

CHAPTER XVI

CRIMINAL CODE

Section 1

Accomplice Liability

A person may be charged with and convicted of an offense as an accomplice, if he or she intentionally solicits, counsels, commands, facilitates, aids, agrees to aid or attempts to aid in its commission, although he or she did not directly commit, a crime, and although the principal offender who directly committed such offense has not been prosecuted or convicted, or has been convicted of a different offense.

Section 2

Attempted Offenses

An act done with the intent to commit any offense in violation of this Law and Order Code, tending to, but failing to accomplish such offense, is defined as an attempt, and unless otherwise specified in this Code, shall be punishable by a jail sentence not to exceed one-half the maximum provided herein for the offense itself, or a fine not to exceed one-half the maximum provided herein for the offense itself, or both such jail sentence and fine.

This section shall apply to the following offenses, which list is not meant to be exhaustive or exclusive:

- Burglary
- Butchering
- Mayhem
- Rape
- Misbranding
- Forgery
- Robbery
- Trespass with Force or Violence
- Assault of a Policeman or Judge
- Assault with a Deadly Weapon
- Abduction
- Disposing of Property of an Estate
- Desecration of grave, cemetery, headstone or place of burial
- Arson
- Kidnapping
- Removal/Destruction of Antiquities
- Selling Mortgaged Chattels
- Prostitution
- Bribery of a Public Official
- Bribery of Judicial Officers
- Criminal Impersonation
- Soliciting or Influencing Votes
- Unlawful Restraint
- Abuse of Human Corpse
- Fraud
- Tampering or Altering Tribal Records
- Theft by Extortion
- Theft
- Embezzlement

Section 3

Criminal Contempt

A person commits an offense pursuant to this section if he or she intentionally:

1. engages in disorderly, disrespectful or insolent behavior during a session of court which directly tends to interrupt its proceedings, or impairs the respect due to its authority, after being advised by the Court to cease; or
2. disobeys or resists the lawful order, process or other mandate of the Court; or
3. refuses to be sworn as a witness in any court proceedings; or
4. publishes a false or grossly inaccurate report of a court proceeding; or
5. refuses to serve as a juror; or
6. fails inexcusably to attend a trial at which he or she has been chosen to serve as a juror.

Any person found guilty of violating this section shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500.00), or both.

Section 4

Drawing or Issuing a Check Without Funds

Any person who for himself/herself, or as the agent or representative of another, or as an officer of a corporation, wilfully, with intent to defraud, shall make or draw or utter or deliver, or cause to be made, drawn, uttered or delivered, any check, draft or order for payment of money upon any bank or depository, or person, or firm, or corporation, knowing at the time of such making, drawing or delivery that the maker or drawer has no funds in, or credit with such bank or depository, or person, firm or corporation, for the payment in full of such check, draft, or order upon its presentation, shall be deemed guilty of an offense.

Any person found guilty of violating this section shall be sentenced to a term of imprisonment not to exceed six (6) months, and a fine not to exceed Five-Hundred Dollars (\$500), and costs.

Section 5

Drawing or Issuing a Check With Insufficient Funds

Any person who for himself/herself, or as the agent of, or representative of another, or as an officer of a corporation, wilfully, with intent to defraud shall make, draw, utter or deliver, or cause to be made, drawn, uttered or delivered, any check, draft, or order for payment of money in the sum of Twenty-Five Dollars (\$25) or more, upon any bank or depository, or person, firm, or corporation, knowing

at the time of such making, drawing, or delivery, that the maker or drawer has some, but not sufficient funds in, or credit with, such bank or depository, or person, firm or corporation, for the full payment of such check, draft or order upon its presentation, shall be deemed guilty of an offense.

Any person found guilty of violating this section shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

As against the maker or drawer thereof, the making, drawing, uttering or delivering of such check, draft or order as used in these sections (4 & 5) shall be prima facie evidence of intent to defraud and of knowledge of no funds or insufficient funds, as the case may be, or no credit with such bank, depository, person, firm or corporation, for the payment in full of such check, draft or order upon its presentation.

The word "credit" as used in section 4 & 5 of this Chapter shall mean an arrangement or understanding with the bank, depository, person, firm or corporation upon whom such check, draft or order is drawn for the payment of such check, draft or order.

## Section 6

### Robbery

The following definitions apply to section 6 & 7 of this Chapter:

1. Force - is any physical aggression directed against a person as a means of gaining control of property or other items of value.
2. Threat - means a verbal or physical menace of immediate physical harm to a person.
3. 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.
4. Deadly Weapon - means anything designed or made for lethal use or any instrument used in a lethal manner, including a firearm.
5. Property - means anything of value, tangible or intangible, public or private, real or personal including documents evidencing value or ownership.
6. In the Course of Committing - means all of the defendant's acts beginning with the initiation and extending through the flight from a robbery.

A person commits robbery, if in the course of committing theft, he or she threatens to, or uses immediate force against any person with intent

either to coerce the surrender of property, or to forestall resistance to his or her taking or keeping of property.

Any person found guilty of robbery shall be sentenced to a term of imprisonment not to exceed six (6) months or a fine not exceed Five-Hundred Dollars (\$500), or both.

Section 7

Armed Robbery

A person commits armed robbery if in the course of committing robbery, he or she, or an accomplice is armed with a deadly weapon, or uses or threatens to use a deadly weapon or dangerous instrument.

Any person found guilty of armed robbery shall be sentenced to a term of imprisonment not to exceed six (6) months and a fine not to exceed Five-Hundred Dollars (\$500).

Section 8

Illegal Possession of Property

Any person who, without the consent of the owner or lawful possessor thereof, shall take, use, operate or remove at or from any building or place, at or from any installation or locality, the property of another person and keep or use, or cause to be kept or used, said property for his own property, or for the purpose of another shall be guilty of an offense.

Any person found guilty of violating this section shall be sentenced to a term of imprisonment not exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Section 9

Receiving Stolen Property

A person commits an offense pursuant to this section if he or she purchases, receives, conceals, or aids in the purchase, receipt or concealing of any property of another knowing or having reason to know that such property was obtained by theft, extortion, fraud, robbery or burglary, or other unlawful means.

Any person convicted of violating this section shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Section 10

Fraud

Any person shall be guilty of fraud if he or she unlawfully obtains the property of another by willful misrepresentation in matter of fact, or by deceit, or by false interpretation, or by use of false weights and measures, or by falsely signing, executing, or altering, with the purpose to defraud or deceive another and thus causes loss, injury or

damage, and with the intent of depriving such other person of the property.

Any person found guilty of fraud shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Section 11

Theft by Extortion

Any person who intentionally obtains or seeks to obtain goods, money, property or services by means of actual force or a threat to do, in the future, any of the following, shall be guilty of an offense:

1. Cause physical injury to any other person.
2. Cause damage to property.
3. Accuse anyone of a crime or bring criminal charges against anyone.
4. Expose a secret or an asserted fact, whether true or false, that tends to subject anyone to hatred, contempt or ridicule, or to impair his or her credit or business.
5. Take or withhold action as a public servant or cause a public servant to take or withhold action causing direct misuse of public office.

Any person found guilty of theft by extortion shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500) or both.

Section 12

Theft

Any person who wrongfully appropriates, takes, or exercises unlawful control of any money, goods, or other property of another with intent to deprive him or her of its value or use is guilty of an offense.

Any person found guilty of theft shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine of not more than Five-Hundred Dollars (\$500), or both.

Section 13

Embezzlement

Any person who shall, having lawful custody of, or is entrusted with, any property or money not his or her own, appropriate the same to his or her own use with the intent to deprive the owner thereof, shall be deemed guilty of an offense.

Any person found guilty of embezzlement shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine of not more than Five-Hundred Dollars (\$500), or both.

Section 14

Forgery

A person commits forgery if, with the intent to defraud, he or she falsely makes, completes or alters a written instrument, or offers or presents, whether accepted or not, a forged instrument.

Any person found guilty of forgery shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine of not more than Five-Hundred Dollars (\$500), or both.

Section 15

Criminal Impersonation

A person commits criminal impersonation if he or she assumes a false identity with the intent to defraud another, or pretends to be a representative of some person or organization with the intent to defraud.

Any person found guilty of criminal impersonation shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Section 16

Improper Influence in Official or Political Matters

A person commits an offense under this section if he or she threatens harm to any person, tribal official, tribal judge or employee with the intent of influencing such persons' vote, opinion, judgment or exercise of discretion.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Section 17

Shoplifting

Any person who obtains the goods of another while in a mercantile establishment in which merchandise is displayed for sale by:

1. Wilfully taking possession of any merchandise with the intention of converting or keeping it without paying for it; or
2. Wilfully concealing any merchandise with the intention of converting it without paying for it; or
3. Wilfully altering any label or price tag, or marking any merchandise with the intention of depriving the merchant of all or some part of the value of it; or
4. Wilfully transferring any merchandise from the container in or on which it is displayed, to any other container with the intention of depriving the merchant of all or some part of the value of it,

shall be guilty of shoplifting.

Any person found guilty of shoplifting shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

The Court, in addition to or in lieu of the above sentence, may require the offender to pay the actual damages for the benefit of the injured party.

Section 18

Bribery of a Public Official

Any person who shall give or offer to give any money, property or services, or anything else of value to another person with the intent to influence another in the discharge of his or her public duties or conduct; and any person who shall accept, solicit, or attempt to solicit any bribe as defined herein, shall be deemed guilty of an offense.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both. Further, any tribal office or position held by such offender shall be forfeited.

Section 19

Perjury

Any person who shall wilfully and deliberately, in a judicial proceeding of the Shoshone Bannock Tribal Court falsely swear to, interpret, or shall make a sworn statement or affidavit knowing the same to be untrue, or shall induce or procure another person to do so, shall be guilty of perjury.

Any person found guilty of perjury shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars, or both, plus costs.

Section 20

Selling Mortgaged Chattels

Any person having mortgaged any goods, chattels, or personal property to the Shoshone Bannock Tribes, or person subject to the jurisdiction of the Court who shall during the existence of the lien created by such mortgage, sell said property or any part thereof to a third person, without first making the necessary arrangements with the mortgagee for proper release, shall forfeit any pay to the mortgagee twice the value of such property so sold; the amount of which forfeiture may be recovered in an action of debt in the Court having jurisdiction thereof. Such selling of any mortgaged chattels, goods or personal property, or any part thereof shall be deemed an offense.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to

exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Section 21

Soliciting or Influencing Votes

Any person who solicits votes within fifty (50) feet of the polling places or any relative, friend, or agent who attempts to influence or interfere with an individual while her or she is voting shall be deemed guilty of an offense.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars, or both.

Section 22

Tampering or Altering Tribal Records

Any person who wilfully discloses, alters or destroys tribal records without proper authorization in writing from the Fort Hall Business Council shall be deemed guilty of an offense. Each disclosure, alteration or destruction shall constitute a separate offense.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars, or both.

"Tribal Records" as used in this section shall mean all official books, papers, written instruments or records created, issued, received or kept by any governmental office, department, division, branch or section or required by law to be kept by others for the information of any governmental office.

Section 23

Bigamy

Any person who intentionally marries or purports to marry another person, at a time when either is lawfully married to another person shall be guilty of bigamy.

Any person found guilty of bigamy shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Section 24

Burglary

A person commits burglary if he or she enters or remains unlawfully in a residential or non-residential structure, dwelling, stable, barn, shop, outhouse or motor vehicle, with the intent of committing a crime therein.



Any person found guilty of burglary shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars, or both.

Section 25

Disposing of Property of Estate

Any person who without proper written authority, sells, trades, or otherwise disposes of any property of an estate before the determination of the heirs, shall be deemed guilty of an offense.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500) or both.

Section 26

Bribery of Judicial Officers

Any person who gives or offers to give a bribe to any judicial officer, juror, referee, arbitrator, or umpire, or to any person who may be authorized by law to hear or determine any question or controversy, with intent to influence his vote, opinion or decision upon any matter or question which is or may be brought before him for decision, is guilty of an offense.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500) or both.

"Bribe" as used in this section shall mean any threat, intimidation, persuasion or entreaty, or promise or assurance of any pecuniary or other advantage.

Section 27

Unlawful Taking & Use of Credit Cards

It shall be unlawful for any person to steal, take, or remove a credit card or credit device from the person or possession of the person to whom issued, or to retain or secrete a credit card or credit device without the consent of the person to whom issued, with the intent of using, delivering, circulating or selling, or causing said card or device to be used, delivered, circulated or sold without the consent of the person to whom issued.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Section 28

Abduction for Defilement

Any person who takes any other person unlawfully against his/her will, and by force, menace, or duress compels him/her to marry the offender, or to marry some other person, or to be defiled, or sexually molested, is guilty of an offense.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Section 29

Adultery

Any married person who has sexual intercourse with another person not his or her spouse, or any unmarried person who has sexual intercourse with the spouse of another shall be guilty of adultery.

Any person found guilty of Adultery shall be fined not more than Five-Hundred Dollars (\$500).

Section 30

Illicit or Unlawful Cohabitation

Any person who shall live or cohabit with another of the opposite sex, not then and there being married either by civil ceremony or common law, shall be deemed guilty of an offense.

Any person found guilty of an offense under this section shall be fined not more than Five-Hundred Dollars (\$500).

Section 31

Public Sexual Indecency

A person commits an offense under this section if he or she exposes his or her genitals to public view under circumstances which he or she should know is likely to offend or alarm others; or, in a public place engages in an act of sexual conduct; or, in a public place engages in an act of sexual intercourse.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Section 32

RESERVED FOR FUTURE USE

Section 33

Seduction

A person commits seduction if he or she has sexual intercourse or sexual conduct with another person, not his or her spouse, if the other person is less than eighteen (18) years of age.

Any person found guilty of seduction shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Section 34

Incest

A persons commits incest if he or she knowingly engages in sexual contact or sexual intercourse with another who is not his or her spouse and who is related to such offender by whole or half-blood as a father, mother, son, daughter, brother, sister, uncle, niece, aunt, nephew, or first cousin.

Section 35

Any person found guilty of Incest shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Sexual Conduct With a Foster or Step-Child

For the purpose of this section, "sexual conduct" means any sexual contact, or sexual intercourse.

A person commits an offense under this section if he or she intentionally engages in sexual conduct with his or her foster or step-child who is under the age of eighteen (18) years.

Section 36

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Prostitution

A person commits prostitution if he or she engages in, or agrees or offers to engage in, sexual conduct with another person, not his or her spouse, under a fee arrangement, or in exchange for services or goods, or other considerations.

"Sexual Conduct" as used in this section shall mean sexual contact, sexual intercourse, or oral sexual contact.

Any person found guilty of prostitution shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Section 37

Rape

Rape is an act of sexual intercourse accomplished by one person with another person, under any of the following circumstances:

1. Where the victim is under the age of sixteen (16) years; or
2. Where the victim is incapable, through lunacy or any other unsoundness of mind, whether temporary or permanent, of giving legal consent; or
3. Where the victim physically resists but is overcome by force, violence, threats of immediate and great bodily harm accompanied by the apparent power of execution by the offender, or by any intoxicating narcotic, or anesthetic substance administered by or with the privity of the accused; or
4. Where the victim is at the time of the act unconscious of the nature of the act, and this is known to the accused; or
5. Where the victim submits under the belief that the person committing the act is his or her spouse and the belief is induced by artifice, pretense or concealment practiced by the accused, with the intent to induce such belief.

Any sexual penetration, however slight, is sufficient to complete the offense of rape.

No person shall be convicted of rape for any act or act with that person's spouse, except as noted below:

1. Where a spouse has begun or initiated legal proceedings for divorce; or
2. Where the spouses have voluntarily been living apart for (1) year or more prior to the act.

Any person found guilty of rape shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both, plus costs.

Section 38

Abuse of Human Corpse

A person commits an offense under this section if without legal privilege he or she intentionally physically abuses, disinters, removes or carries away a human corpse.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Section 39

Desecration of Graves

It shall be unlawful for any person, not acting with authority and in full compliance with all terms of the law, to wilfully and intentionally desecrate or molest in any way any portion of any grave, cemetery, headstone, grave marker, mausoleum, crypt or other place of burial whether of whole bodies or ashes, or other evidence of remains of a deceased human body.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Section 40

Unattended Fires

It shall be unlawful for any person to set fire to any grass, pasture, brush, range, ditch, woodland, or structure and leave such fire unattended or otherwise set any fire with careless disregard for the spread and escape thereof.

It shall also be unlawful for any person to wilfully and intentionally set fire to any grass, pasture, brush, range, ditch, woodland, or structure or otherwise set any fire likely to create alarm or lead others to believe that such fire is unattended or uncontrolled, without, prior to ignition or setting of such fire, notifying the dispatcher of the Shoshone Bannock Police Department.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Section 41

Violation of Tuberculosis Control

It shall be unlawful for any person who has, or is suspected of having, tuberculosis or any other communicable disease, to refuse to seek a reasonable cure therefor.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment, in a designated place or facility, not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Section 42

Giving Venereal Disease to Another

When any person knows or has reason to know that he or she is infected with a venereal disease or other communicable disease, it shall be unlawful for said person to infect another with said venereal disease or communicable disease. It shall also be unlawful for said infected person to fail to seek a reasonable cure therefor.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Section 43

Assault With a Deadly Weapon

It shall be unlawful for any person to commit an assault upon the person of another with a deadly weapon or instrument, or by means of force likely to produce great bodily injury. The term "deadly weapon or instrument" shall include any firearm, but shall not be limited to such.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Section 44

Unlawful Use of a Weapon

It shall be unlawful for any person, not otherwise authorized, to:

1. Without lawful authority discharge a firearm in the proximity of a building or motor vehicle, or into any building or motor vehicle; or
2. Be in the possession of a weapon while intoxicated or under the influence of intoxicating drinks or other substances or stimulants, depressants, or other medicinal drugs or narcotics; or
3. Handle, exhibit or use a weapon in a rude, careless, negligent, angry, reckless or threatening manner in the presence of one (1) or more persons.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Section 45

Unlawful Sale, Possession or Transportation of Explosives

It shall be unlawful for any person to knowingly make, sell, buy, possess or transport, or cause to be made, sold, bought, possessed, or transported any explosive for any unlawful purpose or without a lawful permit.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Section 46

Civil Liability for Injury by Weapon or Explosive

Any person maimed or wounded by the discharge or unlawful use of a weapon or explosive by another person, or the heirs or representatives of any person who may be killed by such discharge or use, may have an action against the offending party. Damages, which shall be found by a jury, and such damages, when found, may in the discretion of the court, be doubled. It is not a prerequisite to such an action that the defendant be convicted criminally before such an action will be available.

Section 47

Definitions

For purposes of this Law and Order Code, and unless defined differently in another section or part hereof, these definitions will apply throughout this Code:

1. Dangerous or Deadly Weapon - shall mean, but is not limited to, any dirk, dirk knife, bowie knife, dagger, sling shot, pistol, revolver, gun, blackjack, billy, sandclub, bludgeon, or metal or brass knuckles.
2. Explosives - shall mean, but is not limited to, any powder commonly called gunpowder, of any description, dynamite, nitroglycerin, or other highly explosive or dangerous substance in any form.

Section 48

Unlawful Use of Firearms by Minors

It shall be unlawful for any parent, guardian or custodian having charge or custody of any minor child under the age of fourteen (14) years to permit such minor to carry or use in public any firearm of any description, except when such minor is in the company and under the direct control of such parent, guardian or custodian, or other adult person authorized by the parent, guardian or custodian.

Any person convicted of an offense under this section shall be fined not more the Fifty Dollars (\$50).

Section 49

Possession of Controlled Substance or Weapon by Prisoner.

It shall be unlawful for any inmate of a penal institution or jail to manufacture, deliver or possess a controlled substance; or to possess or deliver a dangerous weapon.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Section 50

Unlawful Possession of Deadly Weapon

It shall be unlawful for any person to have in his possession a deadly or dangerous weapon.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

This section shall not apply to:

1. Peace officers in the lawful discharge of their duties; or
2. Persons in a private motor vehicle for the sole purpose of the protection of the person in possession of the weapon, or of another person or property and such weapon is located in a closed trunk, luggage or glove compartment of said vehicle; or
3. Persons who have such weapons lawfully in their homes or dwellings; or
4. Persons in possession of such instruments for any other lawful purpose.

Section 51

Failure to Brand Livestock

It shall be unlawful for any person to intentionally neglect or refuse to brand or mark his or her livestock, where such branding or marking is required in the interest of determining ownership or identification of the livestock.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed thirty (30) days, or a fine not to exceed One-Hundred Dollars (\$100), or both.



Section 52

Failure to Register Livestock Brand

It shall be unlawful for any person to intentionally neglect or refuse to register his or her livestock brand or marking with the Federal, Tribal or State Brand Inspector, or Brand Registration Office, whichever is applicable.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed thirty (30) days, or fine not to exceed One-Hundred Dollars (\$100), or both.

Section 53

Interference With Authorized Round-ups

It shall be unlawful for any person to interfere with or obstruct an authorized round-up which has for its purpose the removal of unowned horses, cattle or other livestock, for the purpose of determining ownership or for the purpose designed to protect Tribal Land from destruction or injury.

Any person found guilty of an offense under this section shall be sentenced to term of imprisonment not to exceed thirty (30) days, or a fine not to exceed One-Hundred Dollars (\$100), or both.

Section 54

Abandoned or Uncared for Animals

It shall be unlawful for the owner of any animal to allow the same to be in any building, inclosure, lane, street, square or lot located within the exterior boundaries of the Fort Hall Reservation, without proper care and attention.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed thirty (30) days, or a fine not to exceed One-Hundred Dollars (\$100), or both.

It shall be the duty of any Fort Hall police officer to take possession of any abandoned or neglected animal, and, if after due search no owner can be found therefor, such animal shall be killed by the officer, and it shall be the duty of all officers to take charge of any animal, not then in the custody or control of its owner, which is lame, feeble, sick or otherwise neglected, and to kill the same if the owner cannot be found with a reasonable amount of diligence by the officer.

Section 55

Grazing Violations

It shall be unlawful for any person to do any of the following:

1. Allow his or her livestock to graze on Tribal land without a grazing permit; or
2. Introduce or cause to be introduced any livestock onto unallotted lands of the Reservation without a permit; or
3. Wilfully graze livestock in excess of the permitted number on a Tribal Range Unit, or refuse to graze his or her livestock in accordance with range-management plans which have been implemented for deferred grazing, or have reserved specific areas for seasonal use.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed thirty (30) days, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Section 56

Trespass by Livestock

It shall be unlawful for any person to permit his or her livestock to drift on, or who places on, any tribal land or individually owned trust or fee lands without approval or consent from an authorized person.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed ten (10) days, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

All stray animals trespassing on the Fort Hall Reservation shall be impounded by the Fort Hall Game Wardens in the agency pasture.

Impounded livestock may be redeemed by the owner by paying the pro-rata cost of impoundment of Ten Dollars (\$10) per day for each animal impounded and the reasonable value of forage consumed. Owners of record of impounded livestock shall be given notice of impoundment within three days after impoundment, providing, such owners can be found, and shall be given notice of hearing in Tribal Court, to show cause why said amounts should not be paid.

Any livestock not redeemed within ten days may be sold at public auction. Proceeds of said sale shall be used to cover impoundment costs, forage cost and necessary expenses. Proceeds in excess of these amounts shall become property of the owner of record, except as provided otherwise in this section.

Unbranded livestock one year of age gathered on the Fort Hall Reservation are the property of the Shoshone Bannock Tribes.

Livestock gathered on the Fort Hall Reservation bearing brands recorded by non-Indians may be turned over to the Idaho State Livestock Commission for disposition.

Should it become impossible to locate with reasonable effort the owner of record of impounded livestock, such livestock shall be sold as provided in this section. Proceeds in excess of impoundment costs, forage costs and necessary expenses shall be held in a special deposits account for one year from the date of sale. Monies not claimed by the owner of record within that time shall become the property of the Shoshone Bannock Tribes.

The "trespass" provisions of this Chapter shall in no way affect the legal rights of Indians against non-Indians passing through the Fort Hall Reservation.

Section 57

Misbranding

It shall be unlawful for any person to knowingly and wilfully misbrand or alter any brand or mark on any livestock owned by another person.

Any person found guilty of misbranding shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both. Any person found guilty under this section shall also be required to return the animals so affected by his or her action, or the full cash value thereof.

Section 58

Butchering

It shall be unlawful for any person to butcher any livestock belonging to another person with the intent to deprive such owner thereof.

Any person found guilty of butchering shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Cruelty to Animals

It shall be unlawful for any person to torture or cruelly mistreat any animal or to allow his or her animals or livestock to go without food or water or otherwise fail to properly care for the same.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed sixty (60) days, or a fine not to exceed Three-Hundred Dollars (\$300), or both.

Section 60

Kidnapping

It shall be unlawful for any person to kidnap any other person.

A person is guilty of kidnapping if he or she unlawfully removes another from his place of residence or business, or a substantial distance from the vicinity where he is found, or if he unlawfully confines another for a substantial period in a place of isolation, for any of the following purposes:

- (a) To hold for ransom or reward, or as a shield hostage; or
- (b) To facilitate the commission of any crime or flight thereafter; or
- (c) To inflict bodily injury on or to terrorize the victim or another; or
- (d) to interfere with the performance of any governmental or political function.

It shall also be kidnapping for any person to lead, take, entice or detain a child under the age of sixteen (16) years with the intent to keep or conceal said child from its parents, guardian, or other person having lawful care or control thereof.

Any person found guilty of kidnapping shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Section 61

Threatening

It shall be unlawful for any person to threaten by words or conduct to cause physical injury to the person of another, or serious damage to the property of another, with the intent to terrorize or intimidate another; or with intent to cause, or in reckless disregard of the risk of causing, serious public inconvenience including, but not limited to, evacuation of a public building or transportation facility.

Any person found guilty of threatening shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Section 62

Assault

It shall be unlawful for any person to attempt to commit or to threaten to commit a violent injury upon the person of another, through unlawful force or violence, coupled with a present ability to do so; or by unlawful act, threat, or menacing conduct to cause another person to reasonably believe that he or she is in danger of receiving an immediate injury; or by such attempt act, to cause injury to a third person.

Any person found guilty of an assault shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Section 63

Assault and Battery

It shall be unlawful for any person to wilfully and unlawfully use force or violence upon another person or to wilfully strike another person or cause another person to harm himself.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars, or both.

Section 64

Aggravated Assault and Battery

It shall be unlawful for any person to unlawfully commit an assault upon the person of another either with or without a weapon, thereby wounding or inflicting grievous bodily injury upon such person; or by committing, with a premeditated design and by the use of means calculated to inflict, great bodily injury on the person of another.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Section 65

Unlawful Restraint

It shall be unlawful for any person to detain, restrain, or confine another so as to substantially interfere with that person's liberty, by force, threat or deception.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

The provisions of Section 60 and 65 of this Chapter shall not apply to a Law Enforcement officer in the performance of his legal and lawful duties; nor to a citizen of the Fort Hall Reservation attempting to make a valid and lawful citizen's arrest.

Section 66

RESERVED FOR FUTURE USE

Section 67

Joyriding

It shall be unlawful for any person to knowingly and without proper authority to use or operate an automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle without the consent of the owner thereof.

Any person found guilty of Joyriding shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500); or both.

Section 68

Mayhem

It shall be unlawful for any person to maliciously deprive a human being of a member of his body, or to disable, disfigure, render useless, or cut out or disable the tongue, put out an eye, slit the nose, ear or lip of said human being.

Any person found guilty of Mayhem shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Section 69

Assault on a Judge or Policeman

It shall be unlawful for any person to intentionally, by force or violence, render or cause physical injury or abuse to a Tribal Police Officer, Bureau of Indian Affairs Police Officer, or a Judge of the Shoshone Bannock Tribal Court.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Section 70

False Arrest

It shall be unlawful for any person to wilfully make, or cause to be made, the unlawful arrest, detention or imprisonment of another.

Any person found guilty of False Arrest shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Section 71

Criminal Trespass

It shall be unlawful for any person to go upon or pass over any lands of another person or the Tribe, who shall refuse to go immediately therefrom on the request of the owner or occupant thereof.

Any person found guilty of Criminal Trespass shall be fined not more than Five-Hundred Dollars (\$500).

Section 72

Malicious Mischief

It shall be unlawful for any person to maliciously disturb, injure or destroy any livestock or other domestic animal, or any property of another.

Any person found guilty of Malicious Mischief shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Section 73

Delinquent Payment of Fines

Any fine or costs levied by the Shoshone Bannock Tribal Court shall be paid within the time prescribed by the Court, or the individual ordered to pay should appear and show good cause why he or she should be allowed additional time in which to make such payment. If good cause is shown, the individual may be allowed additional time to pay said fine and costs. If the individual fails to pay the fine within the time period allowed by the Court in accordance with this section, he or she shall be deemed guilty of an offense.

Any person found guilty of an offense under this section shall be sentenced to labor for the Tribal Community and shall be allowed Ten Dollars (\$10) per day to be credited toward his total fine or costs. If there is no supervised work available, the individual shall serve a jail sentence equivalent to payment of his fine at a rate of Five Dollars (\$5) per day.

Section 74

Libel

It shall be unlawful for any person to express by writing, printing, signs, pictures, photographs, television, radio or any other device, any malicious falsehood with the intent of bringing another into disrepute, contempt or ridicule in the eyes of the public.

Any person found guilty of libel shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Section 75

Slander

It shall be unlawful for any person to falsely utter, deliver or state, in the presence of a person other than the subject of the utterance, deliverance or statement, anything which tends to hold up a person to public hatred, contempt, or ridicule or deprives him or her of public confidence.

Any person found guilty of slander shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Section 76

Criminal Conspiracy

It shall be unlawful for two or more persons to conspire to do any of the following:

1. Commit any crime; or
2. Falsely and maliciously indict another for any crime, or to procure another to be charged or arrested for any crime; or
3. Falsely move or maintain any suit, action or proceeding; or
4. Cheat and defraud any person of any property by any means which are in themselves criminal, or to obtain money, property or services by false pretenses; or
5. Commit any act injurious to the public health, morals, or for the perversion or obstruction of justice or the due administration of the laws.



Any person found guilty of conspiracy shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Section 77

Opening Gates or Destroying Fences

It shall be unlawful for any person who, without lawful authority, opens and leaves open any gate, or tears down, carries away or destroys any fence or any part thereof within the jurisdiction of the Fort Hall Reservation, which belongs to another.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Section 78

Trespass With Force or Violence

It shall be unlawful for any person to use force or violence in entering upon lands, real property or structures of any kind belonging to, or lawfully occupied by, another, except in cases and in a manner allowed by law.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Section 79

Arson

It shall be unlawful for any person to wilfully and maliciously set fire to, or burn, or cause to be burned, or to aid, counsel or procure the burning of any dwelling house, whether or not occupied, or any kitchen, shop, barn, stable, outhouse or any part thereof or belonging or adjoining thereto, whether the property of himself/herself or of another.

Any person found guilty of arson shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Section 80

Injury to Public or Private Property

It shall be unlawful for any person to, without proper authority, damage or injure any public property of the Tribe or the United States, or any private property of any person.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Section 81

Riots

As used in this section, "riot" means a public disturbance involving (1) an act or acts of violence by one or more persons part of an assemblage of three or more persons, which act or acts shall constitute a clear and present danger of, or shall result in, damage or injury to the property of any other person or to the person of any individual; or (2) a threat or threats of the commission of an act or acts of violence by one or more persons part of an assemblage of three or more persons having, individually or collectively, the ability of immediate execution of such threat or threats, where the performance of the threatened act or acts of violence would constitute a clear and present danger of, or would result in, damage or injury to the property of any other person or to the person of any other individual.

It shall be unlawful for any person to participate in, or be a party, in any way, to a riot.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Any non-Indian or non-member of the Shoshone Bannock Tribes whom the Fort Hall Police have probable cause to believe was a party to, in any way, or participated in, a riot shall be subject to immediate exclusion and expulsion from the Fort Hall Reservation in accordance with the procedures set forth in this Law and Order Code. This shall also apply when such non-Indians or non-members are involved, in any way, in any crime committed upon the Fort Hall Reservation.

Section 82

Unlawful Assembly

Whenever three or more persons assemble with intent and with means and preparation to do an unlawful act which would be a riot if actually committed, but do not act toward the commission thereof, or whenever such persons assemble without authority of law and in such a manner as is adopted to disturb the public peace and safety of the members of the Fort Hall community, such assembly is an unlawful assembly.

Any person found guilty of unlawful assembly shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Where any number of persons armed or unarmed are unlawfully or riotously gathered, the officers of the Tribal or BIA police must in the name of the Shoshone Bannock Tribes command such persons, by going among them or otherwise, to disperse immediately. If such persons do not disperse, they are to be arrested and held for punishment according to law. Failure to disperse upon command will justify the use of necessary force to accomplish dispersement.

Section 83

Aid in Dispersal

In order to disperse the unlawful assembly, the police officers may command the aid of a sufficient number of persons to aid in the dispersal. Any person so commanded who fails or refuses, without justification, to aid the police shall be deemed guilty of an offense.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed sixty (60) days, or a fine to to exceed Two-Hundred Fifty Dollars (\$250), or both.

Section 84

Rout

Whenever three or more persons acting together make an attempt to do any act which would be riot if actually committed, such assembly is a rout and is unlawful.

Any person found guilty of a rout shall be sentenced to a term of imprisonment not to exceed thirty (30) days, or a fine not to exceed Two-Hundred Dollars (\$200), or both.

Section 85

Injury to Public Peace

It shall be unlawful for any person to wilfully and wrongfully commit any act which grossly disturbs the peace.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed thirty (30) days, or a fine not to exceed Two-Hundred Dollars (\$200), or both.

Section 86

Disturbing a Lawful Meeting

Any person who, without authority of law, wilfully disturbs or breaks up any assembly or meeting not unlawful in its character, or Tribal Business Council Meeting, or General Council Meeting, shall be deemed guilty of an offense.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed three (3) months, or a fine not to exceed Three-Hundred Dollars (\$300), or both.

Section 87

Maintaining a Public Nuisance

It shall be unlawful for any person to act in such a manner, or to permit his property to fall into such a condition, as to injure or endanger the safety, health or property of his neighbors.

A public nuisance is one which affects at the same time an entire community or neighborhood, or a considerable number of persons, although the extent of the annoyance or damage inflicted upon the individuals thereof may be unequal.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed thirty (30) days, or a fine not to exceed Two-Hundred Dollars (\$200), or both.

The Court shall also have authority to issue orders abating and enjoining a public nuisance and providing for penalties for the violation of this section.

Section 88

Disorderly Conduct

A person is guilty of disorderly conduct if he or she commits any of the following acts:

1. Fighting in a public or private place, or provokes a fight; or
2. Disrupts any lawful public or religious meeting; or
3. Makes any offensive obscene gesture, utterance, or display in public.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed thirty (30) days, or a fine not to exceed One-Hundred Dollars (\$100), or both.

Section 89

Assisting Escape

It shall be unlawful for any person to wilfully assist any prisoner confined in any prison or jail facility, or in the lawful custody of any police officer or other person, to escape or to attempt to escape from such prison, jail or custody.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Section 90

Escape from Lawful Custody

It shall be unlawful for any person in lawful custody to escape or attempt to escape, or to permit or assist or attempt to assist another person to escape from lawful custody.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Section 91

Refusing to Aid an Officer

Any person who shall neglect or refuse, when called upon by a Police Officer, to assist in the arrest of any person charged with or convicted of any offense, or in securing such offender when apprehended, or in conveying such offender to the nearest place of confinement, shall be deemed guilty of an offense.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Section 92

Obstructing an Officer

It shall be unlawful for any person to wilfully resist, delay or obstruct any Public Officer in the discharge, or attempt to discharge, any of the duties of his office.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Section 93

Destroying or Damaging Jail or Detention Facilities

It shall be unlawful for any person to intentionally break, scratch, pull down, deface by writing upon, walls, beds, shower stalls or cell doors, or to otherwise destroy or injure any Tribal Jail facility or other place of confinement.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Section 94

Non-Registration of Marriage

It shall be unlawful for any person to fail to register his or her civil ceremony or common law marriage with the Shoshone Bannock Tribal Court within sixty (60) days of said marriage.

Any person found guilty of an offense under this section shall be fined not more than One-Hundred Fifty Dollars (\$150).

Section 95

Failure to Support Dependent Persons

It shall be unlawful for any person to refuse or neglect to furnish food, shelter or care for another who derives his or her main support from said person.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Section 96

Abandonment of Children

It shall be unlawful for any parent, guardian or other person having custody of a child, to intentionally abandon said child where the child is under the age of sixteen (16) years.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Section 97

Endangering the Welfare of a Minor

Any person commits an offense under this section if he or she intentionally contributes, encourages or causes a person under eighteen (18) years of age:

1. To be subjected to the infliction of physical or mental injury, including failing to maintain reasonable care or treatment thereof; or
2. To be habitually truant from school or a runaway from a parent, guardian or custodian, or otherwise incorrigible; or
3. To live in a home which by reason of neglect, cruelty or depravity, is an unfit place.

This section shall be liberally construed in favor of the Shoshone Bannock Tribes for the protection of the minor from neglect or omission of parental duty toward the child, and also to protect children of the Tribe from the effects of the improper conduct, acts or bad example of any person which may be calculated to cause, encourage, or contribute to the adverse welfare of minors, although such person is in no way related to the minor.

Any person having cause to believe that the welfare of a minor has been endangered as defined in this section shall report or cause to be reported such condition in accordance with this section.

Knowing failure to report or cause such reports to be made shall constitute an offense under this section and is punishable by a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

An oral report should be made as soon as possible by telephone or otherwise and may be followed by a report in writing to the Tribal Police. Such report should contain the name and address of the minor, if known by the person making the report, and any other information said person believes might be helpful in establishing the cause of the injuries and identity of the offender.

Any person or institution making a report in good faith pursuant to this section shall have immunity from any civil or criminal liability that might otherwise be incurred or imposed; such immunity shall further include participation in any proceeding resulting from such report.

Any person found guilty of endangering the welfare of a minor shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Section 98

Landing Aircraft on Public Roads

It shall be unlawful for any contiguous landowner, allottee or lessee to cause or permit any aircraft to land upon any public road for any purpose other than emergency landings, without prior authorization from the Shoshone Bannock Business Council.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed thirty (30) days, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

This section shall not apply to aircraft used in the suppression of range or forest fires where a designated area has been marked and patrolled for landing safety.

Section 99

Cutting or Selling Timber Without Permit

It shall be unlawful for any person to cut or sell timber upon the Fort Hall Reservation without first having secured a permit from the Fort Hall Business Council.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed thirty (30) days, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

This section does not apply or relate to the gathering of firewood for personal use.

Section 100

Gambling

Any person who deals, plays or carries on, opens or causes to be opened, or who conducts, either as owner, employee, or lessee, whether for hire or not, any games of chance with cards, dice or any other device, for money, checks, credit or any other representative of value, except between the hours of 4:00 p.m. on Friday and Sundown the following Sunday evening, or at such other times so designated by the Fort Hall Business Council, shall be guilty of an offense.

Any person found guilty of Gambling shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Section 101

Trespass by Non-Indians

It shall be unlawful for any non-Indian to berry-pick or have picnics or parties on the Fort Hall Reservation, or to fish or hunt thereon except in season when fishing and hunting permits are issued in areas designated on the permits.

Any person found to be in violation of this section shall be immediately escorted off the reservation by the Tribal or Bureau of Indian Affairs Police.

Section 102

RESERVED FOR FUTURE USE



Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Section 103

Operating a Business on Reservation Without Permission  
It shall be unlawful for any non-Tribal member dealing in any business whatsoever to operate said business within the exterior boundaries of the Fort Hall Reservation without first having secured written permission from the Fort Hall Business Council and following the procedures and paying the fees set thereby.

Any person found in violation of this section will be banned from the reservation in accordance with procedures set forth in this Code.

Section 104

Sprinkler Irrigation of Roads  
The sprinkling of roads and road right-of-ways on the Fort Hall Reservation is hereby declared to be unlawful.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Section 105

Unlawful Use of Motor Vehicles  
It shall be unlawful for any person to go upon or pass over any individual Indian or Tribal land by, with or upon a motor vehicle of any description, including, but not limited to motorbikes, motorcycles, motorscooters, snowmobiles or snowmachines, other than on established roadways.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed thirty (30) days, or a fine not to exceed Two-Hundred Fifty Dollars (\$250), or both.

Section 106

Compounding a Misdemeanor  
Every person having knowledge of the actual commission of a crime, who takes money or property of another, or any gratuity or reward, or any engagement or promise thereof, upon any agreement or understanding to compound or conceal such crime, or to abstain from any prosecution thereof, or to withhold any evidence thereof, except in the cases provided for by law, is guilty of an offense under this section.

Any person found guilty of any offense under this section shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Section 107

Littering

It shall be unlawful for any person to throw, dump, place or deposit upon the lands of another, or upon any public road, highway, street, or any other area within the Fort Hall Reservation without the consent of the owner thereof, any garbage, debris, junk, carcasses, trash, refuse or any other substance of any nature whatsoever which would mar the appearance or detract from the cleanliness of the area.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed thirty (30) days, or a fine not to exceed One-Hundred Dollars (\$100), or both.

Section 108

Removal or Destruction of Antiquities

A person commits an offense under this section if he or she, without permission of the Fort Hall Business Council, removes, excavates, injures or destroys any historic or prehistoric ruin, monument or any object of antiquity; or sales or offers for sale any object or antiquity.

The unauthorized buying, selling or holding for sale of any objects of antiquity by any person doing business on the Fort Hall Reservation shall be good cause for withdrawing the privilege of doing business thereon by termination of his or her business lease or permit, and possible exclusion from the Reservation.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Non-Indian offenders shall be subject to exclusion from the reservation with whatever force is deemed necessary by the Tribal or BIA police.

Upon the conviction of an offense under this section, the Court shall order such objects of antiquity forfeited to the Shoshone Bannock Tribes, and delivered to the lawful repository for such objects.

The Shoshone Bannock Tribal Museum shall be the lawful repository for, and guardians of, Shoshone Bannock Tribal objects of antiquity.

"Objects of antiquity" means any historic or prehistoric object of archaeological, paleontological or scientific, or cultural value found within the territorial jurisdiction of the Shoshone Bannock Tribes and its Court.

Section 109

Inhalation of Toxic Vapors

As used in this section, the phrase "any substance containing a solvent having the property of releasing toxic vapors or fumes" shall mean and include any glue cement, spray paint, or other substance containing one or more of the following:

1. Acetone
2. Amylacetate
3. Benzol or benzene
4. Butyl acetate
5. Butyl alcohol
6. Carbon tetrachloride
7. Chloroform
8. Cyclohexanone
9. Ethanol or ethyl alcohol
10. Ethyl acetate
11. Hexane
12. Isopropanol or isopropyl alcohol
13. Isopropyl acetate
14. Methyl "cellosolve" acetate
15. Methyl ethyl ketone
16. Methyl isobutyl ketone
17. Toluol or toluene
18. Trichloroethylene
19. Trycresyl phosphate
20. Zolol or Zylene
21. Any other solvent, material substance, chemical, or combination thereof, having the property of releasing toxic vapors.

It shall be unlawful for any person on the Fort Hall Reservation to intentionally smell or inhale the fumes of any type of substance defined in this section or to induce any other person to do so, for the purpose of causing a condition of, or inducing symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses of the nervous system, or for the purpose of, in any manner, changing, distorting, or disturbing the audio, visual or mental processes, provided, however, that this section shall not apply to the inhalation of any anesthesia for medical or dental purposes.

No person shall use or possess for use, any cement "model airplane glue" or spray paint containing a solvent having the property of releasing toxic vapors or fumes, for any of the purposes outlined above.

No person shall sell, or offer to sell, to any other person under eighteen (18) years of age, any tube, can or other container of glue, cement or spray paint containing a solvent having the property of releasing toxic vapors or fumes, if he knows or has reason to know that the product sold or offered to be sold, will be used for any of the purposes set forth in this section.

This section shall also apply to any other substances not named herein, which will produce the same effects and which are used for the same purposes as set forth herein.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

#### Section 110

##### Possession of Marijuana

It shall be unlawful for any person to possess any quantity or amount of what is commonly known as marijuana.

Any person found guilty of any offense under this section shall be sentenced as follows:

1. Possession of one ounce or less shall, for the first offense of any individual, be punishable by a fine of not more than Fifty-Dollars (\$50); and for subsequent convictions of possession within a period of six (6) months of any previous conviction under this section, a fine not to exceed One-Hundred Dollars (\$100).
2. Possession of more than one ounce but less than eight ounces shall be punishable by a term of imprisonment not to exceed sixty (60) days, or a fine not to exceed Three-Hundred Dollars (\$300), or both.
3. Possession of eight ounces or more shall be punishable by imprisonment for a term not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Section 111

Production or Delivery of Marijuana

It shall be unlawful for any person to intentionally produce, deliver or possess with the intent to deliver to another, marijuana in any quantity or amount.

"Deliver" or "Delivery" shall mean the actual or constructive transfer of possession of marijuana to another with or without consideration (payment).

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Section 112

Possession or Sale of Controlled Substances

It shall be unlawful for any person to possess, manufacture, transport, sell, offer to sell, use, trade or deliver any of the following:

1. Opium or cocoa leaves, or any compound, manufacture, salt, derivative mixture or preparation thereof, unless specifically excepted; or
2. Any material, compound, mixture or preparation which contains any quantity of the following:
  - a. Lysergic acid liethylamid (LSD); or
  - b. Mescaline; or
  - c. Psilocybin; or
  - d. Psilocyn; or
  - e. Hashish; or
  - f. Tetrahydrocannabinol (T.H.C.)
  - g. Peyote

It shall not be unlawful for any members of the Native American Church to transport, buy, sell, possess or use peyote in any form or quantity in connection with recognized religious practices, or services of that Church.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Section 113

Dispersal of Alcoholic Beverages to Minors

It shall be unlawful for any person to sell, give or furnish, or cause to be sold, given or furnished, any alcoholic or intoxicating liquor to a person under the age of nineteen (19) years, except for medicinal purposes.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Section 114

Manufacture, Sale or Trading of Alcohol

It shall be unlawful for any person to sell, trade, or manufacture any alcoholic beverage described as beer, ale, wine, whiskey, or any substance whatsoever which produces alcoholic intoxication.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Five-Hundred Dollars (\$500), or both.

Any person convicted of an offense under this section may also be made to forfeit to the Tribe any vehicle or conveyance or any other property used in the violation of this section, which may be sold at a public auction under Court supervision for the benefit of the Tribe.

Section 115

Illegal Possession or Consumption of Alcohol

It shall be unlawful for any person to possess or consume any alcohol described as beer, wine, ale, whiskey or any substance whatsoever which produces any alcoholic intoxication.

Any person found guilty of an offense under this Section shall be sentenced as follows:

1. For the first offense - a fine not to exceed Fifty Dollars (\$50), and probation for a period not to exceed sixty (60) days; or
2. For any subsequent offenses - the offender may be sentenced to detention in an appropriate Alcohol In-Patient Facility for a term not to exceed six (6) months. Said offender shall also be fined not more than Two-Hundred Fifty Dollars (\$250). The Court may impose either of the penalties or both of them.

The Court, in its discretion, may also make use of any other appropriate rehabilitative facilities, programs or measures as it deems necessary for the best interests of the offender and the community.

Section 116

Intoxicated Persons

Public Intoxication is unlawful. For purposes of this section, "Public Intoxication" shall mean being on a highway or street or in a public place or public building while under the influence of intoxicating liquor, narcotics or other drug to the degree that one may endanger himself or other persons or property, or annoy persons in his vicinity.

Any person found guilty of an offense under this section shall be sentenced to a term of imprisonment not to exceed six (6) months, or a fine not to exceed Two-Hundred Fifty Dollars (\$250), or both.

At the discretion of the Court, the offender may be transferred to an available Alcohol In-Patient Facility for counseling and treatment of chronic alcohol abuse, provided, that the offender has successfully served at least one-half of the original sentence imposed for this offense.