

TUNICA-BILOXI CRIMINAL CODE

I. PRELIMINARY MATTERS

Article 1. Definitions

- A. "Act" or "action" means a bodily movement.
- B. "Conduct" means an action or omission and its accompanying state of mind, or where relevant, a series of acts and omissions.
- C. "Control" or exercise control means to act so as to exclude others from using their property except on the defendant's own terms.
- D. "Dangerous instrument" means anything that under the circumstances in which it is used, attempted to be used, or threatened to be used, or threatened to be used is readily capable of causing death or serious bodily injury.
- E. "Deadly weapon" means anything designed for lethal use; the term includes a firearm.
- F. "Deceit" means either:
1. The suggestion, as a fact, of that which is not true, by one who does not believe it to be true, or
 2. The assertion, as a fact, of that which is not true, by one who has no reasonable ground for believing it to be true; or
 3. The suppression of a fact, by one who is bound to disclose it, or who gives information of other facts which are likely to mislead for want of communication of that fact; or
 4. A promise made without any intention of performing it.

control or transfer of property or services. The pretense may be verbal or it may be a physical act.

M. "Omission" means a failure to perform an act as to which a duty of performance is imposed by law.

N. "Peace Officer" means any law enforcement officer vested by law with a duty to maintain public order or to make arrests.

O. "Person", "he", "she" and "actor" includes a natural person, or persons, and where relevant, a corporation, partnership or an unincorporated association, agency, a government or a government authority over which the Code has jurisdiction.

P. "Possess" means to have physical possession or otherwise to exercise dominion or control over property.

Q. "Property" means anything of value, tangible or intangible, public or private, real or personal including documents evidencing value or ownership.

R. "Serious Physical Injury" means physical injury which creates a substantial risk of death or which causes serious physical injury.

S. "Statute" or "Law" includes any ordinance, law or resolution of the Tunica-Biloxi Tribal Council.

T. "Tamper" means any act of interference.

U. "Tribal Official" means any officer or employee of the Tunica-Biloxi Tribal Government, including police officer, whether elected, appointed or otherwise in performing a Tunica-Biloxi Tribal government function, but the term does not include witnesses.

Section 2.

The Tunica-Biloxi Criminal Code shall not be strictly construed according to the fair import of the terms used to promote fairness and justice and accomplish the general purpose set forth herein.

Article 3. Exclusiveness of Offenses

No conduct constitutes an offense unless so declared by this Code, or by any other Tribal resolutions, laws or ordinances or by federal law.

Article 4. Civil Liability Unaffected

This Code does not change, suspend or otherwise affect any civil or other liability, other than criminal liability as defined herein, which would otherwise arise from any conduct defined herein.

Article 5. Severability

If any provision of this Code or the application of any provision of this Code to any person or circumstance is held invalid, the remainder of this Code shall not be affected thereby.

Article 6. Prosecution for Multiple Offenses

When the same conduct of a defendant may establish the commission of more than one offense, the defendant may be prosecuted for each such offense. He may not, however, be convicted of more than one offense if;

- (1) one offense is included in the other; or
- (2) one offense consists only of a conspiracy, solicitation, or an attempt to commit the other; or

when:

- (a) it is established by proof of the same or less than all the facts required to establish the commission of the offense charged; or
- (b) it consists of an attempt or solicitation to commit the offense charged or to commit an offense otherwise included therein; or
- (c) it differs from the offense charged only in the respect that a less serious injury or risk of injury to the same person, property or public interest or a lesser kind of culpability suffices to establish its commission.

Article 10. Double Jeopardy

- (1) If a defendant has been prosecuted for one or more offenses arising out of a single criminal episode or the same facts as the original prosecution, a subsequent prosecution for the same or a different offense arising out of such episode or facts is barred if:
 - (a) the subsequent prosecution is for an offense that was or should have been tried under this Code in the former prosecution, unless such subsequent trial has been ordered as a separate trial by the judge; and
 - (b) the former prosecution:
 - (i) resulted in acquittal; or
 - (ii) resulted in conviction; or
 - (iii) was improperly terminated; or
 - (iv) was terminated by a final order of judgment for

such charge has, in fact, resulted in a conviction or acquittal of the defendant by a federal court following trial.

Article 11. Burden and Presumption of Innocence

(1) A defendant in a criminal proceeding is presumed to be innocent until each element of the offense against him is proved beyond a reasonable doubt. In the absence of such proof the defendant shall be acquitted.

(2) By "element of the offense" is meant:

- (a) the conduct, attendant circumstances or results of conduct proscribed, prohibited, or forbidden in the definition of the offense; plus
- (b) the culpable mental state required; but
- (c) jurisdiction is not an element of the offense nor is the statute of limitations or any other matter similarly unconnected with the harm or evil, incident to conduct, sought to be prevented by the offense nor is the existence of justification or excuse as defense to the offense, and such may be established by a preponderance of the evidence.

Article 12. Negating Defenses

The prosecution need not negate any defense either in the complaint or by proof unless the defense is in the issue as a result of evidence presented at trial by either side, or unless the defense is an affirmative defense, and the defendant has presented evidence of such.

based on an omission unaccompanied by action unless;

(a) the omission is expressly made sufficient by the law defining the offense; or

(b) a duty to perform the omitted act is otherwise imposed by law.

(4) Possession is an act, within the meaning of this section, if the possessor knowingly procured or received the thing possessed or was aware of his control thereof for a sufficient period to have been able to terminate his possession.

Article 15. Culpability - General Requirements

(1) A person is not guilty of an offense unless he acted purposely, knowingly, recklessly, or negligently, as the law may require, with respect to each element of the offense, or unless his acts constitute an offense involving strict liability.

(2) Kinds of culpability defined are:

(a) Purposely: a person acts purposely with respect to an element of an offense when:

(i) if the element involves the nature of his conduct or a result thereof, it is his conscious object to engage in conduct of that nature or to cause such a result; and

(ii) if the element involves the attendant circumstances, he is aware of the existence of such circumstances, or he believes or hopes that they exist.

(b) Knowingly: a person acts knowingly with respect to

from the standard of care that a reasonable person would observe in the actor's situation.

(e) Strict Liability: an element of an offense shall involve strict liability only when the definition of the offense or element clearly indicated a legislative purpose to impose strict liability for an element of the offense by use of the phrase "strict liability" or other terms of similar import, and when so used no proof of a culpable mental state is required to establish the commission of the element or offense.

(3) When the culpability sufficient to establish an element of an offense is not specifically prescribed, such element is established if a person acts purposely, knowingly, or recklessly with respect thereto.

(4) When the law defining an offense prescribes the kind of culpability that is sufficient for the commission of an offense, without distinguishing among the elements thereof, such provision shall apply to all the material elements of the offense, unless a contrary purpose plainly appears.

(5) When the law provides that negligence suffices to establish an element of an offense, such element also is established if a person acts purposely, knowingly or recklessly. When recklessness suffices to establish an element, such element is also established if a person acts purposely.

(6) When a particular purpose is an element of an offense,

- (b) the relationship between the cause and result satisfies any additional casual requirements imposed by this Code or the definition of the offense.

(2) When a particular mental state is specified in conjunction with an element of an offense, proof of that element is not avoided because the actual result differed from that intended or that which was probable or likely under the circumstances either in kind or degree or because a different person or different property was injured or affected than that intended or than that which was probable or likely under the circumstances, unless such differences are sufficient without consideration of the mental state involved to constitute a defense or avoidance or unless such differences are of such a magnitude that it would be unjust to find the element involved in light of such differences.

Article 17

(1) Ignorance or mistake as to a matter of fact is a defense only if:

- (a) the ignorance or mistake negates a specific mental state required to establish an element of the offense; or
- (b) the law provides that the actual state of mind which existed itself constitutes a defense.

(2) Although ignorance or mistake would otherwise afford a defense to the offense charged, the defense is not available if the defendant would be guilty of another offense if the situation had been as he supposed in which the punishment available upon

Article 18. Liability for Conduct of Another

(1) A person is guilty of an offense if it is committed by his own conduct or by the conduct of another person for whom he is legally accountable, or both.

(2) A person is legally accountable for the conduct of another person when:

(a) acting with the kind of culpability that is sufficient for the commission of the offense, he causes an innocent or irresponsible person to engage in such conduct, or

(b) he is made accountable for the conduct of such other person by this Code or the definition of the offense; or

(c) he is an accomplice of such other person in the commission of the offense.

(3) A person is an accomplice of another person in the commission of an offense if:

(a) with the purpose promoting or facilitating the commission of an offense, he

(i) solicits such other person to commit it; or

(ii) aids or agrees or attempts to aid such other person in planning or committing to it; or

(iii) having legal duty to prevent the commission of the offense, fails to make proper effort to do so; or

(b) his conduct is expressly declared by law to esta-

person claimed to have committed the offense has not been prosecuted or convicted or has been convicted of a different offense or degree of offense or has immunity from prosecution or has been acquitted.

Article 19. Corporations and Unincorporated Associations.

(1) A person is legally accountable for any conduct he performs or causes to be performed in the name of a corporation or unincorporated association or in its behalf to the same extent as if it were performed in his own name or behalf.

(2) Whenever a duty to act is imposed by law upon a corporation association, any agent of the corporation or association having primary responsibility for the discharge of the duty is legally accountable for a reckless omission to perform the required act to the same extent as if the duty were imposed by law directly upon himself.

(3) When a person is convicted of an offense by reason of his legal accountability for the conduct of a corporation or an unincorporated association, he is subject to the sentence authorized by law when a natural person is convicted of an offense of the class involved.

Article 20. Intoxication

(1) Except as provided in subsection 4 of this section, intoxication of the actor is not a defense unless it negates an element of the offense.

(2) When recklessness establishes an element of the offense, if the actor, due to self-induced intoxication, is unaware of a risk of when he would have been aware he had been sober, such

to duress.

(3) It is not a defense that a woman acted on the command of her husband, unless she acted under such coercion as would establish a defense under subsection 1 above. No presumption of duress arises from the mere presence of the husband at the time a woman acted.

(4) The defense provided in this section is unavailable in any situation where the coerced conduct threatens to cause death or serious bodily harm to some other person other than the actor or does in fact cause such harm.

Article 22. Consent

(1) The consent of the victim to conduct charged to constitute an offense or to the result thereof is a defense if such consent negates an element of the offense or precludes the infliction of the harm or evil sought to be prevented by the law defining the offense.

(2) When conduct is charged to constitute an offense because it threatens to cause or causes bodily harm, consent to such conduct or to the infliction of such harm is a defense only if:

(a) the bodily harm consented to or threatened by the conduct consent to is not serious; or

(b) the conduct and the harm are reasonably foreseeable hazards of joint participation in a lawful athletic contest, competitive sport or other lawful activity; or

(c) the consent establishes a justification for the conduct under this Code.

be committed by persons other than those who are ready to commit it.

(2) The defense afforded by this section shall be unavailable when causing or threatening bodily injury is an element of the offense charged and the prosecution is based on conduct causing or threatening such injury to a person other than the person perpetrating the entrapment.

(3) Except as provided in (2) above, a person prosecuted for an offense shall be acquitted if he proves by a preponderance of the evidence that his conduct occurred in response to an entrapment. The issue of entrapment shall be tried to and decided by the Court. Evidence of past offenses shall be admissible only if the defendant takes the stand in his own defense.

Article 24. Mental Disease or Defect.

(1) In any prosecution for an offense, it shall be a defense that the defendant, at the time of the conduct upon which the prosecution is based, as a result of mental disease or defect, lacked substantial capacity either to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of the law.

(2) As used in this section, the terms "mental disease" or "defect" do not include an abnormality manifested only by repeated criminal or otherwise antisocial conduct.

(3) The defense afforded by this section shall not be available unless notice of intent to rely on such defense is given at least two weeks before trial. By giving such notice, the defendant will be deemed to have consented to be examined for the pro-

that such force is necessary to defend himself or a third person against such other's imminent use of unlawful force; however, a person is justified in using force which is intended or likely to cause likely to cause death or serious bodily injury only if he reasonably believes that such force is necessary to prevent death or serious bodily injury to himself or a third person.

(2) A person is not justified in using force under the circumstances specified in 1) of this section if he:

- (a) intially provokes the use of force against himself with the intent to use force as an excuse to inflict bodily harm upon the assailant; or
- (b) is attempting to commit, committing, or fleeing after the commission of an offense; or
- (c) was the aggressor or was engaged in a combat by agreement, unless he withdraws from the encounter and effectively communicates to such other person his intent to do so and the other notwithstanding continues or threatens to continue the use of unlawful force.

Article 27. Force in Arrest

Any person is justified in using any force, except deadly force, which he reasonably believes to be necessary to effect an arrest or to defend himself or another from bodily harm while making an arrest.

Article 28. Deadly Force by Law Enforcement Officer

A law enforcement officer, or any person acting by his command in his aid and assistance is justified in using deadly force

tempted for the purpose of committing a serious offense, or other offense involving threat of bodily injury therein and that such force is necessary to prevent the commission of such offense.

Article 30. Force in Defense of Property

A person is justified in using force, other than deadly force against another when and to the extent that he reasonably believes that force is necessary to prevent or terminate criminal interference with real or personal property:

- (1) lawfully in his possession; or
- (2) lawfully in the possession of his immediate family; or
- (3) belonging to a person whose property he has a legal duty to protect.

Article 31. Justification of a Defense; Civil Remedies

(1) In any prosecution based on conduct which is justified as specified in this Code, such justification is an affirmative defense.

(2) The fact that conduct is justifiable as specified in this Code does not abolish or impair any civil right or remedy which might arise from such conduct.

Article 32. Choice of Evils

(1) Conduct which the actor believes to be necessary to avoid a harm or evil to himself or another is justifiable, provided that:

- (a) the harm or evil sought to be avoided by such conduct is greater than that sought to be prevented by the law defining the offense charged; and
- (b) neither this Code nor any other law defining the

person against his/her will or without the consent of the parent or other person having lawful care or charge of him/her is guilty of abduction.

Article 36. Abuse of Human Corpse or Burial Ground

A person who commits this offense is without legal privilege he/she intentionally or knowingly physically abuses, disinters, removes or carries away a human corpse or removes, excavates, injures or destroys a burial ground.

Article 37. Abuse of Office

A person commits this offense if he/she acts or purports to act in an official capacity, or takes advantage of such actual or purported capacity, knowing such conduct is unlawful, and:

A. Illegally subjects another to arrest, detention, search or seizure, mistreatment, dispossession, assessment, or

B. Illegally infringes upon the personal or property right of another, or

C. Illegally denies or impedes another in the exercise or enjoyment of any right, privilege, power or immunity, or

D. Illegally misrepresents to another that he/she is acting in an official capacity, such as, but not limited to, travel on Tribunal business, and incurs an unauthorized Tribal expenditure.

Article 38. Assault with Intent to Kill

Any person who shall attempt or threaten to commit battery or do bodily harm to another person by unlawful force, violence threat, or menacing conduct indicating thereby his/her intent to kill the other person is guilty of assault with intent to kill.

Article 39. Battery

Article 43. Contributing to the Delinquency and Dependency of a Minor

A. A person who by any act causes, encourages, or contributes to a child being found delinquent or who for any cause is responsible therefore may be found guilty of such offense.

B. In order to find a person guilty of violating the provisions of this article, it is not necessary to prove that the child has actually become delinquent if it appears from the evidence that through any act, neglect or omission of duty or by any improper act or conduct on the part of such person, the delinquency of a child may have been caused or merely encouraged.

Article 44. Embezzlement

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

Article 45. Explosives

Any person is guilty of a serious offense who:

A. Keeps or stores dynamite, gun cotton, nitroglycerine or giant powder, in greater quantities than 25 pounds at one time, or blasting or gunpowder in the greater quantities than 50 pounds at one time, in or upon any building or premises within the exterior boundaries of the Tunica-Biloxi Reservation.

B. Keeps or stores percussion caps, gunpowder or other blasting powder, within a distance of two hundred feet of a building or premises where hervules, dynamite, gun cotton, nitroglycerine or giant powder is kept or stored.

C. Knowingly sells or has in his/her possession dynamite,

Court, but in the event, no longer than six months.

C. Negligent Use of a Weapon

A person commites this offense by:

1. unlawfully discharging a firearm, near a building or into any building or vehicle so as to knowingly endanger a person or his/her property.
2. Carrying a firearm while under the influence of an intoxicant or narcotic; or
3. Endangering the safety of another of his/her property by handling or using a firearm or other deadly weapon in a negligent manner.

Article 48. Forgery

Any person who shall, with intent to defraud, falsely sign, execute or alter any written instrument, is guilty of forgery.

Article 49. Incest and Sexual Conduct With Children

A. Any person who commits the act of cohabitation or sexual commerce with another person who is related to said person within the degree wherein marriage is prohibited by law or custom is guilty of the offense of incest.

B. A person is guilty of the offense of sexual conduct with a foster child or stepchild if he or she intentionally or knowingly engages in sexual conduct with his or her foster child or stepchild who is under 18 years of age.

Article 50. Liquor Violations Involving Minors

Any person who shall purchase for, sell to, trade, give away, transport any beer, alcohol, wine, whiskey, or any article whatsoever which produces alcoholic intoxication to a minor shall be

Every person who shall, because of intemperance, or of gambling, willfully refuse or neglect to support, furnish food, shelter or care to those immediate family members who depend upon him/her, including any children born out of wedlock, is guilty of a misdemeanor.

Article 56 Cutting Timber Without Permit

Any person who is not a member of the Tunica-Biloxi Tribe, or who cuts, digs up, destroys, or removes any timber or vegetation for any purpose, without a proper permit or who is defacing vegetation, rocks or other natural things, is guilty of a misdemeanor.

Article 57. Escape

Any person who being in lawful custody for any offense, shall escape or attempt to escape or who shall permit or assist or attempt to permit or assist another person to escape from lawful custody is guilty of a misdemeanor.

Article 58. False Arrest

Any person who shall willfully and knowingly make, or cause to be made, the unlawful arrest, detention or imprisonment of another person, is guilty of a misdemeanor.

Article 59. Injury to Public Property

Any person who shall without proper authority willfully use or injure any public, government or Tribal property, is guilty a misdemeanor.

Article 60. Interference with Custody

A person commits this offense by knowingly or recklessly taking or enticing any child under the age of 18 from the custody of its parent, guardian, or other lawful custodian or any legally

Article 64. Bigamy

Any peson who, being married, shall marry another person without having obtained a divorce, is guilty of bigamy. This section shall not apply to the remarriage of a person whose husband or wife shall have been continually absent from such person for a period of three (3) years or more, and shall not have been known, by such person, to have been living within that time; nor to any person whose former marriage shall have been declared void by any court having competent jurisdiction.

Article 65. Carrying a Concealed Weapon

A. Any person who shall go about in public places armed with a dangerous weapon, except a pocket knife not manufactured and used for offense and defense, concealed upon his/her person, unless he/she shall have a pearmit signed issued by the Tunica-Biloxi Tribe is guilty of a petty offense.

B. A weapon is not a concealed weapon in this section if:

any person or in conveying such person to the nearest place of confinement is guilty of a petty offense.

Article 70. Game Violations - Prohibited Acts

On Tribal lands the following acts are hereby declared illegally:

A. For non-Tribal members to hunt, fish or trap on Tribal lands of the Tunica-Biloxi Indians, without first obtainina a valid permit to do so from the Tunica-Biloxi Tribal Council or any department or person authorized by the Tunica-Biloxi Tribal Council to issue permits.

B. To allow any edible part of a game animal, game bird or game fish to go to waste through neglect, carelessness or otherwise.

C. To sell, barter, trade or purchase or attempt to do so, any of the edible portions of any protected animal, fish or bird; provided, the Tunica-Biloxi Tribal Council may sell and any Tribal Council may sell and any Tribal member may purchase and possess such wildlife except migratory birds.

D. For any person to take, catch or kill, or attempt to take, any fish or amphibian in the waters of this Reservation with any kind of net or seine; or any firearm, explosive or electrical device or substance with a tendancy to kill or stupefy fish, except as may be authorized.

Article 71. Indecent Exposure

A person who willfully and lewdly exposes his/her person or private parts thereof in any public place to persons present or

cigar, cigarette or match or by use of firearms, or in any other manner starts a fire is guilty of a petty offense.

Article 76. Perjury

Any person who shall willfully and deliberately in any judicial proceedings in the Tribal Court, falsely swear or interpret, or shall make a sworn statement or affidavit knowing the same to be untrue, or shall induce or procure another person to do so, is guilty of perjury. For this purpose on a second conviction is guilty of a petty offense.

Article 77. Receiving Stolen Property

Any person who shall receive or conceal or aid in concealing or receiving any property, knowing the same to be stolen, embezzled, or obtained by false pretense, a robbery or burglary, is guilty of a petty offense.

Article 78. Resisting Lawful Arrest

Any person who shall willfully and knowingly, after being informed of the charges against him/her and his/her rights, by force or violence resist or assist another person to resist a lawful arrest is guilty a petty offense.

Article 79. Tampering With A Public Record

A person commits a petty offense if he/she intentionally or knowingly:

A. Makes a false entry, completes, or alters a written instrument purporting to be a public record or true copy thereof;

B. Presents or uses a written instrument which is or purports to be a public record or a copy thereof, knowing that it is

extent of the imprisonment, which shall not be less than one day for every \$10 of fine.

Article 83. Carrying Firearms or Gun

A. Any person under the age of eighteen (18) years, who shall go about anywhere on Tunica-Biloxi Tribal lands armed with a shotgun, rifle, pistol, air gun, BB gun, or other firearm, unless his/her parent or guardian shall have obtained a permit from the Tunica-Biloxi Tribal Council, is guilty of an offense and upon conviction thereof shall be sentenced in the discretion of the Court.

B. Every parent or guardian on applying for a permit shall agree to pay all damages to person or property resulting from the use of the firearms in the hands of the person for whom the permit has been issued. Any gun seized for violation of the foregoing section may be confiscated.

Article 84. Contempt of Court

Any person who acts in any of the following ways if guilty of a criminal offenses as well as a civil offense:

A. Disorderly, contemptuous or insolent behavior committed during the sitting of a court of justice, referee court and/or jury in immediate view and presence of the court, and directly tending to interrupt its proceedings or to impair respect due to authority.

B. Willful disobedience and/or resistance of process or an order lawfully issued by a court.

C. The unlawful refusal to be sworn as a witness, or when so

the classified sentence category shall repair the fence to its original condition, and/or pay treble damages for injuries or loss occasioned by leaving the gate open.

Article 89. Fighting

Any person who engage in assault or battery by mutual consent, i.e., fighting, are guilty of an offense and shall be sentenced under this offense and not a higher category.

Article 90. Littering - - Petty

Any person who places any garbage, refuse, ashes, junk, glass, bottles, tin cans, or other form of litter or debris on Reservation land or waters except in places so designated for this purpose is guilty of an offense. Waste, as described above, that is burnable, may be disposed of by burning in a safe manner. For this purpose on the first conviction is guilty of a petty offense, of the second degree.

Article 91. Petty Theft

Any person who shall take the property of another person valued at less than \$25 with intent to steal is guilty of petty theft.

Article 92. - Perjury Petty

Any person who shall willfully and deliberately, in any judicial proceedings in the Tunica-Biloxi Tribal Court, falsely swear or interpret, or shall make a sworn statement or affidavit knowing the same to be untrue, or shall induce or procure another person to do so, is guilty of perjury. For this purpose on the first conviction is guilty of a petty offense of the second degree.

C. He or she threatens to commit such crime in reckless disregard of the risk of causing such terror or inconvenience.

Article 97. Timber

Any person who willfully cuts down, destroys or injures wood or timber on the land of another or carries wood or timber lying on the other's land is guilty of a petty offense of the second degree and in addition to the category offense shall replace the timber/wood and/or pay treble damages.

Article 98. Unlawful Possession of Switch Blades

A person commits this offense of the second degree by either possessing, displaying, offering, selling, lending, giving away, or purchasing any knife which has a blade which opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade which opens or falls or is ejected into position by the force of gravity of gravity or by any outward or centrifugal thrust or movement.

III. MISCELLANEOUS OFFENSES.

Article 99. Statute of Limitations

The statute of limitations for criminal offenses shall be ~~one~~ ^{one} ~~year~~ ^{year} unless tolled by the absence of the defendant or other sufficient legal cause to toll the statute.

Article 100. Aiding or Abetting

When an act is declared an offense, which shall be a violation of the Code, and no punishment for counseling or aiding in the commission of the act is expressly prescribed law, a person

duly commissioned Reservation police officers, and the person arrested on the Tribal warrant will be returned to the Tribal Court for release to off-Reservation authorities.

Article 104. Tribal Money and Vouchers

A. Paying or Receiving Tribal Money
for Services Not Rendered

A person commits this offense if he or she knowingly makes or receives payment or causes payment to be made from Tribal funds when such remuneration for personal services which have not in fact been rendered.

B. Making or Permitting False Tribal Voucher

A. A person commits this offense if he or she knowingly, intentionally, or willfully makes, or cause to be made, or permits to be made, a deceit, material misrepresentation or forged signature upon any Tribal voucher, expense reimbursement form, or invoice be relied upon for the unauthorized expenditure of Tribal money.

C. Exceptions.

These provisions, Article 104(A) and (B), regarding Paying and Receiving Tribal Money and false Tribal Vouchers, shall not apply to advances for services and/or travel, as long as the services are rendered or the voucher represents expenses and any defects or overages in same are cured within a reasonable time.

D. Category of Offense

The category of offense shall be determined by the amount of funds which were unauthorized expenditures of funds which were