

CHAPTER 197 - CRIMES BY AND AGAINST THE EXECUTIVE POWER OF THIS TRIBE

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SECTION 197.010 Bribery of executive or administrative officer. A person who gives, offers or promises, directly or indirectly, any compensation, gratuity or reward to any executive or administrative officer of the Tribe, with the intent to influence that person with respect to any act, decision, vote, opinion or other proceeding, as such officer, is guilty of a **Category A offense** and shall be punished as provided in [SECTION 193.130](#).

SECTION 197.020 Bribery of other public officers. A person who gives, offers or promises, directly or indirectly, any compensation, gratuity or reward to a person executing any of the functions of a public officer other than as specified in [SECTION 197.010](#), and [199.010](#), with the intent to influence that person with respect to any act, decision, vote or other proceeding in the exercise of his powers or functions, is guilty of a **Category A offense**.

SECTION 197.030 Asking or receiving bribe by executive or administrative officer. An executive or administrative officer or person elected or appointed to an executive or administrative office who asks or receives, directly or indirectly, any compensation, gratuity or reward, or any promise thereof, upon an agreement or understanding that his vote, opinion or action upon any matter then pending, or which may by law be brought before that person in his official capacity, will be influenced thereby, is guilty of a **Category A offense**.

SECTION 197.040 Asking or receiving bribe by public officer or employee. A person who executes any of the functions of a public office not specified in [SECTION 197.030](#), [199.020](#) or [218.600](#), and a person employed by or acting for the Tribe or for any public officer in the business of the Tribe, who asks or receives, directly or indirectly, any compensation, gratuity or reward, or any promise thereof, upon an agreement or understanding that his vote, opinion, judgment, action, decision or other official proceeding will be influenced thereby, or that he will do or omit any act or proceeding or in any way neglect or violate any official duty, is guilty of a **Category A offense**.

SECTION 197.090 Interfering with public officer. Except under circumstances where a greater penalty is provided in [SECTION 200.481](#), any person who, by means of any threat, force or violence, attempts to deter or prevent any executive or administrative officer from performing any duty imposed upon that person by law, or who knowingly resists by force or violence any executive or administrative officer in the performance of his duty, is guilty of a **Category B offense**.

SECTION 197.100 Influencing public officer.

1. Every person who shall ask or receive any compensation, gratuity or reward, or any promise thereof:
 - (a) Upon the representation that he can, directly or indirectly, or in consideration that he shall, or shall attempt to, directly or indirectly, influence any public officer, whether executive, administrative, judicial or legislative, to refuse, neglect, or defer the performance of any official duty;
 - (b) The right to retain or receive which shall be conditioned that such person shall, directly or indirectly, successfully influence by any means whatever any executive, administrative or legislative officer, in respect to any act, decision, vote, opinion or other proceeding, as such officer; or
 - (c) Upon the representation that he can, directly or indirectly, or in consideration that he shall, or shall attempt to, directly or indirectly, influence any public officer, whether executive, administrative, judicial or legislative, in respect to any act, decision, vote, opinion or other proceeding, as such officer, unless it be clearly understood and agreed in good faith between the parties thereto, on both sides, that no means or influence shall be employed except explanation and argument upon the merits,
➤ shall be guilty of a **Category B offense**.
2. In any prosecution under paragraph (c) of subsection 1, evidence of the means actually employed to influence such officer shall be admitted as proof of the means originally contemplated by the defendant.

SECTION 197.110 Misconduct of public officer. Every public officer who:

1. Asks or receives, directly or indirectly, any compensation, gratuity or reward, or promise thereof, for omitting or deferring the performance of any official duty or for any official service which has not been actually rendered, except in case of charges for prospective costs or fees demandable in advance in a case allowed by law; or
2. Employs or uses any person, money or property under his official control or direction, or in his official custody, for the private benefit or gain of that personself or another,
➤ is guilty of a **Category B offense**.

SECTION 197.120 False impersonation of public officer; intrusion into and refusal to surrender public office. Every person who shall falsely personate or represent any public officer, or who shall willfully intrude that personself into a public office to which he has not been duly elected or appointed, or who shall willfully exercise any of the functions or perform any of the duties of such officer, without having duly qualified therefor, as required by law, or who, having been an executive or administrative officer, shall willfully exercise any of the functions of his office after his right to do so has ceased, or wrongfully refuse to surrender the official seal or any books or papers appertaining to such office, upon the demand of his lawful successor, shall be guilty of a **Category B offense**.

SECTION 197.130 False report by public officer. Every public officer who shall knowingly make any false or misleading statement in any official report or statement, under circumstances not otherwise prohibited by law, shall be guilty of a **Category B offense**.

SECTION 197.140 Public officer making false certificate. Every public officer who, being authorized by law to make or give a certificate or other writing, shall knowingly make and deliver as true such a certificate or writing containing any statement which he knows to be false, in a case where the punishment thereof is not expressly prescribed by law, shall be guilty of a **Category B offense**.

SECTION 197.160 Fraudulently presenting claim to public officer. Every person who, with the intent to defraud, shall knowingly present for audit, allowance or payment to any officer or board of the Tribe or

authorized to audit, allow or pay bills, claims or charges, any false or fraudulent claim, account, writing or voucher or any bill, account or demand containing false or fraudulent charges, items or claims, shall be guilty of a **Category B offense**.

SECTION 197.170 Extortion by public officer or employee. A public officer or employee who:

1. Asks, receives or agrees to receive a fee or other compensation for his official service or his employment either:

- (a) In excess of the fee or compensation allowed to that person by statute therefor; or
- (b) Where a fee or compensation is not allowed to that person by statute therefor; or

2. Requests money, property or anything of value which is not authorized by law, from any person regulated by the public officer or employee, and in a manner which would cause a reasonable person to be intimidated into complying with the request to avoid the risk of adverse action by the public officer or employee,

↳ commits extortion which is a **Category A offense**. In addition to any other penalty, the court shall order the person to pay restitution.

SECTION 197.180 Wrongful exercise of official power. Any person who willfully takes upon that personself to exercise or officiate in any office or place of another, without being lawfully authorized thereto, is guilty of a gross **Category B offense**.

SECTION 197.190 Obstructing public officer. Every person who, after due notice, shall refuse or neglect to make or furnish any statement, report or information lawfully required of that person by any public officer, or who, in such statement, report or information shall make any willfully untrue, misleading or exaggerated statement, or who shall willfully hinder, delay or obstruct any public officer in the discharge of his official powers or duties, shall, where no other provision of law applies, be guilty of a **Category B offense**.

SECTION 197.200 Oppression under color of office.

1. An officer, or a person pretending to be an officer, who unlawfully and maliciously, under pretense or color of official authority:

- (a) Arrests another or detains that person against his will;
- (b) Seizes or levies upon another's property;
- (c) Dispossesses another of any lands or tenements; or
- (d) Does any act whereby another person is injured in his person, property or rights,

↳ commits oppression.

2. An officer or person committing oppression shall be punished:

- (a) Where physical force or the immediate threat of physical force is used, for a **Category A offense**.
- (b) Where no physical force or immediate threat of physical force is used, for a **Category B offense**.

SECTION 197.210 Fraudulent appropriation of property. An officer who fraudulently appropriates to his own use or to the use of another person, or secretes with the intent to appropriate to such a use, any money, evidence of debt or other property entrusted to that person by virtue of his office, shall be punished:

1. Where the amount of the money or the actual value of the property fraudulently appropriated or secreted with the intent to appropriate is \$250 or more, for a **Category A offense**. In addition to any other penalty, the court shall order the person to pay restitution.

2. Where the amount of the money or the actual value of the property fraudulently appropriated or secreted with the intent to appropriate is less than \$250, for a **Category D offense**.

SECTION 197.220 Other violations by officers. Every public officer or other person who shall willfully disobey any provision of law regulating his official conduct in cases for which no other punishment is provided shall be guilty of a **Category D offense**.

SECTION 197.230 Conviction of public officer forfeits trust. The conviction of a public officer of any **Category A offense** or malfeasance in office shall entail, in addition to such other penalty as may be imposed, the forfeiture of his office, and shall disqualify that person from ever afterward holding any public office on this Reservation.