

KICKAPOO TRIBE IN KANSAS
TITLE 10
CRIMINAL OFFENSES CODE

On July 31, 2025, Resolution KT25-124 was enacted, approving this newly revised code and formally abolishing and repealing all previously enacted versions of Title 10 – Criminal Code of the Kickapoo Tribal Code, including any amendments, supplements, or interpretations thereof.

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KICKAPOO TRIBE IN KANSAS
TITLE 10
CRIMINAL OFFENSE CODE

GENERAL PROVISIONS

Section 1. Short Title and Citation.

This Title may be cited as the “Criminal Offenses Code”

[History: Resolution KT25-124, July 31, 2025]

Section 2. Application.

(a) This Title shall apply to all Indian persons violating its provisions within the territorial jurisdiction of the Kickapoo Tribe in Kansas. The provisions of this Title shall apply to all members of the Tribe and all Indian residents of the jurisdiction of the Tribe wherever such violation may occur, if such violation has any actual or intended effect upon the political integrity or political or economic security of the Tribe.

(b) The Kickapoo Tribe will have full jurisdiction and authority to enforce this Title for all Indian and non-Indian persons to the extent not inconsistent with federal law. Regardless of its inclusion in this Title, to the extent that any Kickapoo law is civil in nature, such law shall apply to any person who is not subject to the Tribe’s criminal jurisdiction. The Kickapoo Tribe will have the authority to enforce civil fines for any person who violates this Title in the amount enumerated for activity for which criminal punishment is provided. The Tribe’s Court is authorized to issue civil court orders or contempt of court orders against any person who fails to comply with Kickapoo law or an order of the Court. Civil contempt orders may include incarceration and fines. Violations of any civil or criminal provision of this Title will be determined by the Court to be an unlawful public nuisance, which may be enjoined by the Court.

(c) This Title shall apply to non-Indians to the extent not inconsistent with federal law and to the extent that any person found to have violated any provisions of this Title may be banished or excluded from the jurisdiction of the Tribe for a period not exceeding ten (10) years, or for such longer term as may be imposed by the section violated, in a civil proceeding brought by the Tribe. The non-Indian in such cases shall have all the procedural rights of a criminal defendant, and such cases shall be tried by the Rules of Criminal Procedure.

(d) The provisions of this Title are gender neutral. That is to say, that the use of the terms, “he,” “him,” and “his” as well as “she” “her and “hers” shall mean the masculine, feminine and neuter

forms as appropriate unless a particular masculine, feminine or neuter form is necessary for the phrase to have meaning.

[History: Resolution KT25-124, July 31, 2025]

Section 3. Banishment.

“Banishment” shall refer to a legal status in which a member shall lose all rights, privileges and benefits of membership in the Kickapoo Tribe. Banishment shall be considered a punishment of last resort and may be in addition to all other fines and penalties that may be imposed for an offense.

[History: Resolution KT25-124, July 31, 2025]

Section 4. Exclusion.

“Exclusion” shall refer to a legal status in which an individual is barred from entering the territorial jurisdiction of the Kickapoo Tribe, including its business enterprises. Exclusion may be ordered in addition to all other fines and penalties that may be imposed for an offense.

[History: Resolution KT25-124, July 31, 2025]

Section 5. Community Service in Lieu of Fines.

(a) In some instances, the Court may determine, based upon the financial considerations and physical and emotional abilities of the offender, that community service is appropriate in order to compensate the Kickapoo Tribe for fines ordered in misdemeanor cases. Whether an offender is eligible for community service is at the discretion of the Court after taking all facts and circumstances into consideration.

(b) A sentence which includes community service hours will only apply to misdemeanors and the fines ordered in those cases. Community service is not applicable for felonies or to pay other costs or restitution.

[History: Resolution KT25-124, July 31, 2025]

Section 6. Applicability of the Laws of the State of Kansas.

To the extent not inconsistent with the laws of the Kickapoo Tribe, and to the extent not prohibited by federal law, whoever within the jurisdiction of the Tribe is guilty of any act or omission which, although not made punishable by any enactment of the Kickapoo Tribe, would be punishable if committed or omitted within the jurisdiction of the State of Kansas, by the laws thereto in force at the time of such act or omission, shall be guilty of a like offense and subject to a like punishment, provided however, the maximum punishment shall not exceed \$5,000 in fines or more than one (1) year incarceration.

[History: Resolution KT25-124, July 31, 2025]

CHAPTER ONE

CRIMES AGAINST PROPERTY

Section 101. Arson in the First Degree.

(a) It shall be unlawful to knowingly and willfully start a fire or cause an explosion with the purpose of:

(1) Destroying or damaging any building, dwelling, occupied structure or property of another exceeding \$1,000 in value, or

(2) Destroying or damaging any property, by whomever owned, to collect insurance for such loss.

(b) Arson in the first degree is a felony and shall be punishable by a fine of not more than \$5,000 or incarceration for a term of not less than three (3) months nor more than one year; or by banishment for a period of not more than ten (10) years; or any combination thereof.

(c) Should the offense result in the death or serious bodily injury to any person, a sentence of banishment may be imposed for any period not exceeding life in addition to any of the punishment authorized above.

[History: Resolution KT25-124, July 31, 2025]

Section 102. Arson in the Second Degree.

(a) It shall be unlawful to knowingly or recklessly, carelessly, or negligently, without regard to the consequences, start a fire or cause an explosion which:

(1) Endangers human life; or

(2) Damages or destroys the property of another.

(b) Arson in the Second Degree is a felony and shall be punishable by a fine of not more than \$5,000 or by incarceration for a term not exceeding one (1) year, or both.

[History: Resolution KT25-124, July 31, 2025]

Section 103. Arson in the Third Degree.

(a) It shall be unlawful after having started any fire, even though started for a lawful purpose, to fail to either:

- (1) Take reasonable measures to put out or control the fire; or
 - (2) To give prompt alarm, if the fire is spreading in such manner as to endanger the life or property of another.
- (b) Arson in the Third Degree is a felony and shall be punishable by a fine of not more than \$2,500 or by incarceration for a period not exceeding six (6) months, or both.

[History: Resolution KT25-124, July 31, 2025]

Section 104. Violation of Burn Ban.

- (a) It shall be unlawful to purposefully or negligently start a fire or cause a fire to start, whether on one's own property or another's property, in violation of any federal, state, or tribal burn ban. Fires for the purpose of religious, cultural, or tribal ceremonies shall not be considered for the enforcement of this prohibition, provided there is sufficient evidence to support the fire's purpose.
- (b) The Kickapoo Tribal Fire Department shall have authority to issue tribal burn bans and will provide public notice of such bans on the Tribe's website and other conspicuous locations within 24 hours of the Department's issuance of the burn ban.
- (c) Violation of Burn Ban is a misdemeanor and shall be punishable by a fine of not more than \$1,000 or by incarceration for a period not exceeding three (3) months, or both.
- (d) In addition to the punishment authorized in subsection (c), a person convicted of violating the burn ban shall be liable in a civil action for actual damages together with any applicable fees and costs.

[History: Resolution KT25-124, July 31, 2025]

Section 105. Criminal Mischief.

- (a) It shall be unlawful to willfully and knowingly:
- (1) Damage tangible property of another purposely, recklessly, or by negligence in employment of fire, explosives, or other dangerous means;
 - (2) Purposely or recklessly tamper with tangible property of another so as to endanger person or property; or
 - (3) Purposely or recklessly cause another to suffer pecuniary loss by deception or threat.

- (b) Criminal mischief shall be a misdemeanor if the amount of damage is \$2,000 or less to another's property and shall be a felony if the amount of damages exceed \$2,000. Criminal mischief shall be punishable by a fine of not more than \$5,000 or by incarceration for not more than six (6) months, or both.

[History: Resolution KT25-124, July 31, 2025]

Section 106. Burglary.

- (a) It shall be unlawful to, without authority, enter into or remain within any dwelling or other closed structure, with the intent to commit a crime therein, in which there is at the time some human being present;
- (b) Burglary is a felony and shall be punishable by a fine of not more than \$5,000 or, by incarceration for not more than one (1) year; or by banishment for a period of not more than five (5) years; or by any combination of the above sentences.
- (c) Should the commission of the offense result in the death or serious bodily injury to any person, a sentence of banishment may be imposed for any period not exceeding life in addition to the punishment authorized in subsection (b).

[History: Resolution KT25-124, July 31, 2025]

Section 107. Breaking and Entering.

- (a) It shall be unlawful to break into by any force whatsoever or enter in any manner any dwelling, building, vehicle, storage container, machine, or similar structure, object or device of another without consent and with intent to:
- (1) Cause annoyance or injury to any person therein;
 - (2) Cause damage to any property therein;
 - (3) Commit any offense therein;
 - (4) Remove items from within; or
 - (5) Cause, whether intentional or recklessly, fear for the safety of another.

(b) Breaking and Entering is a misdemeanor if the amount of damages caused by the act are \$2,000 or less and shall be a felony if the amount of damages are in excess of \$2,000. Breaking and Entering shall be punishable by a fine of not more than \$2,500 or incarceration for a period not exceeding six (6) months, or both. Additionally, restitution in the amount of damages may be ordered.

[History: Resolution KT25-124, July 31, 2025]

Section 108. Criminal Trespass.

(a) It shall be unlawful to enter onto, or remain upon the property of another if notice against entry or notice to leave the property has been given by:

(1) Personal communication by the owner or someone having authority to act on behalf of the owner;

(2) Fencing, other than barbed wire or similar field fencing except as provided hereafter, or other enclosure designed to exclude an intruder; or

(3) Posting of signs, and/or visible markings, prohibiting entry and reasonably designed to come to the attention of the intruder(s).

(b) Criminal Trespass is a misdemeanor and shall be punishable by a fine not exceeding \$1,000 or by incarceration for a term not exceeding three (3) months, or both.

(c) It is an affirmative defense to the offense of criminal trespass that:

(1) The property was open to the public upon entry and upon being ordered to leave the person did so without undue delay; or

(2) Even though not open to the public, the person did not substantially interfere with the use of the property or damage any property, and upon being ordered to leave the person did so without undue delay.

(d) On rural lands fenced with barbed wire or other types of fencing normally meant to enclose or exclude animals, signs prohibiting entry, placed upon or in plain sight next to such fence and not more than 150 feet apart, shall create a rebuttable presumption that reasonable notice against entry or entry for certain purposes had been given.

[History: Resolution KT25-124, July 31, 2025]

Section 109. Larceny.

- (a) It shall be unlawful for any person to take any personal property of another with the intent to deprive the person thereof.
- (b) Larceny shall be a misdemeanor if the value of the property taken is \$2,000 or less and shall be a felony if the value of the property exceeds \$2,000. Larceny shall be punishable by a fine not exceeding \$5,000 or incarceration for a term not exceeding one (1) year, or both.
- (c) If the value of the property taken exceeds \$2,000, a sentence of exclusion for a period not exceeding five (5) years may be imposed in addition to the punishment authorized in subsection (b).

[History: Resolution KT25-124, July 31, 2025]

Section 110. Extortion.

- (a) It shall be unlawful for any person to willfully, by making false charges against another person by any means whatsoever, extort, or attempt to extort any monies, goods, property, or anything else of any value.
- (b) Extortion shall be a misdemeanor if the amount to be extorted is \$2,000 or less and shall be a felony if the amount to be extorted exceeds \$2,000. Larceny shall be punishable by a fine not exceeding \$5,000 or by incarceration for a term not exceeding one (1) year or both.
- (c) If the value of the property exceeds \$1,000, a sentence of exclusion for a period not exceeding ten (10) years may be imposed in addition to the punishment authorized in subsection (b).

[History: Resolution KT25-124, July 31, 2025]

Section 111. False Pretenses.

- (a) It shall be unlawful to obtain, take, or receive any property of another by means of trick or deception, or false or fraudulent representation, statement, or pretense with the intent to permanently deprive the owner thereof.
- (b) False Pretenses shall be a misdemeanor if the value of the property acquired is \$2,000 or less and shall be a felony if the amount of the property exceeds \$2,000. False Pretenses shall be punishable by a fine not exceeding \$5,000 or by incarceration for a term not exceeding one (1) year, or both.

(c) If the value of the property gained by False Pretenses exceeds \$2,000, a sentence of exclusion for a period not exceeding five (5) years may be imposed in addition to the punishment authorized in subsection (b).

[History: Resolution KT25-124, July 31, 2025]

Section 112. Embezzlement.

(a) It shall be unlawful to wrongfully or fraudulently appropriate for a person's own use or the use of another, any property of another with which the person has been entrusted.

(b) Embezzlement shall be a misdemeanor if the value of the property is \$2,000 or less and shall be a felony if the value of the property embezzled exceeds \$2,000. Embezzlement shall be punishable by a fine not exceeding \$5,000 or by incarceration for a term not exceeding one (1) year, or both.

(c) If the value of the property embezzled exceeds \$2,000, a sentence of exclusion for a period not exceeding five (5) years may be imposed in addition to the punishment authorized in subsection (b).

[History: Resolution KT25-124, July 31, 2025]

Section 113. Embezzlement and Theft from the Kickapoo Tribe.

(a) It shall be unlawful for a person to willfully and knowingly:

(1) Embezzle, steal, or convert for their own use or the use of another, misapply, or willfully permit to be misapplied, any of the monies, funds, credits, goods, assets, or other property belonging to the Kickapoo Tribe or any organization of the Tribe or entrusted to the custody or care of any officer, employee, or agent of an organization of the Tribe; or

(2) For a person, knowing such monies, funds, credits, goods, assets, or other property to have been so embezzled, stolen, converted, misapplied or permitted to be misapplied, to receive, conceal, fail to report, or retain the same with intent to convert it to their own use or the use of another.

(b) Embezzlement and Theft from the Tribe shall be a misdemeanor if the value of the monies, funds, credits, goods, assets or other property is \$2,000 or less and shall be a felony if the value exceeds \$2,000. Embezzlement and Theft from the Tribe shall be punishable by a fine not exceeding \$5,000, or by incarceration for a period not exceeding one (1) year, or both.

- (c) If the value of the property embezzled exceeds \$2,000, a sentence of exclusion for a period not exceeding five (5) years may be imposed in addition to the punishment authorized in subsection (b).

[History: Resolution KT25-124, July 31, 2025]

Section 114. Shoplifting.

- (a) It shall be unlawful for a person to take possession of any goods, wares, or merchandise displayed or offered for sale by any wholesale or retail store or other mercantile establishment without the consent of the owner, seller, or merchant with the intention of converting such goods, wares, or merchandise to their own use without having paid the purchase price thereof.
- (b) Shoplifting is a misdemeanor and shall be punishable by a fine not exceeding \$2,500 or by incarceration for a period not exceeding six (6) months, or both.
- (c) In addition to the punishment authorized in subsection (b), a person convicted of shoplifting shall be liable in a civil action for the retail price of the merchandise if it is unsaleable or the percentage of the diminished value of the merchandise due to the conversion together with any applicable fees and costs.

[History: Resolution KT25-124, July 31, 2025]

Section 115. Fuel Theft.

- (a) It shall be unlawful to pump fuel into a gasoline tank or container and leave the premises where the fuel was pumped without making payment for the fuel.
- (b) Fuel Theft is a misdemeanor and shall be punishable by a fine not exceeding \$500 or incarceration for a period not exceeding three (3) months, or both.
- (c) In addition to the punishment authorized in subsection (b), a person convicted of fuel theft shall be liable for restitution in an amount equal to the total costs of the fuel removed along with any applicable costs and fees.

[History: Resolution KT25-124, July 31, 2025]

Section 116. Receiving Stolen Property.

- (a) It shall be unlawful to possess, receive, buy, or conceal personal property that has been stolen or otherwise obtained from its true owner with the intent to deprive permanently the owner thereof.
- (b) Receiving stolen property shall be a misdemeanor if the amount of the property is \$2,000 or less and a felony if the amount of the property exceeds \$2,000. Receiving stolen property shall be punishable by a fine not exceeding \$5,000 or incarceration for a term not exceeding one (1) year, or both.
- (c) If the value of the property exceeds \$2,000, a sentence of exclusion for a period not exceeding five (5) years may be imposed in addition to the punishment authorized in subsection (b).

[History: Resolution KT25-124, July 31, 2025]

Section 117. Theft of Property, Lost, Mislaid, or Delivered by Mistake.

- (a) It shall be unlawful to fail to take reasonable measures to restore property to a person entitled thereto with the intent to permanently deprive the owner thereof, when it is known or should be reasonably suspected that the property has been lost, mislaid, or delivered by mistake as to the nature or amount of the property or the identity of the recipient.
- (b) Theft of property lost, mislaid, or delivered by mistake shall be a misdemeanor if the value of the property is \$2,000 or less and shall be a felony if the value of the property exceed \$2,000. Theft of property shall be punishable by a fine not exceeding \$5,000 or by incarceration for a term not exceeding one year (1) year, or both.
- (c) If the value of the property exceeds \$2,000, a sentence of exclusion for a period not to exceed five (5) years may be imposed in addition to the punishment authorized in subsection (b).

[History: Resolution KT25-124, July 31, 2025]

Section 118. Theft of Services.

- (a) It shall be unlawful to obtain services known to be available only for compensation by deception, threat, force or any other means with the intent to avoid due payment therefore.
- (b) Theft of Services shall be a misdemeanor if the value of the service is \$2,000 or less and shall be a felony if the value exceeds \$2,000. Theft of Services shall be punishable by a fine not exceeding \$5,000 or by incarceration for a term not exceeding one (1) year, or both.

- (c) If the value of the service rendered exceeds \$2,000, a sentence of exclusion for a period not exceeding five (5) years may be imposed in addition to the punishment authorized in subsection (b).

[History: Resolution KT25-124, July 31, 2025]

Section 119. Fraud.

- (a) It shall be unlawful for any person, who shall by willful misrepresentation or deceit, or by false interpretation, or by the use of false weights or measures, to obtain any money or other property.
- (b) A conviction of Fraud is a misdemeanor if the amount of damages caused is \$2,000 or less and a felony if the damages are in excess of \$2,000. A conviction of Fraud shall be punishable by a fine not exceeding \$5,000 or by incarceration for a term not exceeding one (1) year, or both.
- (c) If the value of the money or other property exceeds \$2,000, a sentence of exclusion for a period not exceeding five (5) years may be imposed in addition to the punishment authorized in subsection (b).

[History: Resolution KT25-124, July 31, 2025]

Section 120. Forgery.

- (a) It shall be unlawful for a person, with purpose to defraud or injure anyone, or with knowledge that they are facilitating a fraud or injury to be perpetrated by anyone, if the accused:
- (1) Alters, makes, completes, authenticates, issues or transfers any writing of another without his or her authority; or
 - (2) Utters any writing which he or she knows to be forged in a manner above specified. "Writing" shall include any printing or other method of recording information, money, coins, tokens, stamps, seals, credit cards, badges, trademarks, and other symbols of value, right, privilege, or identification.
- (b) A conviction of Forgery is a felony shall be punishable by a fine not exceeding \$5,000 or by incarceration for a term not exceeding one (1) year, or both.
- (c) If the damages caused by the fraudulent conduct exceeds \$2,000, a sentence of exclusion for a period not to exceed five (5) years may be imposed in addition to the punishment authorized in subsection (b). Upon a second or subsequent conviction for forgery, a sentence of exclusion for

a period of ten (10) years may be imposed in addition to the punishment authorized in subsection (b).

[History: Resolution KT25-124, July 31, 2025]

Section 121. Criminal Simulation.

(a) It shall be unlawful to make, alter, or utter or attempt to circulate or sell as genuine any object so that it appears to have value because of antiquity, rarity, source or authorship which it does not possess, with the intent to defraud anyone.

(b) Criminal Simulation is a misdemeanor and shall be punishable by a fine not exceeding \$2,500, or by incarceration for a term not exceeding six (6) months, or both.

[History: Resolution KT25-124, July 31, 2025]

Section 122. Tampering with Records.

(a) It shall be unlawful to falsify, destroy, remove, or conceal any writing or record with the intent to deceive or injure anyone or to conceal any wrongdoing.

(b) A first offense of Tampering with Records is a misdemeanor and shall be punishable by a fine not exceeding \$2,500 or by incarceration for a period not exceeding six (6) months, or both.

(c) A second or subsequent conviction of Tampering with Records shall be a felony, and is punishable by a sentence of exclusion which may be imposed for a period not exceeding five (5) years. Said sentence of exclusion may be in addition to the punishment authorized in subsection (b).

[History: Resolution KT25-124, July 31, 2025]

Section 123. Bad Checks.

(a) It shall be unlawful for a person to issue or pass a check or similar order or draft on any financial institution account with intent to defraud and knowing at the time of the making, drawing, issuing or delivery of such check or order or draft, that the maker or drawer has no deposit in or credits with the drawee or has not sufficient funds in, or credits with, the drawee for the payment of the check, order or draft in full upon its presentation.

(b) Issuing or passing a Bad Check shall be a misdemeanor if the amount of damages caused is \$2,000 or less and a felony if the amount of damages exceeds \$2,000. Issuing or passing a Bad

Check is punishable by a fine not exceeding \$5,000 or incarceration for a term not exceeding one (1) year, or both. In addition to any fine or sentence of incarceration, restitution shall be required.

[History: Resolution KT25-124, July 31, 2025]

Section 124. Unauthorized Use of Credit Card or Bank Card.

(a) It shall be unlawful for a person to use a credit card or any bank card for the purpose of obtaining property or services with knowledge that:

- (1) The credit card or bank card is stolen or forged; or
- (2) The card has been revoked or cancelled; or
- (3) For any other reason the individual's use of the card is unauthorized by the issuer or owner of the card.

(b) Unauthorized Use of Credit Card or Bank Card is a felony and shall be punishable by a fine not exceeding \$5,000 or by incarceration for a term not exceeding one (1) year, or both. Restitution shall be required.

[History: Resolution KT25-124, July 31, 2025]

Section 125. Defrauding Secured Creditors.

(a) It shall be unlawful for a person to destroy, conceal, encumber, or transfer or otherwise deal with property subject to a security interest with the purpose to hinder that interest.

(b) Defrauding Secured Creditors is a felony and shall be punishable by a fine not exceeding \$5,000 or by incarceration for a term not exceeding one (1) year, or both. If the act results in permanent damage or loss of value, restitution shall be required.

[History: Resolution KT25-124, July 31, 2025]

Section 126. Securing Execution of Documents by Deception or Fraud.

(a) It shall be unlawful to intentionally and by deception or fraudulent means to cause another to execute an instrument affecting or likely to affect the pecuniary interest of any person.

(b) Securing Execution of Documents by Deception or Fraud is a felony and shall be punishable by a fine not exceeding \$5,000 or by incarceration for a term not exceeding one (1) year, or both.

[History: Resolution KT25-124, July 31, 2025]

Section 127. Unlawful Dealing with Property by a Fiduciary.

(a) It shall be unlawful to knowingly deal with property that has been entrusted to a person in a fiduciary capacity, or property of the Kickapoo Tribe or of a financial institution in a manner which is known to be a violation of a fiduciary duty, or which involves substantial risk or loss to the owner or to a person for whose benefit the property was entrusted.

(1) The term “fiduciary” includes a trustee, guardian, executor, administrator or receiver or any person responsible for fiduciary functions on behalf of an individual, corporation or organization which is a fiduciary.

(2) The term “property” as used herein shall include real or personal property.

(b) Unlawful Dealing with Property by a Fiduciary is a felony and shall be punishable by a fine not exceeding \$5,000 or by incarceration for a term not exceeding one (1) year, or both.

[History: Resolution KT25-124, July 31, 2025]

Section 128. Deceptive Business Practices.

(a) It shall be unlawful, in the course of business, to intentionally:

(1) Use or possess for use a false weight or measure, or any other device for falsely determining or recording any quality or quantity; or

(2) Sell, offer, or expose for sale, or deliver less than the represented quality or quantity of any commodity or service; or

(3) Take or attempt to take more than the represented quantity of any commodity or service when as buyer he furnishes the weight or measure; or

(4) Sell, offer, or expose for sale adulterated or mislabeled commodities;

(i) “Adulterated” means varying from the standard of composition or quality prescribed by law or commercial usage;

- (ii) “Mislabeled” means varying from the standard of truth or disclosure in labeling prescribed by law or commercial usage; or
 - (5) Make a substantial false or misleading statement in any advertisement addressed to the public or a substantial segment thereof for the purpose of promoting the purchase or sale of property or services; or
 - (6) Make a false or misleading written statement for the purpose of promoting the sales of securities, or omit information required by law to be disclosed in written documents relating to securities.
- (b) Deceptive Business Practice is a felony and is punishable by a fine not exceeding \$5,000 or by incarceration for a term not exceeding one (1) year, or both.

[History: Resolution KT25-124, July 31, 2025]

Section 129. Criminal Usury.

- (a) It shall be unlawful to intentionally provide financing or make loans at a rate of interest more than the following:
- (1) If the amount to which the interest applies is less than One Hundred Dollars (\$100.00), or the period of the loan or financing is less than one (1) year, or both, the rate of interest shall not exceed a twenty-four percent (24%) per annum simple interest rate.
 - (2) If the amount to which the interest applies is greater than One Hundred Dollars (\$100.00), or the period of the loan or financing is greater than one (1) year, or both, the rate of interest shall not exceed an eighteen percent (18%) per annum simple interest rate.
- (b) Criminal Usury is a misdemeanor and is punishable by a fine not exceeding \$500.00, or by incarceration for a term not exceeding six (6) months, or both. Restitution shall be required for double the actual amount of interest paid and cancellation of all interest owing for the term of the financing may be ordered.

[History: Resolution KT25-124, July 31, 2025]

Section 130. Making a False Credit Report.

- (a) It shall be unlawful to knowingly make a materially false or misleading statement to obtain property or credit for oneself or another or to keep some other person from obtaining credit.

(b) Making a False Credit Report is a misdemeanor and is punishable by a fine not exceeding \$500, or by incarceration for a term not exceeding six (6) months, or both.

[History: Resolution KT25-124, July 31, 2025]

Section 131. Unauthorized Use of a Vehicle.

(a) It shall be unlawful to take, drive, or operate another's motor vehicle, including motorcycle, motorboat, or other motor-propelled vehicle, without the consent of the owner with the intent to temporarily deprive the owner of its use or possession.

(b) Unauthorized Use of a Vehicle is a misdemeanor and shall be punishable by a fine not exceeding \$2,500 or incarceration for a term not exceeding six (6) months, or both. If the vehicle sustains damage during the custody, possession or under the control of the person violating this section, the violator shall be required to make restitution.

[History: Resolution KT25-124, July 31, 2025]

CHAPTER TWO CRIMES AGAINST PERSONS

Section 201. Battery.

- (a) It shall be unlawful to willfully and unlawfully use force or violence, or actually and intentionally offensively touch or strike another against the will of or without consent of the other.
- (b) Battery is a misdemeanor and shall be punishable by a fine not exceeding \$3,000 or incarceration for a term not exceeding one (1) year, or both.

[History: Resolution KT25-124, July 31, 2025]

Section 202. Assault in the First Degree.

[History: Resolution KT25-124, July 31, 2025]

- (a) It shall be unlawful to wrongfully, purposely, knowingly or recklessly under circumstances manifesting indifference to the value of human life, to:
 - (1) Attempt to cause or cause serious bodily injury to another; or
 - (2) To use a deadly weapon with the intent to cause serious bodily injury, or the intent to put a person in fear of imminent serious bodily injury with the apparent ability to do so.
- (b) Assault in the First Degree is a felony and shall be punishable by a fine not exceeding \$5,000 or incarceration for a term not to exceed one (1) year, or banishment for a period not to exceed ten (10) years or any combination of the above punishments.

[History: Resolution KT25-124, July 31, 2025]

Section 203. Assault in the Second Degree.

- (a) It shall be unlawful to wrongfully, purposely, knowingly or recklessly:
 - (1) Attempt to cause or cause bodily injury to another;
 - (2) Negligently cause bodily injury to another with a weapon;

(3) Attempt by a show of force or violence to put another in fear of imminent injury with the apparent ability to do so; or

(4) Recklessly endanger another by an act or commission to act which threatens to cause serious bodily injury to another, whether or not such harm actually occurs.

(b) Assault in the Second Degree is a felony and shall be punishable by a fine not to exceed \$5,000 or by a term of incarceration not to exceed one (1) year, or both.

[History: Resolution KT25-124, July 31, 2025]

Section 204. Mayhem.

(a) It shall be unlawful to wrongfully, purposely, or knowingly deprive a human being of a member of his body or render it useless.

(b) Mayhem is a felony and shall be punishable by a fine not to exceed \$5,000 or by a term of incarceration not to exceed one (1) year, or both.

[History: Resolution KT25-124, July 31, 2025]

Section 205. Terroristic Threats.

(a) It shall be unlawful to threaten verbally or in writing to commit any offense involving violence with apparent ability to do so:

(1) With intent to terrorize another or place such other in fear of imminent serious bodily injury; or

(2) To cause evacuation of a building, place of assembly, or facility of public transportation, or to otherwise cause serious public inconvenience or in reckless disregard of the risk of causing such terror or inconvenience.

(b) Terroristic Threats is a felony and shall be punishable by a fine not to exceed \$5,000 or a term of incarceration not to exceed one (1) year, or both.

[History: Resolution KT25-124, July 31, 2025]

Section 206. Homicide in the First Degree.

(a) It shall be unlawful to:

- (1) Purposefully, knowingly, and wrongfully with the malice aforethought cause the death of another human being; or
- (2) Cause the death of another human being due to the commission or attempted commission of a felony or offense punishable by banishment.

(b) Homicide in the First Degree is a felony and shall be punishable by a fine not to exceed \$5,000 or by a term of incarceration not to exceed one (1) year, or by banishment for a period of not less than ten (10) years nor more than life; or any combination of the above.

[History: Resolution KT25-124, July 31, 2025]

Section 207. Homicide in the Second Degree.

(a) It shall be unlawful to:

- (1) Recklessly or negligently with disregard of the possible consequence of one's conduct to cause the death of another human being; or
- (2) Cause the death of another human being by operating a motor vehicle in a reckless, negligent, or careless manner, or while under the influence of an alcoholic beverage, intoxicating liquor, a controlled substance, or any drug, to a degree which renders the person incapable of safely driving a vehicle.

(i) a blood alcohol content in excess of 0.08% shall create a rebuttable presumption that the person was under the influence of an alcoholic beverage.

(ii) for purposes of this Section, a motor vehicle is any self-propelled vehicle and includes, but is not limited to, any automobile, truck, van, motorcycle, train, engine, watercraft, aircraft, or snowmobile.

(b) Homicide in the Second Degree is a felony and shall be punishable by a fine not to exceed \$5,000 or by a term of incarceration not to exceed one (1) year, or by banishment for a period of not less than ten (10) years nor more than life; or any combination of the above.

[History: Resolution KT25-124, July 31, 2025]

Section 208. Causing a Suicide.

- (a) It shall be unlawful to intentionally cause a suicide by force, duress, or deception.
- (b) Causing a Suicide is a felony and is punishable by a fine not to exceed \$5,000 or by a term of incarceration not to exceed one (1) year, or by banishment of a period of not less than one (1) year nor more than twenty (20) years, or by any combination of the above.

[History: Resolution KT25-124, July 31, 2025]

Section 209. Aiding or Soliciting a Suicide.

- (a) It shall be unlawful to intentionally aid or solicit another to attempt or commit suicide.
- (b) Aiding or Solicit a Suicide is a felony and shall be punishable by a fine not to exceed \$5,000 or by a term of incarceration not to exceed one (1) year, or by banishment for a period of not less than ten (10) years nor more than life; or any combination of the above.

[History: Resolution KT25-124, July 31, 2025]

Section 210. Kidnapping.

- (a) It shall be unlawful to intentionally and wrongfully remove another from his place of residence, business, or from the vicinity where he is found, or to unlawfully confine or conceal another for a substantial period, for any of the following purposes:

- (1) To hold for ransom or reward, or as a shield or hostage; or
- (2) To facilitate a commission of any offense or flight thereafter; or
- (3) To inflict bodily injury on or to terrorize the victim or another; or
- (4) To interfere with the performance of any Tribal governmental, political or ceremonial function.

- (b) A removal, restraint, or confinement is wrongful within the meaning of this Title if it is accomplished by force, threat, or deception, or, in the case of a person under the age of fourteen (14) or incompetent, if it is accomplished without the consent of a parent, guardian, or other person responsible for general supervision of his welfare.

- (c) Kidnapping is a felony and shall be punishable by a fine not to exceed \$5,000 or by a term of incarceration not to exceed one (1) year, or by banishment for a period of not less than ten (10)

years nor more than life; or by any combination of the above. In the case of a second or subsequent conviction for Kidnapping or if death resulted from the act, banishment shall be imposed for a period of not less than ten (10) year nor more than life, in addition to the fines and incarceration term outlined above.

[History: Resolution KT25-124, July 31, 2025]

Section 211. Domestic Abuse.

(a) It shall be unlawful to commit any assault and battery against a current or former spouse, a present spouse of a former spouse, parents, a foster parent, a child, a person otherwise related by blood or marriage, a person with whom the defendant is in a dating relationship, an individual with whom the defendant has had a child, a person who formerly lived in the same household as the defendant, or a person living in the same household as the defendant.

(b) Domestic Abuse shall also include purposely or knowingly causing reasonable apprehension of bodily injury in a family member or household member, whether or not an assault and battery has actually occurred.

(c) Domestic Abuse is a misdemeanor for the first offense and a felony for all second or subsequent offenses. Domestic Abuse shall be punishable by a fine not to exceed \$5,000 or by a term of incarceration not to exceed one (1) year, or both. In addition, if serious bodily harm occurs, the offense is a felony and shall be punished by a fine of not less than \$3,000 and not to exceed \$5,000, and a term of incarceration not to exceed one (1) year, or both.

[History: Resolution KT25-124, July 31, 2025]

Section 212. Domestic Abuse in the Presence of a Minor Child.

(a) It shall be unlawful to commit any assault or domestic abuse as defined in Section 211 of this Title in the presence of a child. As used in this subsection, “in the presence of a child” means in the physical presence of a child, whether or not the child is related to the victim or the defendant; or having knowledge that such a child is present and may see or hear an act of domestic violence.

(b) Domestic Abuse in the Presence of a Minor Child is a misdemeanor for the first offense and a felony for a second or subsequent offense. Domestic Abuse in the Presence of a Minor Child shall be punishable by a fine not to exceed \$5,000 or by a term of incarceration not to exceed one (1) year, or both. In addition, if serious bodily harm occurs, the offense is a felony and shall be punished by a fine of not less than \$3,000 and not to exceed \$5,000, and a term of incarceration not to exceed one (1) year, or both.

[History: Resolution KT25-124, July 31, 2025]

Section 213. Stalking.

- (a) It shall be unlawful to intentionally, maliciously and repeatedly follow or harass another person or make a credible threat by word or action that places such person in reasonable fear of their safety.
- (b) Stalking is a felony and shall be punishable by a fine of not more than \$5,000 or by a term of incarceration not to exceed one (1) year, or both.

[History: Resolution KT25-124, July 31, 2025]

Section 214. Sexual Assault.

- (a) Definitions.
 - 1. “Sexual Intercourse” means any penetration of the female sex organ by a finger, the male sex organ or any object. Any penetration, however slight, is sufficient to constitute sexual intercourse. “Sexual Intercourse” does not include penetration of the female sex organ by a finger or object in the course of the performance of:
 - (A) Generally recognized health care practices; or
 - (B) A body cavity search conducted in accordance with controlling law.
 - 2. “Sodomy” means oral contact or oral penetration of the female genitalia or oral contact of the male genitalia; anal penetration, however slight, of a male or female by any body part or object; or oral or anal copulation of sexual intercourse between a person and an animal. “Sodomy” does not include penetration of the anal opening by a finger or object in the course of the performance of:
 - (A) Generally recognized health care practices; or
 - (B) A body cavity search conducted in accordance with controlling law.
 - 3. “Spouse” means a lawful husband or wife, unless the couple is living apart in separate residences or either spouse has filed an action for annulment, separate maintenance or divorce or for relief under the protection from abuse act.
 - 4. “Unlawful sexual act” means any rape, sodomy, indecent exposure, sexual assault, or outraging public decency, as defined in this Title.
- (b) It shall be unlawful to intentionally, wrongfully, and without consent subject another to any sexual contact:

1. With knowledge that the conduct is offensive to the other person;
 2. With knowledge that the other person suffers from a mental disease or defect which renders the person incapable of appraising the nature of his or her conduct;
 3. With knowledge that the other person is unaware that a sexual act is being committed;
 4. After having substantially impaired the other person's power to appraise or control conduct by administering or employing, without the other's knowledge, drugs or other intoxicants, or other means for the purpose of preventing resistance;
 5. If that person is less than sixteen (16) years of age, regardless of consent;
 6. If the actor is in a position of influence, authority, or power over the person and misuses such power to intimidate or otherwise take advantage of the person;
 7. If the other person is less than sixteen (16) years of age and the actor is at least four (4) years older than the other person and such individuals are not legally married;
 8. If the other person is less than twenty-one (21) years of age and the actor is his or her guardian or otherwise responsible for general supervision of the other person's welfare;
 9. If the other person is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over the person;
- (c) Sexual contact is any touching of the sexual or other intimate parts of the body of another or otherwise taking indecent liberties with another for the purpose of arousing and gratifying sexual desire of either party.
- (d) Sexual Assault is a felony and shall be punishable by a fine not to exceed \$5,000 or by incarceration not to exceed one (1) year, or banishment for a period not to exceed five (5) years or any combination of the above punishments.

[History: Resolution KT25-124, July 31, 2025]

Section 215. Rape in the First Degree.

- (a) It shall be unlawful to intentionally:
- (1) Compel another to submit to sexual intercourse by any force or any threat of imminent death, serious bodily injury, extreme pain, or kidnapping to be inflicted on that person or anyone else; or

- (2) Engage in sexual intercourse with a person under the age of fourteen (14) regardless of consent;
- (b) Rape in the First Degree is a felony and shall be punishable by a fine not to exceed \$5,000 or by a term of incarceration not to exceed one (1) year, or by banishment for a period not more than life; or any combination thereof.

[History: Resolution KT25-124, July 31, 2025]

Section 216. Rape in the Second Degree.

- (a) It shall be unlawful to intentionally:
 - (1) Compel another to submit to sexual intercourse by any threat that would prevent resistance by a person of ordinary resolution;
 - (2) Engage in sexual intercourse with another whose power to appraise or control their conduct has been substantially impaired by the administration or employment of drugs or other intoxicants, without their knowledge, and for the purpose of preventing resistance;
 - (3) Engage in sexual intercourse with a person with knowledge that the person suffers from a mental disease or defect which renders that person incapable of appraising the nature of this conduct;
 - (4) Engage in sexual intercourse with a person who is unconscious or with a person who is unaware of the identity of the actor, or the actor is someone who is unknown to the person; or
 - (5) Engage in sexual intercourse with a person under the age of sixteen (16) but over the age of fourteen (14), regardless of consent, the perpetrator being at least four (4) years older than the victim.
- (b) Rape in the Second Degree is a felony and shall be punishable by a fine not to exceed \$5,000 or by a term of incarceration not to exceed one (1) year, or by banishment for a period of not more than five (5) years; or any combination thereof.

[History: Resolution KT25-124, July 31, 2025]

Section 217. Deviate Sexual Intercourse - Sodomy.

- (a) It shall be unlawful to engage in deviate sexual intercourse, defined as sodomy in this Title, between human beings who are not husband and wife, or any form of sexual intercourse with an animal.

(1) Criminal Sodomy:

(2) Aggravated Criminal Sodomy is:

(A) Sodomy with a child who is under 14 years of age;

(B) Causing a child under 14 years of age to engage in sodomy with any person or animal; or

(C) Sodomy with a victim who does not consent to the sodomy or causing a victim, without the victim's consent, to engage in sodomy with any person or an animal under any of the following circumstances:

(i) When the victim is overcome by force or fear;

(ii) When the victim is unconscious or physically powerless; or

(iii) When the victim is incapable of giving consent because of mental deficiency or disease, or when the victim is incapable of giving consent because of the effect of any alcoholic liquor, narcotics, drug or other substance, which condition was known by, or was reasonably apparent to, the offender.

(b) Criminal Sodomy is a misdemeanor and is punishable by a fine not to exceed \$3,500, or by a term of incarceration not to exceed one (1) year.

(c) Aggravated Criminal Sodomy is a felony and is punishable by a fine not to exceed \$5,000, and by a term of incarceration of not less than six (6) months or more than one (1) year, and by banishment for a term not to exceed ten (10) years, or by a fine, incarceration and banishment.

[History: Resolution KT25-124, July 31, 2025]

Section 218. Outraging Public Decency.

(a) It shall be unlawful for any person to willfully and wrongfully commit any act which grossly injures the person or property of another, or which grossly disturbs the public peace or health, or which openly outrages public decency, including but not limited to urination in a public place, and is injurious to public morals.

(b) Outraging Public Decency is a misdemeanor and shall be punishable by a fine not to exceed \$2,500 or by a term of incarceration not to exceed six (6) months; or both.

[History: Resolution KT25-124, July 31, 2025]

Section 219. Indecent Exposure.

- (a) It shall be unlawful to willfully and knowingly either:
- (1) Lewdly and lasciviously expose one's genitals in any public place, or in any place where there are present other persons to be offended or annoyed thereby; provided, however, for purposes of this section, a person alleged to have committed an act of public urination shall be prosecuted pursuant to Section 218 of this Title unless such act was accompanied with another act that violates paragraphs 2 through 4 of this subsection and shall be subject to registration as a sex offender;
 - (2) Procure, counsel, or assist any person to expose such person, or to take any other exhibition of such person to public view or to the view of any number of persons, for the purpose of sexual stimulation of the viewer;
 - (3) Write, compose, stereotype, print, photograph, design, copy, draw, engrave, paint, mold, cut, or otherwise prepare, publish, sell, distribute, keep for sale, knowingly download on a computer, or exhibit any sexually explicit material or child pornography;
 - (4) Make, prepare, cut, sell, give, loan, distribute, keep for sale, or exhibit any disc, record of any type, electronic media, wire or tape recording, or any type of obscene material or child pornography.
 - (5) Engage in any sexual exploitation of a child by employing, using, persuading, inducing, enticing or coercing a child under 18 years of age, to engage in sexually explicit conduct with the intent to promote any performance; or
 - (6) Show, exhibit, loan, or distribute to a minor child any sexually explicit material or child pornography for the purpose of inducing said minor child to participate in any act specified in subparagraphs 1, 2, 3, 4, or 5 of this subsection.
- (b) Indecent Exposure is a felony and shall be punishable by a fine not to exceed \$5,000 or by a term of incarceration not to exceed one (1) year, or by exclusion for a period of not more than five (5) years; or any combination thereof.

[History: Resolution KT25-124, July 31, 2025]

Section 220. Recklessly Endangering Another Person.

- (a) It shall be unlawful to recklessly engage in conduct which places or may place another person in danger of death or serious bodily injury. Recklessness and danger shall be presumed

where a person knowingly points a firearm at or in the direction of another person, whether the actor believed the firearm to be loaded.

(b) Recklessly Endangering Another Person is a misdemeanor and shall be punishable by a fine not to exceed \$5,000 or incarceration for a term not to exceed one (1) year, or both.

[History: Resolution KT25-124, July 31, 2025]

Section 221. Unlawful Restraint.

(a) It shall be unlawful for a person to knowingly and without legal authority, to:

(1) Restrain another person so as to interfere substantially with such person's liberty; or

(2) Hold another in a condition of involuntary servitude.

(b) Unlawful Restraint is a misdemeanor and shall be punishable by a fine not to exceed \$5,000 or incarceration for a term not to exceed one (1) year, or both.

[History: Resolution KT25-124, July 31, 2025]

Section 222. False Imprisonment.

(a) It shall be unlawful to knowingly and wrongfully restrain and imprison another so as to interfere with the person's liberty.

(b) False Imprisonment is a felony and shall be punishable by a fine not to exceed \$5,000 or by a term of incarceration not to exceed one (1) year, or both, unless the detention occurs under circumstances which expose the victim to risk of serious bodily injury, in which case the offense shall be punishable by a fine not to exceed \$5,000 or by a term of incarceration not to exceed one (1) year, or both.

[History: Resolution KT25-124, July 31, 2025]

Section 223. Criminal Coercion.

(a) It shall be unlawful to intentionally and wrongfully restrict another's freedom of action by threatening to:

(1) Commit any criminal offense;

(2) Accuse anyone wrongfully of a criminal offense;

(3) Take or withhold action as an official, or cause an official to take or withhold action; or

(4) Expose any secret tending to subject any person to hatred, contempt or ridicule, or to impair the person's credit or business reputation.

(b) It is an affirmative defense to prosecution, except for subsection (1) of this section, that the proposed official action was justified and that the actor's purpose was limited to compelling the other in a lawful manner to behave in a way reasonably related to the circumstances for which were the subject of the accusation, exposure, or proposed official action, or the actor believed the accusation or secret to be true.

(c) Criminal Coercion is a misdemeanor and shall be punishable by a fine not to exceed \$2,500 or by a term of incarceration not to exceed six (6) months, or both.

[History: Resolution KT25-124, July 31, 2025]

Section 224. Robbery.

(a) It shall be unlawful to take anything of value from the person of another or from the immediate control of another by use of force or violence, with the intent to permanently deprive the owner thereof.

(b) Robbery is a felony and shall be punishable by a fine not to exceed \$5,000 or by a term of incarceration not to exceed one (1) year, or when any person is seriously injured as a result of a violation of this Section, banishment for a period of not less than one (1) year nor more than ten (10) years may be imposed.

[History: Resolution KT25-124, July 31, 2025]

Section 225. Neglect of Children.

(a) It shall be unlawful for a parent, guardian, or other person supervising the welfare of a child under the age of 18 to knowingly endanger the child's welfare by violating a duty of care, protection or support. The duty of care required shall include sending the child to school and it shall be a violation of this subsection if the parent, guardian or supervising person neglects or refuses to send the child to school.

(b) Neglect of Children is a misdemeanor and shall be punishable by a fine not to exceed \$2,500 or by a term of incarceration not to exceed six (6) months; or both.

[History: Resolution KT25-124, July 31, 2025]

Section 226. Persistent Non-Support.

- (a) It shall be unlawful to persistently fail to provide support which the defendant is capable of providing and which he or she knows they are legally obliged to provide to a spouse, child or other dependent.
- (b) Persistent Non-Support is a misdemeanor and shall be punishable by a fine not to exceed \$2,500 or by a term of incarceration not to exceed three (3) months, or both.

[History: Resolution KT25-124, July 31, 2025]

Section 227. Interference with Custody.

- (a) It shall be unlawful for a person to knowingly or recklessly take or entice:
 - (1) Any child under the age of eighteen (18) from the custody of his or her parent, guardian or other lawful custodian, when he or she has no privilege to do so; or
 - (2) Any committed person, including anyone committed under judicial warrant, any orphan, neglected or delinquent child, mentally defective or insane person, or other dependent or incompetent person, entrusted to another's custody by or through a recognized social agency or otherwise by authority of law.
- (b) Interference with Custody is a felony and shall be punishable by a fine not to exceed \$5,000 or by a term of incarceration not to exceed one (1) year, or both.

[History: Resolution KT25-124, July 31, 2025]

Section 228. Child Abuse, Exploitation and Neglect.

- (a) It shall be unlawful for any parent or other person to willfully or maliciously:
 - (1) Engage in child abuse, including of a physical or emotional nature, of a child who is under the age eighteen (18);
 - (2) Engage in child neglect, or to enable child neglect of a child who is under the age of eighteen (18);

- (3) Engage in child sexual abuse, or to enable such sexual abuse of a child who is under the age of eighteen (18); or
 - (4) Engage in sexual exploitation, or to enable sexual exploitation of a child who is under the age of eighteen (18).
- (b) Child Abuse, Exploitation and Neglect is a felony and shall be punishable by a fine not to exceed \$5,000 or by a term of incarceration not to exceed one (1) year, or both.

[History: Resolution KT25-124, July 31, 2025]

Section 229. Caretaker Abuse.

- (a) It shall be unlawful for a caretaker to:
- (1) Verbally abuse any person entrusted to the care of the caretaker or knowingly cause, secure, or permit an act of verbal abuse to be done.
 - (2) Physically abuse, commit financial neglect, neglect, commit sexual abuse, or exploit any person entrusted to the care of such caretaker; or
 - (3) Knowingly cause, secure, or permit abuse of a person entrusted to the care of such caretaker, whether the victim is in a nursing facility or elsewhere.
- (b) Caretaker Abuse is a felony and shall be punishable by a fine not to exceed \$5,000 or by a term of incarceration not to exceed one (1) year, or both.

[History: Resolution KT25-124, July 31, 2025]

CHAPTER THREE INCHOATE CRIMES

Section 301. Attempt.

- (a) It shall be unlawful to engage in conduct
 - (1) Within the Tribe's jurisdiction constituting a substantial step toward commission of any offense under Tribal, Federal, or State laws applicable to the jurisdiction in which any part of the offense was to be completed with the kind of culpability otherwise required for the commission of the offense; or
 - (2) Anywhere constituting a substantial step toward the commission of any Tribal or Federal offenses within the Tribe's jurisdiction while acting with the kind of culpability otherwise required for the commission of the offense.
- (b) Attempts shall be punishable by the same penalties as the completed crime.

[History: Resolution KT25-124, July 31, 2025]

Section 302. Criminal Conspiracy.

- (a) It shall be unlawful to agree
 - (1) Within the tribal jurisdiction with one or more persons to engage in or cause the performance of conduct with the intent to commit any offense punishable by Tribal, Federal, or State laws applicable to the jurisdiction in which the conduct is agreed to performed, and any one person commits an overt act in pursuance of the conspiracy; or
 - (2) Anywhere with one or more persons to engage or cause the performance of conduct with the intent to commit any Tribal or Federal offense within the tribal jurisdiction and anyone person commits an overt act in pursuance of the conspiracy.
- (b) Conspiracy to commit an offense carries the same possible punishment as the completed offense.

[History: Resolution KT25-124, July 31, 2025]

Section 303. Solicitation.

- (a) It shall be unlawful

(1) Within the Tribe's jurisdiction to entice, advise, incite, order, or otherwise encourage another to commit any offense, with the intent that such other person commit an offense punishable under the laws of the jurisdiction where the conduct was to be performed; or

(2) In any place, to entice, advise, incite, order, or otherwise encourage another to commit an offense, with the intent that such other person commit an offense punishable by Tribal, Federal, or State laws within the Tribe's jurisdiction.

(b) Solicitation is a felony and shall be punishable by a fine not to exceed \$5,000 or by a term of incarceration not to exceed one (1) year, or both.

[History: Resolution KT25-124, July 31, 2025]

CHAPTER FOUR

CRIMES AGAINST PUBLIC JUSTICE

Section 401. Bribery.

- (a) It shall be unlawful to solicit, give, or accept any money, goods, right in action, property, thing of value or advantage, present or prospective, or any promise or undertaking, given with a wrongful or corrupt intent to influence unlawfully the person to whom it is given.
- (b) Bribery is a felony and shall be punishable by a fine not to exceed \$5,000 or by a term of incarceration not to exceed one (1) year, or by exclusion for not more than five (5) years for the first offense and ten (10) years for the second or subsequent offense; or any combination of fines, incarceration and exclusion.

[History: Resolution KT25-124, July 31, 2025]

Section 402. Threats and Other Improper Influences in Official Matters.

- (a) It shall be unlawful to:
 - (1) Threaten harm to any person with intent to influence another's decision, opinion, recommendation, vote or other exercise of discretion as a public servant, party official, or voter;
 - (2) Threaten harm to any public servant or relative of a public servant with the intent to influence a decision, opinion, recommendation, vote or other exercise of discretion in a judicial, legislative, or administrative proceeding;
 - (3) Threaten harm to any public servant or official or relative of either with the intent to influence them to violate a duty; or
 - (4) Threatens harm to any public servant with the purpose to influence his decision, opinion, recommendation, vote or other exercise of discretion in a judicial or administrative proceeding.
- (b) It is no defense to prosecution under this section that a person whom the actor sought to influence was not qualified to act in the desired way.
- (c) Threats and Other Improper Influences in Official Matters is a felony and shall be punishable by a fine not to exceed \$5,000 or by a term of incarceration not to exceed one (1) year, or both.

[History: Resolution KT25-124, July 31, 2025]

Section 403. Retaliation for Past Official Action.

- (a) It shall be unlawful to harm any person by any act in retaliation for anything lawfully done by another person in a capacity as a public servant.
- (b) Retaliation for Past Official Action is a felony and shall be punishable by a fine not to exceed \$5,000 or by a term of incarceration not to exceed one (1) year, or both.

[History: Resolution KT25-124, July 31, 2025]

Section 404. Unofficial Misconduct.

- (a) It shall be unlawful to exercise or attempt to exercise any of the functions of a public office when one has not been elected or appointed to office.
- (b) Unofficial Misconduct is a felony and shall be punishable by a fine not to exceed \$5,000 or by a term of incarceration not to exceed one (1) year, or by banishment of more than one (1) year.

[History: Resolution KT25-124, July 31, 2025]

Section 405. Misusing Public Money.

- (a) It shall be unlawful for a person charged with the receipt, safekeeping, transfer or disbursements of public monies to:
 - (1) Without lawful authority appropriate the money or any portion of it to the person's own use or the use of another;
 - (2) Loan the money or any portion thereof without lawful authority;
 - (3) Fail to keep the money in possession until lawfully disbursed or paid out according to law;
 - (4) Deposit the money in an unauthorized bank or with a person not lawfully authorized to receive such;
 - (5) Knowingly keep any false account, or make a false entry or erasure in an account of or relating to the money;
 - (6) Fraudulently alter, falsify, conceal, destroy, or obliterate any such account;

- (7) Knowingly refuse or omit to pay over on lawful demand by competent authority any public monies in the person's hands;
 - (8) Knowingly omit to transfer money when transfer is required by proper authority;
 - (9) Make a profit for oneself or another when not lawfully entitled to such, or in an unlawful manner, out of public monies;
 - (10) Fail to pay over to the proper account or authority any fines, forfeitures, or fees received by the person;
 - (11) Otherwise handle public money in a manner not authorized by law for the person's own benefit or the benefit of another; or
 - (12) Handle public money in a reckless manner as a result of which a risk of loss of such money is significant.
- (b) "Public money" includes all money, bonds, and evidences of indebtedness or their equivalent, belonging to, or received or held by the Tribe or any other government, or any account or money held by the Tribe or government for any individual or group.
- (c) Misusing Public Money is a felony and shall be punishable by a fine not to exceed \$5,000 or by a term of incarceration not to exceed one (1) year, or by exclusion for not more than two (2) years, or any combination of the foregoing punishments.

[History: Resolution KT25-124, July 31, 2025]

Section 406. Improper Gifts to Public Servants.

- (a) It shall be unlawful to knowingly confer or offer or agree to confer benefit to a public servant with the intent to induce an exercise of their discretion in an unlawful manner, or to determine official impartiality.
- (b) This Section shall not apply to:
 - (1) Fees prescribed by law to be received by the public servant, or any benefit which the recipient gives lawful consideration or to which he is otherwise entitled; or
 - (2) Gifts or other benefits conferred on account of kinship, traditional ceremonies, or other personal, professional or business relationship independent of the official status of the receiver; or

(3) Trivial benefits incidental to person, professional or business contacts and involving no substantial risk of undermining official impartiality.

(c) Improper Gifts to Public Servants is a felony and shall be punishable by a fine not to exceed \$5,000 or by a term of incarceration not to exceed one (1) year, or both incarceration and a fine.

[History: Resolution KT25-124, July 31, 2025]

Section 407. Oppression in Office.

(a) It shall be unlawful when acting or purporting to act in an official capacity or taking advantage of such actual or purported capacity, with knowledge that such conduct is illegal, to:

(1) Subject another to arrest, detention, search, seizure, mistreatment, dispossession, assessment, lien, or infringement on personal or property rights; or

(2) Deny or impede another in the exercise or enjoyment of any right, power, or immunity.

(b) Oppression in Office is a felony and shall be punishable by a fine not to exceed \$5,000, or by a term of incarceration not to exceed one (1) year, or both. For a second or subsequent conviction under this Section, banishment may be imposed for not less than ten (10) years nor more than life.

[History: Resolution KT25-124, July 31, 2025]

Section 408. Perjury.

(a) It shall be unlawful to, with a purpose to mislead a public servant in performing an official function to make a false statement under oath or equivalent affirmation or swear or affirm the truth of a statement previously made, when the statement is material and the actor does not believe it to be true.

(b) No person shall be guilty of an offense under this Section if he or she retracted the falsification in the course of the proceeding in which it was made before it become manifest that the falsification was or would be exposed and before the falsification substantially affected the proceeding.

(c) No person shall be convicted of an offense under this section where proof of falsity rests solely upon contradiction by testimony of a single person other than the defendant.

(d) Perjury is a felony and shall be punishable by a fine not to exceed \$5,000 or by a term of incarceration not to exceed one (1) year, or by exclusion for a term not to exceed two (2) years, or any combination thereof.

[History: Resolution KT25-124, July 31, 2025]

Section 409. Tampering with Witnesses.

(a) It shall be unlawful:

(1) While believing that an official proceeding or investigation is pending or about to be instituted, to attempt to induce or otherwise cause a person to:

(A) testify or inform falsely;

(B) withhold any testimony, information, document or thing;

(C) elude legal process summoning the person to testify or supply evidence; or

(D) be absent from any proceeding or investigation to which the person has been legally summoned.

(2) To harm another by an unlawful act in retaliation for anything done by another in their capacity as a witness or informant; or

(3) To solicit, accept or agree to accept any benefit in consideration for doing any of the things specified in this section.

(b) Tampering with witnesses is a felony and shall be punishable by a fine not to exceed \$5,000 or by a term of incarceration for a term not to exceed one (1) year, or both.

[History: Resolution KT25-124, July 31, 2025]

Section 410. Tampering with Evidence.

(a) It shall be unlawful, while believing that an official proceeding or investigation is pending or about to be instituted, to:

(1) Alter, destroy, conceal or remove any record, document, or thing with the intent to impair its truthfulness or availability in such proceeding or investigation; or

(2) Make, present, or use any record, document, or thing knowing it to be false and with a purpose to mislead a public servant who is or may be engaged in such proceeding or investigation.

(b) Tampering with Evidence is a felony and shall be punishable by a fine not to exceed \$5,000 or by a term of incarceration not to exceed one (1) year, or by exclusion for more than two (2) years; or any combination thereof.

[History: Resolution KT25-124, July 31, 2025]

Section 411. Tampering with Public Records.

(a) It shall be unlawful to:

(1) Knowingly make a false entry in, or false alteration of any record, document or thing belonging to or received or kept by, the Tribe or government for information or record, or required by law to be kept by others for information of the Tribe or government;

(2) Make, present or use any record, document, or thing knowing it to be false, and with the purpose that it be taken as a genuine part of information or records referred to in Subsection (1) of this section; or

(3) Purposefully and unlawfully destroy, conceal, remove or otherwise impair the truth or availability of any such record, document or thing.

(4) Tampering with Records is a felony and shall be punishable by a fine not to exceed \$5,000 or by a term of incarceration not to exceed one (1) year, or by exclusion for a term not to exceed two (2) years, or a combination of the foregoing.

[History: Resolution KT25-124, July 31, 2025]

Section 412. Impersonating a Public Servant.

(a) It shall be unlawful to falsely pretend to hold a position in the public service with the purpose to induce another to submit to such pretended official authority or otherwise to act in prejudicial reliance upon that pretense.

(b) Impersonating a public servant is a felony and shall be punishable by a fine not to exceed \$5,000 or by a term of incarceration not to exceed one (1) year, or both.

[History: Resolution KT25-124, July 31, 2025]

Section 413. False Personation.

(a) It shall be unlawful to:

(1) Falsely personate another, and in such assumed character to perform any act whereby, if it were done by the person falsely personated, the actor might become liable to any suit or prosecution, or to pay any sum of money, or to incur any charge, forfeiture or penalty, or whereby any benefit might accrue to the party personating, or to any other person; or

(2) Falsely personate another, and in such assumed character to receive any money or property, that knowing it is intended to be delivered to the individual so personated, with intent to convert the same to his own use, or to that of another person who is not entitled thereto.

(b) False Personation is a felony and shall be punishable by a fine not to exceed \$5,000 or by a term of incarceration not to exceed one (1) year, or both.

[History: Resolution KT25-124, July 31, 2025]

Section 414. False Reports.

(a) It shall be unlawful for a person to knowingly give false information to any law enforcement officer with the purpose to implicate another, if he or she:

(1) Reports to law enforcement authorities an offense or other incident within their concern, knowing that it did not occur; or

(2) Pretends to furnish such authorities with information relating to an offense or incident when he or she knows he or she has no information relating to such offense or incident.

(b) False Reports is a felony and shall be punishable by a fine not to exceed \$5,000 or by a term of incarceration not to exceed one (1) year, or both.

[History: Resolution KT25-124, July 31, 2025]

Section 415. False Arrest.

(a) It shall be unlawful for any public officer or person pretending to be a public officer to, under the pretense or color of any process or other legal authority, arrest, or detain any person

against the person's will, except where such person reasonably believes there is authorization by law to do so.

(b) False Arrest is a misdemeanor and shall be punishable by a fine not to exceed \$2,500, or by a term of incarceration not to exceed six (6) months, or both.

[History: Resolution KT25-124, July 31, 2025]

Section 416. Refusing to Aid an Officer.

(a) It shall be unlawful to knowingly or willfully refuse to aid a law enforcement officer or other emergency personnel in the performance of their duties when called upon by the officer or emergency personnel to do so.

(b) Refusing to Aid an Officer is a misdemeanor and shall be punishable by a fine not to exceed \$1,000 or a term of incarceration not to exceed one (1) year, or both.

[History: Resolution KT25-124, July 31, 2025]

Section 417. Disobedience to Lawful Order of Court.

(a) It shall be unlawful to purposely or knowingly, without cause, fail to obey an order, subpoena, warrant or command duly made, issued, or given by a court of the Tribe or any official thereof or otherwise issued according to law.

(b) Disobedience to Lawful Order of Court is a misdemeanor and shall be punishable by a fine not to exceed \$5,000 or by a term of incarceration not to exceed six (6) months, or both.

[History: Resolution KT25-124, July 31, 2025]

Section 418. Resisting Arrest.

(a) It shall be unlawful to create a substantial risk of bodily harm to anyone or employ any means of resistance justifying or requiring force to overcome the resistance for the purpose of preventing a law enforcement officer from making an arrest or detention of the person or of any other person.

(b) Resisting Arrest is a misdemeanor and shall be punishable by a fine not to exceed \$2,500 or by a term of incarceration not to exceed six (6) months, or both.

[History: Resolution KT25-124, July 31, 2025]

Section 419. Obstructing Justice.

(a) It shall be unlawful to purposely hinder the apprehension, prosecution, conviction, or punishment of any person for the commission of an offense by means of:

- (1) Harboring or concealing another person;
- (2) Providing or aiding in providing a weapon, transportation, disguise or any other means of avoiding apprehension or promoting escape;
- (3) Concealing or destroying evidence of an offense, or tampering with a witness, informant, document or other source of information, regardless of its admissibility as evidence;
- (4) Warning another person of impending discovery or apprehension, except if such warning is given in an attempt to seek compliance of the other person with the law;
- (5) Providing false information to law enforcement for the purpose of preventing the apprehension of oneself or another; or
- (6) Obstructing by force, threat, bribery or deception, anyone from performing any act that might aid in the discovery, apprehension, prosecution or conviction of oneself or another.

(b) Obstructing Justice is a felony and shall be punishable by a fine not exceeding \$5,000 or by term of incarceration not to exceed one (1) year, or both.

[History: Resolution KT25-124, July 31, 2025]

Section 420. Escape.

(a) It shall be unlawful to:

- (1) Remove oneself from official custody or fail to return to official detention following temporary leave granted for a specified purpose or period of time;
- (2) Knowingly procure, make, or possess anything which may facilitate escape while being held in official detention;
- (3) Aid another person to escape official detention; or
- (4) Knowingly provide a person in official detention with anything which may facilitate an escape.

- (b) Escape is a felony and shall be punishable by a fine not to exceed \$5,000 or by a term of incarceration not to exceed one (1) year, or both.

[History: Resolution KT25-124, July 31, 2025]

Section 421. Bail Jumping.

- (a) It shall be unlawful to fail, without cause, to appear in person after having been released on bail or on recognizance by court order or other lawful authority upon condition that the person subsequently appear on a charge of an offense.
- (b) Bail Jumping is a misdemeanor and shall be punishable by a fine not to exceed \$5,000 or by a term of incarceration not to exceed six (6) months, or both.

[History: Resolution KT25-124, July 31, 2025]

Section 422. Flight to Avoid Prosecution or Judicial Process.

- (a) It shall be unlawful for a person to absent himself or herself from the Tribe's jurisdiction for the purpose of avoiding arrest, prosecution or other judicial process.
- (b) Flight to Avoid Prosecution or Judicial Process is a misdemeanor and shall be punishable by a fine not to exceed \$5,000 or by a term of incarceration not to exceed six (6) months, or both.

[History: Resolution KT25-124, July 31, 2025]

Section 423. False Alarms.

- (a) It shall be unlawful to knowingly:
 - (1) Cause a fire alarm or other emergency to be transmitted to or within any organization, official or volunteer, for dealing with emergencies involving danger to life or property;
 - (2) Give false information to any law enforcement officer with the purpose to implicate another in an offense;
 - (3) Report to law enforcement authorities an offense or other incident within their concern while knowing or believing it did not occur;

- (4) Pretend to furnish law enforcement authorities with information relating to an offense or incident when the person knows no information relating to such offense or incident; or
 - (5) Give a false name or address to a law enforcement officer in the lawful discharge of the officer's official duties.
- (b) False Alarms is a misdemeanor and shall be punishable by a fine not to exceed \$3,000 or by a term of incarceration not to exceed six (6) months, or both.

[History: Resolution KT25-124, July 31, 2025]

Section 424. Obstructing Governmental Function.

- (a) It shall be unlawful to:
- (1) Use force, violence, intimidation, or engage in another unlawful act with a purpose to interfere with a public servant performing or purporting to perform an official function; or
 - (2) Purposely obstruct, impair, or prevent the administration of law or other governmental function by force, violence, physical interference or obstacle, breach of official duty, or any other unlawful act, except that this Section does not apply to flight by a person charged with crime, refusal to submit to arrest, failure to perform a duty other than an official duty, or any other means of avoiding compliance with the law without affirmative interference with governmental functions.
- (b) Obstructing Governmental Function is a felony and shall be punishable by a fine not to \$5,000, or by a term of incarceration not to exceed one (1) year, or both.

[History: Resolution KT25-124, July 31, 2025]

Section 425. Interruption, Disruption, or Interference with Emergency Telephone Call or Emergency Services.

- (a) It shall be unlawful to intentionally interrupt, disrupt, impede, or interfere with an emergency telephone call or emergency services, or to intentionally prevent or hinder another person from placing an emergency telephone call or obtaining emergency services.
- (b) Interruption, Disruption, or Interference with Emergency Telephone Call or Emergency Services is a felony and shall be punishable by a fine not to exceed \$5,000 or by a term of incarceration not to exceed one (1) year, or both.

[History: Resolution KT25-124, July 31, 2025]

Section 426. Providing Contraband.

- (a) It shall be unlawful to provide any person in official detention with alcoholic beverages, drugs, weapons, implements of escape, or any other thing or substance which the actor knows is improper or unlawful for the detainee to possess.
- (b) Providing Contraband is a misdemeanor and is punishable by a fine of not more than \$2,500, or by a term of incarceration of not more than six (6) months, or both.

[History: Resolution KT25-124, July 31, 2025]

Section 427. Doing Business without a License.

- (a) It shall be unlawful to commence or carry on any business, trade, profession, or calling, the transaction or carrying on of which is required by law to be licensed, without having an appropriate license.
- (b) Doing Business without a License is a misdemeanor and shall be punished by a fine not to exceed \$2,500, or by a term of incarceration not to exceed six (6) months, or both.

[History: Resolution KT25-124, July 31, 2025]

Section 428. Tampering with Public Property.

- (a) It shall be unlawful to:
 - (1) Steal, deface, mutilate, alter, falsify, or remove all or part of any record, map, book, document or thing, or any court documents or records, placed or filed in any public office, or with any public officer, or to permit another to do so; or
 - (2) Knowingly injure, deface or remove any signal, monument or other marker placed or erected as part of an official survey of the Tribe or Federal government without authority to do so; or
 - (3) Intentionally deface, obliterate, tear down, or destroy any copy or transcript or extract from any law or any proclamation, advertisement, or notice set up or displayed by any public officer or court, without authority to do so and before the expiration of the time for which the same was to remain set up.

- (b) Tampering with Public Property is a misdemeanor and is punishable by a fine not to exceed \$2,500, or by a term of incarceration not to exceed three (3) months, or both.

[History: Resolution KT25-124, July 31, 2025]

Section 429. Injuring Public Property.

- (a) It shall be unlawful to:

(1) Intentionally break down, pull down or otherwise injure or destroy any jail or other place of confinement; or

(2) Intentionally and without authority dig up, remove, displace or otherwise injure or destroy any public roadway, highway or bridge or private road or other public building or structure; or

(3) Remove or injure any milepost, guidepost or road or highway sign or marker of any inscription on them while such is erected along a road or highway; or

(4) Knowingly and without authority to do so, remove, injure, deface, or destroy any public building or structure, or any personal property belonging to the Tribe, or any other government or government agency.

- (b) Injuring Public Property is a misdemeanor and shall be punishable by a fine not to exceed \$2,500, or by a term of incarceration not to exceed three (3) months, or both.

[History: Resolution KT25-124, July 31, 2025]

Section 430. Compensation for Past Official Conduct.

- (a) It shall be unlawful to solicit, accept or agree to accept any financial benefit as compensation for having, as a public servant, given a decision, opinion, recommendation or vote favorable to another, or for having otherwise exercised a discretion in his favor, or for having violated his duty; or offer, confer or agree to confer compensation, acceptance of which is prohibited by this Section.

- (b) Compensation for Past Official Conduct is a misdemeanor and is punishable by a fine of not more than \$2,500,00, or by a term of incarceration of not more than six (6) months. A second or subsequent conviction under this Section shall be a felony and is punishable by a fine of not more than \$5,000 or by a term of incarceration of not more than one (1) year, or by exclusion of not more than ten (10) years, or any combination of the foregoing.

[History: Resolution KT25-124, July 31, 2025]

Section 431. Official Unlawful Action.

(a) It shall be unlawful, being a public servant, and with the intent to materially benefit himself or another or to harm another, to:

(1) Knowingly commit an unauthorized act which purports to be an act of his office, or knowingly refrains from performing a non-discretionary duty imposed on him by law; or

(2) Knowing that official action is contemplated or in reliance on information which he has acquired by virtue of his office or from another public servant, which information has not been made public, he:

(i) acquires or divests himself or a valuable interest in any property, transaction or enterprise which may be affected by such action or information; or

(ii) speculates or wagers on the basis of such action or information and knowingly aids another to do any of the foregoing.

(b) Official Unlawful Action is a felony and is punishable by a fine of \$5,000, or by a term of incarceration not to exceed one (1) year, or by exclusion of not less than five (5) years nor more than ten (10) years, or any combination of the above authorized punishments. A second or subsequent conviction under this Section may be punishable by banishment for not less than ten (10) years nor more than life.

[History: Resolution KT25-124, July 31, 2025]

Section 432. Special Influence.

(a) It shall be unlawful to solicit, receive, or agree to receive any financial benefit as consideration for exerting special unlawful influence upon a public servant, in order to influence that public servant to violate the law or to exercise his discretion in a particular manner or procuring another to do so, or to offer, confer, or agree to confer any financial benefit receipt of which is prohibited by this Section.

(b) Special Influence is a misdemeanor and is punishable by a fine not to exceed \$2,500 or by incarceration for a term of six (6) months. A second or subsequent conviction under this Section may be punishable by exclusion for not less than ten (10) years or more than life.

[History: Resolution KT25-124, July 31, 2025]

Section 433. Unlawful Return of Banished or Excluded Persons.

(a) It shall be unlawful for any person under sentence of banishment or exclusion, during the term of such banishment or exclusion, to:

- (1) Physically return to the territorial jurisdiction of the Kickapoo Tribe except while actually traveling upon a public highway, or as allowed by law, or
- (2) Apply for or attempt to claim any right, privilege or immunity by virtue of membership in the Tribe, if banished, except as provided by law; or
- (3) Physically return to the territorial jurisdiction of the Kickapoo Tribe except while appearing in Court or as ordered by the Court of the Kickapoo Tribe.

(b) Unlawful Return of Banished or Excluded Persons is a felony and is punishable by a fine of \$5,000 and a term of incarceration not to exceed one (1) year and by an extension of the banishment or exclusion for an additional term equal to the original term of banishment or exclusion which was violated.

(c) When any person who has been banished or excluded from the territorial jurisdiction of the Kickapoo Tribe returns absent a valid and lawful order of the Court, any personal property of every kind and description which the banished or excluded person brought with him or used to return to the Tribal jurisdiction shall be contraband and forfeited to the Kickapoo Tribe, by civil forfeiture, provided that if any of said property belongs to another person, the owner of such property shall be served with civil process, as in forfeiture proceedings, and may defend by showing that the banished or excluded person did not have permission to use or possess the property or to enter the Tribal jurisdiction with that property.

[History: Resolution KT25-124, July 31, 2025]

Section 434. Aiding Return of Banished or Excluded Persons.

(a) It shall be unlawful for any person to aid, abet, or assist a person under sentence of banishment or exclusion to:

- (1) Physically return to the territorial jurisdiction of the Kickapoo Tribe except while actually traveling upon a public highway, or as allowed by law; or
- (2) Apply for or attempt to claim any right, privilege or immunity by virtue of membership in the Kickapoo Tribe, except as provided by law; or
- (3) Physically return to the territorial jurisdiction of the Kickapoo Tribe except while the banished or excluded person is appearing in Court or as ordered by the Court of the Kickapoo Tribe.

(b) Aiding Return of Banished or Excluded Persons is a misdemeanor and is punishable by a fine of \$2,500 and a term of incarceration not to exceed six (6) months. The person aiding the banished or excluding person may be excluded from the Tribal jurisdiction for a period of time not to exceed the term for which the banished or excluded person was banished or excluded.

(c) When any person who has been banished or excluded from the territorial jurisdiction of the Kickapoo Tribe returns absent a valid and lawful order of the Court, any personal property of every kind and description which the banished or excluded person brought with him or used to return to the Tribal jurisdiction shall be contraband and forfeited to the Kickapoo Tribe, by civil forfeiture, provided that if any of said property belongs to another person, the owner of such property shall be served with civil process, as in forfeiture proceedings, and may defend by showing that the banished or excluded person did not have permission to use or possess the property or to enter the Tribal jurisdiction with that property.

[History: Resolution KT25-124, July 31, 2025]

CHAPTER FIVE

CRIMES AGAINST PUBLIC HEALTH, SAFETY, AND WELFARE

Section 501. Disorderly Conduct.

(a) It shall be unlawful to purposely cause public inconvenience, annoyance or alarm, or recklessly create a risk thereof, by:

(1) Engaging in fighting, or threatening to engage in violent or tumultuous behavior;

(2) Making unreasonable noise or offensively coarse utterances, gestures, or displays, or addressing abusive language to any person present; or

(3) Creating a hazardous or physically offensive condition by an act which serves no legitimate purpose of the actor.

(b) “Public” means affecting or likely to affect persons in a place to which the public has access; among the places included are highways, schools, prisons, apartments, places of business or amusement, or any neighborhood.

(c) Disorderly Conduct is a misdemeanor and shall be punishable by a fine not to exceed \$1,000 or by incarceration for a period not to exceed six (6) months, or both.

[History: Resolution KT25-124, July 31, 2025]

Section 502. Intoxication.

(a) It shall be unlawful to be under the influence of an intoxicating beverage, drug or other controlled substance, or a substance having the property of releasing vapors, to any degree, in a public place or in a private place where one unreasonably disturbs another person, under circumstances not amounting to disorderly conduct.

(b) Intoxication is a misdemeanor and shall be punishable by a fine not to exceed \$300 or by a term of incarceration not to exceed three (3) months, or both. However, a judge or the arresting law enforcement officer may order the release from custody if it is believed that further imprisonment is unnecessary for the protection of the individual or another and the individual is in a sober condition at the time of the release. The judge may also commit the person convicted to a facility for treatment if it appears that the person is dependent upon the intoxicating beverage, drugs, controlled substance, or vapor producing substance, for a period not to exceed six (6) months.

[History: Resolution KT25-124, July 31, 2025]

Section 503. Possession of an Alcoholic Beverage.

- (a) It shall be unlawful to buy, sell, serve, give away, consume, furnish, or possess any beer, ale, wine, liquor, spirits, or any other beverage or product containing alcohol of ingestion by human beings; or to appear or be found in a place where alcoholic beverages are sold and/or consumed, without written authority of the Kickapoo Tribal Council.
- (b) Possession of an alcoholic beverage is a misdemeanor and shall be punishable by a fine not to exceed \$500.00, or by a term of incarceration not to exceed three (3) months, or both a fine and incarceration.
- (c) Any such alcoholic beverage handled in violation of this Section is hereby declared to be contraband and civil proceedings may be had against such alcoholic beverages for forfeiture as provided by law.

[History: Resolution KT25-124, July 31, 2025]

Section 504. Rioting.

- (a) It shall be unlawful to simultaneously, with two or more other persons, engage in tumultuous or violent conduct in a public place which endangers person or property, thereby knowingly or recklessly creating a substantial risk or causing public alarm; or to assemble with two or more persons with the purpose of engaging soon thereafter in the above-described conduct.
- (b) Rioting is a felony and shall be punishable by a fine not to exceed \$5,000 or by a term of incarceration not to exceed one (1) year, or both.

[History: Resolution KT25-124, July 31, 2025]

Section 505. Failure to Disperse.

- (a) It shall be unlawful to refuse or knowingly fail to obey an order to disperse or leave the immediate vicinity when given instruction by a law enforcement officer or other public servant performing an enforcement function, at the scene of a riot, fire, or other public disorder or given in the course of the investigation of the commission of an accident, fire, offense or suspected offense.
- (b) Failure to Disperse is a misdemeanor and shall be punishable by a fine not to exceed \$300 or by a term of incarceration not to exceed three (3) months, or both.

[History: Resolution KT25-124, July 31, 2025]

Section 506. Harassment.

- (a) It shall be unlawful, with the purpose to annoy or alarm another, to:
- (1) Insult, taunt, or challenge another in manner likely to provoke a violent or disorderly response;
 - (2) Make a telecommunication or other electronic communication without purpose or legitimate communication;
 - (3) Make a telecommunication or other electronic communication with intent to terrify, intimidate or harass, or threaten to inflict injury or physical harm to any person or property of that person;
 - (4) Make a telecommunication or other electronic communication whether or not conversation ensues, without disclosing the identity of the person making the call or communication and with intent to annoy, abuse, threaten, or harass any person who receives the communication;
 - (5) Make repeated telecommunications or electronic communications anonymously or at extremely inconvenient hours, or in offensively course language;
 - (6) Subject another to offensive touching; or
 - (7) Engage in any other course of alarming conduct serving no legitimate purpose.
- (b) A first offense of Harassment shall be a misdemeanor and shall be punishable by a fine not to exceed \$2,500 or by a term of incarceration not to exceed 6 months, or both. A second or subsequent offenses of Harassment is a felony and shall be punishable by a fine not to exceed \$5000 or by a term of incarceration not to exceed one (1) year, or both.

[History: Resolution KT25-124, July 31, 2025]

Section 507. Violation of Privacy.

- (a) It shall be unlawful, except as authorized by law, to:
- (1) Trespass on property with intent to subject anyone to eavesdropping or other surveillance in a private place; or
 - (2) Install in any private place, without the consent of the person or persons entitled to privacy there, any device for observing, photographing, recording, amplifying, or broadcasting sounds or events in such place, or use any such unauthorized installation; or

(3) Install or use outside of any private place any device for hearing, recording, amplifying, or broadcasting sounds originating in such place which would not ordinarily be audible or comprehensible outside without the consent of the person or person entitled to privacy there; or

(4) Divulge without the consent of the sender or receiver, the existence or contents of any such message if the actor knows the message was illegally intercepted, or if he learned of the message in the course of employment with an agency engaged in transmitting it.

(b) Definitions:

(1) “Eavesdrop” means to overhear, record, amplify, or transmit any part of an oral or written communication of others without the consent of at least one party thereto by means of any electrical, mechanical or other device.

(2) “Private place” means a place where one can reasonably expect to be safe from casual or hostile intrusion or surveillance.

(c) Violation of Privacy is a misdemeanor and is punishable by a fine not to exceed \$2,500.00 or a term of incarceration not to exceed six (6) months, or both a fine and incarceration.

[History: Resolution KT25-124, July 31, 2025]

Section 508. Public Nuisance.

(a) It shall be unlawful to do any act, or fail to perform any duty, without lawful authority to do so, which act or commission either:

(1) Unreasonably and substantially annoys and injures or endangers the comfort, repose, health, or safety of three or more persons;

(2) Offends public decency;

(3) Unlawfully interferes with, obstruct, or tends to obstruct, or renders dangerous for use or passage any public access area, including but not limited to highways and roads, lakes, streams or parks; or

(4) In any way unreasonably renders three or more persons insecure in life or the use of property.

(b) Public Nuisance is a misdemeanor and shall be punishable by a fine not to exceed \$3,000 or by a term of incarceration not to exceed three (3) months, or both.

[History: Resolution KT25-124, July 31, 2025]

Section 509. Criminal Defamation.

(a) It shall be unlawful to knowingly and with malicious intent communicate to any person orally or in writing any information which one knows or should know to be false and knowing that the information tends to impeach the honesty, integrity, virtue or reputation, or publish the natural defects of one who is alive, or who has not been declared missing or dead for a period exceeding twenty (20) years, and thereby expose him to public hatred, contempt or ridicule. An injurious publication is presumed to have been malicious if no justifiable motive for making it is shown by way of defense.

(b) Criminal defamation is a misdemeanor and shall be punishable by a fine not to exceed \$2,500.00, or by a term of incarceration not to exceed six (6) months, or both. However, it shall be a defense to criminal defamation that the person making the publication was at the time engaged in formal broadcast of publication of news by some public news media of communication and in good faith believed he was reporting newsworthy events concerning a public figure with a basis in truth.

[History: Resolution KT25-124, July 31, 2025]

Section 510. Weapons Offense.

(a) It shall be unlawful to:

(1) Have a dangerous weapon in one's actual possession (a) while being addicted to any narcotic drug, (b) after having been declared mentally incompetent, (c) while being intoxicated or otherwise under the influence of alcoholic beverages or other intoxicating substance, drug, or medicine, (d) while possessing the intent to unlawfully assault another, (e) or while under the age of sixteen (16) years old and without the consent of the minor's parent or guardian.

(2) Carry a loaded firearm in a vehicle on a public road without lawful authority to do so; or to discharge any kind of firearm from a motor vehicle without lawful authority to do so; or to discharge a firearm from, upon or across any public highway without lawful authority to do so.

(b) Definitions:

(1) "Dangerous weapon" means any item that in the manner of its use or intended use is capable of causing death or serious bodily injury. In determining whether an item, object or thing not commonly known as a dangerous weapon is a dangerous weapon, the character

of the instrument, object or thing, the character of the wound produced, if any, and the manner in which the instrument, item, or thing was used shall be determinative.

(2) “Firearms” means pistols, revolvers, rifles, shotguns, and any device that is capable of being used as a weapon because it expels a projectile by some means of force.

(3) A firearm or other weapon shall be deemed loaded when there is an unspent cartridge, shell or projectile in the firing position except in the case of pistols and revolvers, in which case they shall be deemed loaded when the unexpended cartridge, shell or projectile is in such a position as next to be fired.

(c) Weapons offense is a misdemeanor and shall be punishable by a fine not to exceed \$500 or by a term of incarceration not to exceed three (3) months, or both.

Section 511. Aggravated Weapons Offense.

(a) It shall be unlawful to carry a weapon concealed on the person when not legally permitted to do so or to threaten to use or exhibit a weapon in a dangerous and threatening manner, or use a dangerous weapon in a fight or quarrel, if you are not threatened with death or serious bodily harm; or to possess a shotgun or rifle having a barrel or barrels of less than sixteen (16) inches in length or an altered or modified shotgun or rifle less than twenty-four (24) inches overall in length.

(b) Aggravated Weapons Offense is a felony and shall be punishable by a fine not to exceed \$2,500 or by a term of incarceration not to exceed one (1) year, or both.

[History: Resolution KT25-124, July 31, 2025]

Section 512. Carrying Concealed Weapons.

(a) It shall be unlawful for a person to carry a concealed weapon upon his or her person when not lawfully permitted to do so.

(b) It is unlawful to carry a weapon when one has been prohibited by any other federal, state or tribal jurisdiction.

(c) Carrying a Concealed Weapon is a misdemeanor and shall be punishable by a fine not to exceed \$500 or a term of incarceration not to exceed three (3) months, or both.

[History: Resolution KT25-124, July 31, 2025]

Section 513. Dangerous Devices.

(a) It shall be unlawful to:

(1) Deliver or cause to be delivered to any person, or place in the mail, or throw or place on or about the premises or property of another or in any place where another may be injured thereby, a dangerous device, knowing it to be such, unless the threatened person is informed of the nature thereof and its placement is for some lawful purpose; or

(2) Knowingly construct or contrive any dangerous device, or with the intent to injure another person or property, possess a dangerous device.

(b) For purposes of this section, a “dangerous device” is any box, package, contrivance, bomb, or apparatus containing or arranged with an explosive, acid, poisonous or inflammable substance, chemical, or compound, or knife, loaded firearm or other dangerous or harmful weapon or thing, constructed, contrived, or arranged so as to explode, ignite, or throw forth its contents, or to strike with any of its parts, unexpectedly when moved, handled, or opened or after the lapse of time or under conditions or in a manner calculated to endanger health, life, limb, or property.

(c) Dangerous Devices offenses is a felony and shall be punishable by a fine not to exceed \$5,000 or by a term of incarceration not to exceed one (1) year, or both.

[History: Resolution KT25-124, July 31, 2025]

Section 514. Littering.

(a) It shall be unlawful to throw, dump, place or deposit upon the lands of another or any tribal or public property, highway, street, road, or other area not the person’s own, without the consent of the owner or other lawful permission, any garbage, debris, junk, carcasses, trash, refuse or other substances of any nature whatsoever which could mar the appearance or detract from the cleanliness of the area; or to store, keep, or allow to accumulate an unreasonable number of any wrecked, junked, or unserviceable vehicles, appliances, or implements, unless one has a permit to maintain a salvage or junk yard.

(b) Littering is a misdemeanor and shall be punishable by a fine not to exceed \$2,500 or by a term of incarceration not to exceed three (3) months, or both.

[History: Resolution KT25-124, July 31, 2025]

Section 515. Obscenity.

(a) It shall be unlawful to:

(1) Sell, deliver or provide, or offer or agree to sell, deliver or provide, any obscene writing, picture, record or other representation or embodiment that is obscene;

(2) Publish, exhibit or otherwise make available any obscene material;

(3) Possess any obscene material for purposes of sale or other commercial dissemination;

or

(4) Sell, advertise or otherwise commercially disseminate material, whether or not obscene, by representing or suggesting that it is obscene.

(b) Material is obscene if, considered as a whole:

(1) It lacks serious literary, artistic, political, or scientific value;

(2) It depicts or describes nudity, sex or excretion in a patently offensive manner that goes substantially beyond customary limits of candor in describing or representing such matters; and

(3) If the average person, applying contemporary community standards, would find that the material, taken as a whole, appeals predominately to a morbid or unnatural interest in nudity, sex, or excretion.

(c) A person who disseminates or possesses obscene material in the course of business is presumed to do so knowingly or recklessly.

(d) Predominant appeal shall be judged with reference to ordinary adults unless it appears from the character of the material or the circumstances of its dissemination to be designed for children or some other specifically susceptible audience.

(e) Undeveloped photographs molds, printing plates and the like, shall be deemed obscene notwithstanding that processing or other acts may be required to make the obscenity patent or to disseminate it.

(f) It shall be a defense to a prosecution under this section that the dissemination of the obscene material was restricted to institutions or persons having scientific, educational, governmental or other similar justification for possessing obscene material.

(g) Obscenity is a felony and shall be punishable by a fine not to exceed \$5,000 or one (1) year incarceration, or both, and all obscene material shall be confiscated and destroyed.

Section 516. Prostitution.

- (a) It shall be unlawful to:
- (1) Be an inmate or resident of a house of prostitution or otherwise engage in sexual activity as a business or for hire; or
 - (2) Loiter in or within a view of a public place for the purpose of being hired to engage in sexual activity; or
 - (3) Engage in or offer or agree to engage in any sexual activity with another person for a fee; or
 - (4) Pay or offer or agree to pay another person a fee for the purpose of engaging in an act of sexual activity; or
 - (5) Enter or remain in a house of prostitution for the purpose of engaging in sexual activity; or
 - (6) Own, control, manage, supervise, or otherwise keep, along or in association with another, a house of prostitution or a prostitution business; or
 - (7) Solicit a person to patronize a prostitute; or
 - (8) Procure or attempt to procure a prostitute for another; or
 - (9) Lease or otherwise permit a place controlled by the actor, alone or in association with others, to be used for prostitution or the promotion of prostitution; or
 - (10) Procure an inmate for a house of prostitution; or
 - (11) Encourage, induce, or otherwise purposely cause another to become or remain a prostitute; or
 - (12) Transport a person with a purpose to promote that person's engagement in prostitution or procuring or paying for transportation with that purpose; or
 - (13) Share in the proceeds of a prostitute pursuant to an understanding that one is to share therein, unless one is the child or legal dependent of a prostitute; or
 - (14) Own, operate, manage, or control a house of prostitution; or

- (15) Solicit, receive, or agree to receive any benefit for doing any of the acts prohibited by this subsection.
- (b) Definitions:
- (1) “Sexual activity” means intercourse or any sexual act involving the genitals of one person and the mouth or anus of another person, regardless of the sex or either participant.
 - (2) “House of prostitution” means a place where prostitution or promotion of prostitution is regularly carried on by one or more persons under the control, management, or supervision of another.
 - (3) “Inmate” means a person who engages in prostitution in or through the agency of a house of prostitution.
 - (4) “Public place” means any place to which the public or a substantial group thereof has access.
- (c) For purposes of determining a house of prostitution, the following shall be admissible in evidence: its general reputation; the reputation of the persons who reside in or frequent the place; the frequency, timing and duration of visits by non-residents. Testimony of a person against his spouse shall be admissible to prove an offense under this Section.
- (d) Prostitution is a misdemeanor and is punishable by a fine not to exceed \$2,500.00 or by a term of incarceration not to exceed six (6) months, or both. Upon a second or subsequent conviction for prostitution, exclusion may also be imposed for a term not to exceed five (5) years.

[History: Resolution KT25-124, July 31, 2025]

Section 517. Spreading Venereal Disease.

- (a) It shall be unlawful to infect another person with a venereal disease, if one knows or has reason to believe he/she is infected with venereal disease.
- (b) The Court shall, upon conviction, have the power to order the medical examination and treatment of the convicted offender and may also order an investigation to determine to what extent others have or may have been infected by the convicted offender.
- (c) Spreading Venereal Disease is a misdemeanor and is punishable by a fine not to exceed \$1,000.00, or by a term of incarceration not to exceed three (3) months, or both.

[History: Resolution KT25-124, July 31, 2025]

Section 518. Tobacco Offense; Exceptions.

- (a) Except as provided in paragraph (b) of this Section, it shall be unlawful to:
 - (1) Purchase, obtain, possess, smoke, chew, inhale, or ingest any product from or with tobacco if under the age of twenty-one (21) years; or
 - (2) Sell to, otherwise obtain for or arrange for the obtaining of tobacco or tobacco product for a person under the age of twenty-one (21) years.
- (b) This section shall not apply to tobacco possessed or used for ceremonial and spiritual purposes consistent with religious practices such as, but not limited to, prayer, spiritual purposes consistent with religious practices such as, but not limited to, prayer, protection, offerings, respect and healings.
- (c) Tobacco Offenses is a misdemeanor and shall be punishable by a fine not to exceed \$500.

[History: Resolution KT25-124, July 31, 2025]

Section 519. Contributing to the Delinquency of a Minor.

- (a) It shall be unlawful for a person eighteen (18) years of age or older to:
 - (1) Knowingly or recklessly sell or give to or otherwise make beer, liquor or other alcoholic beverages available to a person under the age of twenty-one (21) years;
 - (2) Knowingly or recklessly, by act or omission, encourage, cause or contribute to the delinquency or unlawful conduct of a minor under eighteen (18) years of age.
- (b) Contributing to the Delinquency of a Minor is a misdemeanor and shall be punishable by fine of not more than \$1,000 or by a term of incarceration of not more than three (3) months, or both.

[History: Resolution KT25-124, July 31, 2025]

Section 520. Intoxicating Beverage Purchase by Person Under 21 Years of Age Prohibited.

- (a) It shall be unlawful for a person under the age of twenty-one (21) years of age to purchase, receive, or have in their possession an intoxicating beverage product, or present or offer to any person any purported proof of age which is false or fraudulent for the purpose of purchasing or receiving any intoxicating beverage product.

(b) It shall not be unlawful for an employee over the age of eighteen (18) years of age but under the age of twenty-one (21) years to handle intoxicating beverage products when required in the performance of the employment duties.

(c) Intoxicating Beverage Purchase by Person Under 21 Years of Age is a misdemeanor and shall be punishable by a fine not to exceed \$500, or by a term of incarceration of not more than three (3) months, or both.

[History: Resolution KT25-124, July 31, 2025]

Section 521. Abuse of Psychotoxic Chemical Solvents.

(a) It shall be unlawful to purposely smell or inhale the fumes of any psychotoxic chemical solvent, or to possess, purchase, or attempt to possess or purchase any psychotoxic chemical solvent, with the intention of causing a condition of intoxication, inebriation, excitement, stupefaction, or the dulling of the brain or nervous system; or sell, give away, dispense, or distribute, or offer to sell, give away, dispense, or distribute any psychotoxic chemical solvent knowing or believing that the purchaser or another intends to use the solvent in violation of this section.

(b) This section shall not apply to the inhalation of anesthesia for medical or dental purposes.

(c) As used in this section, “psychotoxic chemical solvent” includes any glue, cement or other substance containing one or more of the chemical compounds: acetone, acetate, benzene, butyl alcohol, methyl ethyl, peptone, pentachlorophenol, petroleum ether, or other chemical substance capable of causing a condition of intoxication, inebriation, excitement, stupefaction, or the dulling of the brain or nervous system as a result of the inhalation of the fumes or vapors of such chemical substances. The statement of listing of the contents of a substance packaged in a container by the manufacture or producer thereof shall be proof of the contents of such substances without further expert testimony if it reasonably appears that the substance in such container is the same substance placed therein by the manufacturer or producer.

(d) Abuse of psychotoxic chemical solvents is a misdemeanor and shall be punishable by a fine not to exceed \$500 or by a term of incarceration not to exceed three (3) months, or both, and the court may order any person using psychotoxic solvents for inhalation to be committed to a treatment facility for a period not to exceed six (6) months.

[History: Resolution KT25-124, July 31, 2025]

Section 522. Dangerous Drug Offense.

- (a) It shall be unlawful, except as authorized and controlled by Federal law to manufacture, distribute, possess with intent to distribute, dispense, create, possess, or cultivate a controlled or a counterfeit substance; or to obtain or acquire possession of controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge; or knowingly or intentionally use any communication facility in committing any of the above prohibited acts.
- (b) Controlled or counterfeit substances shall consist of the substances listed in 21 U.S.C. 812, and any other chemical substance, natural, or artificial, defined as a controlled or dangerous substance the possession, sale, distribution, or use of which is prohibited by federal law, except peyote.
- (c) A dangerous drug offense is a felony and shall be punishable by a fine not to exceed \$3,000 or by incarceration not to exceed one (1) year, or both. Upon conviction under this section for sales, distribution, possession with intent to distribute, manufacturing with intent to sell, or cultivation with intent to distribute, exclusion may also be imposed for a term not more than ten (10) years.
- (d) Any substance handled in violation of this section is hereby declared to be contraband and civil forfeiture proceedings may be had against such substance as provided by law.
- (e) Any personal property used to transport, conceal manufacture, cultivate, or distribute the controlled dangerous substance in violation of this section shall be subject to forfeiture as contraband by civil proceeding as provided by law.
- (f) It shall not be a crime under this code for an individual to possess marijuana for medicinal purposes pursuant to a valid state-issued Medical Marijuana License.

[History: Resolution KT25-124, July 31, 2025]

Section 523. Violating Protective Order.

- (a) It shall be unlawful for a person who has been served with an exparte or final protective order or foreign protective order to violate such order.
- (b) A first offense of Violating a Protective Order is a misdemeanor and is punishable by a fine not to exceed \$1,000 or by a term of incarceration not to exceed one (1) year, or both.
- (c) A second or subsequent conviction of violating a protective order is a felony and shall be punishable by a fine not to exceed \$2,500 and a term of incarceration for not less than ten (10) days and not more than one (1) year, or both.

(d) Violation of a protective order, temporary or final, wherein the offense causes physical injury or physical impairment to the victim is a felony and shall upon conviction be punished by a term of incarceration of not less than thirty (30) days and not more than one (1) year. In addition to the term of incarceration, a fine not to exceed \$5,000 may be imposed.

[History: Resolution KT25-124, July 31, 2025]

Section 524. Trafficking in Children.

(a) It shall be unlawful to:

(1) Accept any compensation, in money, property or other thing of value, at any time, from the person or persons adopting a child, for services of any kind performed or rendered, or purported to be performed or rendered, in connection with such adoption; or

(2) Accept any compensation, in money, property or other thing of value from any other person, in return for placing, assisting to place, or attempting to place a child for adoption or for permanent care in a foster home; or

(3) Offer to place, or advertise to place, a child for adoption or for care in a foster home, as an inducement to any woman to enter an institution or home or other place for maternity care of or for the delivery of a child.

(b) “Child” means an unmarried or un-emancipated person under the age of eighteen (18) years.

(c) This Section does not apply to attorneys or advocates licensed by the Tribal Court in receiving reasonable fees for legal services actually rendered in the course of lawful adoption proceedings, nor shall subparagraphs (a)(1) or (a)(2) apply to any bonafide social worker or government employee receiving their normal salary and making such placements as part of their official duties.

(d) Trafficking in Children is a felony and is punishable by a fine not to exceed \$5,000.00 or incarceration not to exceed one (1) year, or both a fine and incarceration. A second or subsequent conviction shall be punishable by banishment for a period of not less than ten (10) years nor more than life.

[History: Resolution KT25-124, July 31, 2025]

Section 525. Human Trafficking.

(a) It shall be unlawful to:

(1) Intentionally recruit, harbor, transport, provide, or obtain a person for labor or services, through the use of force, fraud or coercion for the purpose of subjecting the person to involuntary servitude or forced labor; or

(2) Intentionally benefit financially or by receiving anything of value from participating in a venture that the person has reason to know involves the intentional recruitment, harboring, transporting, provision of, or obtaining of a person for labor or servitude when the victim was secured by the use of force, fraud or coercion for the purpose of involuntary servitude or forced labor; or

(3) Knowingly coercing employment by obtaining or maintaining labor or services that are performed or provided by another person through any of the following:

(i) Causing or threatening to cause physical injury to any person;

(ii) Physically restraining or threatening to physically restrain another person;

(iii) Abusing or threatening to abuse the law or legal process;

(iv) Threatening to withhold food, lodging or clothing; or

(v) Knowingly destroying, concealing, removing, confiscating or possessing any actual or purported government identification document of another person; or

(4) Knowingly holding another person in a condition of peonage in satisfaction of a debt owed the person who is holding such other person.

(b) Human Trafficking is a felony and is punishable by a fine not to exceed \$5,000.00, or a term of incarceration not to exceed one (1) year, or banishment for a period of not less than ten (10) years nor more than life, or any combination of the foregoing punishments.

[History: Resolution KT25-124, July 31, 2025]

Section 526. Abusing a Corpse.

(a) It shall be unlawful to purposely and unlawfully remove, conceal, dissect, or destroy a corpse or any part of a corpse; or to disinter a corpse that has been buried or otherwise interred.

(b) Abusing a Corpse is a felony and shall be punishable by a fine not to exceed \$5,000.00, or by a term of incarceration not to exceed one (1) year, or banishment for a term of not less than one (1) year nor more than ten (10) years, or any combination of the above punishments.

[History: Resolution KT25-124, July 31, 2025]

Section 527. Cruelty to Animals.

- (a) It shall be unlawful to purposely or knowingly:
 - (1) Torture or seriously overwork an animal;
 - (2) Fail to provide necessary food, care, or shelter for an animal in one's care;
 - (3) Abandon an animal in one's custody;
 - (4) Transport or confine an animal in a cruel manner;
 - (5) Kill, injure, or administer poison to an animal without legal privilege to do so; or
 - (6) Cause one animal to fight with another.
- (b) Cruelty to Animals is a felony and shall be punishable by a fine not to exceed \$5,000 or by a term of incarceration not to exceed six (6) months, or both. It is a defense to prosecution under this section that the conduct of the actor toward the animal was an accepted veterinary practice or directly related to a bonafide experimentation for scientific research.

[History: Resolution KT25-124, July 31, 2025]

Section 528. Control of Dogs; Trespassing on Public, Private and Tribal Property Prohibited.

- (a) It shall be unlawful for any person to permit a dog, owned, possessed or harbored by him or her:
 - (1) To trespass upon private property without the consent of the person who owns or controls the property, and without properly confining the dog to that property by means of a substantial fence or similar enclosure of sufficient strength height to prevent the dog from escaping therefore, or by keeping the dog inside a house or other building, or by a leash at least ten (10) feet in length consisting of a metal chain or other material of sufficient strength to prevent the dog from escaping the premises when the leash or tether is stretched to its full length. This section shall not apply to any person who takes a dog upon private property with the consent of the owner or person in control of the property, or upon a street or other public place when the dog is confined to a vehicle or by means of a chain or leash of sufficient strength and length to control the actions of the dog.
 - (2) To trespass upon any street or public or tribal property unless the dog is:

(i) Under immediate physical control of the owner or other responsible person by confinement in a vehicle; or

(ii) Under the immediate physical control of the owner or other responsible person by means of a chain, rope, cord, or leash of not more than six (6) feet in length and of sufficient strength to control the actions of the dog.

(iii) For purposes of this section, the term “immediate physical control” shall mean confinement in a vehicle or control exercised through the physical presence of a person who, at all times, has in his/her possession the chain, rope, cord or leash to which the dog is tethered.

(iv) As used in this section, “owner” shall mean any person who owns, possesses, harbors, or has permanent care or custody of a dog.

(3) It is further provided that authorized law enforcement officer of the Tribe may kill any vicious dog found running loose on Tribal property which in his discretion poses an imminent threat to humans or other animals. Any such authorized law enforcement officer of the Tribe shall not be held liable for the killing of said dog.

(b) It shall be unlawful for the owner of any dog that previously has bitten any person on public or private property, unprovoked, which has caused injury or imminent threat of injury or death, to permit such dog to run at large.

(c) Control of Dogs; Trespassing on Public, Private and Tribal Property is a misdemeanor and shall be punishable by a fine not to exceed \$300.

[History: Resolution KT25-124, July 31, 2025]

Section 529. Livestock Offense.

(a) It shall be unlawful to:

(1) Knowingly or recklessly refuse or fail to mark or brand livestock when such is required in the interest of livestock identification or as directed by law or ordinance;

(2) Alter, obliterate, or remove a brand or mark, or misbrand or mismark livestock with a purpose to deceive another for any reason;

(3) Knowingly permit livestock to graze or trespass on the property of another without permission to do so;

(4) Knowingly fail to treat or dispose of a sick or dead animal where there is a substantial danger of infecting other livestock or animals;

- (5) Fail to dip, inoculate or otherwise treat livestock in the manner which is required by law or ordinance; or
 - (6) Make a false report of livestock owned.
- (b) Except in cases in which the owner or person having custody of the livestock believed to be in violation of this section cannot be found, for subsections 1, 2, 3, 4, and 5 set forth above, no conviction may be sustained unless the owner or person having custody of the livestock is given forty-eight hours written notice of the alleged violation.
 - (c) Livestock found to be in violation of this section may be impounded without prior notice to the owner if a court so orders upon receipt of evidence that such animals seriously threaten the property of the Tribe or another or the health of other livestock and that immediate action is necessary to protect such interests from serious harm. A reasonable fee for the care of such animals may be collected prior to their release.
 - (d) Livestock Offense is a misdemeanor and shall be punishable by a fine not to exceed \$5,000 or by a term of incarceration not to exceed three (3) months, or both.
 - (e) Livestock handled or kept in violation of this section are hereby declared to be contraband and civil proceedings may be had against such animals for forfeiture as provided by law.

[History: Resolution KT25-124, July 31, 2025]

Section 530. Waters Offense.

- (a) It shall be unlawful to:
 - (1) Interfere with or alter the flow of water in any stream, river, or ditch, without lawful authority to do so, or a permit from the Kickapoo Tribe, and in violation of the right of any other person; or
 - (2) Knowingly break, injure, alter or destroy any bridge, dam, levee, embankment, reservoir, water tank, water line, or other structure intended to create hydraulic power or pressure or direct the flow of water, without lawful authority to do so; or
 - (3) Pollute or befoul any water in any of the following ways:
 - (i) construct or maintain a corral, sheep pen, goat pen, stable, pig pen, chicken coop, or other offensive yard or outhouse where the waste or drainage therefrom shall flow directory into waters of any stream, well, spring, or source of water used for domestic purposes; or

(ii) deposit, pile, unload or leave any manure heap, rubbish, or the carcass of any dead animal where the waste or drainage therefrom will flow directly into the waters of any stream, well, spring or source of water used for domestic purposes; or

(iii) construct, establish, or maintain any corral, yard, vat, pond, camp, or bedding place for the shearing, dipping, washing, storing, herding, holding or keeping of livestock in such proximity to a stream, or other source of water used for domestic purposes or which flows through a city or town, so that the waste, refuse or filth therefrom find their way into said source of water; or

(iv) knowingly cause or allow any substance harmful or potentially harmful to human life to enter into a source of water used for domestic purposes.

(b) A Waters Offense is a misdemeanor and shall be punishable by a fine not to exceed \$2,500.00, or by a term of incarceration not to exceed six (6) months, or both. Restitution for any damages as a result of the offense shall be required.

[History: Resolution KT25-124, July 31, 2025]

Section 531. Computer and Electronic Crimes.

(a) It shall be unlawful to:

(1) Willfully, and without authorization, gain or attempt to gain access to and damage, modify, alter, delete, destroy, copy, make use of, disclose or take possession of a computer, computer system, computer network or any other property;

(2) Use a computer, computer system, computer network, cell phone, tablet, or any other property or electronic device for the purpose of devising or executing a scheme or artifice with the intent to defraud, deceive, extort, or for the purpose of controlling or obtaining money, property, services, or other thing of value by means of a false or fraudulent pretense or representation;

(3) Willfully exceed the limits of authorization and damage, modify, alter, destroy, copy, delete, disclose, or take possession of a computer, computer system, computer network, cell phone, tablet or any other property;

(4) Willfully and without authorization, gain or attempt to gain access to a computer, computer system, computer network, cell phone, tablet or any other property;

(5) Willfully and without authorization use or cause to be used computer services;

- (6) Willfully and without authorization disrupt or cause the disruption of computer services or deny or cause the denial of access or other computer services to an authorized user of a computer, computer system or computer network;
 - (7) Willfully and without authorization provide or assist in providing a means of accessing a computer, computer system or computer network in violation of this section;
 - (8) Willfully use a computer, computer system or computer network, telephone, cellular phone, tablet, or any other electronic device or property to annoy, abuse, threaten or harass another person; or
 - (9) Willfully use a computer, computer system, computer network, telephone, cellular phone, tablet or any other electronic device or property to put another person in fear of physical harm or death.
 - (10) Willfully and without authorization, use a computer, computer system, computer network, telephone, cellular phone, tablet or any other electronic device or property to disburse, disseminate or transmit explicit photographs, videos or any other electronic media of another individual.
- (b) Computer and Electronic Crimes is a felony and shall be punishable by a fine not to exceed \$5,000 or a term of incarceration not to exceed one (1) year, or both.

[History: Resolution KT25-124, July 31, 2025]

Section 532. Curfew Violations.

- (a) It shall be unlawful for a parent, guardian or other person having physical charge of a minor to allow said minor under the age of eighteen (18) to be away from his place or residence in a public place, or a private place other than the place where he intends to spend the night with the permission of the owner of such place, or in a vehicle driving about, after the hour of eleven o'clock p.m. local time, unless accompanied by a parent, guardian, or other person having physical charge of said minor or in attendance at or returning directly home from an organized school, church, Tribal, or public function.
- (b) A Curfew Violation is a misdemeanor and is punishable by a fine not to exceed \$500.00 and or a term of incarceration not to exceed thirty (30) days, or both a fine and incarceration.

[History: Resolution KT25-124, July 31, 2025]

Section 533. Fireworks Violation.

- (a) It shall be unlawful to possess, buy, sell, distribute, transport, activate, ignite, or detonate or to allow any minor under one's physical or actual care, custody, or control to possess, buy, sell distribute, transport, activate, ignite, or detonate any firecracker or other firework type device which is capable of or intended to explode, ignite, become self-propelled, give off any projectile, spark, or other ignited or fused object or manifestation, or in any way give off sound or light by virtue of is burning or exploding.
- (b) It shall not be an offense under this Section:
 - (1) To use or ignite handheld sparkler type devices in such a manner that they burn openly and singly or to use toy caps and cap guns singly and in the intended manner; or
 - (2) To use or ignite fireworks at a patriotic, religious, or tribal ceremony, gathering, or celebration in a safe manner provided that a permit to do so has been obtained from the Kickapoo Tribe or a lawfully authorized Tribal agency prior to the importation and use of such fireworks.
 - (3) To buy, possess, use or ignite fireworks between June 24 and July 10 inclusive of each year, provided that such devices are handled safely with regard to the safety of others and their property, and provided further, that minors under the age of twelve (12) buying, possessing, using or igniting fireworks must be under the actual direct physical supervision of some responsible adult over twenty-one (21) years of age for this exception to apply.
 - (4) To possess or sell fireworks between June 25 and July 10 inclusive of each year provided that a permit to do so has been obtained from the Tribe or a lawfully authorized Tribal agency prior to such possession and sale, provided further, that upon proof of a secure and safe facility, such permit may state a particular location for year-round storage of fireworks.
- (c) A Fireworks Violation is a misdemeanor and is punishable by a fine not to exceed \$500.00, or by a term of incarceration not to exceed three (3) months, or both.

[History: Resolution KT25-124, July 31, 2025]

CHAPTER SIX

CRIMES AGAINST THE CULTURAL, HISTORICAL AND TRADITIONAL INTEGRITY OF THE KICKAPOO TRIBE

Section 601. Disrupting a Public or Religious Assembly.

(a) It shall be unlawful to intentionally prevent or disrupt a lawful meeting or religious assembly, by doing any act tending to obstruct or interfere with it physically; or by making any utterance, gesture or display designed to outrage the sensibilities of the group or prevent the assembly from conducting its purpose or business.

(b) Disrupting a Public or Religious Assembly is a misdemeanor and shall be punishable by a fine not to exceed \$2,500 or by a term of incarceration not to exceed six (6) months, or both a fine and incarceration.

[History: Resolution KT25-124, July 31, 2025]

Section 602. Desecration.

(a) It shall be unlawful to purposely desecrate any public monument or structure; or to purposely desecrate a place of worship, burial, or other sacred place.

(b) Desecrate means to deface, damage, pollute, destroy, take or otherwise physically mistreat in a way that the actor knows, or believes, will outrage the sensibilities of persons likely to observe or discover his action.

(c) Desecration is a misdemeanor if the damage is valued at less than \$1,000.00 and a felony if the damage is valued at more than \$1,000.00. A misdemeanor conviction of Desecration is punishable by a fine not to exceed \$2,500.00 or by a term of incarceration not to exceed six (6) months, or both. A felony conviction of Desecration is punishable by a fine not to exceed \$5,000.00 or a term of incarceration not to exceed one (1) year, or both. Restitution shall be ordered whether the conviction is a misdemeanor or felony.

[History: Resolution KT25-124, July 31, 2025]

Section 603. Disclosure of Sacred, Ceremonial and Traditional Knowledge.

(a) It shall be unlawful to record, audio or video, or to disclose sacred and traditional Kickapoo ceremonies and traditional activities to the public.

(b) Disclosure of Sacred, Ceremonial and Traditional Knowledge is a misdemeanor and shall be punishable by a fine of not more than \$3,500.00, or by incarceration for a term not to exceed

six (6) months, or both a fine and incarceration. In instances where the information is disclosed to more than potentially three (3) people, whether by publication or in a written form, the Court may impose banishment of the offender for a period of not less than five (5) years and not more than ten (10) years.

[History: Resolution KT25-124, July 31, 2025]

Section 604. Unauthorized Use or Disclosure of Indigenous or Tribal Proprietary Knowledge or Documents.

- (a) It shall be unlawful to knowingly use, disclose, reproduce, or distribute any Indigenous Knowledge (IK), Tribal Proprietary Knowledge (TPK), or Tribal Governance Documents (TGD), as defined in the Kickapoo Tribe of Kansas Protection of Indigenous and Tribal Proprietary Knowledge Code, without formal written authorization by resolution of the Kickapoo Tribal Council.
- (b) This Section applies to individuals, researchers, organizations, employees, or contractors who have received or accessed such information by any means, including during the course of employment, research, consultation, or any form of agreement with the Kickapoo Tribe.
- (c) A violation of this Section is a felony and shall be punishable by:
 - (1) A fine not to exceed \$5,000;
 - (2) Incarceration for a term not to exceed one (1) year;
 - (3) Banishment or exclusion for a term not to exceed ten (10) years;
 - (4) Restitution and termination of any contractual or institutional relationship with the Tribe.
- (d) This provision shall be interpreted in harmony with the Kickapoo Tribal Code Title 10 and the Protection of Indigenous and Tribal Proprietary Knowledge Code and enforced as a protection of the Tribe's sovereign proprietary interests.

[History: Resolution KT25-124, July 31, 2025]

CHAPTER SEVEN

PRESERVATION OF SACRED SITES

SECTION 701 - STATEMENT OF TRIBAL POLICY AND LEGISLATIVE INTENT

The right of religious freedom is guaranteed to Indian people by the American Indian Religious Freedom Act, the First and Fourteenth Amendments of the Constitution of the United States, the Indian Civil Rights Act, and Tribal law and custom. Recognizing this right and that the **Kickapoo Tribe in Kansas** alone has the absolute, inherent, retained sovereign right to use and enjoy the **Kickapoo Reservation in Kansas**, and to govern its use by members and non-members, the Tribal Council intends that tribal members shall be afforded the greatest possible freedom to practice traditional religion, to have access to religious sites, and to protect such sites from desecration and destruction.

[History: Resolution KT25-124, July 31, 2025]

SECTION 702 - PURPOSE

The Kickapoo Tribe in Kansas is entrusted with the authority and responsibility to designate specific parcels of land as sacred sites for exclusive use by individuals and groups engaged in traditional ceremonies including funerals. Marked and unmarked cemeteries will also be recognized as protected sacred sites.

In accordance with this mandate, the Tribal Council of the Kickapoo Tribe in Kansas hereby sets aside certain portions of land as designated sacred and religious sites for the protection of its people.

[History: Resolution KT25-124, July 31, 2025]

SECTION 703 - RESTRICTED USE OF SACRED SITES

- (a) These sacred sites are protected from any form of destruction, including but not limited to grave desecration, gravestone theft or destruction, and invasive archeological studies.
- (b) These sacred sites are protected from any form of construction, unless jointly approved by the religious leader(s) of the respective site and a resolution by the Kickapoo Tribal Council.
- (c) These sacred sites that include marked and unmarked cemeteries, are protected from any form of construction or development, unless jointly approved by the recognized landowners of the cemetery and a resolution by the Kickapoo Tribal Council.
- (d) It is unlawful for any individual to excavate, remove, alter, or deface any area designated as a sacred site or any property found within it.

- (e) It is unlawful for any individual other than those engaged in traditional ceremonies or funerals to enter any designated sacred area without the explicit consent of the recognized religious leaders affiliated with that site.

[History: Resolution KT25-124, July 31, 2025]

SECTION 704 - DESIGNATED SACRED SITES

THE IDENTITY OF THE DESIGNATED SACRED SITES ARE PROVIDED HEREIN, BUT THE GPS COORDINATES ARE ONLY PROVIDED TO LAW ENFORCEMENT.

- (a) The area known as the Kickapoo Dancing Grounds, described by the GPS coordinates:
- (b) The area known as the Kennekuk Church and Cemetery, described by the GPS coordinates:
- (c) The area known as the Grant-Mjessepe Cemetery, described by the GPS coordinates:
- (d) The area known as the Winsea Cemetery, described by the GPS coordinates:
- (e) The area known as the Negonsott Cemetery, described by the GPS coordinates:
- (f) The area known as the Wewenis Cemetery, described by the GPS coordinates:
- (g) The unmarked cemetery, described by the GPS coordinates:
- (h) The unmarked cemetery, described by the GPS coordinates:

[History: Resolution KT25-124, July 31, 2025]

SECTION 705 - CIVIL REMEDIES

- (a) Recognizing the Kickapoo tradition of using restitution as a remedy for injustice or wrongdoing, the Tribal Council hereby declares that this code is civil in nature and that restitution shall be the primary remedy for its violation, except that as to persons subject to the criminal jurisdiction of the **Kickapoo Tribe in Kansas**, criminal sanctions may also be imposed as provided in Section 7.6 of this Chapter.
- (b) Except as otherwise provided in this Chapter, all matters arising under this Chapter shall be adjudicated in the **Kickapoo Tribal Court** following the filing of a civil complaint, naming the **Kickapoo Tribe in Kansas** as plaintiff by the authorized officer alleging the violation, or by legal counsel for the Tribe.

(c) Any violator of this Chapter, who is adjudicated and found guilty by the Tribal Court for violation of this Chapter, may be charged a restitution fee not to exceed Five Thousand Dollars (\$5,000.00) plus all expenses incurred for case investigation, court costs, and attorney's fees.

[History: Resolution KT25-124, July 31, 2025]

SECTION 706 - CRIMINAL SANCTIONS

Any person who is subject to the criminal jurisdiction of the **Kickapoo Tribe in Kansas** and is found guilty of a violation of this Chapter may be imprisoned for a period not to exceed one year and be fined in an amount not to exceed Five Thousand Dollars (\$5,000.00), or both.

[History: Resolution KT25-124, July 31, 2025]

SECTION 707 - REPRESENTATION OF THE TRIBE IN ACTIONS ARISING UNDER THIS CHAPTER

The Tribal Prosecutor or, in the case of conflict of interest, such other counsel for the Tribe as the Tribal Council may designate, shall represent the Tribe in all actions arising under this Chapter to which the Tribe is a party, whether such actions are civil or criminal.

[History: Resolution KT25-124, July 31, 2025]

SECTION 708 - TRESPASSING

Violation of this Chapter by non-members of the **Kickapoo Tribe in Kansas** constitutes immediate revocation of express or implied permission to remain on or enter the reservation and shall be considered a trespass in violation of the laws of the **Kickapoo Tribe in Kansas**.

[History: Resolution KT25-124, July 31, 2025]

SECTION 709 - FEDERAL PROSECUTION

This Chapter has been enacted to protect the resources of the **Kickapoo Tribe in Kansas**, and the taking or using of tribal property or services contrary to the terms of the Chapter constitutes theft of tribal assets. Nothing in this Chapter shall be deemed to preclude the federal prosecution under 18 U.S.C. § 1165 of non-members who trespass on the reservation. Any authorized officer may follow the procedure provided by Tribal Law to initiate federal prosecution in addition to or in lieu of any other enforcement procedure provided for by this Chapter.

[History: Resolution KT25-124, July 31, 2025]

SECTION 710 - EXCLUSION

Nothing in this Chapter shall be deemed to preclude the use of the remedy of exclusion of nonmembers for violation of this Chapter, and any authorized officer may follow the procedure provided by Tribal law to initiate an action for exclusion in addition to or in lieu of any other enforcement procedure provided for by this Chapter.

[History: Resolution KT25-124, July 31, 2025]

SECTION 711 - DISPOSITION OF RESTITUTION AND FINES

Any funds received from fines or restitution shall be utilized for the reconstruction and/or repair of religious sites or property therein.

[History: Resolution KT25-124, July 31, 2025]

CERTIFICATION

We, Gail Cheatham, Chairwoman, and Howard Allen, Secretary, serving in our official capacity as elected officials of the Kickapoo Tribe in Kansas Tribal Council, do hereby certify that the above Code is a true and exact original as approved by the Kickapoo Tribal Council on July 31, 2025

ATTEST:

Gail Cheatham, Chairwoman
Tribal Council
Kickapoo Tribe in Kansas

Howard Allen, Secretary
Tribal Council
Kickapoo Tribe in Kansas