

## **Title 16 - Gaming**

### **Chapter 8 – Penalties for Violations**

**Sec.**

- 16-08.010 Criminal Offenses
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#### **Legislative History**

**Enacted:**

Ordinance 323 Rescinding Ordinance 322 and Amending Ordinance No. 118 (Currently Codified as STC 16-01.070 and 16-08.060), (2/5/13), BIA (2/13/13), NIGC (3/5/13).

Ordinance 171 Regulating Gaming and Repealing and Superseding Ordinance Nos. 103, 104, 118, 130 and 151 (6/30/03), BIA (7/3/03), NIGC (10/3/03).

**Repealed or Superseded:**

Ordinance 322 Amending Ordinance No. 118 (Currently Codified as STC 16-01.070 and 16-08.060), (1/8/13), BIA (xx/xx/xx), NIGC (xx/xx/xx).

Ordinance 151 Amendments to Swinomish Gaming Ordinance (4/9/02), BIA (6/7/02), NIGC (7/17/02) (amending Ord. 103).

Ordinance 118 Amendments to Swinomish Gaming Ordinance (5/7/96), BIA (5/23/96), NIGC (not required, 8/15/96) (amending Ord. 103).

Ordinance 103 Swinomish Gaming Ordinance (10/5/93), BIA (10/14/93), NIGC (11/10/93) (repealing Ord. 50).

Ordinance 50 Gaming Ordinance (3/5/85), Enacting Res. 85-3-13, BIA (3/25/85).

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#### **16-08.010 Criminal Offenses.**

Any person, operator, player, permittee or employee of the Tribe who violates any provision of this Title or any regulation adopted hereunder, and who is subject to the criminal jurisdiction of the Swinomish Tribal Court, shall be guilty of a criminal offense and shall be subject to a fine of up to five thousand dollars (\$5,000.00) or imprisonment of not to exceed twelve (12) months, or both, as well as the cost of prosecution.

[History] Ord. 171 (6/30/03); Ord. 118 (5/7/96); Ord. 103 (10/5/93).

**16-08.020 Separate Offenses.**

Each day that a violation continues shall be considered a separate offense for the purposes of this Title.

[History] Ord. 171 (6/30/03); Ord. 103 (10/5/93).

**16-08.030 Permit.**

If the Swinomish Tribal Court finds that a permittee or licensee has violated any part of this Title, the Court shall order that any then valid permits or licenses be revoked.

[History] Ord. 171 (6/30/03); Ord. 118 (5/7/96); Ord. 103 (10/5/93).

**16-08.040 Tribal Court.**

The Swinomish Gaming Commission and the Swinomish Tribal Court shall have exclusive jurisdiction over any controversies arising under this Title. The Tribal Court shall have exclusive jurisdiction to enforce Sections 16-08.010 through 16-08.030.

[History] Ord. 171 (6/30/03); Ord. 151 (4/9/02); Ord. 118 (5/7/96); Ord. 103 (10/5/93).

**16-08.050 Civil Remedies.**

Any person who violates any provision of this Title, including any provision of the Compact incorporated herein, or any Commission rule or regulation adopted pursuant to this Title, shall be subject to civil penalties including exclusion from employment by any tribal gaming enterprise, exclusion from attendance at any tribal gaming facility, exclusion from the Swinomish Indian Reservation, the payment of restitution, and a monetary penalty of up to \$5,000.00 for each such violation. Each day that a violation continues shall be considered a separate violation for the purposes of this section. The Gaming Commission shall have the authority to impose such penalties on any person within the civil jurisdiction of the Tribe. The Commission is hereby authorized to pursue civil remedies against violators in tribal, state, and federal court.

[History] Ord. 171 (6/30/03); Ord. 118 (5/7/96); Ord. 103 (10/5/93).

**16-08.060 Violations.**

It shall be a violation of this Title for any person to:

- (A) Conduct or participate in any Class II or Class III gaming operation on the Swinomish Indian Reservation except as authorized by this Title.

- (B) Receive, distribute, apply, or divert any property, funds, proceeds or other assets of the Gaming Enterprise to the benefit of any individual or any other person except as authorized by this Title and approved by the Gaming Enterprise Management Board in the ordinary course of business.
- (C) Tamper with any equipment used in the conduct of tribal gaming operations with the intent to cause any person to win or lose any wager other than in accord with the publicly announced rules of such gaming operations.
- (D) Do any other act in connection with the conduct of the tribal gaming operations with the intent to affect the outcome of any wager other than in accord with the publicly announced rules of such gaming operations.
- (E) To participate as a player in any regular public bingo game, any lottery, any pari-mutuel wager, or game of chance authorized pursuant to Chapter 16-06, conducted by the Tribe, while such person is: (1) a member of the Gaming Commission; (2) a member of the Gaming Enterprise Management Board; (3) an employee of the Gaming Commission; or (4) an employee of the Gaming Enterprise unless the employee of the Gaming Enterprise's participation is authorized by the rules and regulations of the Gaming Commission.

[History] Ord. 323 (2/5/13); Ord. 171 (6/30/03); Ord. 151 (4/9/02); Ord. 118 (5/7/96); Ord. 103 (10/5/93).