fading, and thus making it difficult to mount a defense; and
 - (B) To encourage plaintiffs to pursue claims diligently and without undue delay.
- (2) The statutes of limitations included in the Schedule set the maximum time after an event within which legal proceedings may be initiated.
- (3) Once the period specified in a statute of limitations passes, a claim can no longer be filed or, if filed, may be subject to dismissal.
- (4) The types of statute of limitations are different:
- (A) In civil cases, the statute of limitations typically begins to run when the plaintiff has a complete and present cause of action (i.e., when they could file suit and obtain relief);
 - (B) In criminal cases, the statute of limitations generally starts from the date of the alleged offense and can vary depending on the severity of the crime; and
 - (C) For statutes of repose—which are similar to statutes of limitations but differ in that they set an absolute deadline for filing a claim regardless of when the harm was discovered—it is measured from the date of the respondent/defendant’s last

TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS

culpable act or omission and are not subject to equitable tolling, which can pause the running of a statute of limitations under certain circumstances.

- (5) None of the statutes of limitations listed in the Schedule shall be considered statutes of repose and all are subject to equitable tolling, which allows the Court to extend a statute of limitations on a case-by-case basis to prevent inequity.
- (6) To establish equitable tolling, a litigant must demonstrate two (2) key elements:
 - (A) An extraordinary circumstance stood in their way (i.e., the delay in filing must be due to circumstances beyond the litigant's control); and
 - (B) That they have been pursuing their rights diligently (i.e., the delay was unavoidable even with diligence).
- (7) Equitable tolling is considered an extraordinary remedy and shall only be applied sparingly, reserved for rare and exceptional circumstances.
- (8) The time limitations do not include time spent outside of the FBIC's jurisdiction for the purpose of avoiding prosecution. The burden of proving the reason for absence from jurisdiction shall be upon the accused.
- (9) If a prosecution commences before the period of limitation has expired AND is dismissed for any reason, a new prosecution may be commenced within six (6) months after the dismissal becomes final even if the period of limitation has expired at the time of the dismissal or will expire within six (6) months of the dismissal.

7.4.1.3 Civil-Regulatory Versus Criminal-Prohibitory Classification.

- (1) The primary difference between civil-regulatory and criminal-prohibitory treatment of an offense lies in the nature and purpose of enforcement actions, burden of proof, and procedural requirements associated with each type of offense.
- (2) A civil-regulatory law regulates conduct whereas a criminal-prohibitory law completely forbids conduct.
- (3) In civil-regulatory cases:
 - (A) The purpose is to generally redress a wrong, protect private rights, or protect the health and welfare of the community by regulating otherwise permissible conduct;
 - (B) The burden of proof is typically "a preponderance of the evidence", meaning that it is more likely than not that the respondent is liable; and
 - (C) Penalties can include fines, judicial exclusion or community protection conditions,

TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS

damages, or other forms of compensation to the complainant.

- (4) In criminal-prohibitory cases:
- (A) The purpose is to generally punish wrongdoers and to impose penalties such as imprisonment, fines, or other forms of punishment to deter and penalize unlawful conduct;
 - (B) The burden of proof is “beyond a reasonable doubt”;
 - (C) Penalties are typically more severe and can include imprisonment, larger fines, and other punitive measures; and
 - (D) Procedural due process requirements are generally considerably greater than in civil-regulatory proceedings.

7.4.1.4 Maximum Fine.

The purpose of having a maximum fine for each offense is to ensure a uniform sentencing policy that allows for the Court to consider the severity of the offense, offense history, and other aggravating and mitigating factors before imposing a fine as a sentence, not to exceed a certain amount.

7.4.1.5 Imposition of Fines: Considerations.

In determining whether to impose a fine and its amount, the Court must consider:

- (1) The financial resources of the respondent/defendant and the burden the payment of a fine will impose, with due regard to the other obligations of the respondent/defendant.
- (2) The ability of the respondent/defendant to pay a fine on an installment basis or on other conditions to be fixed by the Court.

7.4.1.6 Effect of Non-Payment of Fines.

- (1) When a respondent/defendant sentenced to pay a fine then defaults in the payment thereof or of any installment, the Court, on motion of the prosecuting attorney or upon its own motion, may require the respondent/defendant to show cause why the respondent/defendant’s default should not be treated as contempt of Court and may issue a citation or a warrant of arrest for respondent/defendant’s appearance.
- (2) Unless the respondent/defendant shows that respondent/defendant’s default was not attributable to an intentional refusal to obey the order of the Court or to a failure on respondent/defendant’s part to make a good faith effort to make the payment, the Court may find that respondent/defendant’s default constitutes contempt and may order

TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS

respondent/defendant committed until the fine, or a specified part thereof, is paid.

- (3) The term of incarceration for contempt for non-payment of fines must be set forth in the commitment order and must not exceed one day for each seventy-five dollars (\$75.00) of the fine. A person committed for non-payment of a fine must be given credit toward payment for each day of incarceration at the rate specified in the commitment order.
- (4) If it appears to the satisfaction of the Court that the default in the payment of the fine is not contempt, the Court may enter an order allowing the respondent/defendant additional time for payment, reducing the amount thereof or of each installment, or revoking the fine or the unpaid portion thereof in whole or in part.
- (5) A default in the payment of a fine or any installment thereof may be collected by any means authorized by law for the enforcement of a judgment. The levy of execution for the collection of a fine shall not discharge a respondent/defendant committed to incarceration for contempt until the amount of the fine has actually been collected.

7.4.1.7 Punishable by Incarceration; Maximum Sentence.

The purpose of identifying whether an offense is punishable by incarceration—and, if so, what the maximum sentence can be—is to ensure a uniform sentencing policy that allows for the Court to consider the severity of the offense, offense history, and other aggravating and mitigating factors before imposing incarceration as a sentence.

7.4.1.8 General Sentencing Factors.

In determining an appropriate sentence or disposition under this Title, the Court must consider all relevant circumstances, including but not limited to:

- (1) The nature and seriousness of the offense;
- (2) The extent of actual or threatened harm to the victim, community, FBIC property, cultural resources, or public order;
- (3) The respondent/defendant's degree of culpability, including whether the conduct was intentional, knowing, reckless, grossly negligent, repeated, escalating, or part of a larger pattern of misconduct;
- (4) The respondent/defendant's prior history of civil adjudications, criminal convictions, probation violations, deferred prosecution and/or sentencing agreement violations, failures to appear, and violations of court orders or protection orders;
- (5) Whether the offense involved a vulnerable victim, including a child, elder, incapacitated person, dependent person, or person subject to coercion, intimidation, or control;

TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS

- (6) Whether the offense involved abuse of trust, abuse of authority, use of a weapon, multiple victims, commission in the presence of a child, or substantial interference with FBIC government, operations, programs, or services;
- (7) Whether the respondent/defendant accepted responsibility, demonstrated genuine remorse, cooperated with the investigation, or made timely efforts toward restitution, treatment, or remediation;
- (8) The need to protect the victim, the victim's family, the community, and FBIC personnel;
- (9) The need for restitution, remediation, treatment, supervision, monitoring, education, community service, a Council Exclusion Order, a Judicial Exclusion/Community Protection Order, or other conditions reasonably related to accountability and community safety;
- (10) The respondent/defendant's rehabilitative needs and the likelihood that a particular sentence will reduce reoffending and promote long-term compliance with FBIC Law;
- (11) The respondent/defendant's financial resources and ability to pay any fine, restitution, treatment cost, or other monetary obligation;
- (12) The need to promote fair, proportionate, and reasonably consistent sentencing for similarly situated persons committing similar offenses; and
- (13) The actual or potential impact of the offense on the safety, stability, governmental functions, cultural resources, programs, services, and general well-being of the FBIC community.

7.4.1.9 Aggravating and Mitigating Factors.

- (1) In imposing sentence, the Court may consider aggravating and mitigating factors in addition to the general sentencing factors set forth in this Chapter.
- (2) Aggravating factors may include, but are not limited to:
 - (A) Use, threatened use, or display of a weapon;
 - (B) Infliction or threatened infliction of serious bodily injury;
 - (C) A pattern of repeated or escalating misconduct;
 - (D) Commission of the offense against a child, elder, incapacitated person, dependent person, intimate partner, household member, or other vulnerable person;
 - (E) Commission of the offense in violation of a court order, release condition, probation condition, deferred prosecution and/or sentencing agreement, protection order, Council Exclusion Order, or Judicial Exclusion/Community Protection Order;

TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS

- (F) Abuse of a position of trust, authority, kinship responsibility, caretaking role, employment role, or official position;
 - (G) Commission of the offense in the presence of a child;
 - (H) Efforts to conceal the offense, intimidate a victim or witness, obstruct reporting, or interfere with the administration of justice;
 - (I) Significant economic, emotional, cultural, environmental, or community harm; and
 - (J) Prior similar misconduct.
- (3) Mitigating factors may include, but are not limited to:
- (A) Little or no prior history of similar misconduct;
 - (B) Early acceptance of responsibility;
 - (C) Meaningful cooperation with law enforcement, the prosecutor, probation, treatment providers, or the Court;
 - (D) Prompt and genuine efforts toward restitution, remediation, treatment, counseling, or other corrective action;
 - (E) A low likelihood of reoffending as demonstrated by credible evidence;
 - (F) The offense was situational, aberrational, or unlikely to recur;
 - (G) The respondent/defendant played a minor role relative to another responsible person; and
 - (H) Any other factor the Court finds substantially bears on fairness, accountability, rehabilitation, victim protection, or community safety.
- (4) The existence of one or more mitigating factors does not require leniency, and the existence of one or more aggravating factors does not require incarceration.

7.4.1.10 Presumptive Sentencing and Departures.

- (1) The purpose of this Section is to promote reasonably consistent sentencing without eliminating judicial discretion.
- (2) Unless otherwise provided by FBIC Law, the Schedule establishes the maximum authorized sentence, not a required sentence.

TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS

- (3) For offenses identified in the Schedule or by future amendment as subject to a presumptive sentencing range, the Court should ordinarily impose a sentence within that presumptive range unless the Court finds good cause for departure.
- (4) Good cause for departure may be based on aggravating factors, mitigating factors, victim safety, community protection, treatment needs, repeat-offense history, inability to pay, the interests of justice, or other substantial case-specific considerations supported by the record.
- (5) A sentence outside a presumptive range is not invalid solely because it departs from the range; however, the Court must state the reasons for the departure on the record and in any written sentencing order.
- (6) Nothing in this Section requires the Court to impose incarceration where FBIC Law authorizes alternatives to incarceration and the Court finds that such alternatives will better serve accountability, victim protection, rehabilitation, and community safety.

7.4.1.11 Sentencing Findings on the Record.

- (1) At the time of sentencing or disposition, the Court must briefly state on the record the principal reasons for the sentence imposed.
- (2) The statement of reasons must address, as applicable:
 - (A) The offense or offenses of adjudication/conviction;
 - (B) The maximum sentence authorized by FBIC Law;
 - (C) Any material aggravating or mitigating factors relied upon by the Court;
 - (D) Whether restitution, treatment, community service, probation, a Council Exclusion Order, a Judicial Exclusion/Community Protection Order, or other conditions were considered;
 - (E) If incarceration is imposed, why incarceration is appropriate under the facts of the case; and
 - (F) If the sentence materially differs from a presumptive sentencing range, prosecutorial recommendation, negotiated agreement, or ordinary practice for similarly situated cases, the reason for that difference.
- (3) The Court's findings under this Section need not be lengthy, but they must be sufficient to permit meaningful review and to promote transparency, accountability, and consistency.

7.4.1.12 Sentencing Worksheet.

TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS

- (1) For any offense resulting in a sentence of incarceration, probation, a Judicial Exclusion/Community Protection Order, or a fine greater than a nominal amount set by the Court, the Court must complete or cause to be completed a standardized sentencing worksheet.
- (2) The sentencing worksheet must identify the offense, the maximum authorized sentence, the principal aggravating and mitigating factors considered, the sentence imposed, and the Court's principal reasons for the sentence.
- (3) The sentencing worksheet may be incorporated into the written sentencing order or maintained in the case file as part of the official record.

7.4.1.13 Graduated Sanctions Matrix.

- (1) The Court may use a graduated sanctions matrix or similar written sentencing guide to promote reasonably consistent responses to repeat offenses, supervision violations, and noncompliance with court-ordered conditions.
- (2) Any such matrix or guide may consider offense severity, prior similar misconduct, victim safety, risk to the community, compliance history, and prior opportunities for rehabilitation.
- (3) A graduated sanctions matrix is advisory only and does not create a mandatory minimum sentence or limit the Court's discretion to impose a lawful sentence based on the facts of the individual case.

7.4.1.14 Periodic Review of Sentencing Practices.

- (1) To promote reasonably consistent sentencing, the Court, FBIC Prosecutor, and any probation or court administration personnel designated by the FBIC may periodically review sentencing practices under this Title.
- (2) Such review may include consideration of:
 - (A) Whether similarly situated persons are receiving materially different sentences for similar offenses;
 - (B) Whether particular offenses appear to require more specific guidance in the Schedule;
 - (C) Whether available alternatives to incarceration are being effectively used;
 - (D) Whether victim protection, restitution, treatment compliance, and repeat-offense reduction goals are being achieved; and
 - (E) Whether amendments to the Schedule or this Title should be recommended to the Council.

TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS

- (3) Nothing in this Section creates a private right of action or a basis to invalidate an otherwise lawful sentence. Its purpose is administrative guidance, policy refinement, and improvement of sentencing consistency.

7.4.1.15 Eligible for Deferred Prosecution and/or Sentencing Agreement.

- (1) Deferred Prosecution Agreement (“DPA”):
- (A) For eligible offenses, the Court may approve a DPA to resolve certain matters. DPAs provide an alternative resolution to prosecution that seeks to promote compliance with the law and prevent future misconduct. A DPA can only occur before a conviction or guilty plea. While a DPA is in effect, prosecution is suspended while a respondent/defendant complies with specified conditions. If successful, charges may be dropped by the FBIC Prosecutor without any conviction on record. The main purpose of a DPA is to avoid creating a record of offenses for an eligible respondent/defendant.
 - (B) If an offense is eligible for a DPA, a DPA may be considered where the respondent/defendant demonstrates timely cooperation, remedial efforts, and/or acceptable of responsibility, remediation, and/or implementation of compliance measures to prevent recurrence of the misconduct.
 - (C) A DPA must include:
 - (1) A detailed statement of the facts.
 - (2) An acknowledgment of culpability.
 - (3) A provision to ensure implementation of an effective compliance program or plan.
 - (4) A term of no longer than one (1) year.
 - (5) Provisions regarding breach determination, notice, and opportunity to respond.
 - (D) Breach of the DPA may result in prosecution of the original misconduct.
 - (E) The Court must require periodic reports to evaluate the respondent/defendant’s compliance with a DPA, along with the implementation and effectiveness of the DPA’s compliance program or plan at least every three (3) months.
- (2) Deferred Sentencing Agreement (“DSA”):

TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS

- (A) For eligible offenses, the Court may approve a DSA. A DSA is a legal agreement where a defendant pleads guilty or is found guilty of a crime, but the sentencing or disposition of the case is postponed for a specific period. During this time, the defendant must comply with certain conditions set by the Court or FBIC Prosecutor. If the defendant fulfills these conditions, the Court may modify or reduce the sentence, or in some cases—if appropriate—, dismiss the charges altogether.
- (B) The Court should already have a guilty plea or conviction to act upon if there is a breach of a DSA.
- (C) The following factors should be addressed by the Court when considering the appropriateness of a DSA:
- (1) Does FBIC Law allow for a DSA for the offense and respondent/defendant?
 - (2) Is the DSA an opportunity for rehabilitation? If the respondent/defendant demonstrates the potential for rehabilitation and low risk of reoffending, a DSA can incentivize positive behavior.
 - (3) Will the DSA conserve resources? A DSA can resolve cases without lengthy incarceration or other costly resolutions, reducing the burden on the justice system.
 - (4) What impact will the DSA have on the community and victim? A DSA will often require a respondent/defendant to make restitution, complete community service, or attend rehabilitative programs, which may better serve the victim and community.
 - (5) What is the FBIC Prosecutor's recommendation? Judges often defer to the prosecution's recommendation, particularly when the agreement is negotiated between the respondent/defendant and the prosecution.
- (D) A DSA must include:
- (1) *A guilty plea or conviction.* The agreement must acknowledge the respondent/defendant's plea of guilty or their conviction and the specific charges involved.
 - (2) *Conditions for compliance.* Conditions may include completion of treatment programs (e.g., substance abuse or anger management), payment of restitution to victims, community service hours, no new offenses or violations, regular reporting to probation officers or the Court, etc.
 - (3) *Duration of deferral.* The specific time for which sentencing will be deferred; provided, however, that no deferral will be allowed for a period of

TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS

- more than one (1) year without semiannual status hearings to determine compliance with the DSA's conditions.
- (4) *Consequences for non-compliance.* The DSA must have clear penalties for failing to meet the DSA's conditions, including immediate sentencing or revocation of any potential leniency.
 - (5) *Potential outcome for compliance.* The DSA must include specific details on what happens if the respondent/defendant successfully complies, such as reduced sentence (e.g., probation instead of incarceration), dismissal of charges in rare cases where allowed by FBIC Law, expungement or sealing of the record if allowed by FBIC Law.
 - (6) The respondent/defendant's acknowledgement and understanding of the terms and agreement to waive certain rights (e.g., the right to speedy sentencing).
 - (7) The judge's formal approval of the agreement and understanding of the terms.
- (E) A DSA typically modifies the sentence but may not erase the adjudication/conviction unless explicitly stated.

7.4.1.16 Eligible for Community Service.

- (1) For eligible offenses, the Court may convert a sentence (incarceration or fine) into court-ordered community service under FBIC jurisdiction.
- (2) The purpose of the Schedule is to clearly identify when court-ordered community service is an appropriate alternative to a sentence of incarceration or fine.
- (3) Regarding converting a sentence to court-ordered community service:
 - (A) It shall be limited to respondents/defendants of non-violent, low-level offenses.
 - (B) Respondents/defendants with no prior convictions for similar offenses and no history of violence shall receive priority consideration.
 - (C) The Court may consider mitigating factors such as age, physical or mental condition, family circumstances, and redemptive potential.
 - (D) The Court has sole discretion to convert a sentence to court-ordered community service based on the specific facts and circumstances of the case.
 - (E) It can only occur with the respondent/defendant's voluntary and written consent

TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS

after being fully advised of their rights.

- (4) Community service must:
 - (A) Be measured by hours that represent a similar measure and time commitment as the original sentence;
 - (B) Provide a meaningful benefit to the public and develop the respondent/defendant's skills;
 - (C) Be monitored and verified by a probation officer or community organization;
 - (D) Be completed in a court-designated timeframe; and
 - (E) Include progress reports, including respondent/defendant's compliance with all program rules.
- (5) In the Court's discretion, a respondent/defendant who fails to comply with the required court-ordered community service may face graduated sanctions—including fines or more service hours—or reinstatement of the original sentence.
- (6) The Court must require periodic reports to evaluate the respondent/defendant's compliance with court-ordered community service, along with the overall effectiveness of the converted sentence at least every three (3) months.

7.4.1.17 Subject to Judicial Exclusion/Community Protection Order; Relationship to Council Exclusion Authority.

- (1) The FBIC's authority to exclude, expel, restrict, or otherwise regulate the presence of persons on or within FBIC Lands is rooted in the inherent sovereign authority of the FBIC to manage its lands, protect its self-government and internal relations, and protect the health, safety, welfare, cultural resources, governmental functions, programs, services, and general well-being of the FBIC.
- (2) Tribes possess the sovereign authority to exclude nonmembers from tribal lands, which includes the lesser authority to regulate nonmembers' conduct, use of tribal resources, and continued presence on such lands.
- (3) The sovereign authority to exclude is not limited to nonmembers. Subject to the FBIC Law, the FBIC may also regulate, restrict, or exclude the presence of its own FBIC Members in appropriate circumstances as an incident of tribal sovereignty, territorial management, community protection, and internal self-government.
- (4) The Council retains its independent sovereign and constitutional authority to issue a Council Exclusion Order under applicable FBIC Law. By this Title, the Council also

TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS

- delegates to the Court authority to issue a Judicial Exclusion/Community Protection Order in an adjudicated matter as a civil-regulatory remedy reasonably necessary to protect a victim, specific persons, governmental functions, FBIC property, cultural resources, programs, services, or the general safety and welfare of the FBIC.
- (5) The purpose of the Schedule is to identify offenses for which the Court may consider issuing a Judicial Exclusion/Community Protection Order as part of the FBIC's civil-regulatory jurisdiction.
- (6) A Judicial Exclusion/Community Protection Order under this Title is a delegated judicial remedy and may include one or more of the following terms:
- (A) No-contact provisions;
 - (B) Stay-away provisions;
 - (C) Restrictions on entry into identified areas, facilities, events, housing, programs, or lands under FBIC jurisdiction;
 - (D) Conditions on continued presence, travel, visitation, employment, participation in community events, or access to specific locations on FBIC Lands; and/or
 - (E) Such other reasonable protective conditions as are supported by the record and narrowly tailored to protect the victim, the community, or FBIC governmental functions, property, programs, or services.
- (7) If specifically authorized by the Schedule or by other FBIC Law, and if supported by written findings, a Judicial Exclusion/Community Protection Order may include temporary or final exclusion from all or part of FBIC Lands as a civil-regulatory protective condition in an adjudicated matter.
- (8) In determining whether to issue, modify, continue, or dissolve a Judicial Exclusion/Community Protection Order, the Court shall consider:
- (A) The nature and seriousness of the underlying conduct;
 - (B) The risk of recidivism or escalating misconduct;
 - (C) The need to protect a victim, specific persons, or the community;
 - (D) Prior violations of court orders, protection orders, Council Exclusion Orders, Judicial Exclusion/Community Protection Orders, or release conditions;
 - (E) The duration, geographic scope, and practical necessity of the requested restriction; and

TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS

- (F) Whether a narrower condition would adequately protect the victim or community.
- (9) A Judicial Exclusion/Community Protection Order issued under this Title is separate from, and does not limit, waive, impair, or replace, the independent retained authority of the Council to issue a Council Exclusion Order under FBIC Law.
- (10) Nothing in this Title shall be construed to deprive the Council of the authority to:
 - (A) Initiate, hear, determine, issue, modify, or revoke a Council Exclusion Order under its independent authority;
 - (B) Delegate to the Court a hearing function, evidentiary function, recommendation function, enforcement function, or emergency removal function in exclusion matters; or
 - (C) Issue a Council Exclusion Order whether or not a related Judicial Exclusion/Community Protection Order has been issued.
- (11) If the Court issues a Judicial Exclusion/Community Protection Order against a FBIC Member, the Council may, by written resolution adopted by a supermajority vote of the entire Council within forty-five (45) calendar days after entry of the order, veto, suspend, dissolve, or modify only the territorial exclusion component of that order, but only to reduce, narrow, shorten, or otherwise lessen the exclusion restrictions applicable to the Member.
- (12) Any Council action under Subsection (11):
 - (A) Shall not expand, lengthen, or otherwise increase the restrictions imposed by the Court;
 - (B) Shall not disturb the Court's findings of liability, conviction, contempt, or other adjudicated determination;
 - (C) Shall not alter any no-contact provision, stay-away provision, victim-specific protection, release condition, probation condition, or other non-territorial protective term of the Court's order, unless separately modified by the Court or other lawful judicial authority; and
 - (D) Shall set forth the specific modified terms and conditions, if any, and shall state that the Council finds the reduced restriction consistent with the safety and welfare of the FBIC community.
- (13) Unless and until the Court orders otherwise or the Council acts under Subsection (11), a Judicial Exclusion/Community Protection Order issued by the Court remains in full force

TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS

and effect according to its terms.

- (14) A Judicial Exclusion/Community Protection Order may coexist with a Council Exclusion Order. If both apply, the person subject to the orders must comply with each order unless and until modified by lawful authority; provided, however, that if the two (2) orders conflict, the more restrictive territorial limitation controls to the extent not inconsistent with a lawful Council action under Subsection (11) or a later lawful judicial modification.
- (15) Detailed procedures for requesting, issuing, serving, enforcing, modifying, extending, dissolving, recognizing, or appealing Judicial Exclusion/Community Protection Orders may be provided in Part 6 of this Title or other applicable FBIC Law.
- (16) A person subject to a Judicial Exclusion/Community Protection Order may, upon good cause, petition the Court for reconsideration, dissolution, or modification of the order, which the Court may grant, deny, or modify in its discretion consistent with community safety and the purposes of this Section.

7.4.1.18 Eligible for Record Sealing/Expungement.

- (1) For eligible offenses, the Court may order that the record of a civil or criminal adjudication/conviction be sealed or expunged.
- (2) The purpose of the Schedule is to clearly identify what records of adjudications/convictions may be sealed or expunged.
- (3) An individual may apply, in writing, to have their adjudication/conviction records sealed if they meet the following eligibility criteria:
 - (A) The individual has completed all terms of their sentence, including any term of probation, parole, or supervised released;
 - (B) A period of three (3) years has elapsed since the date of the individual's adjudication/conviction or release from incarceration, whichever is later; and
 - (C) The individual has not been adjudicated liable for or convicted of an offense (other than minor traffic offenses or a status offense) within the prescribed three (3) year period.
- (4) An individual may apply, in writing, to have their adjudication/conviction records expunged if they meet the eligibility criteria for sealing their record and the individual has not been adjudicated liable for or convicted of an offense (other than minor traffic offenses or a status offense) within the ten (10) year period following the individual's adjudication/conviction or release from incarceration, whichever is later.
- (5) Individuals seeking to have their adjudication/conviction sealed or expunged must submit

TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS

a formal written application to the FBIC Prosecutor and such application must include:

- (A) A signed petition explaining the need for record sealing or expungement;
- (B) Any applicable court records;
- (C) Two (2) character affidavits from persons who:
 - (1) Are not a parent, sibling, or child; and
 - (2) Have not been adjudicated liable for or convicted of an offense (other than minor traffic offenses or a status offense) within the preceding ten (10) years.
- (6) Once sealed, a record must remain confidential. Access is restricted to only those law enforcement agencies and personnel with an official need to know.

7.4.1.19 Additional Considerations.

The purpose of including “Additional Considerations” in the Schedule is identify and provide instruction for situations where the Court may have to make additional considerations for specific offenses beyond the enumerated considerations listed in the Schedule.

7.4.1.20 Suspension of Sentence and/or Probation.

The Court, on motion of the FBIC Prosecutor or upon its own motion, may suspend a sentence that has been imposed or place a respondent/defendant on probation for such a time and under such conditions as the Court may impose, in its discretion.

7.4.1.21 Repeat Offenses.

- (1) Generally, an offender is not eligible for deferred prosecution, deferred sentencing, community service, or record sealing/expungement for an offense that is the same as or substantially like (in the Court’s discretion) an offense that the offender had previously been held liable for.
- (2) In determining the sentence for a repeat offense, the Court must consider the similarity, timing, frequency, and seriousness of prior offenses, prior compliance with court orders and supervision, and whether graduated sanctions are necessary to protect the community and deter further misconduct. The Court has discretion to increase the fines for repeat offenders beyond the maximum amount listed in the Schedule, so long as the increased fines are in an amount consistent with fines for similar offenses in other jurisdictions.
- (3) The FBIC Police Department or designated FBIC social services agency or department shall:

TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS

- (A) Maintain comprehensive data on repeat offenders to assess patterns and the efficacy of different sentencing in reducing recidivism; and
- (B) Periodically review the Schedule and report to the Council on the implementation of this Section.

7.4.1.22 Risk of Recidivism; Release, Supervision, and Protection Orders

- (1) In addition to any other applicable provision of FBIC Law, the Court may consider the risk of recidivism, escalating misconduct, or danger to a victim, a class of persons, or the FBIC community when determining:
 - (A) Release conditions pending adjudication;
 - (B) Conditions of probation, deferred prosecution, or deferred sentencing;
 - (C) Whether to impose treatment, testing, monitoring, reporting, no-contact, stay-away, exclusion, community protection, or other protective conditions;
 - (D) Whether noncompliance warrants graduated sanctions, modification of conditions, revocation, or imposition of additional restrictions; and
 - (E) Whether alternatives to incarceration are likely to reduce reoffending while still protecting the victim and the community.
- (2) In assessing risk under this Section, the Court may consider:
 - (A) Prior similar misconduct;
 - (B) A pattern of repeated, escalating, or predatory conduct;
 - (C) Prior failures to appear or violations of release conditions, probation, protection orders, exclusion orders, or community protection orders;
 - (D) Threats, intimidation, stalking, coercive control, or interference with reporting or the administration of justice;
 - (E) The respondent/defendant's acceptance of responsibility, treatment history, supervision history, and responsiveness to prior interventions; and
 - (F) Any other reliable information bearing on the likelihood of reoffending or the need to protect the victim or community.
- (3) This Section does not create a presumption of detention or incarceration. Its purpose is to guide the Court in selecting reasonable conditions and responses that reduce reoffending

TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS

and protect the victim and community.

7.4.1.23 Alternatives to Incarceration.

In the Court's discretion, alternatives to incarceration, including substance abuse treatment, mental health services, community services, and other rehabilitation programs shall be considered for eligible offenders.

**CHAPTER 7.4.2
SCHEDULE**

[SEE ATTACHMENT A FOR A TRUE AND CORRECT COPY OF THE SCHEDULE]

TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS – ATTACHMENT A

THE FORT BELKNAP INDIAN COMMUNITY CODE

TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS

CHAPTER 7.4.2

SCHEDULE

ATTACHMENT A

Sections:

- 7.4.2.1 Key**
- 7.4.2.2 Preparatory and/or Inchoate Offenses**
- 7.4.2.3 Offenses Against the FBIC**
- 7.4.2.4 Offenses Against the Person**
- 7.4.2.5 Sexual Offenses**
- 7.4.2.6 Offenses Against Property**
- 7.4.2.7 Offenses Against Health, Safety, and Welfare**
- 7.4.2.8 Offenses Against Public Justice**
- 7.4.2.9 Offenses Involving Fraud and Deception**
- 7.4.2.10 Offenses Against Animals**
- 7.4.2.11 Traffic Offenses**
- 7.4.2.12 Status Offenses**
- 7.4.2.13 Failure to Report Offenses**

TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS – ATTACHMENT A

7.4.2.14 Violating a Protection Order

7.4.2.15 Special Tribal Criminal Jurisdiction Offenses

7.4.2.1 Key.

As used herein:

- (1) “CV” means civil-regulatory.
- (2) “CR” means criminal-prohibitory.
- (3) “CS” means eligible for community service.
- (4) “DP/SA” means eligible for deferred prosecution and/or sentencing agreement.
- (5) “EX” means eligible for a Council Exclusion Order, Judicial Exclusion/Community Protection Order, or other territorial protective restriction authorized by FBIC Law.
- (6) “M” means month.
- (7) “MF” means maximum fine allowed.
- (8) “PI” means punishable by incarceration (including, if applicable, the maximum sentence permitted).
- (9) “RS/E” means eligible for record sealing and/or expungement.
- (10) “SL” means statute of limitations.

TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS – ATTACHMENT A

(11) “STCJ” means “Special Tribal Criminal Jurisdiction”.

(12) “Y” means year.

7.4.2.2 Preparatory and/or Inchoate Offenses.

- (1) Preparatory and/or inchoate offenses are charged and sentenced based on the intent and actions taken towards committing a substantive offense.
- (2) Unless a specific offense provision expressly provides otherwise, a preparatory and/or inchoate offense shall be punished less severely than the completed substantive offense the person intended to commit.
- (3) For purposes of Subsection (2), the maximum penalty for a preparatory and/or inchoate offense shall be as follows:
 - (A) If the completed substantive offense is civil-regulatory only and not punishable by incarceration, the preparatory and/or inchoate offense shall remain civil-regulatory and the maximum fine shall not exceed one-half (1/2) of the maximum fine authorized for the completed substantive offense.
 - (B) If the completed substantive offense is punishable by incarceration for one (1) month or less, the preparatory and/or inchoate offense shall be punishable by no more than one-half (1/2) of the maximum incarceration authorized for the completed substantive offense, and the maximum fine shall not exceed one-half (1/2) of the maximum fine authorized for the completed substantive offense.
 - (C) If the completed substantive offense is punishable by incarceration for more than one (1) month, the preparatory and/or inchoate offense shall be punishable by no more than one-half (1/2) of the maximum incarceration authorized for the completed substantive offense, and the maximum fine shall not exceed one-half (1/2) of the maximum fine authorized for the completed substantive offense.
 - (D) In applying this Subsection, any fractional month shall be rounded down to the nearest whole day, and any fractional year shall be converted proportionally to months or days as appropriate.

TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS – ATTACHMENT A

(E) Eligibility for deferred prosecution and/or sentencing agreement, community service, Council Exclusion Order, Judicial Exclusion/Community Protection Order, and record sealing and/or expungement shall be the same as for the completed substantive offense.

(4) A person cannot be charged or found liable for more than one inchoate offense if they are directed towards the commission of the same offense. This means that if multiple preparatory and/or inchoate offenses are charged for the same intended offense, they must merge for liability purposes and the defendant or respondent can only be found liable for one of them. This principle is designed to prevent multiple punishments/liabilities for the same offensive intent.

7.4.2.3 Offenses Against the FBIC.

SECTION	TITLE	SL	CV/ CR	MF	PI	DP/ SA	CS	EX	RS/ E	OTHER CONSIDERATIONS
7.2.2.1	Disturbance /Interruption of FBIC Government and/or Operations	1 Y	CV	\$1,000	No	Yes	Yes	Yes	No	In addition to any other liability, the Court may award the FBIC the cost of any actual personnel or independent contractor time that it incurred during the time of the disturbance if the personnel or independent contractors were unable to carry out their duties due to the disturbance.
7.2.2.2	Unauthorized Leasing	None	CV	\$1,000	No	Yes	Yes	Yes	No	In addition to any other liability, the Court must (1) declare that any purported or alleged lease is void; and order that the FBIC is entitled to (2) disgorgement of profits OR fair rental value of the property, assuming that the property is being put to its highest and best use; and order that the FBIC is entitled to (3) remediation of any lands affected by the unauthorized leasing.

TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS – ATTACHMENT A

SECTION	TITLE	SL	CV/ CR	MF	PI	DP/ SA	CS	EX	RS/ E	OTHER CONSIDERATIONS
7.2.2.3	Trespass to FBIC Lands or Property	None	CV	\$1,000	No	Yes	Yes	Yes	No	In addition to any other liability, the Court must order that the FBIC is entitled to (1) disgorgement of profits OR fair rental value of the property, assuming that the property is being put to its highest and best use; and (2) remediation of any lands affected by the trespass.

7.4.2.4 Offenses Against the Person.

SECTION	TITLE	SL	CV/ CR	MF	PI	DP/ SA	CS	EX	RS/ E	OTHER CONSIDERATIONS
7.2.3.1(2)(A)	Abandonment of Dependent Person	5 Y	CV/ CR	\$3,000	1 Y	Yes	No	Yes	No	This may be prosecuted and adjudicated as a criminal offense if FBIC has criminal jurisdiction over the defendant. In addition to any other liability, the Court may award restitution or the cost of damages to the victim.
7.2.3.1(2)(B)	Neglect of Dependent Person	5 Y	CV/ CR	\$4,000	1 Y	Yes	No	Yes	No	This may be prosecuted and adjudicated as a criminal offense if FBIC has criminal jurisdiction over the defendant. In addition to any other liability, the Court may award restitution or the cost of damages to the victim.

TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS – ATTACHMENT A

SECTION	TITLE	SL	CV/ CR	MF	PI	DP/ SA	CS	EX	RS/ E	OTHER CONSIDERATIONS
7.2.3.1(2)(C)	Abuse of Dependent Person	5 Y	CV/ CR	\$5,000	1 Y	No	No	Yes	No	<p>This may be prosecuted and adjudicated as a criminal offense if FBIC has criminal jurisdiction over the defendant.</p> <p>In addition to any other liability, the Court may award restitution or the cost of damages to the victim.</p>
7.2.3.1(3)	Abuse of an Elder or Incapacitated Person	5 Y	CV/ CR	\$5,000	1 Y	No	No	Yes	No	<p>This may be prosecuted and adjudicated as a criminal offense if FBIC has criminal jurisdiction over the defendant.</p> <p>In addition to any other liability, the Court may award restitution or the cost of damages to the victim.</p>
7.2.3.1(4)	Exploitation of an Elder or Incapacitated Person	5 Y	CV/ CR	\$5,000	1 Y	No	No	Yes	No	<p>This may be prosecuted and adjudicated as a criminal offense if FBIC has criminal jurisdiction over the defendant.</p> <p>In addition to any other liability, the Court may award restitution or the cost of damages to the victim.</p> <p>The exploited elder or incapacitated person is entitled to disgorgement of profits resulting from exploitation and/or restitution of exploited funds, benefits, or property.</p>

TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS – ATTACHMENT A

SECTION	TITLE	SL	CV/ CR	MF	PI	DP/ SA	CS	EX	RS/ E	OTHER CONSIDERATIONS
7.2.3.1(5)	Prenatal Substance Endangerment	5 Y	CV/ CR	\$5,000	1 Y	Yes	Yes	Yes	Yes	<p>This may be prosecuted and adjudicated as a criminal offense if FBIC has criminal jurisdiction over the defendant.</p> <p>In addition to any other liability, the Court may order substance use assessment, treatment compliance, and reasonable testing conditions. The Court may coordinate with appropriate FBIC social services processes.</p>
7.2.3.1(6)(D)	Failure of Mandatory Reporter to Report	1 Y	CV	\$1,000	No	Yes	Yes	No	Yes	<p>If the Court determines that a mandatory reporter failed to report in accordance with FBIC Law, that determination shall be shared with the mandatory reporter’s supervisor for administrative consideration.</p>
7.2.3.2	Abduction	1 Y	CV/ CR	\$2,500	3 M	No	No	Yes	No	<p>This may be prosecuted and adjudicated as a criminal offense if FBIC has criminal jurisdiction over the defendant.</p> <p>In addition to any other liability, the Court may award restitution or the cost of damages to the victim.</p>
7.2.3.3(1)	Assault	None	CV/ CR	\$1,000	1 M	Yes	No	Yes	No	<p>This may be prosecuted and adjudicated as a criminal offense if FBIC has criminal jurisdiction over the defendant.</p>

TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS – ATTACHMENT A

SECTION	TITLE	SL	CV/ CR	MF	PI	DP/ SA	CS	EX	RS/ E	OTHER CONSIDERATIONS
7.2.3.3(2)	Aggravated Assault	None	CV/ CR	\$2,500	3 M	Yes	No	Yes	No	This may be prosecuted and adjudicated as a criminal offense if FBIC has criminal jurisdiction over the defendant.
7.2.3.4(1)	Battery	None	CV/ CR	\$3,500	1 Y	No	No	Yes	No	This may be prosecuted and adjudicated as a criminal offense if FBIC has criminal jurisdiction over the defendant. In addition to any other liability, the Court may award restitution or the cost of damages to the victim.
7.2.3.4(2)	Aggravated Battery	None	CV/ CR	\$5,000	3 Y	No	No	Yes	No	This may be prosecuted and adjudicated as a criminal offense if FBIC has criminal jurisdiction over the defendant. In addition to any other liability, the Court may award restitution or the cost of damages to the victim.
7.2.3.5	Coercion / Intimidating / Menacing / Threatening	2 Y	CV/ CR	\$1,000	1 M	Yes	No	Yes	No	This may be prosecuted and adjudicated as a criminal offense if FBIC has criminal jurisdiction over the defendant. In addition to any other liability, the Court may award restitution or the cost of damages to the victim.

TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS – ATTACHMENT A

SECTION	TITLE	SL	CV/ CR	MF	PI	DP/ SA	CS	EX	RS/ E	OTHER CONSIDERATIONS
7.2.3.6	Contributing to the Delinquency of a Minor	1 Y	CV	\$500	No	Yes	Yes	Yes	No	In addition to any other liability, the Court may award restitution or the cost of damages to the victim.
7.2.3.7	Custodial Interference	1 Y	CV/ CR	\$2,500	3 M	No	No	Yes	No	This may be prosecuted and adjudicated as a criminal offense if FBIC has criminal jurisdiction over the defendant. In addition to any other liability, the Court may award restitution or the cost of damages to the victim.
7.2.3.8	Defamation	1 Y	CV	\$1,000	No	Yes	Yes	Yes	Yes	In addition to any other liability, the Court may award restitution or the cost of damages to the victim.
7.2.3.9	Endangerment	1 Y	CV/ CR	\$2,500	3 M	No	No	Yes	No	This may be prosecuted and adjudicated as a criminal offense if FBIC has criminal jurisdiction over the defendant. In addition to any other liability, the Court may award restitution or the cost of damages to the victim.
7.2.3.10	False Arrest / Unlawful Imprisonment or Detention	1 Y	CV/ CR	\$2,500	3 M	No	No	Yes	No	This may be prosecuted and adjudicated as a criminal offense if FBIC has criminal jurisdiction over the defendant.

TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS – ATTACHMENT A

SECTION	TITLE	SL	CV/ CR	MF	PI	DP/ SA	CS	EX	RS/ E	OTHER CONSIDERATIONS
										In addition to any other liability, the Court may award restitution or the cost of damages to the victim.
7.2.3.11(2)	Harassment	5 Y	CV/ CR	\$2,500	3 M	No	No	Yes	No	This may be prosecuted and adjudicated as a criminal offense if FBIC has criminal jurisdiction over the defendant. In addition to any other liability, the Court may award restitution or the cost of damages to the victim.
7.2.3.11(3)	Aggravated Harassment	5 Y	CV/ CR	\$5,000	1 Y	No	No	Yes	No	This may be prosecuted and adjudicated as a criminal offense if FBIC has criminal jurisdiction over the defendant. In addition to any other liability, the Court may award restitution or the cost of damages to the victim.
7.2.3.12(2)	First Degree Murder	None	CV/ CR	\$15,000	3 Y	No	No	Yes	No	This may be prosecuted and adjudicated as a criminal offense if FBIC has criminal jurisdiction over the defendant. In addition to any other liability, the Court may award restitution or the cost of damages to the victim’s estate.
7.2.3.12(3)	Second Degree Murder	None	CV/ CR	\$10,000	2 Y	No	No	Yes	No	This may be prosecuted and adjudicated as a criminal offense if

TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS – ATTACHMENT A

SECTION	TITLE	SL	CV/ CR	MF	PI	DP/ SA	CS	EX	RS/ E	OTHER CONSIDERATIONS
										<p>FBIC has criminal jurisdiction over the defendant.</p> <p>In addition to any other liability, the Court may award restitution or the cost of damages to the victim’s estate.</p>
7.2.3.12(4)	Manslaughter	None	CV/ CR	\$5,000	1.5 Y	No	No	Yes	No	<p>This may be prosecuted and adjudicated as a criminal offense if FBIC has criminal jurisdiction over the defendant.</p> <p>In addition to any other liability, the Court may award restitution or the cost of damages to the victim’s estate.</p>
7.2.3.12(5)	Negligent Homicide	None	CV/ CR	\$5,000	1 Y	No	No	Yes	No	<p>This may be prosecuted and adjudicated as a criminal offense if FBIC has criminal jurisdiction over the defendant.</p> <p>In addition to any other liability, the Court may award restitution or the cost of damages to the victim’s estate.</p>
7.2.3.13	Human Trafficking (Non-Sex)	None	CV/ CR	\$5,000	1 Y	No	No	Yes	No	<p>This may be prosecuted and adjudicated as a criminal offense if FBIC has criminal jurisdiction over the defendant.</p> <p>In addition to any other liability, the Court may order that the trafficked person is entitled to restitution and</p>

TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS – ATTACHMENT A

SECTION	TITLE	SL	CV/ CR	MF	PI	DP/ SA	CS	EX	RS/ E	OTHER CONSIDERATIONS
										damages (e.g., disgorgement of profits resulting from trafficking).
7.2.3.14	Kidnapping	1 Y	CV/ CR	\$3,500	6 M	No	No	Yes	No	This may be prosecuted and adjudicated as a criminal offense if FBIC has criminal jurisdiction over the defendant. In addition to any other liability, the Court may award restitution or the cost of damages to the victim.
7.2.3.15	Mutilation, Disinterment, or Removal of Dead Body	5 Y	CV	\$2,500	No	Yes	Yes	Yes	No	In addition to any other liability, the Court may award restitution or the cost of damages to the victim’s estate.
7.2.3.16	Nonsupport of a Child	None	CV	\$2,500	No	Yes	Yes	Yes	Yes	In addition to any other liability, the Court may award backpay of support obligations and garnish income to satisfy support obligations.

7.4.2.5 Sexual Offenses.

SECTION	TITLE	SL	CV/ CR	MF	PI	DP/ SA	CS	EX	RS/ E	OTHER CONSIDERATIONS
7.2.4.2	Contributing to Sexual Delinquency of a Child	None	CV/ CR	\$5,000	1 Y	No	No	Yes	No	This may be prosecuted and adjudicated as a criminal offense if FBIC has criminal jurisdiction over the defendant.

TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS – ATTACHMENT A

SECTION	TITLE	SL	CV/ CR	MF	PI	DP/ SA	CS	EX	RS/ E	OTHER CONSIDERATIONS
										In addition to any other liability, the Court may award restitution or the cost of damages to the victim.
7.2.4.3	Giving Sexually Transmitted Disease to Another	None	CV/ CR	\$5,000	1 Y	No	No	Yes	No	<p>This may be prosecuted and adjudicated as a criminal offense if FBIC has criminal jurisdiction over the defendant.</p> <p>In addition to any other liability, the Court may award restitution or the cost of damages to the victim.</p> <p>In addition to any other liability, the liable person may be ordered to have a medical examination and treatment for such disease until cured or under control. The Court may order the local health department to conduct confidential notification of persons known to have been exposed to sexually transmitted diseases and/or blood borne diseases. It is not an act of unprofessional conduct for a physician to disclose the fact that their patient is infected with a sexually transmitted disease if the disclosure is limited to the patient’s spouse or sex partner. This section does not impose a duty to disclose</p>

TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS – ATTACHMENT A

SECTION	TITLE	SL	CV/ CR	MF	PI	DP/ SA	CS	EX	RS/ E	OTHER CONSIDERATIONS
										information, and a physician is not liable for either disclosing or not disclosing information.
7.2.4.4	Incest	1 Y	CV	\$500	No	Yes	Yes	Yes	Yes	
7.2.4.5	Indecent Exposure	1 Y	CV	\$500	No	Yes	Yes	Yes	Yes	
7.2.4.6(2)	Prostitution	3 Y	CV/ CR	\$5,000	1 Y	No	No	Yes	Yes*	<p>This may be prosecuted and adjudicated as a criminal offense if FBIC has criminal jurisdiction over the defendant.</p> <p>In addition to any other liability, the Court may award restitution or the cost of damages to the victim.</p> <p>Generally, unless the Court finds mitigating factors, it is a greater offense to procure, force, or detain someone for prostitution than it is to seek out prostitution—and both are greater offenses than engaging in prostitution as a prostitute.</p> <p>*Only a person who engages in being a prostitute is eligible for RS/E.</p>
7.2.4.6(4)	Procure, Solicit, Seek, or Solicit a	None	CV/ CR	\$15,000	3 Y	No	No	Yes	No	This may be prosecuted and adjudicated as a criminal offense if FBIC has criminal jurisdiction over the defendant.

TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS – ATTACHMENT A

SECTION	TITLE	SL	CV/ CR	MF	PI	DP/ SA	CS	EX	RS/ E	OTHER CONSIDERATIONS
	Child for Prostitution									In addition to any other liability, the Court may order that the victim is entitled to restitution and damages (e.g., disgorgement of profits resulting from prostituting the victim).
7.2.4.7	Public Sexual Indecency	1 Y	CV	\$500	No	Yes	Yes	Yes	Yes	
7.2.4.8	Rape	None	CV/ CR	\$15,000	3 Y	No	No	Yes	No	This may be prosecuted and adjudicated as a criminal offense if FBIC has criminal jurisdiction over the defendant. In addition to any other liability, the Court may order that the victim is entitled to restitution and damages.
7.2.4.9	Sexual Abuse	None	CV/ CR	\$10,000	2 Y	No	No	Yes	No	This may be prosecuted and adjudicated as a criminal offense if FBIC has criminal jurisdiction over the defendant. In addition to any other liability, the Court may order that the victim is entitled to restitution and damages.
7.2.4.10	Sexual Act with an Animal	1 Y	CV	\$1,000	No	Yes	Yes	Yes	Yes	In addition to any other liability, the Court may also order the forfeiture of any animal that has been used in the commission of a sexual act with an

TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS – ATTACHMENT A

SECTION	TITLE	SL	CV/ CR	MF	PI	DP/ SA	CS	EX	RS/ E	OTHER CONSIDERATIONS
										animal to the local animal control agency for adoption, care, or humane euthanasia.
7.2.4.11(1)	Sexual Assault	None	CV/ CR	\$5,000	1 Y	No	No	Yes	No	This may be prosecuted and adjudicated as a criminal offense if FBIC has criminal jurisdiction over the defendant. In addition to any other liability, the Court may order that the victim is entitled to restitution and damages.
7.2.4.11(2)	Aggravated Sexual Assault	None	CV/ CR	\$10,000	2 Y	No	No	Yes	No	This may be prosecuted and adjudicated as a criminal offense if FBIC has criminal jurisdiction over the defendant. In addition to any other liability, the Court may order that the victim is entitled to restitution and damages.
7.2.4.12	Sexual Exploitation	None	CV/ CR	\$5,000	1 Y	No	No	Yes	No	This may be prosecuted and adjudicated as a criminal offense if FBIC has criminal jurisdiction over the defendant. In addition to any liability, the Court may also order that the victim is entitled to restitution, and damages (e.g., disgorgement of profits resulting from sexual exploitation).

TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS – ATTACHMENT A

SECTION	TITLE	SL	CV/ CR	MF	PI	DP/ SA	CS	EX	RS/ E	OTHER CONSIDERATIONS
7.2.4.13	Unlawful Dissemination of an Intimate Image	None	CV/ CR	\$2,500	No	No	No	Yes	No	This may be prosecuted and adjudicated as a criminal offense if FBIC has criminal jurisdiction over the defendant.

7.4.2.6 Offenses Against Property.

SECTION	TITLE	SL	CV/ CR	MF	PI	DP/ SA	CS	EX	RS/ E	OTHER CONSIDERATIONS
7.2.5.1	Arson	2 Y	CV/ CR	\$2,500	6 M	Yes	Yes	Yes	Yes	This may be prosecuted and adjudicated as a criminal offense if FBIC has criminal jurisdiction over the defendant. In addition to any other liability, the Court may award restitution or the cost of damages to the victim.
7.2.5.2	Breaking and Entering	2 Y	CV	\$2,500	No	Yes	No	Yes	No	In addition to any other liability, the Court may award restitution or the cost of damages to the victim.
7.2.5.3	Burglary	2 Y	CV	\$2,500	No	Yes	No	Yes	No	In addition to any other liability, the Court may award restitution or the cost of damages to the victim.
7.2.5.4	Damage or Destruction	2 Y	CV/ CR	\$2,500	6 M	Yes	Yes	Yes	Yes	This may be prosecuted and adjudicated as a criminal offense if FBIC has criminal jurisdiction over the defendant. In addition to any other liability, the Court may award restitution or the cost of damages to the victim.

TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS – ATTACHMENT A

SECTION	TITLE	SL	CV/ CR	MF	PI	DP/ SA	CS	EX	RS/ E	OTHER CONSIDERATIONS
7.2.5.5	Robbery	2 Y	CV/ CR	\$2,500	3 M	Yes	No	Yes	No	This may be prosecuted and adjudicated as a criminal offense if FBIC has criminal jurisdiction over the defendant.
7.2.5.6	Theft	2 Y	CV/ CR	\$1,500	1 M	Yes	No	Yes	No	This may be prosecuted and adjudicated as a criminal offense if FBIC has criminal jurisdiction over the defendant.
7.2.5.7	Trespass to Private Property	2 Y	CV	\$1,000	No	Yes	Yes	Yes	Yes	In addition to any other liability, the Court must order that the victim is entitled to (1) disgorgement of profits OR fair rental value of the property, assuming that the property is being put to its highest and best use; and (2) remediation of any lands affected by the trespass.
7.2.5.8	Trafficking in Stolen Property	2 Y	CV	\$1,000	No	Yes	Yes	Yes	Yes	In addition to any other liability, the Court must order that the victim is entitled to return of the property, disgorgement of profits, OR fair market value of the stolen property.

7.4.2.7 Offenses Against Health, Safety, and Welfare.

SECTION	TITLE	SL	CV/ CR	MF	PI	DP/ SA	CS	EX	RS/ E	OTHER CONSIDERATIONS
7.2.6.1	Carrying a Prohibited Weapon; Unlawful Concealed Carry; Weapons in	1 Y	CV/ CR	\$1,000	6 M	Yes	Yes	Yes	Yes	This may be prosecuted and adjudicated as a criminal offense if it falls under STCJ (e.g., violation of a protection order). In addition to any other liability, the Court may order forfeiture of the prohibited weapon.

TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS – ATTACHMENT A

SECTION	TITLE	SL	CV/ CR	MF	PI	DP/ SA	CS	EX	RS/ E	OTHER CONSIDERATIONS
	Weapon-Free Zones									
7.2.6.2	Controlled Substances: Unlawful Possession	1 Y	CV/ CR	\$1,000	6 M	Yes	Yes	Yes	Yes	<p>This may be prosecuted and adjudicated as a criminal offense if FBIC has criminal jurisdiction over the defendant.</p> <p>In addition to any other liability, the Court may order forfeiture and destruction of the unlawful Controlled Substances.</p> <p>In addition to any other liability, the Court may order substance use assessment, treatment compliance, and reasonable testing conditions. The Court may coordinate with appropriate FBIC social services processes.</p>
7.2.6.3	Controlled Substances: Dispensing, Distributing, Manufacturing, and/or Selling	1 Y	CV/ CR	\$3,000	1 Y	Yes	Yes	Yes	Yes	<p>This may be prosecuted and adjudicated as a criminal offense if FBIC has criminal jurisdiction over the defendant.</p> <p>In addition to any other liability, the Court may order forfeiture and destruction of the unlawful Controlled Substances.</p> <p>In addition to any other liability, the Court may order substance use assessment, treatment compliance, and reasonable testing conditions. The Court may coordinate with appropriate FBIC social services processes.</p>

TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS – ATTACHMENT A

SECTION	TITLE	SL	CV/ CR	MF	PI	DP/ SA	CS	EX	RS/ E	OTHER CONSIDERATIONS
7.2.6.4	Controlled Substances and Regulated Intoxicants: Exceeding Personal Use Amounts or Threshold Amounts	1 Y	CV/ CR	\$1,000	3 M	Yes	Yes	Yes	Yes	<p>This may be prosecuted and adjudicated as a criminal offense if FBIC has criminal jurisdiction over the defendant.</p> <p>In addition to any other liability, the Court may order forfeiture and destruction of the unlawful Controlled Substances or regulated intoxicant.</p> <p>In addition to any other liability, the Court may order substance use assessment, treatment compliance, and reasonable testing conditions. The Court may coordinate with appropriate FBIC social services processes.</p>
7.2.6.4 (2)(C) and (3)(C)	Controlled Substances and Regulated Intoxicants: Exceeding Personal Use Amounts or Threshold Amounts (Aggravated Quantity)	1 Y	CV/ CR	\$2,000	6 M	Yes	Yes	Yes	Yes	<p>This may be prosecuted and adjudicated as a criminal offense if FBIC has criminal jurisdiction over the defendant.</p> <p>In addition to any other liability, the Court may order forfeiture and destruction of the unlawful Controlled Substances or regulated intoxicant.</p> <p>In addition to any other liability, the Court may order substance use assessment, treatment compliance, and reasonable testing conditions. The Court may coordinate with appropriate FBIC social services processes.</p>

TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS – ATTACHMENT A

SECTION	TITLE	SL	CV/ CR	MF	PI	DP/ SA	CS	EX	RS/ E	OTHER CONSIDERATIONS
7.2.6.5	Disorderly Conduct	1 Y	CV	\$3,000	No	Yes	Yes	Yes	Yes	
7.2.6.6	Disposal of Liquor Containers	1 Y	CV	\$500	No	Yes	Yes	No	Yes	
7.2.6.7	Drug Paraphernalia	1 Y	CV	\$1,000	No	Yes	Yes	Yes	Yes	In addition to any other liability, the Court may order forfeiture and destruction of the unlawful drug paraphernalia.
7.2.6.8	Employment or Use of Children in Drug Operations	None	CV/ CR	\$5,000	1 Y	No	No	Yes	No	This may be prosecuted and adjudicated as a criminal offense if FBIC has criminal jurisdiction over the defendant. In addition to any other liability, the Court may order that the child is entitled to restitution and damages (e.g., disgorgement of profits resulting from employment).
7.2.6.9	Furnishing Tobacco to Children	1 Y	CV	\$500	No	Yes	Yes	Yes	No	In addition to any other liability, the Court may award restitution or the cost of damages to the victim.
7.2.6.10	Intoxication by Inhaling	1 Y	CV	\$1,000	No	Yes	Yes	No	Yes	In addition to any other liability, the Court may order substance use assessment, treatment compliance, and reasonable testing conditions. The Court may coordinate with appropriate FBIC social services processes.
7.2.6.11	Littering	1 Y	CV	\$1,000	No	Yes	Yes	Yes	Yes	In addition to any other liability, the Court may order remediation of any lands affected by the littering.

TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS – ATTACHMENT A

SECTION	TITLE	SL	CV/ CR	MF	PI	DP/ SA	CS	EX	RS/ E	OTHER CONSIDERATIONS
7.2.6.12	Liquor Sales Prohibited	1 Y	CV	\$1,000	No	Yes	Yes	Yes	Yes	In addition to any other liability, the Court may order that the FBIC is entitled to disgorgement of profits resulting from prohibited liquor sales).
7.2.6.13	Loitering	1 Y	CV	\$500	No	Yes	Yes	Yes	Yes	
7.2.6.14	Public Drinking; Public Consumption of Marijuana, Psilocybin, and/or Psilocin	1 Y	CV	\$500	No	Yes	Yes	No	Yes	In addition to any other liability, the Court may order substance use assessment, treatment compliance, and reasonable testing conditions. The Court may coordinate with appropriate FBIC social services processes.
7.2.6.15	Public Nuisance	1 Y	CV	\$1,000	No	Yes	Yes	Yes	Yes	In addition to any other liability, the Court may order that the offender remove the nuisance.
7.2.6.16	Reckless Discharge of a Firearm	1 Y	CV	\$2,000	No	Yes	Yes	Yes	Yes	In addition to any other liability, the Court may order forfeiture of the weapon.

7.4.2.8 Offenses Against Public Justice.

SECTION	TITLE	SL	CV/ CR	MF	PI	DP/ SA	CS	EX	RS/ E	OTHER CONSIDERATIONS
7.2.7.1	Bribe: Giving and Receiving (Generally)	5 Y	CV/ CR	\$3,000	1 M	Yes	Yes	Yes	No	This may be prosecuted and adjudicated as a criminal offense if FBIC has criminal jurisdiction over the defendant. In addition to any other liability, and to the extent practicable, the Court may order

TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS – ATTACHMENT A

SECTION	TITLE	SL	CV/ CR	MF	PI	DP/ SA	CS	EX	RS/ E	OTHER CONSIDERATIONS
										disgorgement of any gain or advantage that has been conferred because of the bribe.
7.2.7.2	Bribe: Giving to a Witness; Receiving as a Witness	5 Y	CV/ CR	\$3,000	1 M	Yes	Yes	Yes	No	This may be prosecuted and adjudicated as a criminal offense if FBIC has criminal jurisdiction over the defendant. In addition to any other liability, and to the extent practicable, the Court may order disgorgement of any gain or advantage that has been conferred because of the bribe.
7.2.7.3	Escape	None	CV/ CR	\$5,000	1 Y	No	No	Yes	No	This may be prosecuted and adjudicated as a criminal offense if FBIC has criminal jurisdiction over the defendant.
7.2.7.4	Failure to Appear	None	CV/ CR	\$2,500	1 M	Yes	Yes	Yes	No	This may be prosecuted and adjudicated as a criminal offense if FBIC has criminal jurisdiction over the defendant.
7.2.7.5	False Swearing; Perjury; Unsworn Falsification	5 Y	CV/ CR	\$1,500	1 M	Yes	Yes	Yes	No	This may be prosecuted and adjudicated as a criminal offense if FBIC has criminal jurisdiction over the defendant.
7.2.7.6	Hindering Prosecution	5 Y	CV/ CR	\$2,000	1 M	Yes	Yes	Yes	No	This may be prosecuted and adjudicated as a criminal offense if FBIC has criminal jurisdiction over the defendant.
7.2.7.7	Impersonation	5 Y	CV/ CR	\$2,500	1 M	Yes	Yes	Yes	No	This may be prosecuted and adjudicated as a criminal offense if FBIC has criminal jurisdiction over the defendant.

TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS – ATTACHMENT A

SECTION	TITLE	SL	CV/ CR	MF	PI	DP/ SA	CS	EX	RS/ E	OTHER CONSIDERATIONS
										In addition to any other liability, the Court may order disgorgement of any benefit or advantage that has been gained because of the impersonation.
7.2.7.8	Initiating a False Alarm and/or Report	1 Y	CV	\$1,000	No	Yes	Yes	Yes	Yes	In addition to any other liability, the Court may award the fire department, law enforcement agency, or other organization that deals with emergencies involving danger to life or property the cost of any actual personnel or independent contractor time that it incurred because of it responding to the false alarm and/or report.
7.2.7.9	Obstructing Administration of Law	5 Y	CV/ CR	\$2,000	1 M	Yes	Yes	Yes	No	This may be prosecuted and adjudicated as a criminal offense if FBIC has criminal jurisdiction over the defendant.
7.2.7.10	Refusing to Assist and/or Interfering with Justice or Services Personnel	1 Y	CV	\$1,000	No	Yes	Yes	Yes	Yes	
7.2.7.11	Resisting Arrest	1 Y	CV/ CR	\$2,500	1 M	Yes	No	Yes	No	This may be prosecuted and adjudicated as a criminal offense if FBIC has criminal jurisdiction over the defendant.
7.2.7.12	Simulating Legal Process	5 Y	CV	\$2,500	No	Yes	Yes	Yes	Yes	
7.2.7.13	Tampering with a Witness	5 Y	CV/ CR	\$3,000	1 M	Yes	Yes	Yes	No	This may be prosecuted and adjudicated as a criminal offense if FBIC has criminal jurisdiction over the defendant.

TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS – ATTACHMENT A

SECTION	TITLE	SL	CV/ CR	MF	PI	DP/ SA	CS	EX	RS/ E	OTHER CONSIDERATIONS
7.2.7.14	Tampering with Official Records	5 Y	CV/ CR	\$2,000	1 M	Yes	Yes	Yes	No	This may be prosecuted and adjudicated as a criminal offense if FBIC has criminal jurisdiction over the defendant.
7.2.7.15	Tampering with Physical Evidence	5 Y	CV/ CR	\$2,000	1 M	Yes	Yes	Yes	No	This may be prosecuted and adjudicated as a criminal offense if FBIC has criminal jurisdiction over the defendant.

7.4.2.9 Offenses Involving Fraud and Deception.

SECTION	TITLE	SL	CV/ CR	MF	PI	DP/ SA	CS	EX	RS/ E	OTHER CONSIDERATIONS
7.2.8.2	Forgery	None	CV	\$1,500	No	Yes	Yes	Yes	No	In addition to any other liability, the Court may order disgorgement of any benefit or advantage that has been gained because of the act of deception and may also award restitution or the cost of damages to the victim.
7.2.8.3	Fraud	None	CV	\$1,500	No	Yes	Yes	Yes	No	In addition to any other liability, the Court may order disgorgement of any benefit or advantage that has been gained because of the act of deception and may also award restitution or the cost of damages to the victim.
7.2.8.4	Misappropriation of Entrusted Property	1 Y	CV	\$1,500	No	Yes	Yes	Yes	No	In addition to any other liability, the Court may order disgorgement of any benefit or advantage that has been gained because of the act of deception and may also award restitution or the cost of damages to the victim.

TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS – ATTACHMENT A

SECTION	TITLE	SL	CV/ CR	MF	PI	DP/ SA	CS	EX	RS/ E	OTHER CONSIDERATIONS
7.2.8.5	Negotiating a Bad Check	1 Y	CV	\$1,000	No	Yes	Yes	Yes	No	In addition to any other liability, the Court may order disgorgement of any benefit or advantage that has been gained because of the act of deception and may also award restitution or the cost of damages to the victim.
7.2.8.6	Obtaining Execution of Documents by Deception	None	CV	\$1,500	No	Yes	Yes	Yes	No	In addition to any other liability, the Court may order disgorgement of any benefit or advantage that has been gained because of the act of deception; may award restitution or the cost of damages to the victim; and/or may declare that the written instrument is void.
7.2.8.7	Possession of a Forged Instrument	None	CV	\$1,500	No	Yes	Yes	Yes	No	In addition to any other liability, the Court may order disgorgement of any benefit or advantage that has been gained because of the act of deception and may also award restitution or the cost of damages to the victim.
7.2.8.8	Simulation	1 Y	CV	\$1,500	No	Yes	Yes	Yes	No	In addition to any other liability, the Court may order disgorgement of any benefit or advantage that has been gained because of the act of deception; may award restitution or the cost of damages to the victim; and/or may declare that any transaction resulting from simulation is void.

7.4.2.10 Offenses Against Animals.

TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS – ATTACHMENT A

SECTION	TITLE	SL	CV/ CR	MF	PI	DP/ SA	CS	EX	RS/E	OTHER CONSIDERATIONS
7.2.9.1	Abandonment and/or Neglect of Dependent Animals	3 Y	CV	\$1,500	No	Yes	No	Yes	No	In addition to any other liability, the Court may (1) award restitution or the cost of damages to the owner or lawful custodian of the animal; (2) order reimbursement to the FBIC, a responding agency, a local animal control agency, or any other lawful custodian for reasonable costs of seizure, transport, shelter/boarding, feed/water, veterinary evaluation/treatment, and humane euthanasia (if applicable); and/or (3) order forfeiture of any animal that has been abandoned and/or neglected to the local animal control agency or other appropriate custodian for adoption, care, or humane disposition when necessary to protect animal welfare.
7.2.9.1	Abuse of Dependent Animals	3 Y	CV/ CR	\$3,000	1 M	Yes	No	Yes	No	In addition to any other liability, the Court may (1) award restitution or the cost of damages to the owner or lawful custodian of the animal; (2) order reimbursement to the FBIC, a responding agency, a local animal control agency, or any other lawful custodian for reasonable costs of seizure, transport, shelter/boarding, feed/water, veterinary evaluation/treatment, and humane euthanasia (if applicable); and/or (3) order forfeiture of any animal that has been abused to the local animal control

TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS – ATTACHMENT A

SECTION	TITLE	SL	CV/ CR	MF	PI	DP/ SA	CS	EX	RS/E	OTHER CONSIDERATIONS
										agency or other appropriate custodian for adoption, care, or humane disposition when necessary to protect animal welfare.
7.2.9.2	Cruelty to Animals (Including Livestock)	3 Y	CV/ CR	\$3,000	1 M	Yes	No	Yes	No	In addition to any other liability, the Court may (1) award restitution or the cost of damages to the owner or lawful custodian of an animal; (2) order reimbursement to the FBIC, a responding agency, a local animal control agency, or any other lawful custodian for reasonable costs of seizure, transport, shelter/boarding, feed/water, veterinary evaluation/treatment, and humane euthanasia (if applicable); (3) order forfeiture of any animal subjected to cruelty to the local animal control agency or other appropriate custodian for adoption, care, or humane disposition when necessary to protect animal welfare; and/or (4) impose reasonable animal-welfare conditions, including minimum-care compliance requirements, periodic inspections, reduction of herd size (if livestock), and prohibitions on possessing or owning animals for a specified period.
7.2.9.3	Failure to Control Dependent Animals	1 Y	CV	\$500	No	Yes	Yes	Yes	Yes	In addition to any liability, the Court may award restitution or the cost of damages to a victim of an animal that was not controlled and/or order the forfeiture of any animal (if the owner has been found liable of at least

TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS – ATTACHMENT A

SECTION	TITLE	SL	CV/ CR	MF	PI	DP/ SA	CS	EX	RS/E	OTHER CONSIDERATIONS
										three (3) violations of this Section) to the local animal control agency for adoption, care, or humane euthanasia.

7.4.2.11 Traffic Offenses.

SECTION	TITLE	SL	CV/ CR	MF	PI	DP/ SA	CS	EX	RS/ E	OTHER CONSIDERATIONS
7.2.10.1	Driving in Violation of Court Order or While License is Suspended	1 Y	CV	\$1,500	No	Yes	Yes	Yes	Yes	In addition to any other liability, the Court may order that driving privileges on FBIC Lands be suspended for up to ninety (90) days.
7.2.10.2	Driving Under the Influence	1 Y	CV	\$3,000	No	Yes	Yes	Yes	Yes	In addition to any other liability, the Court may order that driving privileges on FBIC Lands be suspended for up to one (1) year; that the vehicle used in violation of this Section be forfeited and disposed of in the public interest (if owned, at least in part, by the offender of this Section); and order that the offender pay all related costs of transporting the offender to a safe location and/or transporting and securing the vehicle (if the vehicle is not subject to forfeiture).
7.3.10.3	Driving Without a License	1 Y	CV	\$1,000	No	Yes	Yes	Yes	Yes	In addition to any other liability, the Court may order that driving privileges on FBIC

TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS – ATTACHMENT A

SECTION	TITLE	SL	CV/ CR	MF	PI	DP/ SA	CS	EX	RS/ E	OTHER CONSIDERATIONS
										Lands be suspended for up to sixty (60) days.
7.3.10.4	Driving Without Required Registration or Vehicle in Unsafe Condition	1 Y	CV	\$1,000	No	Yes	Yes	Yes	Yes	In addition to any other liability, the Court may order that driving privileges on FBIC Lands be suspended for up to thirty (30) days for driving without required registration.
7.2.10.5	Failure to Adhere to Duties in the Event of an Accident	1 Y	CV	\$2,000	No	Yes	Yes	Yes	Yes	In addition to any other liability, the Court may award restitution or the cost of damages to the victim.
7.2.10.6	Failure to Drive on Right Side of Road	1 Y	CV	\$250	No	Yes	Yes	Yes	Yes	
7.2.10.7(1)	Failure to Stop for Stop Sign	1 Y	CV	\$250	No	Yes	Yes	No	Yes	
7.2.10.7(2)	Failure to Stop for Flashing School Bus Lights	1 Y	CV	\$500	No	Yes	Yes	Yes	Yes	
7.2.10.8	Failure to Yield Right-of-Way	1 Y	CV	\$500	No	Yes	Yes	No	Yes	

TITLE 7: LAW & ORDER**PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS – ATTACHMENT A**

SECTION	TITLE	SL	CV/ CR	MF	PI	DP/ SA	CS	EX	RS/ E	OTHER CONSIDERATIONS
7.2.10.9	Following Too Closely	1 Y	CV	\$500	No	Yes	Yes	No	Yes	
7.2.10.10	Motorcycle Violations	1 Y	CV	\$500	No	Yes	Yes	No	Yes	
7.2.10.11	Non-Motor Vehicle Violations	1 Y	CV	\$500	No	Yes	Yes	No	Yes	If this Section if violated by a child then, in addition to any other liability, the Court may order that an adult is subject to a fine in addition to the fine levied upon the child if the adult is responsible for the care and custody of the child and authorized or knowingly permitted such violation.
7.2.10.12	Obstruction to Driver's View or Driving Mechanism	1 Y	CV	\$250	No	Yes	Yes	No	Yes	
7.2.10.13	Overtaking or Passing Without Regard for Safety	1 Y	CV	\$500	No	Yes	Yes	No	Yes	
7.2.10.14	Pedestrians on Roads Without Regard for Safety	1 Y	CV	\$250	No	Yes	Yes	No	Yes	
7.2.10.15	Permitting an Unauthorized	1 Y	CV	\$500	No	Yes	Yes	No	Yes	

TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS – ATTACHMENT A

SECTION	TITLE	SL	CV/ CR	MF	PI	DP/ SA	CS	EX	RS/ E	OTHER CONSIDERATIONS
	Person to Drive									
7.2.10.16	Putting Glass, Etc., on Road	1 Y	CV	\$1,000	No	Yes	Yes	Yes	Yes	
7.2.10.17	Reckless Driving	1 Y	CV	\$1,500	No	Yes	Yes	Yes	Yes	In addition to any other liability, the Court may order that driving privileges on FBIC Lands be suspended for up to ninety (90) days.
7.2.10.18	Riding on Fenders, Bumpers, or Running Boards	1 Y	CV	\$500	No	Yes	Yes	No	Yes	
7.2.10.19	Speeding (1-10 mph over)	1 Y	CV	\$250	No	Yes	Yes	No	Yes	
7.2.10.19	Speeding (11-20 mph over)	1 Y	CV	\$500	No	Yes	Yes	No	Yes	
7.2.10.19	Speeding (21-30 mph over)	1 Y	CV	\$750	No	Yes	Yes	Yes	Yes	
7.2.10.19	Speeding (31 or more mph over)	1 Y	CV	\$1,000	No	Yes	Yes	No	Yes	In addition to any other liability, the Court may order that driving privileges on FBIC Lands be suspended for up to sixty (60) days.
7.2.10.20	Starting, Turning, and Stopping	1 Y	CV	\$500	No	Yes	Yes	No	Yes	

TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS – ATTACHMENT A

SECTION	TITLE	SL	CV/ CR	MF	PI	DP/ SA	CS	EX	RS/ E	OTHER CONSIDERATIONS
	Without Regard for Safety									
7.2.10.21	Stopping, Standing, or Parking on Road	1 Y	CV	\$500	No	Yes	Yes	No	Yes	
7.2.10.22	Parking Violations and Citations	1 Y	CV	\$500	No	Yes	Yes	No	Yes	In addition to any other liability, the Court may order payment of reasonable towing, impound, storage, administrative costs authorized under 7.2.10.22(4) and may order restitution for any property damage caused by the parking violation.
7.2.10.23	Commercial Towing Service; Notice to FBIC Designated Security or Law Enforcement Officer	1 Y	CV	\$500	No	Yes	Yes	No	Yes	In addition to any other liability, the Court may order restitution, disgorgement of towing charges collected in violation of this Section, and/or payment of any reasonable costs caused by unauthorized removal.
7.2.10.24	Excessive Revving of Engines; Unsafe Acceleration	1 Y	CV	\$500	No	Yes	Yes	No	Yes	

TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS – ATTACHMENT A

SECTION	TITLE	SL	CV/ CR	MF	PI	DP/ SA	CS	EX	RS/ E	OTHER CONSIDERATIONS
7.2.10.25	Mufflers and Exhaust Noise Suppression Equipment	1 Y	CV	\$500	No	Yes	Yes	No	Yes	In addition to any other liability, the Court may order proof of repair or correction within a specified time.
7.2.10.26	Obstructing Traffic	1 Y	CV	\$500	No	Yes	Yes	No	Yes	In addition to any other liability, the Court may order payment of reasonable towing, removal, storage, and administrative costs resulting from the violation.
7.2.10.27	Careless Driving	1 Y	CV	\$1,000	No	Yes	Yes	Yes	Yes	In addition to any other liability, the Court may suspend the person’s privilege to drive on FBIC Lands for a period not to exceed sixty (60) days.
7.2.10.28	Traffic Control Devices, Flaggers, and Lawful Orders	1 Y	CV	\$500	No	Yes	Yes	No	Yes	
7.2.10.29(1)	Child Passenger Restraints	1 Y	CV	\$250	No	Yes	Yes	No	Yes	
7.2.10.29(2)	Seat Belts	1 Y	CV	\$100	No	Yes	Yes	No	Yes	
7.2.10.30(1)	Fleeing or Eluding FBIC Designated Security or Law	1 Y	CV/ CR	\$2,500	6 M	No	No	Yes	No	This may be prosecuted and adjudicated as a criminal offense if FBIC has criminal jurisdiction over the defendant.

TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS – ATTACHMENT A

SECTION	TITLE	SL	CV/ CR	MF	PI	DP/ SA	CS	EX	RS/ E	OTHER CONSIDERATIONS
	Enforcement Officer									
7.2.10.30(2)	Aggravated Fleeing or Eluding FBIC Designated Security or Law Enforcement Officer	1 Y	CV/ CR	\$5,000	1 Y	No	No	Yes	No	This may be prosecuted and adjudicated as a criminal offense if FBIC has criminal jurisdiction over the defendant.

7.4.2.12 Status Offenses.

SECTION	TITLE	SL	CV/ CR	MF	PI	DP/ SA	CS	EX	RS/ E	OTHER CONSIDERATIONS
7.2.11.1	Curfew Violation	1 Y	CV	\$250	No	Yes	Yes	No	Yes	
7.2.11.2	Possession, Purchase, or Use of Alcohol and/or Controlled Substances	1 Y	CV	\$750	No	Yes	Yes	No	Yes	In addition to any other liability, the Court may order substance use assessment, treatment compliance, and reasonable testing conditions. The Court may coordinate with appropriate FBIC social services processes.
7.2.11.3	Truancy	1 Y	CV	\$750	No	Yes	Yes	No	Yes	

7.4.2.13 Failure to Report Offenses.

TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS – ATTACHMENT A

SECTION	TITLE	SL	CV/ CR	MF	PI	DP/ SA	CS	EX	RS/ E	OTHER CONSIDERATIONS
7.2.12.1	Duty to Report Serious Offenses	1 Y	CV	\$500	No	Yes	Yes	Yes	Yes	

7.4.2.14 Violating a Protection Order.

SECTION	TITLE	SL	CV/ CR	MF	PI	DP/ SA	CS	EX	RS/ E	OTHER CONSIDERATIONS
7.6.13.3	Violating a Protection Order	3 Y	CV/ CR	\$5,000	1 Y	Yes	Yes	Yes	No	Each separate violation may constitute a separate offense. This offense may be prosecuted in addition to civil contempt, criminal contempt, modification or strengthening of the underlying order, restitution, probation or supervision conditions, counseling or treatment conditions, and any other lawful enforcement remedy. DPA/DSA should generally not be used where the violation involved violence, threats, stalking, coercive control, repeated prohibited contact, child-related interference, weapon restrictions, territorial intrusion creating a safety risk, or a prior violation of a protection order. The Court may consider issuance or strengthening of a Judicial Exclusion/Community Protection Order or other territorial protective restriction where authorized by law.

TITLE 7: LAW & ORDER

PART 4: SCHEDULE OF OFFENSES, LIABILITY, & OTHER CONSIDERATIONS – ATTACHMENT A

7.4.2.15 Special Tribal Criminal Jurisdiction Offenses.

- (1) As identified under Chapter 7.3.2, “Special Tribal Criminal Jurisdiction Offenses” are categories under which other enumerated offenses may fall under for purposes of considering or establishing criminal jurisdiction.
 - (2) While this Attachment identifies potential offenses that may be prosecuted criminally (e.g., if they fall under STCJ Offenses), it does not require that the offenses be prosecuted criminally. The decision whether to prosecute an offense as a civil or criminal offense is first subject to applicable law regarding jurisdiction and, if it is within the Court’s jurisdiction, then it is subject to prosecutorial discretion. Under no circumstances shall an offense that is being prosecuted as a civil offense be subject, on its own, to incarceration.
 - (3) An offense designated as a “Special Tribal Criminal Jurisdiction Offense” by the prosecutor may still be concurrently prosecuted as a civil offense, in the alternative to criminal prosecution, or an offense subject to territorial protective restriction (e.g., a Council Exclusion Order or Judicial Exclusion/Community Protection Order).
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THE FORT BELKNAP INDIAN COMMUNITY CODE

TITLE 7: LAW & ORDER

PART 5: VICTIMS' RIGHTS & OFFENDER REGISTRY

TABLE OF CONTENTS

CHAPTERS:

7.5.1 VICTIMS' RIGHTS

Sections:

<u>7.5.1.1</u>	<u>Purpose</u>
<u>7.5.1.2</u>	<u>Victims' Rights</u>
<u>7.5.1.3</u>	<u>Victim Notification</u>

7.5.2 OFFENDER REGISTRY

Sections:

<u>7.5.2.1</u>	<u>Purpose</u>
<u>7.5.2.2</u>	<u>Registration of Offenders</u>
<u>7.5.2.3</u>	<u>Information to be Provided by Offenders</u>
<u>7.5.2.4</u>	<u>Changes in Information</u>
<u>7.5.2.5</u>	<u>Notification to the Community</u>
<u>7.5.2.6</u>	<u>Liability</u>
<u>7.5.2.7</u>	<u>Annual Reports to Council</u>
<u>7.5.2.8</u>	<u>Coordination with other Law Enforcement Agencies</u>

TITLE 7: LAW & ORDER
PART 5: VICTIMS' RIGHTS & OFFENDER REGISTRY

CHAPTER 7.5.1
VICTIMS' RIGHTS

Sections:

- 7.5.1.1 Purpose**
7.5.1.2 Victims' Rights
7.5.1.3 Victim Notification
-

7.5.1.1 Purpose.

The purpose of this Chapter is to protect victims of offenses by ensuring that they are treated fairly and to assist them in navigating the FBIC judicial system.

7.5.1.2 Victims' Rights.

Victims of offenses are entitled to the following rights:

- (1) To be treated with fairness and respect for their privacy and dignity, and to be free from intimidation, harassment, and abuse throughout the justice process.
- (2) To be reasonably protected from the respondent/defendant and persons acting on behalf of the respondent/defendant.
- (3) To have the safety of the victim and the victim's family considered as a factor in fixing the amount of bail and release conditions for the respondent/defendant.
- (4) To prevent the disclosure of confidential information or records to the respondent/defendant which could be used to locate or harass the victim or the victim's family.
- (5) To refuse an interview or deposition request, unless under court order, and to set reasonable conditions on the conduct of any such interview to which the victim consents.
- (6) To reasonably confer with the prosecuting agency, upon request, regarding the case.
- (7) To reasonable notice of all public proceedings, including delinquency proceedings, upon request, at which the respondent/defendant and the prosecutor are entitled to be present and of all parole or other postconviction release proceedings, and to be present at all such proceedings.
- (8) To a secure waiting area, which is not available to an alleged offender and the alleged

TITLE 7: LAW & ORDER
PART 5: VICTIMS' RIGHTS & OFFENDER REGISTRY

offender's family, when the victim is at court.

- (9) To be reasonably heard, upon request, at any public proceeding, including any delinquency proceeding, in any court involving release or sentencing, and at any parole proceeding.
- (10) To the timely disposition of the case following the arrest of the respondent/defendant.
- (11) To provide information to any public officer or employee conducting a presentence investigation concerning the impact of the offense on the victim and the victim's family and any sentencing recommendations before the sentencing of the respondent/defendant.
- (12) To be informed, upon request, of the conviction, sentence, place and time of incarceration, or other disposition of the respondent/defendant, the scheduled release date of the respondent/defendant and the release of or the escape by the respondent/defendant from custody.
- (13) To full and timely restitution, if applicable, from the respondent/defendant upon the Court adjudicating that the respondent/defendant is liable for or convicted of committing an offense against the victim.
- (14) To the prompt return of legal property when no longer needed as evidence.
- (15) To be informed of all postconviction proceedings and to participate and provide information to the parole authority to be considered before the parole of the respondent/offender and to be notified, upon request, of the parole or other release of the respondent/offender.
- (16) To have the safety of the victim, the victim's family, and the general public considered before any parole or other post-judgment release decision is made.
- (17) To have all monetary payments, money, and property collected from any person who has been ordered to make restitution be first applied to pay the amounts ordered as restitution to the victim—unless the FBIC itself is a victim, in which case the FBIC shall be made whole first.
- (18) To be specifically informed of the rights enumerated in this Chapter, and to have information concerning those rights be made available to the general public.

No person, including the respondent/offender or those acting on their behalf, shall harass, intimidate, or retaliate against a victim, witness, or family member. Any attempt to do so is an offense against public justice (e.g., hindering prosecution, obstructing administration of the law, etc.).

7.5.1.3 Victim Notification.

The FBIC Prosecutor and FBIC Chief of Police must establish clear procedures to ensure timely

TITLE 7: LAW & ORDER
PART 5: VICTIMS' RIGHTS & OFFENDER REGISTRY

notification to victims about proceedings, release dates, and case dispositions. Notifications must be made in writing or, when necessary, via personal contact. Where applicable, victim notification procedures shall also include notice regarding enforceable protection orders, including Judicial Exclusion/Community Protection Orders, as provided by Part 6 of this Title or other applicable FBIC Law.

CHAPTER 7.5.2
OFFENDER REGISTRY

Sections:

- 7.5.2.1 Purpose**
 - 7.5.2.2 Registration of Offenders**
 - 7.5.2.3 Information to be Provided by Offenders**
 - 7.5.2.4 Changes in Information**
 - 7.5.2.5 Notification to the Community**
 - 7.5.2.6 Liability**
 - 7.5.2.7 Annual Reports to Council**
 - 7.5.2.8 Coordination with other Law Enforcement Agencies**
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7.5.2.1 Purpose.

The purpose of this Chapter is to develop a system that tracks and monitors certain offenders to prevent the offenders from harming others and to keep the public safe. For purposes of this Chapter:

- (1) “Victim” means any person harmed physically, emotionally, or financially by an offense.
- (2) “Offender” means any person required to register under this Chapter.
- (3) “Temporary domicile” means a residence established for thirty (30) days or more, consecutive or nonconsecutive, within a twelve (12)-month period.

7.5.2.2 Registration of Offenders.

- (1) Every person who is found liable or guilty in any jurisdiction of committing an offense against the person, sexual offense, an offense against property, an offense against public justice, or an offense involving fraud and deception—as listed or comparable to what is listed under this Code (Title 7, Part 2)—must, while residing on or located within FBIC Lands, register with the FBIC Chief of Police:

TITLE 7: LAW & ORDER
PART 5: VICTIMS' RIGHTS & OFFENDER REGISTRY

- (A) Within twenty-four (24) hours of entering, establishing, or reestablishing a residence, residences, or temporary domicile on FBIC Lands;
 - (B) Immediately, if the offender is currently residing or temporarily domiciled on FBIC Lands;
 - (C) Within twenty-four (24) hours of release of any jail, prison, rehabilitation facility, or confinement of any kind, if, at the time of conviction, the offender was residing or temporarily domiciled on FBIC Lands; and
 - (D) Within twenty-four (24) hours of the sentencing date if the offender is not sentenced to serve a term of confinement, and at the time of sentence, the offender was residing or was temporarily domiciled on FBIC Lands.
- (2) Registration requirements shall be tiered based on the severity of the offense, assessed risk level, and likelihood of re-offense, as determined by the Court in consultation with FBIC law enforcement. The tiers are as follows:
- (A) Tier 1: Five (5)-year registration for low-risk offenders based on an offense against property.
 - (B) Tier 2: Ten (10)-year registration for moderate-risk offenders based on a first-time offense against the person, sexual offense, an offense against public justice, or an offense involving fraud and deception.
 - (C) Tier 3: Lifetime registration for high-risk offenders based on either:
 - (1) A second or multiple offense against the person, sexual offense, an offense against public justice, or an offense involving fraud and deception; lifetime registration; and/or
 - (2) An offense against a dependent person, elder, or incapacitated person.

7.5.2.3 Information to be Provided by Offenders.

An offender required to register under this Chapter must sign and date a form providing the FBIC Chief of Police with the following information when registering:

- (1) The offender's full name;
- (2) The offender's known aliases;
- (3) The offender's gender;

TITLE 7: LAW & ORDER
PART 5: VICTIMS' RIGHTS & OFFENDER REGISTRY

- (4) The offender's race;
- (5) The offender's physical description;
- (6) A photograph of the offender;
- (7) The offender's date of birth;
- (8) The offenses resulting in registration under this Chapter;
- (9) The offender's address, including temporary addresses where the offender may stay overnight;
- (10) The offender's social security number;
- (11) The offender's place of employment;
- (12) The description and license plate number of the vehicles the offender is known to drive;
- (13) The type of victim targeted by the offender;
- (14) The relevant parole or probation conditions, if any;
- (15) The date(s) of offense(s) and types of offense(s) resulting in registration under this Chapter;
- (16) The date of release from confinement, if any; and
- (17) The names and addresses of other agencies that the offender has or is required to register with.

7.5.2.4 Changes in Information.

- (1) The offender must always keep all required information current and must submit any changes in writing in person to the FBIC Chief of Police.
- (2) If any person required to register under this Chapter changes their address following such registration, the offender must present a written notice of change of address and their new address in person to the FBIC Chief of Police within ten (10) days prior to establishing a new residence or domicile.

7.5.2.5 Notification to the Community.

- (1) The FBIC Chief of Police must maintain an offender profile and notification database. The database must include all registration information required by this Chapter and the offender's date of release from confinement or, if the offender is sentenced to probation

TITLE 7: LAW & ORDER
PART 5: VICTIMS' RIGHTS & OFFENDER REGISTRY

- without jail time, the date that the sentence is imposed.
- (2) The FBIC Chief of Police must ensure that sensitive data (e.g., Social Security numbers, specific addresses of victims, etc.) is redacted before community notifications are made public.
- (3) Within ten (10) days of receiving information, the FBIC Chief of Police or their designee must distribute the following information to the victim, the Council, and all other FBIC agencies, organizations, or members of the public who are in a location or near a location where the offender lives, is employed, visits, or is likely to visit on a regular basis:
- (A) The offender's full name;
 - (B) The offender's known aliases;
 - (C) The offender's gender;
 - (D) The offender's race;
 - (E) The offender's physical description;
 - (F) A photograph of the offender;
 - (G) The offender's date of birth;
 - (H) The offenses resulting in registration under this Chapter;
 - (I) The offender's address, which has been verified by the FBIC Chief of Police;
 - (J) The description and license plate number of the vehicles the offender is known to drive;
 - (K) The type of victim targeted by the offender;
 - (L) The relevant parole or probation conditions, if any;
 - (M) The date(s) of the offense(s) resulting in registration under this Chapter;
 - (N) The date of release from confinement, if any; and
 - (O) The date and place of conviction or determination of liability.
- (4) If the FBIC Chief of Police discloses information pursuant to this Chapter, it must include, with the disclosure, a statement that the purpose of the disclosure is to inform the public of prior offenses and whether the offender is currently in compliance with applicable law.

TITLE 7: LAW & ORDER
PART 5: VICTIMS' RIGHTS & OFFENDER REGISTRY

- (5) The FBIC Chief of Police must also personally notify any person that the FBIC Chief of Police reasonably suspects may come into contact with the offender. For purposes of this Subsection, reasonably suspects means that it is objectively reasonable for the FBIC Chief of Police to entertain suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on their training and experience, to suspect that the offender may come into contact with said person and that said person is or may be exposed to a risk of becoming a victim of an offense committed by the offender.
- (6) To the extent possible, the FBIC Chief of Police or their designee must register all offender's convictions and warrants into the National Crime Information Center Database.
- (7) All employees of the FBIC Police Department carrying out the provisions of this Chapter are acting in the official capacity as an authorized law enforcement agent of the FBIC. As such, the FBIC Police Department and its employees are immune from liability for good faith conduct under this Chapter.

7.5.2.6 Liability.

- (1) Any offender who fails to register as required by this Chapter is liable for a civil offense and is subject to banishment and/or a civil fine, in addition to other penalties, remedies, or equitable relief that the Court deems necessary in accordance with applicable law.
- (2) Failure to update registration information within the required timeframe will result in escalating civil fines, as follows:
 - (A) Five hundred dollars (\$500.00) for first offense.
 - (B) One thousand dollars (\$1,000.00) for a second offense.

7.5.2.7 Annual Reports to Council.

The FBIC Chief of Police must submit an annual report to the Council summarizing registry compliance, interagency coordination activities, and recommendations for improving registry enforcement.

7.5.2.8 Coordination with other Law Enforcement Agencies.

- (1) If requested, the FBIC Chief of Police should provide information that has been obtained through registration or other means to non-FBIC law enforcement agencies, child protective services, and departments of justice and confirm that the offender has registered, if required, with those agencies.
- (2) The FBIC Chief of Police must maintain records of those law enforcement agencies, public and private institutions and organizations, and persons who have requested information

TITLE 7: LAW & ORDER
PART 5: VICTIMS' RIGHTS & OFFENDER REGISTRY

regarding an offender for a minimum of five (5) years.
