

**LAW AND ORDER CODE**

**TITLE IV. CRIMINAL OFFENSES**

**CHAPTER 1 – GENERAL PROVISIONS**

**Part 1. Purpose, Applicability and General Definitions.**

- Section 4-1-101. Purpose and construction.**
- Section 4-1-102. Civil actions not barred.**
- Section 4-1-103. Application of civil rights.**
- Section 4-1-104. Offenses committed by children under age 8**
- Section 4-1-105. Exclusiveness of offenses.**
- Section 4-1-106. [*Reserved*]**
- Section 4-1-107. Enforcement procedures for civil infractions.**
- Section 4-1-107.5 Civil Contempt**
- Section 4-1-108. Forfeiture of property.**
- Section 4-1-109. General definitions.**

**Part 2. Limitations on Prosecution and Penalties.**

- Section 4-1-201. Limitations on prosecution based on same transaction.**
- Section 4-1-202. Time limitations for prosecution.**
- Section 4-1-203. When time limitations for prosecution suspended, extended, or removed.**
- Section 4-1-204. Classification of offenses and penalties.**
- Section 4-1-205. Additional penalty for crimes committed by adults with assistance of a child.**

**Part 3. Violent Offender Registration.**

- Section 4-1-301. Registration violent offenders.**
- Section 4-1-302. Record of registration.**
- Section 4-1-303. Inspection.**
- Section 4-1-304. Prohibited disclosure of information.**
- Section 4-1-305. Limitation of liability.**
- Section 4-1-306. Failure to register or providing false information.**

**CHAPTER 2 – REQUIREMENTS TO COMMIT AN OFFENSE**

**Part 1. Requisite Intent to Commit an Offense**

- Section 4-2-101. Required mental state.**
- Section 4-2-102. Strict liability.**

## **Part 2. Other Principles of Liability**

- Section 4-2-201 Intoxicated or drugged condition.**
- Section 4-2-202. Ignorance or mistake of fact.**
- Section 4-2-203. Ignorance or mistake of law.**
- Section 4-2-204. Liability for Acts of Corporations or Unincorporated Associations.**
- Section 4-2-205 Conduct and result.**
- Section 4-2-206 Voluntary act.**
- Section 4-2-207 Accountability.**

## **CHAPTER 3 – AFFIRMATIVE DEFENSES**

### **Part 1. Preliminary Provisions.**

- Section 4-3-101. Burden of proof.**

### **Part 2. Enumeration of Defenses.**

- Section 4-3-201. Consent.**
- Section 4-3-202. Compulsion.**
- Section 4-3-203. Duress.**
- Section 4-3-204. [*Reserved*]**
- Section 4-3-205. Justification.**
- Section 4-3-206. Insanity Defense.**
- Section 4-3-207. Use of force in defense of a person.**
- Section 4-3-208. Use of force in defense of occupied structure.**
- Section 4-3-209. Use of force in defense of property.**

## **CHAPTER 4 - INCHOATE (PREPARATORY) OFFENSES**

### **Part 1. Enumeration of Offenses and Extent of Liability**

- Section 4-4-101. Solicitation.**
- Section 4-4-102. Conspiracy.**
- Section 4-4-103. Attempt.**

## **CHAPTER 5 - OFFENSES AGAINST THE PERSON**

### **Part 1. Preliminary provisions.**

- Section 4-5-101. Definitions.**

### **Part 2. Homicide.**

- Section 4-5-201. Homicide.**

**Section 4-5-202. Aiding or soliciting suicide.**

**Part 3. Assault and Related Offenses**

**Section 4-5-301. Assault.**

**Section 4-5-302. Battery**

**Section 4-5-303. Aggravated Battery**

**Section 4-5-304. Making a violent threat.**

**Section 4-5-305. Harassment: Definition; penalties.**

**Section 4-5-306. Stalking and Aggravated Stalking; penalties.**

**Section 4-5-307. Terrorist threats.**

**Section 4-5-308. Criminal endangerment.**

**Section 4-5-309. Negligent endangerment.**

**Section 4-5-310. Fetal Endangerment.**

**Section 4-5-311. [*Reserved*]**

**Section 4-5-312. Elder Abuse.**

**Section 4-5-313. Robbery.**

**Section 4-5-314. Invasion of the Home.**

**Ordinance 48. Domestic violence**

**Part 4. Unlawful Restraint, False Imprisonment, or Kidnapping**

**Section 4-5-401. Unlawful Restraint or False Imprisonment.**

**Section 4-5-402. Kidnapping.**

**Section 4-5-403. Aggravated unlawful restraint, false imprisonment, or kidnapping.**

**CHAPTER 6 – COMPREHENSIVE SEXUAL CRIMES ACT**

**Part 1. Preliminary provisions.**

**Section 4-6-101. Definitions.**

**Part 2. Enumeration of Offenses**

**Section 4-6-201. Sexual assault.**

**Section 4-6-202. Indecent exposure.**

**Section 4-6-203. Sexual abuse of children.**

**Section 4-6-204. Lewdness with a child.**

**Section 4-6-205. Statutory rape.**

**Section 4-6-206. Failure to register as a sex offender. (7/17/2013- repealed, replace with Ordinance 60, Section 7.02)**

**Part 3. Sexual Offender Risk of Recidivism.**

**Section 4-6-301. Assessment of risk of recidivism. (repealed 7/17/14)**

**Section 4-6-302. Levels of notification. (repealed 7/17/14)**

**CHAPTER 7 – OFFENSES WITHIN THE FAMILY**

**Part 1. Offenses Committed Against Children.**

- Section 4-7-101. Criminal child abuse.**
- Section 4-7-102. Criminal child neglect.**
- Section 4-7-103. Criminal child endangerment.**
- Section 4-7-104. Contributing to the delinquency of a minor.**
- Section 4-7-105. Neglected Child, Delinquent Child or Child In Need of Supervision; definitions.**
- Section 4-7-106. Contributory neglect or Contributory delinquency; penalty.**

**Part 2. Offenses Committed Against Dependent Persons**

- Section 4-7-201. Failure to support dependent person.**
- Section 4-7-202. Nonsupport of spouse, former spouse or child. [Amended October 17, 2018]**
- Section 4-7-203. Affirmative defense to nonsupport of spouse, former spouse or child.**

**Part 3. Offenses Committed by Adults**

- Section 4-7-301. False statement concerning age or school attendance.**
- Section 4-7-302. Failure to assure school attendance.**
- Section 4-7-303. Failure to send child to school.**
- Section 4-7-304. Custodial interference.**

**CHAPTER 8 - CRIMES AGAINST PROPERTY**

**Part 1. Preliminary Provisions.**

- Section 4-8-101. Definitions.**

**Part 2. Enumeration of Offenses**

- Section 4-8-201. Arson and Reckless burning.**
- Section 4-8-202. Destruction of property.**
- Section 4-8-203. Creating a hazard.**
- Section 4-8-204. Allowing disorderly premises.**
- Section 4-8-205. Trespass.**
- Section 4-8-206. Burglary.**
- Section 4-8-207. Aggravated Burglary**
- Section 4-8-208. Theft; definitions.**
- Section 4-8-209. Embezzlement**
- Section 4-8-210. Buying or receiving stolen goods.**

- Section 4-8-211. Doing business without a license.**
- Section 4-8-212. Forgery.**
- Section 4-8-213. Criminal simulation.**
- Section 4-8-214. Deceptive business practices.**
- Section 4-8-215. Deceptive practices.**
- Section 4-8-216. Fraud.**

## **CHAPTER 9 - OFFENSES AGAINST PUBLIC ADMINISTRATION**

### **Part 1. Enumeration of Offenses.**

- Section 4-9-101. Bribery.**
- Section 4-9-102. Improper influence in official matters.**
- Section 4-9-103. Impersonating a public servant.**
- Section 4-9-104. Giving False reports or information to law enforcement officers.**
- Section 4-9-105. Official misconduct.**
- Section 4-9-106. Unofficial misconduct.**
- Section 4-9-107. Misuse of Tribal money or property.**
- Section 4-9-108. Perjury or Subornation of Perjury.**
- Section 4-9-109. False swearing.**
- Section 4-9-109.5. False affidavit or complaint to effect arrest or search.**
- Section 4-9-109.6. Law Enforcement officer exceeding authority in execution of search warrant.**
- Section 4-9-110. Preventing or dissuading person from testifying or producing evidence.**
- Section 4-9-110.5. Bribing or intimidating witness to influence testimony.**
- Section 4-9-111. Offering false evidence.**
- Section 4-9-111.5. Destroying evidence.**
- Section 4-9-112. Tampering with public records.**
- Section 4-9-112.5. Intentional destruction of legal or other notices**
- Section 4-9-113. Obstructing governmental functions.**
- Section 4-9-114. Resisting arrest.**
- Section 4-9-115. Interfering with law enforcement procedures.**
- Section 4-9-115.5. Filing false or fraudulent complaint or allegation of misconduct against Law Enforcement officer.**
- Section 4-9-116. Obstruction of justice.**
- Section 4-9-117. Escape.**
- Section 4-9-118. Failure to appear.**
- Section 4-9-119. Failure to obey lawful order of the court.**
- Section 4-9-120. Contempt.**

## **CHAPTER 10 – OFFENSES AGAINST PUBLIC ORDER AND SAFETY**

### **Part 1. Enumeration of Offenses**

- Section 4-10-101. Disorderly conduct.**

- Section 4-10-102. Public nuisance.**
- Section 4-10-103. Littering.**
- Section 4-10-104. Rioting.**
- Section 4-10-105. Loitering.**
- Section 4-10-106. Rigging a contest.**
- Section 4-10-107. Fireworks offense.**
- Section 4-10-108. Possession of Alcoholic Beverages or Other Intoxicating Substances.  
[Eff.12/15/04]**
- Section 4-10-109. Civil Protective Custody.**

## **CHAPTER 11 – OFFENSES AGAINST PUBLIC MORALITY AND DECENCY**

### **Part 1. Enumeration of Offenses.**

- Section 4-11-101. Prostitution.**
- Section 4-11-102. Spreading venereal disease.**
- Section 4-11-103. Knowingly engaging in conduct reasonably likely to transfer HIV.**
- Section 4-11-104. Violation of privacy.**

## **CHAPTER 12 – WEAPONS OFFENSES.**

### **Part 1. Preliminary Provisions.**

- Section 4-12-101. Definitions.**
- Section 4-12-102. Confiscation of unlawful weapons by Tribal Police.**

### **Part 2. Enumeration of Offenses.**

- Section 4-12-201. Carrying a concealed weapon.**
- Section 4-12-202. Possession or manufacture of short-barreled rifle or shotgun.**
- Section 4-12-203. Unlawful discharge or display of a firearm .**
- Section 4-12-204. Carrying a firearm while unlawfully using or being under the influence  
of a controlled, prohibited, or intoxicating substance.**
- Section 4-12-205. Possession of firearm or other dangerous weapon.**
- Section 4-12-206. Destructive devices prohibited.**
- Section 4-12-207. Possession of altered firearm.**
- Section 4-12-208. Use of firearms by children under 14 years of age.**
- Section 4-12-209. Aiming a firearm at a person.**

## **CHAPTER 13 - DRUG OFFENSES**

### **Part 1. Preliminary Provisions.**

- Section 4-13-101. Definitions.**

### **Part 2. Enumeration of Offenses**

- Section 4-13-201. Possession of controlled, prohibited, or intoxicating substances.**
- Section 4-13-202. Sales of controlled, prohibited, or intoxicating substances.**
- Section 4-13-203. Use of controlled, prohibited, or intoxicating substances.**
- Section 4-13-204 Under the Influence of controlled, prohibited, or intoxicating substances.**
- Section 4-13-205. Sale or Possession of Imitation controlled or prohibited substances.**
- Section 4-13-206. Possession of drug paraphernalia.**
- Section 4-13-207. Manufacture or delivery of drug paraphernalia.**
- Section 4-13-208. Inhaling toxic vapors.**
- Section 4-13-209. Possession of tobacco by persons under the age of 18.**
- Section 4-13-210. Sale of tobacco products to minors prohibited.**
- Section 4-13-211. Civil Infractions Under Part 2.**

**LAW AND ORDER CODE**

**TITLE IV. CRIMINAL OFFENSES**

**CHAPTER 1 – GENERAL PROVISIONS**

**Part 1. Purpose, Applicability and General Definitions**

**Section 4-1-101. Purpose and construction.** The provisions of this chapter shall be construed in accordance with the Reno-Sparks Indian Colony Tribal customs as well as to achieve the following general principles and purposes:

(a) to forbid and prevent the commission of offenses and give fair warning of conduct which is declared by the laws of the Reno-Sparks Indian Colony to be an offense;

(b) to adequately define the conduct and mental state which constitute an offense and to safeguard permitted conduct;

(c) to prescribe penalties which are proportionate to the seriousness of the offense and which permit recognition of differing rehabilitative needs of individual offenders while at the same time recognizing the need of the entire Reno-Sparks Indian Colony and individual members for protection from offenders;

(d) to prevent arbitrary and oppressive treatment of persons accused or convicted of offenses and to promote the correction and rehabilitation of such persons; and

(e) to protect any person whose health and welfare may be adversely affected or threatened due to abuse, neglect or exploitation by family, household members, or other person in a legal or contractual position of providing physical, mental or medical assistance and support to the affected person.

(f) for purposes of clarity, wherever in this Code the masculine pronoun "he" is used, it is to be understood to refer to persons of either gender.

**Section 4-1-102. Civil actions not barred.** The Code of the Reno-Sparks Indian Colony does not bar, suspend or otherwise affect any right or liability to damages, penalty, forfeiture, or other remedy authorized by law to be recovered. Civil injury is not merged into a criminal offense.

**Section 4-1-103. Application of civil rights.**

Nothing in this Code shall be interpreted to abridge the civil rights of any person.

**Section 4-1-104. Offenses committed by children under age 8.**

A child under the age of eight (8) years shall be considered incapable of committing a criminal offense.

**Section 4-1-105. Exclusiveness of offenses.**

No conduct constitutes a criminal offense unless so declared by the Reno-Sparks Indian Colony Law and Order Code or by and Reno-Sparks Indian Colony resolution or ordinance.



**Section 4-1-106. [Reserved]**

**Section 4-1-107. Enforcement procedures for civil infractions.** Non-Indians violating a Class A, B or C offense in this Title or any RSIC Ordinance on Colony lands shall be subject to the following enforcement procedures:

- (a) Citations.
  - (1) Initial Proceedings. Proceedings may be initiated by issuing a citation to the defendant. A copy of the citation shall be filed with the Clerk of Court and a second copy shall be retained by the citing officer. When filed with the Clerk of Court, the citation shall serve as a civil complaint.
  - (2) Issuance. The citation shall be personally issued to the defendant.
  - (3) Contents. The citation shall contain at least the following:
    - (i) The name, address, phone number and date of birth of the defendant, if available;
    - (ii) The date and time of the alleged offense;
    - (iii) The particular section of this Title alleged to have been violated;
    - (iv) The notice requiring the defendant to appear in Tribal Court on a stated date and at a stated time;
    - (v) The defendant may sign the citation and thereby promise to appear in Tribal Court.
    - (vi) A statement of the maximum fine for each violation alleged.
- (b) Alternative Citation. A defendant may be transferred to other governments for prosecution under applicable laws if the he refuses to sign the citation consenting to Tribal jurisdiction and promising to appear in Tribal Court, or, after signing the citation, the defendant fails to appear at the Tribal Court hearing.
- (c) The Tribal Court shall conduct without unnecessary delay an admit/deny hearing for all citations issued under this Section and advise the charged person that he or she has a right to a civil adjudicatory hearing.
- (d) If the cited party knowingly admits the cited violation the Tribal Court shall proceed with a disposition that may as provided by this Section.
- (e) If the cited party denies the cited violation the Tribal Court shall set the matter for an adjudicatory hearing without unnecessary delay.
- (f) At the adjudicatory hearing the parties shall be allowed to present their cases. The Colony shall be represented by the Tribal Prosecutor and has the burden of proof by a preponderance of the evidence. The federal rules of evidence shall not apply.
- (g) At the adjudicatory hearing the Tribal Court shall, based on the evidence presented, decide whether or not the Colony had proven the cited violation by a preponderance of the evidence and enter an appropriate disposition.
  - (g) Any person found to have committed a civil offense under this Section may be sentenced to one or more of the following penalties for each offense found to have been committed:
    - (1) A fine in the amount not to exceed the maximum permitted fine for the offense;
    - (2) Restitution to any person or the Reno-Sparks Indian Colony for any losses or damages that resulted from the offense committed;

- (3) Prohibition from entering the Reno-Sparks Indian Colony;
- (4) Forfeiture of any property subject to forfeiture under Title 4, Section 1-

108.

(Amended by Resolution No. 2017-RS-35, 05/17/17)

**Section 4-1-107.5 Civil Contempt.**

(a) Any person intentionally engaging in any of the following conduct may be held in civil contempt:

- (1) Disorderly, contemptuous, or insolent behavior committed during the sitting of Tribal Court, in its immediate view and presence, and directly tending to interrupt its proceedings or to impair the respect due its authority;
- (2) Breaching the peace by causing a disturbance directly tending to interrupt Tribal Court proceedings;
- (3) Disobeying or refusing any lawful process, disposition, order, order to appear or other mandate of the Tribal Court;
- (4) Refusing to be sworn as a witness in any Tribal Court proceeding or, after being sworn, unlawfully refusing to answer any legal and proper question;

(b) Civil Contempt may be punishable by a fine of up to \$1,000.00 per incident or by up to 30 days in jail.

(1) It is not a required element that the act of civil contempt occurs in open court.

(2) Acts which occur in open court require a warning by the Tribal Judge before a judgment of contempt may be entered. For contempt occurring in open court a person may be sentenced or sanctioned immediately. Contempt not occurring in open court must be set for a hearing before a judgment of Contempt may be issued.

(Enacted by Resolution No. 2017-RS-35, 05/17/17)

**Section 4-1-108. Forfeiture of Property.**

(a) Upon conviction in a criminal matter or a finding of guilt for a civil offense, a defendant may be required to forfeit any property found to be derived from, realized through, or used or intended for use in, the course of an unlawful act as defined in this Title.

(b) Property subject to forfeiture may include but is not limited to:

- (1) any title or interest acquired or maintained by the unlawful conduct;
- (2) any proceeds derived from the unlawful conduct;
- (3) any position, office, appointment or contract of employment obtained through unlawful conduct;
- (4) any compensation, right or benefit derived from subsection (3) or accrued to him during the period of unlawful conduct; or
- (5) any amount payable or paid under any contract for goods or services which was awarded or performed in violation of any provision of the RSIC Law and Order Code.

(c) Pursuant to the Court's discretion, the forfeited property may be sold, auctioned or donated. If sold or auctioned, the proceeds shall be deposited in a fund and used for an appropriate public purpose.

(d) Property Subject to seizure and forfeiture; exceptions.

(1) Except as provided in subsection (2), property that is subject to forfeiture may only be seized by a law enforcement agency upon process issued by a magistrate having jurisdiction over the property.

(2) A seizure of property may be made by a law enforcement agency without process if:

- (i) The seizure is incident to:
  - (a) An arrest;
  - (b) A search pursuant to a search warrant; or
  - (c) An inspection pursuant to a warrant for an administrative inspection;
- (ii) The property is the subject of a final judgment in a proceeding for

forfeiture;

- (iii) The law enforcement agency has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

- (iv) The law enforcement agency has probable cause to believe that the property is subject to forfeiture.

(e) Title in property; transfer.

(1) All right, title and interest in property subject to forfeiture vests in the plaintiff:

- (i) In the case of property used or intended for use to facilitate the commission or attempted commission of any felony, when the property is so used or intended for such use.

- (ii) In the case of property otherwise subject to forfeiture, when the event giving rise to the forfeiture occurs.

- (iii) In the case of proceeds, when they become proceeds.

(2) Any transfer of property which occurs after title to the property has become vested in the Reno-Sparks Indian Colony (plaintiff), and before the termination of the proceeding for forfeiture, is void as against the plaintiff, unless the person to whom the transfer is made is a good faith purchaser for value. If such a transfer is made, the purchaser must, in the proceeding for forfeiture, establish by a preponderance of the evidence that the purchaser has:

- (i) An interest of record in the property;
- (ii) Given fair value for the interest; and
- (iii) Acquired the interest without notice of the proceeding or the facts

giving rise to the proceeding.

If the purchaser acquires the interest after the seizure of the property by the plaintiff, it is conclusively presumed that the interest has been acquired with notice of the proceeding.

(f) Proceeding for forfeiture: Rules of practice; complaint; service of summons and complaint; answer; parties.

(1) A proceeding for forfeiture is commenced by filing a complaint for forfeiture. If the property has been seized without process, the plaintiff shall file the complaint for forfeiture within 120 days after the property is seized.

(2) If a law enforcement agency seizes property, the property must not be forfeited unless:

- (i) The agency files a complaint for forfeiture in the Tribal Court; or
- (ii) A stipulated agreement between the parties regarding the property is

reached.

(3) A proceeding for forfeiture is in rem. The complaint for forfeiture must be filed in the Tribal Court

(4) The plaintiff shall cause service of the summons and complaint to be made upon each claimant whose identity is known to the plaintiff or who can be identified through the exercise of reasonable diligence.

(5) Each claimant served with the summons and complaint who desires to contest the forfeiture shall, within 20 days after the service, serve and file a verified answer to the complaint. The claimant shall admit or deny the averments of the complaint and shall, in short and plain terms, describe the interest which the claimant asserts in the property. Concurrently with the answer, the claimant shall serve answers or objections to any written interrogatories served with the summons and complaint.

(6) No person, other than the plaintiff and any claimant, is a proper party in the proceeding.

(g) Proceedings for forfeiture: order of stay; standard of proof; conviction of claimant not required.

(1) At a proceeding for forfeiture, the court shall issue an order staying the proceeding that remains in effect while the criminal or civil action which is the basis of the proceeding is pending trial or hearing. The court shall lift the stay if the claimant is found to not have committed a criminal or civil offense, the property of the claimant must be returned to the claimant within 7 business days after the acquittal.

(2) The plaintiff in a proceeding for forfeiture must establish proof by clear and convincing evidence that the property is subject to forfeiture.

(3) The plaintiff is not required to plead or prove that a claimant has been charged with or convicted of any criminal offense. If proof of such a conviction is made, and it is shown that the judgment of conviction has become final, the proof is, as against any claimant, conclusive evidence of all facts necessary to sustain the conviction.

(4) A claimant who agrees to enter a plea of guilty, guilty but mentally ill or nolo contendere to criminal charges relating to the seized property or reaches a stipulated agreement with the plaintiff may agree to the forfeiture of any property as part of the plea or agreement.

(5) If the court accepts a plea or stipulated agreement pursuant to subsection 4, the court shall order forfeiture of the property that the claimant agreed to forfeit pursuant to the plea or agreement.

(h) Disposition of property after seizure and forfeiture.

(1) Except as otherwise provided in subsection 2, after property has been seized the agency which seized the property may:

(i) Place the property under seal;

(ii) Remove the property to a place designated by the agency for the storage of that type of property; or

(iii) Remove the property to an appropriate place for disposition in a manner authorized by the court.

2. If an agency seizes currency, unless otherwise ordered by the court, the agency shall deposit the currency in an interest-bearing account maintained for the purpose of holding currency seized by the agency.

(Amended by Resolution No. 2017-RS-35, 05/17/17)

**Section 4-1-109. Definitions.**

(a) "Adult" means any person eighteen years of age or older.

8th (Final)Revision (JCL) Nov 30, 2005 to CRIMINAL OFFENSES  
As Amended October 17, 2018

- (b) “Child” or “minor” means any person under the age of 18 years.
- (c) “Code” means the Reno-Sparks Indian Colony Law and Order Code.
- (d) “Colony” means the Reno-Sparks Indian Colony and all its agencies, programs and departments.
- (e) “Conviction” means a judgment or sentence entered upon a plea of guilty or upon a verdict or finding of a defendant’s guilt rendered by a legally constituted jury or by a court of competent jurisdiction authorized to try the case without a jury.
- (f) “Deadly weapon” means:
  - (1) Any instrument which, if used in the ordinary manner contemplated by its design and construction, will or is likely to cause substantial bodily harm or death;
  - (2) Any weapon, device, instrument, material or substance which, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing substantial bodily harm or death.
- (g) “Indian” means a person who is enrolled in (or eligible for enrollment in) any federally recognized Indian tribe or any person who is legally recognized as Indian under federal common law, including Canadian Indians and Alaskan Natives.
- (h) “Intentionally” or “with the intent to” means, with respect to a result or to conduct described by a statute defining an offense, that a person’s objective is to cause that result or to engage in that conduct.
- (i) “Judge” as used in the Code provision means a person duly appointed by the Reno-Sparks Indian Colony Tribal Council to preside over any proceeding brought before the Court; or any judge serving as a judge *pro tem* at the request of the Colony’s Chief Judge under the terms and conditions established by the Council. “Judge” and “Tribal Judge” have the same meaning under this Code.
- (j) “Knowingly” means, with respect to conduct or to a circumstance described by a statute defining an offense, that a person is aware or believes that his conduct is of that nature or that the circumstance exists. It does not require any knowledge of the unlawfulness of the act or omission.
- (k) “Law enforcement officer” means any person who by virtue of his office or public employment is vested by law with a duty to maintain public order, enforce Colony or federal civil laws or make arrests for offenses while acting within the scope of his authority.
- (l) “Mental disorder” means any organic, mental, or emotional impairment which has substantial adverse effects on an individual’s cognitive or volitional functions. It does not include an abnormality manifested only by repeated criminal or other antisocial behavior.
- (m) “Negligently” or “with criminal negligence” means, with respect to a result or to a circumstance described by a statute defining an offense, that a person fails to perceive a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation.
- (n) “Oath” shall include an affirmation and every other mode authorized by law of attesting to the truth of that which is stated.
- (o) “Offender” means a person who has been convicted of a violation of any law or ordinance of the Colony or any other recognizable law.
- (p) “Offense” means a violation of any tribal, federal or recognized state or local law.
- (q) “Strict Liability” means that no particular mental state is required in the commission of the offense; commission of the act alone is sufficient.

- (r) "Swear" means the act of stating any matter under oath.
- (s) "Tribal Council" means the Tribal Council of the Reno-Sparks Indian Colony.
- (t) "Tribal Court" means the Reno-Sparks Indian Colony Tribal Court.
- (u) "Tribe" means the Reno-Sparks Indian Colony and all its agencies, programs and departments.
- (v) "Weapon" means an instrument, article, or substance that, regardless of its primary function, is readily capable, or reasonably perceived as capable, of being used to produce death or serious bodily injury.
- (w) "Without consent" means any of the following:
  - (1) The victim is coerced by the immediate use, or threatened use, of force against a person or property;
  - (2) The victim is incapable of consent by reason of mental disorder, drugs, alcohol, sleep or any other similar impairment of cognition and such condition is known or should have reasonably been known to the defendant;
  - (3) The victim is intentionally deceived as to the nature of the act; or
  - (4) The victim is intentionally deceived to erroneously believe that the person is the victim's spouse.

## **Part 2. Limitations of Prosecution and Penalties**

**Section 4-1-201. Limitations of Prosecution Based on Same Transaction.** Unless requested by the defendant or unless justice so requires, a defendant shall not be subject to separate trials in Tribal Court for multiple offenses based on the same conduct, if such offenses are known to the Tribal Prosecutor, or other counsel, at the time the first trial commences, and such offenses are within the jurisdiction of the Tribal Court.

### **Section 4-1-202. Time Limitations for Prosecution.**

- (a) Unless otherwise specified in a particular section of this Code, prosecution for any offense shall be commenced within two years after the alleged offense is committed.
- (b) Prosecution for the offenses of Theft, Burglary, Forgery, Arson, Reckless Burning or Sexual Assault must be commenced within three years after the alleged offense is committed.
- (c) Prosecution for the offense of Sexual Abuse of a Child must be commenced before the alleged victim of the sexual abuse is:
  - (1) Twenty-one years old if he discovers or reasonably should have discovered that he was a victim of the sexual abuse by the date on which he reaches that age; or
  - (2) Twenty-eight years old if he does not discover and reasonably should not have discovered that he was a victim of the sexual abuse by the date on which he reaches 21 years of age.
- (d) If any offense is committed in a secret manner, prosecution of the offense shall be commenced within the prescribed period of limitation and after the discovery of the offense.
- (e) For purposes of determining commencement of prosecution of offenses committed in a secret manner, discovery of an offense occurs when any person, including the victim, but other than the wrongdoer or someone acting in agreement with the wrongdoer, has knowledge of the act and its criminal nature, unless the person with knowledge:
  - (1) Fails to report out of fear induced by threats made by the wrongdoer or by anyone acting in agreement with the wrongdoer; or

(2) Is a victim under 18 years of age and fails to report because of threats or coercive tactics of the perpetrator or from the child's personal fear of not being believed.

(f) An offense is committed either when the elements of the offense occur, or, when the offense is based upon a continuing course of conduct, at the time the course of conduct was terminated. Time starts to run on the day after the offense is discovered.

(g) A prosecution is commenced when either a citation or a complaint is filed.

**Section 4-1-203. When time limitations for prosecution suspended, extended, or removed.**

(a) The period of limitation is suspended under the following conditions:

(1) During any period in which the offender is not usually and publicly residing within the Colony or is beyond the jurisdiction of the Tribal Court;

(2) During any period in which the offender is a public officer and the offense charged is theft of public funds while in public office;

(3) During a prosecution pending against one offender for the same conduct even if the prosecution is dismissed; or

(4) During any period in which an alleged victim of sexual assault is insane, mentally retarded, mentally incompetent or in a medically comatose or vegetative state.

(b) If, at any time during the prescribed period of limitation, an alleged victim of Attempted Homicide, Kidnapping, Aggravated Kidnapping, Unlawful Restraint or False Imprisonment, or person authorized to act on behalf of such an alleged victim, files with a law enforcement officer a written report concerning the offense, the prescribed period of limitation is extended for five years.

(c) If, at any time during the prescribed period of limitation, an alleged victim of sexual assault, or a person authorized to act on behalf of an alleged victim of sexual assault, files with a law enforcement officer a written report concerning the sexual assault, the period of limitation is removed and there is no limitation of time within which a prosecution of sexual assault must be commenced.

**Section 4-1-204. Classification of Offenses and Penalties.**

(a) The offenses shall be designated as Class A, B, C, D or E Offenses.

(1) Class C : The Tribal Court may impose a sentence on a convicted person which may include, but is not limited to, an incarceration period not to exceed one (1) year and/or a fine not to exceed \$5,000, and/or community service hours not to exceed 1000 hours.

(2) Class B: The Tribal Court may impose a sentence on a convicted person which may include, but is not limited to, an incarceration period not to exceed 270 days and/or a fine not to exceed \$1,000 and/or community service hours not to exceed 600 hours.

(3) Class A: The Tribal Court may impose a sentence on a convicted person which may include, but is not limited to, an incarceration period not to exceed 180 days and/or a fine not to exceed \$500 and/or community service hours not to exceed 300 hours.

(4) Class D: \$25.00 fine.

(5) Class E: \$50.00 fine.

(b) All fines listed above may be imposed in addition to any assessment of costs or other civil penalties, and in addition to any amounts ordered paid as restitution.

(c) Any person adjudged guilty of an offense under this Title shall be sentenced in accordance with this section, unless otherwise specified by a particular code provision.

**Section 4-1-205. Additional penalty for offenses committed by adults with assistance of a child.**

(a) An adult who commits an offense as set forth in this Title with the assistance of a child shall be subject to incarceration for an additional term equal to the term of incarceration or penalty as prescribed by the Reno-Sparks Indian Colony Law and Order Code for the offense, except that no sentence for an offense shall exceed the maximum sentence permitted by the Indian Civil Rights Act.

(b) This section does not create a separate offense, but provides an additional Penalty for the primary offense, the imposition of which penalty is contingent upon the finding of the prescribed fact.

**Part 3. Violent Offender Registration.**

**Section 4-1-301. Registration of violent offenders.**

(a) All persons who come on to the Reno-Sparks Indian Colony to visit, work or reside, who have been convicted of any of the offenses listed in subsection (b) below, must register with the Tribal Police and be fingerprinted within 48 hours of arriving on the Colony. All persons who register shall notify the police of any change of address within 72 hours after changing addresses.

(b) Offenders who have been convicted of at least one of the following are required to register pursuant to this Part:

- (1) Section 4-5-201. Homicide;
- (2) Section 4-5-303. Aggravated battery;
- (3) Section 4-5-306. Aggravated stalking;
- (4) Section 4-5-307. Terrorist threats;
- (5) Section 4-5-308. Criminal endangerment;
- (6) Section 4-5-312. Robbery;
- (7) Section 4-5-403. Aggravated unlawful restraint, false imprisonment or kidnapping;
- (8) Section 4-7-101 Criminal child abuse;
- (9) Section 4-8-101(a). Arson;
- (10) Section 4-8-207. Aggravated Burglary; or
- (11) Any equivalent offense of another Tribal, State or Federal government.

(Amended by Resolution 2013-RS-54, 07/17/13)

**Section 4-1-302. Record of registration.**

- (a) The record of offender registration must include:
- (1) the name of the offender and all aliases that he has used;
  - (2) a complete physical description of the offender, including scars, tattoos, birthmarks, and piercings, a current photograph of the offender, and fingerprints;
  - (3) date of birth and social security number;
  - (4) the identification number from a driver's license or identification card issued to the offender;
  - (5) information regarding the residence of the offender, including:
    - (i) the current address at which the offender lives;



(ii) the length of time he has resided at that address and the length of time he expects to remain there;

(iii) the address or location of any other place where he expects to reside in the future and the length of time he expects to reside there, and (d) the length of time he expects to be on the Colony;

(6) name, address and phone number of his employer;

(7) license numbers and descriptions of all motor vehicles registered to or frequently driven by the offender;

(8) the name of the court where he was convicted and the name and address of his probation or parole officer, if any;

(9) the name of the penal institution where he was committed;

(10) the specific location where the offense was committed;

(11) the age, gender, race and general physical description of his victim;

(12) the method of operation that was used to commit the offense, including, but not limited to:

(i) specific acts committed against the victim;

(ii) the method of obtaining access to the victim, such as use of enticements, threats, forced entry or violence against the victim;

(iii) the type of injuries inflicted on the victim;

(iv) the types of instruments, weapons or objects used, the type of property taken; or

(v) any other distinctive characteristic of the behavior or personality of the offender.

(Amended by Resolution 2013-RS-54, 07/17/13)

**Section 4-1-303. Inspection.** Except as otherwise permitted, a record of registration may be inspected only by law enforcement in the regular course of their duties or by the offender named in the registration.

**Section 4-1-304. Prohibited disclosure of information.** Information that is disclosed pursuant to the provisions of this Chapter must not reveal the name of the victim of an offense, without the victim's consent.

**Section 4-1-305. Limitation of Liability.** The Tribal Police Department shall be immune from criminal or civil liability for acts or omissions related to information obtained, maintained, or disclosed under the provisions of this Chapter.

**Section 4-1-306. Failure to register or providing false information.**

(a) Any violent offender who fails to register as required by this Chapter within 48 hours after the conviction or after arriving on the Colony for the purpose of residing, employment, or setting up a temporary domicile for thirty days or more, is guilty of a Class B offense.

(b) Any offender who provides false information to the Tribal Police Department, when registering as a violent offender pursuant to this Chapter, is guilty of a Class B offense.

(Amended by Resolution 2013-RS-54, 07/17/13)

## CHAPTER 2 – REQUIREMENTS TO COMMIT AN OFFENSE

### Part 1. Requisite Intent to Commit an Offense.

#### Section 4-2-101 Required Mental State.

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

(b) If negligence is the mental state specified in the definition of an offense, a person may also be convicted if he acts intentionally or knowingly. If knowingly is the mental state specified in the definition of an offense, a person may also be convicted if he acts intentionally.

**Section 4-2-102. Strict liability.** A person may be guilty of an offense without having a requisite mental state, if the Code provision defining the offense indicates there is no required mental state, as provided by § 4-2-101.

### Part 2. Other Principles of Liability.

**Section 4-2-201. Intoxicated or drugged condition.** It is not a defense that a person is voluntarily intoxicated or drugged at the time of the offense unless it negates the mental state required for the offense.

**Section 4-2-202. Ignorance or mistake of fact.** Ignorance or mistake as to a matter of fact is a defense only if the ignorance or mistake negates a specific mental state required for the offense.

**Section 4-2-203. Ignorance or mistake of law.** A belief that conduct does not legally constitute an offense is not a defense unless the law defining the offense has not been published or reasonably made available prior to the defendant's conduct.

**Section 4-2-204. Liability for acts of corporations or unincorporated associations.** A person is legally responsible for any conduct he performs or causes to be performed in the name of a corporation or unincorporated association or on its behalf, to the same extent as if it were performed in his own name or behalf.

#### Section 4-2-205. Conduct and result.

- (a) Conduct is the cause of result if:
- (1) without the conduct the result would not have occurred; and
  - (2) any additional causal requirements imposed by the specific code are not satisfied.
- (b) If intentionally or knowingly causing a result is an element of an offense and the result is not within the contemplation or intent of the defendant, either element can nevertheless be established if:
- (1) the final result differs from the intended result only in the respect that a different person or different property is affected or that the injury or harm caused is less than originally intended; or

(2) the result involves the same kind of harm or injury as intended, but the precise harm or injury is different, or occurred in a different way, unless the actual result is too remote or accidental to have a bearing on the defendant's liability or on the gravity of the offense.

(c) If negligently causing a particular result is an element of an offense and the defendant is not aware or should not have been aware of the probable result, negligence can nevertheless be established if:

(1) the actual result differs from the probable result only in the respect that a different person or different property is affected or that the actual injury or harm is less; or

(2) the actual result involves the same kind of injury or harm as the probable result, unless the actual result is too remote or accidental to have a bearing on the defendant's liability or on the gravity of the offense.

**Section 4-2-206. Voluntary act.**

(a) A person is not guilty of an offense unless his guilt is based on a willful and voluntary act, or omission to perform an act, of which he is physically capable.

(b) A reflex or convulsion, a bodily movement during unconsciousness or sleep, conduct during hypnosis, or a bodily movement that is otherwise not the product of the effort or determination of the person, are not voluntary acts within the meaning of this section.

(c) Guilt may not be based on an omission to act unless a duty to perform the omitted act is specifically imposed by the Code.

**Section 4-2-207. Accountability.**

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

(1) having a mental state described by the section defining the offense, the person causes another to perform the conduct, regardless of the legal capacity or mental state of the other person;

(2) the section defining the offense makes the person accountable;

(3) either before or during the commission of an offense, with the purpose to promote or facilitate such commission, the person solicits, aids, abets, agrees, or attempts to aid such other person in the planning or commission of the offense.

(b) However, a person is not accountable if:

(1) a person is a victim of the offense committed; or

(2) before the commission of the offense the person terminates his efforts to promote or facilitate the commission of the offense and takes steps to negate the effect or otherwise prevent the commission of the offense.

(c) A person may be legally accountable for an offense which exceeds the offense which he was promoting or facilitating, if the commission of the excessive offense was reasonably foreseeable as a by-product of the planned offense, i.e., the shooting of a security guard during a person's commission of the act of stealing property.

(d) A person may be convicted of an offense on proof of the commission of an offense and his participation, even though the person who is claimed to have committed the offense has not been prosecuted for, or convicted of, the same or any other offense.

(e) A person may not be found guilty of an offense on the testimony of one responsible or legally accountable for the same offense unless that testimony is

corroborated by other evidence that in itself, and without the aid of the testimony of the one responsible or legally accountable for the same offense, tends to connect the person with the commission of the offense.

## CHAPTER 3 – AFFIRMATIVE DEFENSES

### Part 1. Preliminary Provisions.

**Section 4-3-101. Burden of proof.** The person charged with an offense has the burden of proving an affirmative defense by clear and convincing evidence.

### Part 2. Enumeration of Defenses.

#### **Section 4-3-201. Consent.**

(a) Consent of the victim to conduct constituting an offense or to the result thereof, is a defense if such consent negates an element of the offense.

(b) Consent is not a defense if the bodily harm consented to or threatened by the offense is serious. Consent that is given by a person who, by reason of youth, mental disease or defect, or intoxication, is unable to make a reasonable judgment is not valid.

**Section 4-3-202. Compulsion.** A person is not guilty of an offense by reason of conduct which he performs under the compulsion or threat of imminent infliction of death or serious bodily harm if he reasonably believes that death or serious bodily harm will be inflicted upon him if he does not perform such conduct.

**Section 4-3-203. Duress.** It is a defense that a person who engaged in the conduct constituting an offense did so under threat of force, fear, or coercion to himself or a family member, so long as the offense is not one which is likely to cause serious property damage or bodily harm.

#### **Section 4-3-204. [Reserved]**

**Section 4-3-205. Justification.** Justification is a defense when the person's conduct is reasonable and in fulfillment of his duties as a Tribal officer or employee, or is in reasonable discipline of a minor by a parent, guardian, teacher or other person in the position of a parent.

#### **Section 4-3-206. Insanity Defense.**

(a) **Affirmative defense.** It is an affirmative defense to a prosecution under any provision of Title IV – Criminal Offenses, of the Law and Order Code that, at the time of the commission of the acts constituting the offense, the defendant, as a result of a severe mental disease or defect, was unable to appreciate the nature and quality or the wrongfulness of his acts. Mental disease or defect does not otherwise constitute a defense.

(b) **Burden of proof.** The defendant has the burden of proving the defense of insanity by clear and convincing evidence.

(c) If a person is found not guilty pursuant to this section, the Tribal Court shall follow the procedures in Title III, Chapter 10, Section 3-1-1009.

#### **Section 4-3-207. Use of force in defense of a person.**

(a) A person is justified in using force, or threatening to use force, against another person when, and to the extent that he reasonably believes that, such force is necessary to defend himself or another against the imminent use of unlawful force.

(b) A person is justified in the use of force likely to cause death or serious bodily harm only if he reasonably believes that such force is necessary to prevent imminent death or serious bodily harm to himself or another.

(c) A person is not justified in using force under the above sections if he was the aggressor, or was engaged in combat by consent, unless he has withdrawn from the encounter and effectively communicated his withdrawal to the other person.

(d) A person is not justified in using force under the above sections if he initially provoked the use of force upon himself with the intent to use such force as an excuse to inflict harm upon another.

(e) A person is not justified in using deadly force if the other person is fleeing or has committed an offense against property only. Only such force as is necessary to subdue the defendant may be used if he is fleeing or after the commission of an offense against property.

**Section 4-3-208. Use of force in defense of occupied structure.**

(a) A person is justified in using force against another person when and to the extent necessary to prevent or terminate another person's unlawful entry into, or attack upon, an occupied structure.

(b) A person may use force likely to cause death or serious bodily harm only if the entry is made or attempted in a violent manner, or it reasonably appears that there may be violence committed against any person in the occupied structure.

**Section 4-3-209. Use of force in defense of property.**

(a) A person is justified in using force, other than deadly force, when and to the extent he reasonably believes such force is necessary, to prevent or terminate criminal interference with either real property (other than an occupied structure) or personal property lawfully in his possession or in his immediate family's possession, or property he has a duty to protect.

(b) A person is justified in the use of force likely to cause death or serious bodily harm only if he reasonably believes such force is necessary to prevent the commission of any Class C offense which involves the use, or threat of use of, physical force or violence against any person.

**CHAPTER 4 – INCHOATE (PREPARATORY) OFFENSES**

**Part 1. Enumeration of Offenses and Extent of Liability.**

**Section 4-4-101. Solicitation.**

(a) It shall be unlawful to entice, advise, incite, order or otherwise encourage another to commit an offense punishable under the laws of the jurisdiction under this Code.

(b) Violation of this section is a Class A offense.

**Section 4-4-102. Conspiracy.**

(a) If two or more people plan, or agree or consent to engage in, conduct constituting an offense and any one of them commits an overt act toward the commission of the agreed offense, each is guilty of the offense of conspiracy.

(b) One can be guilty of conspiracy to commit an offense if the offense was reasonably foreseeable as an outcome of the offense to which he conspired to commit.

(c) It shall be a defense to conspiracy that, before the commission of the offense, the person charged made an effort to withdraw from the conspiracy and took steps to negate the effect or otherwise prevent the commission of the offense.

(d) Conspiracy to commit an offense is the same classification of offense as the offense that is the subject of the conspiracy, or the offense that was reasonably foreseeable and that resulted from the conspiracy.

**Section 4-4-103. Attempt.**

(a) A person is guilty of an attempt to commit an offense, if, acting with the same mental state otherwise required for the commission of the offense, he engages in conduct constituting a substantial step toward commission of the offense, without completion of the offense attempted.

(b) It is not a defense to the attempted commission of an offense that the consummation of the offense was impossible, as long as the offense could have been committed had the circumstances been as the person believed them to be.

(c) Attempt is the same class of offense as the offense attempted.

**CHAPTER 5 - OFFENSES AGAINST THE PERSON**

**Part 1. Preliminary Provisions**

**Section 4-5-101. Definitions.**

(a) “Bodily harm or injury” means physical pain, illness, or an impairment of physical condition, and includes mental illness or impairment.

(b) “Serious bodily harm or injury” means bodily harm or injury that:

(1) creates a substantial risk of death;

(2) causes serious permanent disfigurement or protracted loss or impairment of the function or process of a bodily member or organ; or

(3) at the time of injury, can reasonably be expected to result in serious permanent disfigurement or protracted loss or impairment of the function or process of a bodily member or organ; or

(4) causes serious mental illness or impairment.

**Part 2. Homicide**

**Section 4-5-201. Homicide.**

(a) A person commits the offense of homicide by intentionally, knowingly or negligently causing the death of another human being.

(b) Homicide is a Class C offense. If the offense is found to have been committed intentionally or knowingly, a conviction shall require the imposition of the maximum penalty for a Class C offense, both fine and jail, with no possibility of parole.

**Section 4-5-202. Aiding or soliciting suicide.**

- (a) A person commits the offense of aiding or soliciting suicide by intentionally advising, encouraging or assisting another in taking his own life.
- (b) The fact that death did not result is not a defense.
- (c) Aiding or soliciting suicide is a Class B offense.

**Part 3. Assault and Related Offenses**

**Section 4-5-301. Assault.**

- (a) As used in this section, “assault” means intentionally placing another person in reasonable apprehension of immediate bodily harm.
- (b) A person convicted of an assault shall be punished:
  - (1) If paragraph (3) or (4) of this subsection does not apply to the circumstances of the crime and the assault is not made with the use of a deadly weapon, or the present ability to use a deadly weapon, for a Class A offense.
  - (2) If the assault is made with the use of a deadly weapon, or the present ability to use a deadly weapon, for a Class C offense.
  - (3) If paragraph (4) of this subsection does not apply to the circumstances of the crime and if the assault is committed upon a law enforcement officer who is performing his duty and the person charged knew or should have known that the victim was a law enforcement officer, for a Class B offense, unless the assault is made with the use of a deadly weapon, or the present ability to use a deadly weapon, then for a Class C offense.
  - (4) If the assault is committed upon a law enforcement officer who is performing his duty, by a probationer, a prisoner who is in lawful custody or confinement or a parolee, and the probationer, prisoner or parolee charged knew or should have known that the victim was a law enforcement officer, then for a Class C offense.

**Section 4-5-302. Battery.**

- (a) A person commits the offense of battery by intentionally causing harmful or offensive contact upon the person of another without that person’s consent.
- (b) Battery is a Class B offense.

**Section 4-5-303 Aggravated Battery.**

- (a) A person commits the offense of Aggravated Battery by:
  - (1) intentionally causing serious bodily harm to another;
  - (2) intentionally causing bodily harm with a weapon to another; or
  - (3) knowingly causing serious bodily injury to another under circumstances manifesting indifference to the value of human life.
  - (4) Battery upon a law enforcement officer.
- (b) Aggravated Battery is a Class C offense.

**Section 4-5-304. Making a violent threat.**

- (a) Any person who intentionally makes a threat of physical violence to another, intending to cause such other person to be in fear for the safety of himself or of his family, is

guilty of the offense of Making a Violent Threat. Having the present ability to carry out the threat is not an element of the offense.

- (b) Making a Violent Threat is a Class A offense.

**Section 4-5-305. Harassment.**

(a) A person commits the crime of Harassment by intentionally and without lawful authority:

- (1) threatening to cause immediate or future bodily injury to the person threatened or to any other person; or
- (2) threatening to cause physical damage to the property of another person; or
- (3) threatening to subject the person threatened or any other person to confinement or restraint; or
- (4) confronting or verbally abusing another, in person, in writing or by telephone; or
- (5) threatening to do any act which is intended to substantially harm the person threatened or any other person with respect to his physical or mental health or safety; or
- (6) making a telephone call with intent to annoy another or addressing any obscene language, representation or suggestion to or about any person receiving such call or addressing to such other person any threat to inflict injury to the person or property of the person addressed or any member of his family; and

(b) The person, by words or conduct, places the person receiving the threat in reasonable fear that the threat will be carried out.

(c) A person who is guilty of harassment:

- (1) For the first offense, is guilty of a Class B Offense.
- (2) For the second or any subsequent offense, is guilty of a Class C Offense.

(d) Harassment shall be deemed to have been committed where the conduct occurred or where the person who was affected by the conduct was located at the time that the conduct occurred, and may be prosecuted at either place.

(e) The penalties provided in this section do not preclude the victim from seeking any other legal remedy available.

**Section 4-5-306. Stalking and Aggravated Stalking: penalties.**

(a) A person, other than a person in one of the relationships covered by the Family Protection Code, who, without lawful authority, follows, keeps under surveillance, or stalks another, and said conduct causes reasonable apprehension or fear in the other person, or who intentionally engages in a course of conduct that would cause a reasonable person to feel terrorized, frightened, intimidated or harassed, and that actually causes the victim to feel terrorized, frightened, intimidated or harassed, commits the crime of stalking. A person who commits the crime of stalking:

- (1) For the first offense, is guilty of a Class B Offense.
- (2) For any subsequent offense, is guilty of a Class C Offense.

(b) A person who commits the crime of stalking and in conjunction therewith threatens the person with the intent to cause him to be placed in reasonable fear of death or substantial bodily harm commits the crime of aggravated stalking. A person who commits the crime of aggravated stalking shall be punished for a Class C Offense.



(c) The penalties provided in this section do not preclude the victim from seeking any other legal remedy available.

(d) As used in this section:

(1) "Course of conduct" means a pattern of conduct which consists of a series of acts over time that evidences a continuity of purpose directed at a specific person.

(2) "Without lawful authority" includes acts which are initiated or continued without the victim's consent. The term does not include acts which are otherwise protected or authorized by constitutional or statutory law, regulation or order of a court of competent jurisdiction, including, but not limited to:

(i) Picketing which occurs during a strike, work stoppage or any other labor dispute;

(ii) The activities of a reporter, photographer, cameraman or other person while gathering information for communication to the public, if that person is employed or engaged by or has contracted with a newspaper, periodical, press association or radio or television station and is acting solely within that professional capacity;

(iii) The activities of a person that are carried out in the normal course of his lawful employment; or

(iv) Any activities carried out in the exercise of the constitutionally protected rights of freedom of speech and assembly.

(e) Any person in one of the relationships covered by the Family Protection Code is not subject to the provisions of this Section.

**Section 4-5-307. Terrorist threat.**

(a) A person commits the offense of Terrorist Threat if he threatens to commit any offense of violence with the purpose of terrorizing another, causing evacuation of a building or place of assembly, or otherwise causing serious public inconvenience.

(b) Terrorist Threat is a Class C offense.

**Section 4-5-308. Criminal endangerment.**

(a) A person commits the offense of criminal endangerment by intentionally engaging in conduct that creates a substantial risk of death or serious bodily harm to himself or another.

(b) Criminal endangerment is a Class C offense.

**Section 4-5-309. Negligent endangerment.**

(a) A person commits the offense of negligent endangerment by negligently engaging in conduct that creates a substantial risk of death or serious bodily harm to himself or another.

(b) Negligent endangerment is a Class C offense.

**Section 4-5-310. Fetal Endangerment.**

(a) Any person who intentionally takes a controlled substance or consumes alcohol subsequent to that person's having received a diagnosis that she is pregnant, commits the offense of Fetal Endangerment.

(b) Fetal Endangerment is a Class B offense.

**Section 4-5-311. [Reserved]**

**Section 4-5-312. Elder Abuse.**

- (a) A person commits the offense of Elder Abuse by knowingly or intentionally, physically or mentally, abusing, neglecting, or exploiting an older person.
- (b) “Older person” means a Tribal member or other person residing on the Reno-Sparks Indian Colony who is:
- (1) 60 years of age or older;
  - (2) determined by the Tribal Court to be an elder; or
  - (3) a Tribal member or other person residing on the Reno-Sparks Indian Colony who is at least 45 years of age and unable to protect herself or himself from abuse, neglect, or exploitation because of a mental or physical impairment, or because of frailties or dependencies brought about by age or disease.
- (c) A first-time conviction for elder abuse is a Class A offense.
- (d) A second-time conviction for elder abuse is a Class B offense.
- (e) A third or subsequent conviction for elder abuse is a Class C offense.

**Section 4-5-313. Robbery.**

- (a) A person commits the offense of robbery by taking or retaining the property of another by means of force, fear, or threat.
- (b) Robbery is a Class C offense.

**Section 5-314. Invasion of the Home.**

- (a) A person who, by day or night, forcibly enters an inhabited dwelling without permission of the owner, resident or lawful occupant, whether or not a person is present at the time of the entry, is guilty of Invasion of the Home.
- (b) As used in this section:
- (1) “Forcibly enters” means the entry of an inhabited dwelling involving any act of physical force against a person or resulting in damage to the structure.
  - (2) “Inhabited dwelling” means any structure, building, house, room, apartment, tenement, tent, conveyance, vessel, boat, vehicle, house trailer, or travel trailer, in which the owner or other lawful occupant resides.
- (c) Invasion of the Home is a Class C offense.  
(Enacted by Resolution No. 2016-RS-69, 09/14/16)

**Part 4. Unlawful Restraint, False Imprisonment, or Kidnapping**

**Section 4-5-401. Unlawful Restraint or False Imprisonment.**

- (a) A person is guilty of Unlawful Restraint or False Imprisonment if he intentionally restrains another human being so as to interfere with such other person’s liberty or freedom of movement;
- (b) Unlawful Restraint or False Imprisonment is a Class A offense.

**Section 4-5-402. Kidnapping.**

- (a) A person is guilty of Kidnapping if he unlawfully and without consent removes another human being from his place of residence, place of business, or any other place where he would otherwise have a legal right to be.
- (b) Kidnapping is a Class C offense.

**Section 4-5-403. Aggravated Unlawful Restraint, False Imprisonment, or Kidnapping**

(a) A person commits the offense of Aggravated Unlawful Restraint, Aggravated False Imprisonment, or Aggravated Kidnapping if he intentionally restrains another human being so as to interfere with his liberty or freedom of movement, or if he unlawfully and without consent removes another human being from his place of residence, place of business, or any other place where he would otherwise have a legal right to be, for the purpose of:

- (1) holding the victim for ransom or reward, or as a shield or hostage;
- (2) facilitating the commission of any felony or flight thereafter;
- (3) inflicting bodily injury on or terrorizing, the victim or another; ~~or~~
- (4) interfering with the performance of any governmental or political function; or
- (5) if the actions involve the use of a deadly weapon.

(b) Aggravated Unlawful Restraint or Aggravated False Imprisonment is a Class B offense.

(c) Aggravated kidnapping is a Class C offense.

**CHAPTER 6 - COMPREHENSIVE SEXUAL CRIMES ACT**

**Part 1. Preliminary Provisions**

**Section 4-6-101. Definitions.**

- (a) "Sexual conduct" may mean actual or simulated sexual activity.
- (b) "Sexual contact" means any direct or indirect fondling or manipulating of any part of the genitals, anus, or female breast of another.
- (c) "Sexual intercourse" means penetration, however slight, into the vagina, vulva or anus by any part of the body or by any object or manual masturbatory contact with the penis or vulva, including genital-genital, oral-genital, anal-genital or oral-anal, whether between persons of the same or opposite sex.
- (d) "Simulated" means any portraying of the genitals or rectal areas which gives the appearance of sexual conduct or incipient sexual conduct.
- (e) "Sex Offender" means any person required to register as a sex offender by order of the Tribal Court or by any other jurisdiction, or those persons in this jurisdiction convicted of any sexual offense.

**Part 2. Enumeration of Offenses**

**Section 4-6-201. Sexual assault.**

- (a) A person commits the offense of Sexual Assault by intentionally making sexual contact or engaging in sexual intercourse with another without the other's consent.
- (b) Sexual Assault is a Class C offense.
- (c) Notwithstanding the provisions of (a) and (b), if the victim is under the age of sixteen (16) years of age and the defendant is eighteen (18) years of age or older or is a juvenile who is tried and convicted as an adult, or if the defendant inflicts bodily injury upon anyone in the course of committing sexual assault, the defendant shall be subject to a term of incarceration

or mandatory treatment for no less than one (1) year and shall not be eligible for probation or parole.

(d) Notwithstanding the provisions of (a) and (b), if the sexual assault involved the use or exhibition of a deadly weapon or dangerous instrument or involved the intentional infliction of serious bodily harm, or if the defendant has previously been convicted of sexual assault or any offense committed outside the Colony which if committed on the Colony would constitute sexual assault, the defendant, upon conviction, shall be subject to a term of incarceration for one (1) year and a fine of not less than \$5,000.00, and shall not be eligible for probation, parole, house arrest or work furlough.

**Section 4-6-202. Indecent exposure.**

(a) A person commits indecent exposure by intentionally or publicly exposing his genitals, buttocks or the female breasts or those of another person.

(b) Indecent exposure is a Class A offense.

**Section 4-6-203. Sexual abuse of a child.**

(a) A person commits the offense of Sexual Abuse of a Child by subjecting a child to sexual assault, rape, sexual molestation, sexual exploitation, sexual contact, sexual abuse, pornography, prostitution or otherwise exposing the child to inappropriate sexual conduct.

(b) Sexual Abuse of a Child is a Class C offense.

**Section 4-6-204 Lewdness with a child.**

Any adult person who intentionally and lewdly commits any lewd or lascivious act upon or with the body or any part or member of a child with the intent of arousing, appealing to or gratifying his lust, passions or sexual desires or those of that child, shall be guilty of a Class C offense and shall receive the maximum sentence.

**Section 4-6-205. Statutory rape.**

(a) A person who is an adult at the time of the commission of the act, commits the offense of statutory rape by engaging in sexual intercourse with a person under the age of sixteen (16) with the minor's consent.

(b) Statutory rape is a strict liability offense.

(c) Statutory rape is a Class B offense.

**Section 4-6-206. Failure to register as a sex offender.**

(Repealed by Resolution No. 2013-RS-54, 07/17/13)

**Part 3. Sexual Offender Risk of Recidivism Assessment**

**Section 4-6-301. Assessment of risk of recidivism.**

(Repealed by Resolution No. 2013-RS-54, 07/17/13)

**Section 4-6-302. Levels of notification.**

(Repealed by Resolution No. 2013-RS-54, 07/17/13)

## CHAPTER 7 – OFFENSES WITHIN THE FAMILY

### Part 1. Offenses Committed Against Children.

#### Section 4-7-101. Criminal Child abuse.

- (a) A person commits the offense of Criminal child abuse if he intentionally, knowingly, or negligently:
- (1) causes in the child skin bruising, bleeding, malnutrition, failure to thrive, burns, fractures of any bone, subdural hematoma, soft tissue swelling, or any other physical injury or impact that may be the result of deliberate or inappropriate infliction;
  - (2) injures or causes substantial impairment to a child mentally, emotionally, or psychologically, affecting the child's ability to function;
  - (3) subjects a child to sexual assault, sexual intercourse, sexual molestation, sexual exploitation, sexual contact, sexual abuse, pornography, prostitution, or otherwise exposes the child to inappropriate sexual conduct; or
  - (4) subjects a child to substantial risk of harm to his health, safety, or welfare, including risks associated with family violence.
- (b) Criminal Child abuse is a Class C offense.
- (c) If the abuse results in serious harm, the sentence may not be deferred or suspended, and the person may not be paroled or receive furlough, work release or house arrest.

#### Section 4-7-102. Criminal child neglect.

- (a) A parent, guardian, or custodian commits the offense of Criminal Child Neglect if he is legally responsible for the welfare of a child and endangers the child's welfare by intentionally, knowingly or negligently failing to provide the minimal care which a reasonable, prudent parent would provide in the same or similar circumstances for the subsistence, education, and welfare of the child, although he was able to furnish such needs or has refused Tribal or other assistance for furnishing such needs, and such failure is likely to result in serious harm to the child as determined by appropriate medical or professional persons.
- (b) The offense of Criminal Child Neglect may also be committed by a parent, guardian, or custodian who violates subsection (a) above and the child has a special physical or mental condition for which the child's parent, guardian, or custodian neglects or refuses to provide a reasonable level of special care or is unable to discharge his responsibilities for the child for any reason.
- (c) Criminal Child Neglect is a Class C offense.

#### Section 4-7-103 Criminal child endangerment.

A person who intentionally causes a child to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, or to be placed in a situation where the child may suffer physical pain or mental suffering as the result of abuse or neglect, is guilty of a Class C Offense.

#### Section 4-7-104. Contributing to the delinquency of a minor

- (a) A person commits the offense of Contributing to the Delinquency of a Minor by knowingly:
- (1) selling, giving, supplying or encouraging the use of any alcoholic beverage to a minor.
  - (2) selling or giving explosives to a minor;

- (3) selling or giving tobacco to a minor, excluding for ceremonial purposes;
- (4) selling or giving controlled or prohibited substances to a minor; or
- (5) assisting, promoting or encouraging a minor to commit, participate in, or engage in, acts that violate the Code.

(b) The first conviction for Contributing to the Delinquency of a Minor is a Class B offense.

(c) The second or subsequent conviction for Contributing to the Delinquency of a Minor is a Class C offense.

**Section 4-7-105. Neglected Child, Delinquent Child and Child In Need of Supervision**

**defined.** As used in this section, unless the context otherwise requires, a “neglected child,” “delinquent child” or “child in need of supervision” means any person less than 18 years of age:

1. Who is found begging, receiving or gathering food or money, or who is found in any street, road or public place for the purpose of so doing, whether actually begging or not;
2. Who has no parent or guardian, who has no parent or guardian willing to exercise or capable of exercising proper parental control, or who has no parent or guardian actually exercising such proper parental control, and who is in need of such control;
3. Who is destitute, or who is not provided with the necessities of life by his parents, and who has no other means of obtaining such necessities;
4. Whose home is an unfit place for him, by reason of neglect or cruelty or depravity of either of his parents, or of his guardians or other person in whose custody or care he is;
5. Who is found living in any house of prostitution, or with any disreputable person;
6. Who is found wandering and either has no home, no settled place of abode, no visible means of subsistence or no proper guardianship;
7. Who unlawfully visits a drinking establishment where any intoxicating beverages are sold, bartered, exchanged or given away;
8. Who habitually uses intoxicating liquors or who uses methamphetamine, opium, cocaine, morphine, or other similar drug without the direction of a competent physician;
9. Who persistently or habitually refuses to obey the reasonable and proper orders or directions of his parents, guardian or custodian, or who is beyond the control of such person;
10. Who is a habitual truant from school;
11. Who violates any Code or Ordinance of the Reno-Sparks Indian Colony or any state law or any ordinance of any town, city or county of this state defining crime.

**Section 4-7-106. Contributory neglect or Contributory delinquency; penalty.**

1. Except as otherwise provided in this section, any person who commits any act or omits the performance of any duty, which act or omission causes or tends to cause or encourage any person under the age of 18 to become a “neglected child,” “child in need of supervision” or “delinquent child,” as defined in Section 4-7-105 hereof, or which act or omission contributes thereto, or any person who, by any act or omission, or by threats, command or persuasion, induces or endeavors to induce any person under the age of 18 to perform any act or to follow any course of conduct or to so live as would cause or manifestly tend to cause any such person to become or to remain a person who is a “neglected child,” “child in need of supervision” or “delinquent child,” as defined in Section 4-7-105 hereof, is guilty of contributory neglect or contributory delinquency. Contributory neglect or contributory delinquency is a Class C Offense.

**Part 2. Offenses Committed Against Dependent Persons.**

**Section 4-7-201. Failure to support dependent person.**

(a) A person commits the offense of Failure to Support a Dependent Person by intentionally refusing or neglecting to furnish food, shelter or proper care, which the person is physically and financially able to provide, to any person recognized as legally dependent upon the refusing or neglecting person.

(2) failing to provide financial support, which the person is legally obligated to provide and the person is financially able to provide.

(b) It is not a defense to a charge of failure to support that any other person, organization, or agency furnishes necessary food, clothing, shelter, medical attention, or other essential needs for the support of the spouse, child or other dependent person.

(c) Failure to Support a Dependent Person is a Class C offense.

**Section 4-7-202. Nonsupport of spouse, former spouse or child.**

(a) A person who knowingly fails to provide support, as ordered by a court, for his:

(1) spouse or former spouse;

(2) child; or

(3) child who, upon arriving at the age of majority, is unable to provide support for himself because of his infirmity, incompetence or other legal disability that was contracted before he reached the age of majority, is guilty of a Class B offense.

(b) A person who violates subsection (a) and whose outstanding amount for nonpayment of the child or spousal support ordered by a court totals \$2,000.00 or more, and has accrued over any period since the date that a court first ordered the person to provide for such support, is guilty of a Class C offense.

(c) A person who violates subsection (a) and for whom it is a second or subsequent violation of subsection (a) or an offense committed in another jurisdiction that, if committed on the Colony, would be a violation of subsection (a), and whose outstanding amount for nonpayment of the child or spousal support ordered by a court totals \$1,000.00 or more, and has accrued over any period since the date that a court first ordered the person to provide for such support, is guilty of a Class C offense.

(d) Proof of the failure of the person to provide for the support of the spouse, former spouse or child, is prima facie evidence that such failure was knowing.

(e) A prosecution for a violation of this section may be brought in the Tribal Court if:

(1) the Tribal Court has issued a valid order for the person to pay child or spousal support;

(2) the person resides on the Colony;

(3) the custodial parent or custodian of the child for whom the person owes child support resides on the Colony;

(4) the spouse or former spouse to whom the person owes spousal support resides on the Colony; or

(5) the child for whom the person owes child support resides on the Colony.

**Section 4-7-203. Affirmative defense to nonsupport of spouse, former spouse or child.**

(a) Except as otherwise provided in this section, a person may claim as an affirmative defense that he was unable to provide the child or spousal support ordered by a court.

(b) A person is not “unable to provide the child or spousal support ordered by a court” if, during the period that the person was obligated to provide and failed to provide child or spousal support, the person was:

(1) Voluntarily unemployed or underemployed without good cause or to avoid payment of child or spousal support, including, without limitation, not using reasonable diligence to secure sufficient employment; or

(2) Unable to pay the child or spousal support ordered by a court because of his excessive spending, indebtedness or other legal obligation, unless the spending, indebtedness or other legal obligation was not within the control of the person.

(c) In addition to any other notice required by this Code, a person who intends to offer the affirmative defense described in subsection (a) shall, not less than 20 days before trial or at such other time as the Tribal Court directs, file and serve upon the prosecuting attorney a written notice of his intent to claim the affirmative defense. The written notice must include:

(1) The specific affirmative defense that the person is asserting; and

(2) The name and last known address of each witness by whom the person proposes to establish the affirmative defense.

(d) No later than 10 days after receiving the written notice set forth in subsection (c) or at such other time as the Tribal Court directs, the prosecuting attorney shall file and serve upon the person a written notice that includes the name and last known address of each witness the prosecuting attorney proposes to offer in rebuttal at trial to discredit the affirmative defense claimed by the person.

(e) Each party has a continuing duty to file and serve upon the opposing party any change in the last known address of any witness that the party proposes to offer to establish or discredit the affirmative defense.

(f) Each party has a continuing duty to disclose promptly the names and last known addresses of any additional witnesses which come to the attention of that party and which that party proposes to offer to establish or discredit the affirmative defense.

(g) If the person or prosecuting attorney fails to comply with the requirements set forth in this section, the Tribal Court may grant a continuance to permit the opposing party time to prepare, in addition to any other sanctions otherwise provided in this Code.

(h) A prosecuting attorney shall provide notice of the requirements of this section to a person when a complaint is served upon the person for a violation of this section.

### **Part 3. Offenses Committed by Adults**

#### **Section 4-7-301. False statement concerning age or school attendance.**

(a) Any parent, guardian or custodian who, with intent to deceive:

(1) makes a false statement concerning the attendance of a child at school;

(2) presents a false birth certificate or record of attendance at school; or

(3) refuses to furnish a suitable identifying document, record of attendance at school or proof of change of name, upon request by a Truancy or Tribal Law Enforcement Officer conducting an investigation in response to notification that a child is absent from school; is guilty of a Class A offense.



**Section 4-7-302. Failure to assure school attendance.** A parent, guardian or custodian or any other person who has control or charge of a child and to whom notice has been given of the child's truancy as provided in Part 12 of the Youth Offender Code and who fails to take steps to prevent the child's subsequent truancy within that school year, is guilty of a Class A offense.

**Section 4-7-303. Failure to send child to school.**

(a) A person commits the offense of failure to send child to school if he unlawfully and without good cause refuses and/or neglects to send any child in his care who is of school age to school.

(b) Failure to send child to school is a Class A offense.

**Section 4-7-304. Custodial interference.**

(a) A person commits the offense of custodial interference if:

(1) without legal or other good cause, the person takes, entices, conceals or detains a child from his parent, guardian or custodian, or holds the child for longer than any visitation or custody period previously awarded by a court of competent jurisdiction; or

(2) without legal or other good cause, the person takes, entices, conceals or detains an incompetent person, or other person who has been committed by authority of law to the custody of another person or institution, from the custodial person or institution.

(b) Custodial interference is a Class C offense.

## **CHAPTER 8 - CRIMES AGAINST PROPERTY**

### **Part 1. Preliminary Provisions.**

**Section 4-8-101. Definitions.**

(a) "Structure" shall mean any man-made building made of parts joined or fitted together and intended to be used as a dwelling, business, storage facility, or animal housing.

### **Part 2. Enumeration of Offenses.**

**Section 4-8-201. Arson and Reckless Burning.**

(a) Arson.

(1) A person is guilty of Arson if he starts a fire or causes an explosion with the intent of damaging a building or structure of another.

(2) A person is guilty of arson if he starts a fire or causes an explosion with the intent of destroying or damaging his own property or the property of another in order to profit or defraud.

(3) Arson is a Class C offense.

(b) Reckless Burning

(1) A person is guilty of Reckless Burning if he knowingly starts a fire or causes an explosion that endangers human life or damages the property of another; or, having started a fire, whether knowingly or not, and knowing that it is spreading and may endanger the life or property of another, fails to take reasonable measures to put out the fire or give a prompt alarm.

(2) Reckless Burning is a Class B offense.

**Section 4-8-202. Destruction of property.**

- (a) A person commits the offense of destruction of property by intentionally:
  - (1) injuring, damaging or destroying any property of another;
  - (2) tampering with property of another or property of the Colony, including property held for the benefit of the Colony by the United States, so as to endanger or interfere with the use of the property; or
  - (3) damaging or destroying property in an attempt to profit or defraud.
- (b) If the verified damage amount does not exceed \$300.00, destruction of property is a Class A offense.
- (c) If the verified damage amount is greater than \$300.00, but less than \$1,000.00, destruction of property is a Class B offense.
- (d) If the verified damage amount is more than \$1,000.00, destruction of property is a Class C offense.

**Section 4-8-203. Creating a hazard.**

- (a) A person commits the offense of creating a hazard by intentionally or knowingly maintaining property or a condition on property under his control, or by discarding items in any place, that constitutes a hazard on the property or a hazard to the health and safety of others.
- (b) Creating a hazard is a Class C offense.

**Section 4-8-204. Allowing disorderly premises.**

- (a) A person commits the offense of allowing disorderly premises by intentionally permitting persons to enter premises under his control or supervision to engage in unlawful activities or persons whose activities disturb the peace.
- (b) Allowing disorderly premises is a Class A offense.

**Section 4-8-205. Trespass.**

- (a) A person commits the offense of trespass by intentionally and without consent:
  - (1) going upon the land or into any structure of another with the intent to vex or annoy the occupant thereof or a person who is in lawful control thereof, or to commit any other unlawful act; or
  - (2) going or remaining upon any land or in any building after having been warned by the owner, occupant, person or agent of one who has lawful control or possession thereof; or
  - (3) entering and remaining in an occupied structure ; or
  - (4) entering and remaining in or upon the premises of another; or
  - (5) entering any vehicle or part thereof.
- (b) Trespass is a Class A offense.

**Section 4-8-206. Burglary.**

- (a) A person commits the offense of Burglary if he intentionally enters or remains in a structure, vehicle, trailer, or boat without consent to be there, with the purpose of committing an offense.
- (b) Burglary is a Class C offense.

**Section 4-8-207. Aggravated Burglary.**

(a) A person commits the offense of Aggravated Burglary if he uses force or violence to obtain entry. When violence is used to obtain entry, it shall be presumed that the intent of the entering person was to commit an offense therein.

(b) Aggravated burglary is a Class C Offense.

(c) If the entry is into an occupied structure, a person convicted of Aggravated Burglary shall be required to serve a mandatory sentence of one-half of the maximum sentence allowed by law.

**Section 4-8-208. Theft; definitions.**

(a) As used in Section 4-8-208 to 4-8-209, inclusive, unless the context otherwise requires, the words and terms defined in Section 4-8-208 have the meanings ascribed to them in the subsections thereof.

(1) "Check" means any check, draft or other negotiable instrument of any kind.

(2) "Control" means to act so as to prevent a person from using his own property except on the actor's terms.

(3) "Deprive" means to withhold a property interest of another person permanently or for so long a time that a substantial portion of its value, usefulness or enjoyment is lost, or to withhold it with the intent to restore it only upon the payment of a reward or other compensation, or to transfer or dispose of it so that it is unlikely to be recovered.

(4) "Draw" means making, drawing, uttering, preparing, writing or delivering a check.

(5) "Intangible property" means property that lacks a physical existence yet possesses value, including, without limitation, customer lists, trade secrets, copyrighted material or other confidential information.

(6) "Issue" means to deliver or cause to be delivered a check to a person who by that delivery acquires a right against the drawer of the check. A person who draws a check with intent that it be so delivered shall be deemed to have issued it if the delivery occurs.

(7) "Obtain" means to bring about or receive the transfer of any interest in property, or to secure performance of a service.

(8) "Property of another person" means real, personal or intangible property in which any person other than the defendant has an interest upon which the defendant is not privileged to infringe, including, without limitation, property in which the defendant also has an interest, notwithstanding that the other person might be precluded from civil recovery because the property was used in an unlawful transaction or was subject to forfeiture as contraband. Property in the possession of the defendant in which another person has only a security interest shall be deemed not to be the property of that other person, even if that person holds legal title to the property pursuant to a security agreement.

(9) "Services" includes labor, professional services, transportation, cable television, telephone, gas or electricity services, accommodations in hotels, restaurants, leased premises or elsewhere, admissions to exhibitions and the use of vehicles or other movable property.

(10) "Transfer" means to change the possession or control of property.

(11) "Value" means the fair market value of the property or services at the time of the theft. The value of a written instrument which does not have a readily ascertainable market value is the greater of the face amount of the instrument less the portion satisfied or the amount of

economic loss to the owner of the instrument resulting from the deprivation of the instrument. The trier of fact shall determine the value of all other property whose value is not readily ascertainable, and may, in making that determination, consider all relevant evidence, including evidence of the value of the property to its owner.

(b) Except as otherwise provided in subsection 2, a person commits theft if, without lawful authority, he knowingly:

(1) Controls any property of another person with the intent to deprive that person of the property;

(2) Converts, makes an unauthorized transfer of an interest in, or without authorization controls, any property of another person, or uses the services or property of another person entrusted to him or placed in his possession for a limited, authorized period of determined or prescribed duration or for a limited use;

(3) Obtains real, personal or intangible property or the services of another person by a material misrepresentation with intent to deprive that person of the property or services. As used in this paragraph, "material misrepresentation" means the use of any pretense, or the making of any promise, representation or statement of present, past or future fact which is fraudulent and which, when used or made, is instrumental in causing the wrongful control or transfer of property or services. The pretense may be verbal or it may be a physical act;

(4) Comes into control of lost, mislaid or misdelivered property of another person under circumstances providing means of inquiry as to the true owner and appropriates that property to his own use or that of another person without reasonable efforts to notify the true owner;

(5) Controls property of another person knowing or having reason to know that the property was stolen;

(6) Obtains services or parts, products or other items related to such services which he knows are available only for compensation without paying or agreeing to pay compensation or diverts the services of another person to his own benefit or that of another person without lawful authority to do so;

(7) Takes, destroys, conceals or disposes of property in which another person has a security interest, with intent to defraud that person;

(8) Commits any act that is declared to be theft by a specific statute;

(9) Draws or passes a check, and in exchange obtains property or services, if he knows that the check will not be paid when presented; or

(10) Obtains gasoline or other fuel or automotive products which are available only for compensation without paying or agreeing to pay compensation.

(c) A person who commits an act that is prohibited by subsection (b) which involves the repair of a vehicle has not committed theft unless, before the repair was made, he received a written estimate of the cost of the repair.

(d) Theft constitutes a single offense embracing certain separate offenses or specifications of charges in an indictment or information.

(1) Conduct denominated theft in subsections (a) to (f), inclusive, constitutes a single offense embracing the separate offenses commonly known as larceny, receiving or possessing stolen property, embezzlement, obtaining property by false pretenses, issuing a check without sufficient money or credit, and other similar offenses.

(2) A criminal charge of theft may be supported by evidence that an act was committed in any manner that constitutes theft pursuant to Section 4-8-208(a) through (f),

inclusive, notwithstanding the specification of a different manner in the indictment or information, subject to the power of the court to ensure a fair trial by granting a continuance or other appropriate relief if it determines that, in a specific case, strict application of the provisions of this subsection would result in prejudice to the defense by lack of fair notice or by surprise.

(e) The amount involved in a theft shall be deemed to be the highest value, by any reasonable standard, of the property or services which are obtained. Amounts involved in thefts committed pursuant to a scheme or continuing course of conduct, whether from one or more persons, may be aggregated in determining the grade of the offense.

(f) Unless a greater penalty is imposed by a specific statute, a person who commits theft in violation of any provision of subsection (a) through (e), inclusive, shall be punished pursuant to the provisions of this section.

(1) If the value of the property or services involved in the theft is less than \$300 or less, the person who committed the theft is guilty of a Class A Offense.

(2) If the value of the property or services involved in the theft is between \$301.00 and \$1,000.00, inclusive, the person who committed the theft is guilty of a Class B Offense.

(3) If the value of the property or services involved in the theft is more than \$1,000.00, the person who committed the theft is guilty of a Class C Offense.

**Section 4-8-209. Embezzlement.**

(a) A person who has any property of value belonging to another that is entrusted to his care, custody, or control who thereafter misuses or misappropriates the property so as to cause its loss in whole or in part is guilty of Embezzlement.

(b) Embezzlement is a Class C offense.

**Section 4-8-210. Buying or receiving stolen goods.**

(a) Anyone who knowingly acquires possession or control over stolen property, or over any property under circumstances which would lead a reasonable person to believe it is stolen, is guilty of Buying or Receiving Stolen Goods.

(b) The following circumstances shall be considered in determining whether a reasonable person would believe goods to be stolen:

- (1) the price paid;
- (2) proximity in time to the theft;
- (3) proximity in locale to the theft;
- (4) altered or obliterated serial numbers; and
- (5) lack of Bill of Sale.

(c) Buying or Receiving Stolen Goods is a Class B offense.

**Section 4-8-211. Doing business without a license.**

(a) A person commits the offense of Doing business without a license if he commences or carries on any business, trade, profession or calling, within Colony lands, which is required by the Code or Tribal policy to be licensed, without first having obtained the appropriate license.

(b) Doing business without a license is a Class A offense.

**Section 4-8-212. Forgery.**

- (a) Forgery is the intentional signing, making, executing, or altering of a document without consent and with the intent to defraud.
- (b) Forgery is a Class C offense.

**Section 4-8-213. Criminal simulation.**

- (a) A person commits the offense of Criminal simulation by selling, trading, or passing off any item to another for valuable consideration and intentionally representing the item to be genuine, rare, or authentic when such person knows it is not..
- (b) Criminal simulation is a Class A offense.

**Section 4-8-214. Deceptive business practices.**

- (a) A person commits the offense of Deceptive business practices if, while in the course of engaging in a business, occupation or profession, the person knowingly:
  - (1) uses or possesses for use a false weight or measure or any other device to falsely determine or record any quantity or quality;
  - (2) sells, offers, exposes for sale, or delivers less than the represented quality or quantity of, any commodity or service;
  - (3) takes or attempts to take more than the represented quality or quantity of any commodity or service when furnishing the weight or measure;
  - (4) sells, offers, or exposes for sale adulterated commodities;
  - (5) sells, offers or exposes for sale mislabeled commodities;
  - (6) makes a deceptive statement regarding the quality or price of goods in any advertisement addressed to the public; or
  - (7) makes a deceptive statement relating to a material fact in any contractual agreement with the Reno-Sparks Indian Colony.
- (b) A first conviction for Deceptive business practices is a Class A offense.
- (c) A second or subsequent conviction for Deceptive practices is a Class B offense.

**Section 4-8-215. Deceptive practices.**

- (a) A person commits the offense of Deceptive practices if he knowingly:
  - (1) causes another, by deception or threat, to execute a document disposing of property or a document by which a pecuniary obligation is incurred;
  - (2) makes, accepts, or directs another to accept, a false or deceptive statement regarding the person's financial condition for purposes of procuring a loan or credit.
  - (3) directs another to make a false or deceptive statement addressed to the public or to any person for the purpose of promoting or procuring the sale of any property; or
  - (4) obtains or attempts to obtain property, labor, or services though the use of an invalid credit card.
- (b) Deceptive Practices is a Class B offense.

**Section 4-8-216. Fraud.**

- (a) A person commits the offense of Fraud if he intentionally misrepresents material facts or misleads another and that person relies on the misrepresentation to his detriment.
- (b) Fraud is a Class B offense.

**CHAPTER 9 - OFFENSES AGAINST PUBLIC ADMINISTRATION**

**Part 1. Enumeration of Offenses.**

**Section 4-9-101. Bribery.**

(a) A person commits the offense of Bribery by intentionally offering, conferring, agreeing to confer upon another, soliciting, accepting, or agreeing to accept from another, any benefit, or any other item of value as consideration for the recipient's decision, opinion, recommendation, vote, or other exercise of discretion as a Tribal public official or voter.

(1) It is not a defense that a person whom the offender sought to bribe was not qualified to act in the desired way.

(2) Bribery is a Class C offense.

(3) A person convicted of the offense of Bribery shall forever be disqualified from holding any position as a Tribal public servant.

(b) Bribery of judicial officer. A person who gives, offers or promises, directly or indirectly, any compensation, gratuity or reward to a judicial officer, juror, referee, arbitrator, appraiser, assessor or other person authorized by law to hear or determine any question, matter, cause, proceeding or controversy, with the intent to influence his action, vote, opinion or decision thereon, is guilty of a Class C offense.

(1) It is not a defense to bribery of a judicial officer that a person who gives, offers or promises, directly or indirectly, any compensation, gratuity or reward to a judicial officer, juror, referee, arbitrator, appraiser, assessor or other person authorized by law to hear or determine any question, matter, cause, proceeding or controversy was unaware that the recipient or intended recipient was not qualified to act in the desired way.

(2) A person convicted under this section shall forever be disqualified from holding any position as a Tribal public servant.

(c) Judicial officer who asks for or receives bribe. A judicial officer who asks or receives, directly or indirectly, any compensation, gratuity or reward, or any promise thereof, upon an agreement or understanding that his vote, opinion, judgment, action, decision or other official proceeding will be influenced thereby, or that he will do or omit any act or procedure or in any way neglect or violate any official duty, is guilty of a Class C Offense.

(1) It is not a defense that a judicial officer who asks or receives, directly or indirectly, any compensation, gratuity or reward, or any promise thereof, upon an agreement or understanding that his vote, opinion, judgment, action, decision or other official proceeding will be influenced thereby, was not qualified to act in the desired way.

(2) A person convicted under this section shall forever be disqualified from holding any position as a Tribal public servant.

(d) Jurors and others accepting bribes. A juror, referee, arbitrator, appraiser, assessor or other person authorized by law to hear or determine any question, matter, cause, controversy or proceeding, who asks or receives, directly or indirectly, any compensation, gratuity or reward, or any promise thereof, upon an agreement or understanding that his vote, opinion, action, judgment or decision will be influenced thereby, is guilty of a Class B Offense.

(e) Juror, arbitrator or referee promising verdict or decision or knowingly receiving communication. Every juror and every person chosen or appointed arbitrator or referee who shall make any promise or agreement to give a verdict, judgment, report, award or decision for or against any party, or who shall knowingly receive any communication, book, paper, instrument or

information relating to a cause or matter pending before him, except according to the regular course of proceeding upon the trial or hearing of such cause or matter, shall be guilty of a Class C Offense.

(f) Testimony of any person convicted of violating any provision of law relating to bribery or corruption shall be competent and admissible. The testimony of any person who has been convicted of violating any provision of law relating to bribery or corruption shall be competent and admissible against another so offending and such witness shall not be excused from giving testimony tending to incriminate himself, provided, however, that such testimony shall not afterward be used against him in any judicial proceeding, except for perjury in giving such testimony.

**Section 4-9-102. Improper influence in official matters.**

(a) A person commits the offense of Improper influence in official matters by knowingly:

(1) threatening harm to any person, the person's spouse, child, parent, or sibling, or the person's property, with the purpose of influencing the person's decision, opinion, recommendation, vote, or other exercise of discretion as a Tribal public servant or voter;

(2) threatening harm to any Tribal public servant, the public servant's spouse, child, parent, or sibling, or the person's property, with the purpose of influencing the Tribal public servant's decision, opinion, recommendation, vote or other exercise of discretion in a judicial or administrative proceeding.

(3) Threatening harm to any Tribal public servant, the public servant's spouse, child, parent, or sibling, or the person's property, with the purpose of influencing the person to violate his duty; or

(4) Privately talking about the circumstances of a pending or potential controversy with any Tribal public servant who has or will have official discretion in a judicial or administrative proceeding, or any other communication with such Tribal public servant designed to influence, or with the potential to influence, the outcome of such proceeding on the basis of considerations other than those authorized by Tribal Law.

(b) It is not a defense that a person whom the offender sought to influence was not qualified to act in the desired way.

(c) Improper influence in official matters is a Class B offense.

**Section 4-9-103. Impersonating a public servant.**

(a) A person commits the offense of Impersonating a public servant by intentionally pretending to hold a position as a public servant as a means of inducing another to submit to the person's falsely claimed authority or otherwise act in reliance upon such representation.

(b) Impersonating a public servant is a Class B offense.

**Section 4-9-104. Giving False information to law enforcement officers.**

(a) A person commits the offense of Giving false information to law enforcement officers by intentionally giving any false information to any law enforcement officer.

(b) Giving False Information to law enforcement officers is a Class B offense.

**Section 4-9-105. Official misconduct.**



(a) A person commits the offense of official misconduct by intentionally committing one of the following:

(1) Unauthorized Acts—if, being a Tribal official or employee, a person commits an unauthorized act that purports to be an act of his office, or intentionally refrains from performing a duty imposed on him by law, for the purpose of benefiting himself or another;

(2) Refusal or Failure to Act—if, being a Tribal official or employee, or former Tribal official or employee, who has or had control over Tribal funds, accounts, monies, documents, papers, files or records, fails to relinquish control or possession of these items, or take the necessary steps for others to relinquish control or possession of these items, to succeeding Tribal officials or employees.

(c) Official misconduct is a Class B offense.

**Section 4-9-106. Unofficial misconduct.**

(a) A person commits the offense of Unofficial misconduct by knowingly exercising any of the functions of a public servant when he has not been elected or appointed to the office, or, if elected or appointed, by failing to file a required bond or oath, or by continuing to act as an official after his term of office has expired, or by intentionally retaining or withholding from his successor or intentionally destroying, any records, papers, or documents pertaining to his office.

(b) It is a defense to a charge of Unofficial misconduct that the person charged reasonably believed he was authorized to act as a public official.

(c) Unofficial misconduct is a Class B offense.

**Section 4-9-107. Misuse of Tribal money or property.**

(a) A person, who is charged with the receipt, safekeeping, transfer or disbursement of tribal monies or property, commits the offense of Misuse of tribal money or property by intentionally taking any of the following actions:

(1) without lawful authority appropriates the money or property or any portion of it to his own use or use of another;

(2) lends the money or property or any portion thereof without authority;

(3) fails to keep the money or property in his possession until it is lawfully disbursed or paid out according to law or returned to the custody of the Colony;

(4) deposits the money in an unauthorized bank or with a person not lawfully authorized to receive such;

(5) keeps any false account, or makes a false entry or erasure in any account of or relating to the money;

(6) fraudulently alters, falsifies, conceals, destroys, or obliterates any such account;

(7) refuses or omits to pay or return tribal monies or property to competent authority upon lawful demand;

(8) omits to transfer money or property when transfer is required by proper authority;

(9) makes a profit for himself or another when not lawfully entitled to such, or in an unlawful manner, out of tribal monies or property;

(10) fails to pay to the proper account or authority any fines, forfeitures, or fees received by him;

(11) otherwise handles tribal money or property for his own benefit in a manner not authorized by law; or

(12) handles tribal money or property in a reckless manner as a result of which a risk of loss of such money or property is significant.

(b) Misuse of tribal money or property is a Class B offense.

**Section 4-9-108. Perjury or Subornation of Perjury.** A person, having taken a lawful oath or made affirmation in a judicial proceeding or in any other matter where, by law, an oath or affirmation is required and no other penalty is prescribed, who:

(a) Knowingly makes an unqualified statement of that which he does not know to be true;

(b) Swears or affirms knowingly and falsely in a matter material to the issue or point in question; or

(c) Suborns any other person to make such an unqualified statement or to swear or affirm in such a manner, is guilty of perjury or subornation of perjury, as the case may be, which is a Class C Offense.

**Section 4-9-109. False Swearing.**

(a) A person commits the offense of False Swearing by knowingly making a false statement under oath or equivalent affirmation, or swearing or affirming the truth of such a statement previously made, when the person does not believe the statement to be true and:

(1) the falsification occurs in an official proceeding;

(2) the falsification is purposely made to mislead a Tribal public servant in performing his official function; or

(3) the statement is one which is required by law to be sworn or affirmed before a notary or other person authorized to administer oaths.

(b) False swearing is a Class B offense.

**Section 4-9-109.5. False affidavit or complaint to effect arrest or search.** A person who makes, executes or signs or causes to be made, executed or signed, any false or fictitious affidavit, complaint, deposition, or other instrument in writing before any officer or person authorized to administer oaths, for the purpose or with the intent of securing a warrant for the arrest of any other person, or for the purpose of securing a warrant for the searching of the premises, goods, chattels or effects, or of seizing the goods, chattels or effects, or of seizing anything in the possession of any other person, is guilty of a Class C Offense.

**Section 4-9-109.6. Law Enforcement officer exceeding authority in execution of search warrant.** A law enforcement officer who, in executing a search warrant, shall knowingly exceed his authority, or exercise it with unnecessary severity, shall be deemed guilty of a Class C Offense.

**Section 4-9-110. Preventing or dissuading person from testifying or producing evidence.** A person who, by persuasion, force, threat, intimidation, deception or otherwise, and with the intent to obstruct the course of justice, prevents or attempts to prevent another person from appearing before any court, or person authorized to subpoena witnesses, as a witness in any action, investigation or other official proceeding, or causes or induces another person to absent himself from such a proceeding or evade the process which requires him to appear as a witness to testify or produce a record, document or other object, shall be guilty of a Class B Offense.

**Section 4-9-110.5. Bribing or intimidating witness to influence testimony.** A person who:

(a) Gives, offers or promises, directly or indirectly, any compensation, gratuity or reward to any witness or person who may be called as a witness in an official proceeding, upon an agreement or understanding that his testimony will be thereby influenced; or

(b) Uses any force, threat, intimidation or deception with the intent to:

(1) Influence the testimony of any witness or person who may be called as a witness in an official proceeding;

(2) Cause or induce him to give false testimony or to withhold true testimony;

or

(3) Cause or induce him to withhold a record, document or other object from the proceeding,

is guilty of a Class B Offense.

**Section 4-9-111. Offering false evidence.** A person who, upon any trial, hearing, inquiry, investigation or other proceeding authorized by law, offers or procures to be offered in evidence as genuine, any book, paper, document, record or other instrument in writing, knowing the same to have been forged or fraudulently altered, is guilty of a Class C Offense.

**Section 4-9-111.5. Destroying evidence.** Every person who, with intent to conceal the commission of any offense, or to protect or conceal the identity of any person committing the same, or with intent to delay or hinder the administration of the law or to prevent the production thereof at any time, in any court or before any officer, tribunal, judge or magistrate, shall knowingly destroy, alter, erase, obliterate or conceal any book, paper, record, writing, instrument or thing shall be guilty of a Class C Offense.

**Section 4-9-112. Tampering with public records.**

(a) A person commits the offense of tampering with public records by:

(1) intentionally making a false entry in, or an unauthorized alteration of, any record, document or object belonging to, received by, or kept by the Reno-Sparks Indian Colony or any government, for information or record required by law to be kept by others for information of the Colony;

(2) intentionally making, presenting or using any record, document, or object, knowing it to be false, and with the purpose that it be taken as a genuine; or

(3) intentionally destroying, concealing, removing, causing to be destroyed, concealed or removed, or otherwise impairing the truth or availability of any such record, document or object belonging to or received or kept by the Colony.

(b) Tampering with public records is a Class B offense.

**Section 4-9-112.5. Intentional destruction of legal or other notices.** Every person who shall intentionally remove, damage or destroy:

(a) A sign or notice erected or posted by any officer under lawful authority, or by the owner or occupant of the premises where posted; or

(b) A legal notice or other legal paper posted in compliance with the requirement of any statute of this state, or under the direction or order of a court, shall be guilty of a Class A offense.

**Section 4-9-113. Obstructing governmental functions.**

- (a) A person commits the offense of Obstructing governmental functions by:
  - (1) intentionally using force, violence, or intimidation, or engaging in any other unlawful acts, with a purpose of interfering with a public servant in performing or attempting to perform an official function; or
  - (2) intentionally obstructing, impairing or otherwise preventing the administration of law or other governmental function, by intimidation, force, violence, physical interference or obstacle, breach of official duty or by any other unlawful act.
- (b) This section does not apply to flight by a person charged with an offense, refusal to submit to arrest, failure to perform a duty other than an official duty, or any other means of avoiding compliance with law without affirmative interference with governmental functions.
- (c) Obstructing governmental functions is a Class B offense.

**Section 4-9-114. Resisting arrest.**

- (a) A person commits the offense of resisting arrest by intentionally preventing or attempting to prevent a law enforcement officer from making an arrest.
- (b) Resisting arrest is a Class C offense.

**Section 4-9-115. Interfering with Law Enforcement Procedures**

- (a) A person commits the offense of Interfering with Law Enforcement Procedures by:
  - (1) resisting a lawful arrest by any means that creates a risk of bodily harm to anyone;
  - (2) intentionally interfering with the apprehension or prosecution of another by harboring or concealing the other, or, by providing weapons or transportation or other means of escape; or
  - (3) intentionally obstructing, through threats, violence, force, or conduct, a law enforcement officer in the performance of his official duties.
- (b) A person commits the offense of Interfering with Law Enforcement Procedures by removing himself from official detention.
- (c) Interfering with Law Enforcement Procedures is a Class C offense.

**Section 4-9-115.5. Filing false or fraudulent complaint or allegation of misconduct against law enforcement officer.**

1. A person who knowingly files a false or fraudulent written complaint or allegation of misconduct against a law enforcement officer for conduct in the course and scope of his employment is guilty of a Class C Offense.

**Section 4-9-116. Obstruction of justice.**

- (a) A person, knowing another person is a fugitive, commits the offense of obstruction of justice by intentionally:
  - (1) harboring or concealing a fugitive;
  - (2) warning a fugitive of impending discovery or apprehension; however this does not apply to a warning given in connection with an effort to bring a fugitive into compliance with the law;
  - (3) providing a fugitive with money, transportation, a weapon, disguise, or other means of avoiding discovery or apprehension;
  - (4) preventing or obstructing by means of force, deception, or intimidation

anyone from performing an act that might aid in the discovery or apprehension of a fugitive;

- (5) suppressing by an act of concealment, alteration, or destruction any physical evidence that might aid in the discovery or apprehension of a fugitive; or
- (6) aiding a fugitive who is subject to official detention to escape from such official detention.

(b) Obstruction of justice is a Class C offense.

**Section 4-9-117. Escape.**

- (a) A person commits the offense of Escape by:
  - (1) unlawfully removing himself from official detention or failing to return to official detention following temporary leave granted for a specific purpose or limited time period;
  - (2) aiding another person to escape from official detention; or
  - (3) knowingly procuring, making, possessing or providing a person in official detention with anything that may facilitate escape.

(b) Escape is a Class C offense.

**Section 4-9-118. Failure to Appear.**

(a) A person commits the offense of Failure to appear by failing, without just cause, to appear in person or by counsel at the time and place lawfully designated for the person's appearance, after having been released, on bail or the person's own recognizance, by court order or other lawful authority upon condition that the person subsequently appear before the court on a charge or an offense.

(b) Each defendant, to maintain contact with his Tribal Court Advocate and with the court, has an obligation to remain informed as to when he is required to appear, and to keep the court informed of his current address and his telephone or message number where he can receive notice.

(c) Failure to Appear is a Class B offense when the original charge is a Class A offense.

(d) Failure to Appear is a Class C offense when the original charge is a Class B offense.

**Section 4-9-119. Failure to obey lawful order of the Tribal Court.**

(a) A person commits the offense of Failure to obey a lawful order of the Tribal Court by intentionally, and without good reason, failing to obey an order, subpoena, warrant or command duly made, issued, or given by a Tribal Judge or any Tribal officer or otherwise issued according to law.

(b) This section shall not apply to a failure to appear as a party in a civil action where default or a similar remedy is available to the other party.

(c) Failure to obey a lawful order of the Court is a Class B offense.

**Section 4-9-120. Contempt.**

(a) A person commits the offense of Contempt by intentionally engaging in any of the following conduct:

- (1) disorderly, contemptuous, or insolent behavior committed during the

sitting of Tribal Court, in its immediate view and presence, and directly tending to interrupt its proceedings or to impair the respect due its authority;

(2) breaching the peace by causing a disturbance directly tending to interrupt Tribal Court proceedings;

(3) disobeying or refusing any lawful process or other mandate of the Tribal Court;

(4) refusing to be sworn as a witness in any Tribal Court proceeding or, after being sworn, unlawfully refusing to answer any legal and proper question;

(5) publishing a false or grossly inaccurate report of a Tribal Court proceeding; or

(6) failing to obey any mandate, process, or notice relative to serving as a juror.

(b) Contempt is a Class A offense.

(c) In lieu of holding a person in criminal contempt, the Tribal Judge may instead hold a person in civil contempt. A person may be held in civil contempt for any action set forth in this section.

(1) Civil Contempt may be punishable by a fine of up to \$100.00 per incident or by up to 30 days in jail..

(d) It is not a required element that the act of contempt, either criminal or civil, occur in open court.

(e) Acts which occur in open court require a warning by the Tribal Judge before a judgment of contempt may be entered. For contempt occurring in open court a person may be sentenced or sanctioned immediately. Contempt not occurring in open court must be set for a hearing before a judgment of Contempt may be issued.

## **CHAPTER 10 - OFFENSES AGAINST PUBLIC ORDER AND SAFETY**

### **Part 1. Enumeration of Offenses.**

#### **Section 4-10-101. Disorderly conduct.**

(a) A person commits the offense of disorderly conduct by intentionally disturbing the peace of another by:

1) quarreling, challenging to fight, or fighting;

(2) making loud, unusual, or unreasonable noise;

(3) using physically threatening, profane, or abusive language;

(4) discharging a firearm;

(5) rendering impassable, without good cause, the free entrance or exit to public or private places;

(6) disturbing or disrupting any lawful assembly or public meeting after having been asked to cease such disturbance or disruption, or to leave the premises, by one in authority at the assembly or meeting;

(7) initiating or circulating a false report or warning of a fire, impending explosion or other catastrophe in any place which may result in panic or which results in bodily harm; or

(8) appearing in a public or private place, other than his own home, in an intoxicated or disruptive condition;

- (b) Disorderly conduct is a Class A offense for the first conviction only.
- (c) Disorderly conduct is a Class B offense for the second and subsequent convictions.

**Section 4-10-102. Public nuisance.**

- (a) A person commits the offense of public nuisance by intentionally creating, conducting or maintaining an unreasonable interference with another's right common to the general public, such as a condition dangerous to health, offensive to the community, or obstructing the public in free use of public property;
- (b) Public nuisance is a Class A offense.

**Section 4-10-103. Littering.**

- (a) A person commits the offense of littering if he intentionally, knowingly or negligently throws, scatters, spills, places or otherwise improperly disposes of any litter within the exterior boundaries of the Colony.
- b) For purposes of this provision, "litter" means any rubbish, waste material, cans, refuse, garbage, trash, debris, dead animals or discarded materials of every kind and description.
- (c) Littering is a Class A offense.

**Section 4-10-104. Rioting.**

- (a) A person commits the offense of Rioting if he intentionally engages in an act of violence as part of an assemblage of persons, which act presents a clear and present danger of, or results in, damage to property or injury to persons.
- (b) Rioting is a Class C offense.

**Section 4-10-105. Loitering.**

- (a) It shall be unlawful for any person to remain in a public place for no apparent legal reason within the exterior boundaries of the Colony, inclusive of roadways, parks and buildings.
- (b) The penalty for loitering shall be a fine of up to Eighty Dollars (\$80.00) or two (2) days in jail or both.

**Section 4-10-106. Rigging a contest.**

- (a) A person commits the offense of Rigging a contest by intentionally engaging in conduct that will prevent a public contest from being conducted in accordance with the rules that govern it.
- (b) Rigging a contest is a Class A offense.

**Section 4-10-107. Fireworks offense.**

- (a) A person commits a Fireworks offense by intentionally possessing, selling, distributing, transporting, activating, igniting or detonating any firecracker or other firework-type device without a permit.

(b) It shall not be an offense under this section to possess, use or ignite hand-held sparkler-type devices.

(c) Fireworks offense is a Class A offense.

**Section 4-10-108. Possession of Alcoholic Beverages or Other Intoxicating Substances. [Eff. 12/15/04]**

(a) A person who, while on Reno-Sparks Indian Colony land, possesses, has under his dominion and control, sells, gives, transports, manufactures, or has in his system as evidenced by breath, blood, or urine tests, any beer, ale, wine, whiskey, intoxicating substance, or any other substance or beverage whatsoever which produces alcoholic intoxication, is guilty of Possession of Alcoholic Beverages or Other Intoxicating Substances.

(b) Possession of Alcoholic Beverages or Other Intoxicating Substances is a Class B offense.

(Rev. 12/15/04 by substituting 12/15/04 revision of former § 5-8-090, 2004-RS-78.)

**Section 4-10-109 Civil Protective Custody.** A person may be retained by the Tribal Police Department in Civil Protective Custody for up to twenty-four hours if the person appears incapacitated due to consumption of alcohol or similar inducements, or if there are reasonable grounds to believe that the person poses an imminent threat to other persons, including family members.

**CHAPTER 11 - OFFENSES AGAINST PUBLIC MORALITY AND DECENCY**

**Section 4-11-101. Prostitution.**

(a) A person commits the offense of prostitution if he intentionally engages in, solicits, or agrees or offers to engage in, a sexual act for compensation, whether such compensation is paid or not.

(b) Prostitution is a Class B offense.

**Section 4-11-102. Spreading venereal disease.**

(a) A person who has knowledge that he is infected with a venereal disease commits the offense of Spreading venereal disease if he infects another with such disease.

(b) Spreading venereal disease is a strict liability offense.

(c) The Tribal Court shall have the power to order the medical examination and treatment of the offender, and may also order an investigation to determine to what extent others have or may have been infected by the offender.

(d) Spreading venereal disease is a Class B offense.

**Section 4-11-103. Knowingly engaging in conduct reasonably likely to transfer HIV.**

(a) A person commits the offense of Knowingly engaging in conduct reasonably likely to transfer HIV by knowing that he has Acquired Immune Deficiency Syndrome (AIDS), or is a carrier of the human immunodeficiency virus (HIV), and knowingly engaging in conduct reasonably likely to result in transfer of the person's own blood, bodily fluids, semen or vaginal secretions into the bloodstream of another, or through the skin or other membranes of another person, except during *in utero* transmission of blood or bodily fluid; and



- (1) the other person did not consent to the transfer of blood, bodily fluids containing blood, semen, or vaginal secretions; or
  - (2) the other person consented to the transfer but at the time of giving consent had not been informed by the person that the person transferring such blood or fluids had AIDS or was a carrier of HIV.
- (b) The Tribal Court, upon conviction of the defendant, has the power to order the medical examination and treatment of the offender and may also order an investigation to determine to what extent others have or may have been infected by the offender.
- (c) Knowingly engaging in conduct reasonably likely to transfer HIV is a Class C offense.

**Section 4-11-104. Violation of Privacy.**

- (a) A person commits the offense of Violation of privacy if he knowingly does any of the following acts:
- (1) trespasses on property with intent to subject anyone to eavesdropping or other surveillance in a private place;
  - (2) Installs any device for observing, photographing, recording, or eavesdropping in or outside of any private place, without the consent of the person or persons who have a reasonable expectation of privacy there; or
  - (3) intercepts a message by telephone, telegraph, letter or other communication without the consent of the sender or the receiver.
- (b) Violation of privacy is a Class B offense.

**CHAPTER 12 - WEAPONS OFFENSES**

**Part 1. Preliminary Provisions.**

**Section 4-12-101. Definitions**

- (a) "Explosive or incendiary device" means any explosive or incendiary material or substance that has been constructed, altered, packaged or arranged in such a manner that its intended use would cause destruction or injury to property or life.
- (b) "Firearm" means any weapon with a caliber of .177 inches or greater from which a projectile may be propelled by means of explosive, spring, gas, air or other force.
- (c) "Unlawful weapon" means any of the following:
- (1) "Short-barreled rifle" means a rifle having one or more barrels less than 16 inches in length, or any weapon made from a rifle, whether by alteration, modification or other means, with an overall length of less than 26 inches.
  - (2) "Short-barreled shotgun" means a shotgun having one or more barrels less than 18 inches in length, or any weapon made from a shotgun, whether by alteration, modification or other means, with an overall length of less than 26 inches.
  - (3) "Altered weapon" means any firearm that has had the serial number altered in any form.
- (d) "Dangerous weapon" means any firearm, explosive or incendiary device, dagger, dirk, machete or any other instrument that is used primarily to cause bodily harm or death to the person of another.

**Section 4-12-102. Confiscation of unlawful weapons by Tribal Police.**

(a) Tribal Police are vested with the authority to confiscate any unlawful weapons from the possession or control of any person found to possess any unlawful or dangerous weapon or from any person who is charged with any offense set forth in this Code.

(b) This authority also encompasses non-Indians who are found to be in possession or control of an unlawful weapon, or, any non-Indian who possesses a dangerous weapon if there is probable cause to believe that he is engaged in conduct that constitutes an offense under this Code.

(c) Tribal Police shall retain possession and store the confiscated weapons and shall:

- (1) destroy, or direct the destruction of, such weapons,
- (2) return any weapon which has not been destroyed, pursuant to a demand of the person from whom the weapon was confiscated, and upon court order;
- (3) retain such confiscated weapon at the direction of the Tribal Judge or Prosecutor upon a finding that such retention is necessary for the purpose of evidence in a trial; or
- (4) once yearly, at the direction of the Tribal Council, the confiscated items shall either be destroyed or sold at a public auction and the proceeds of such sale shall be deposited in the Tribe's general fund.

**Part 2. Enumeration of Offenses**

**Section 4-12-201. Carrying a concealed weapon.**

(a) A person commits the offense of Carrying a concealed weapon by unlawfully carrying or bearing a dangerous weapon that is wholly or partially covered by the clothing or wearing apparel of the person carrying the weapon.

(b) Exemptions to this provision include:

- (1) any law enforcement officer of the Reno-Sparks Indian Colony;
- (2) any peace officer of the State of Nevada;
- (3) any officer of the United States government authorized to carry a concealed weapon; or
- (4) a person in possession of a valid concealed weapon permit issued within the State of Nevada.

(c) A first conviction for carrying a concealed weapon is a Class B offense.

(d) A second or subsequent conviction for carrying a concealed weapon is a Class C offense.

**Section 4-12-202. Possession or manufacture of short-barreled rifle or shotgun.**

(a) A person commits the offense of Possession or manufacture of short-barreled rifle or shotgun by unlawfully owning, possessing, manufacturing, or having in his control a short-barreled rifle or shotgun or unassembled parts thereof.

(b) Possession or manufacture of short-barreled rifle or shotgun is a Class B offense.

**Section 4-12-203. Unlawful discharge or display of a firearm.**

(a) Except as provided in subsection (b), A person commits the offense of Unlawful discharge or display of a firearm by:

(1) intentionally or negligently discharging a firearm within or into the exterior boundaries of the Reno-Sparks Indian Colony.

(2) [intentionally or negligently discharging a firearm as to indicate a wanton or willful disregard for the safety of persons or property.

(3) displaying a firearm in a rude or threatening manner or while in a fight or quarrel.

(b) Discharge of a firearm is permitted provided the user has a permit approved by the Tribal Council for such purpose; or it is in an area specifically designated by the Tribal Council for such purpose.

(c) Unlawfully discharging or displaying a firearm is a Class B offense.  
(Amended by Resolution No. 2017-RS-35, May 17, 2017)

**Section 4-12-204. Carrying a firearm while unlawfully using or being under the influence of a controlled, prohibited, or intoxicating substance.**

(a) A person commits the offense of carrying a firearm while unlawfully using or being under the influence of a controlled, prohibited, or intoxicating substance if he has a firearm in his possession and at the same time:

(1) is knowingly using or consuming a prohibited substance as defined in Section 4-13-101(c) of this Title;

(2) is knowingly and unlawfully using a controlled substance as defined in Section 4-13-101(a) of this Title; or

(3) is under the influence of an intoxicating substance or controlled substance as defined in Sections 4-13-101(a) and (b) of this Title.

(b) Violation of this section is a Class C offense.

**Section 4-12-205. Unlawful possession of firearm or other dangerous weapon.**

(a) Any person who is a violent offender as defined in § 4-1-301, or who has ever been convicted of a felony in any other jurisdiction, or is a person who is subject to a domestic violence order, commits the offense of Unlawful possession of a firearm or other dangerous weapon, by possessing any firearm or other dangerous weapon as defined in this Title.

(b) Violation of this section is a Class C offense.

**Section 4-12-206. Destructive devices prohibited.**

(a) A person commits this offense by unlawfully possessing, manufacturing or disposing of any destructive, explosive or incendiary device.

(b) Destructive devices prohibited is a Class C offense.

**Section 4-12-207. Possession of an altered firearm.**

(a) A person commits the offense of Possession of an altered firearm by intentionally possessing a rifle or shotgun that has had the serial number altered in any form.

(d) Possession of altered firearm is a Class B offense.

**Section 4-12-208. Use of firearm by a minor.**

(a) No minor shall handle or have a firearm in his possession or control, except while accompanied by an adult person.

(b) Use of a firearm by a minor is a Class A offense.

(c) Upon issuance of a citation under this section, a juvenile shall be cited into the Youth Court. Any adult who unlawfully aids or intentionally permits a juvenile to violate this section shall be deemed guilty of a Class B offense.

**Section 4-12-209. Aiming a firearm at a person.**

(a) A person commits the offense of Aiming a firearm at a person by intentionally aiming or discharging a firearm at a person. Whether a firearm is loaded or unloaded shall not be considered a factor in prosecution.

(c) Aiming a firearm at a person is a Class C offense.

**CHAPTER 13 - DRUG OFFENSES**

**Part 1. Preliminary Provisions.**

**Section 4-13-101. Definitions.**

(a) "Controlled substance" means any substance listed in Schedules I, II, III, IV or V of 21 U.S.C. § 812, or as later amended.

(b) "Liquor" or "Intoxicating substance" means:

(1) any malt, vinous, or spirituous liquor, including beer and any other beverage obtained by the alcoholic fermentation of any infusion or extraction by boiling barley, malt or any other similar product of any combination thereof in water;

(2) wine and fortified wines and any other alcoholic beverage obtained by the fermentation of the natural usage contents of fruits or other agricultural produce containing sugar; and

(3) any alcoholic beverage obtained by distillation, mixing with water and other substances in solution, including brandy, rum, whiskey, gin and every liquid or solid, patented or not, containing alcohol and which is manufactured primarily for beverage purposes.

(c) "Prohibited substance" means any substance classified in Schedule I or II of 21 U.S.C. § 812, or as later amended:

(d) "child" means a person under the age of 18.

**Part 2. Enumeration of Offenses.**

**Section 4-13-201. Possession of controlled, prohibited, or intoxicating substances.**

(a) A person commits the offense of Possession of a controlled, prohibited, or intoxicating substance by unlawfully possessing, having in his control, or having in his system as evidenced by any amount of a controlled substance without a lawful prescription, or by any amount of a prohibited, or intoxicating substance being detected in his breath, blood, urine, hair, or saliva.

(b) Possession of controlled or prohibited substance is a Class C offense.

(c) Possession of an intoxicating substance is a Class B offense.

(d) At sentencing, if any of the following aggravating circumstances are proven by a preponderance of the evidence, the Court shall impose a jail sentence of not less than 90 days which shall not be suspended:

(1) The offender was pregnant at the time the offense was committed.

(2) The offense was committed while a child was present.

- (3) The offense was committed at a residence where a child resided whether or not the child was present at the time of the offense.

**Section 4-13-202 Sale of Controlled, Prohibited, or Intoxicating substance.**

(a) A person commits the offense of Sale of controlled, prohibited, or intoxicating substance if he unlawfully sells, furnishes, offers, provides, packages for sale, controls packages for sale, or makes available in any form, a controlled substance without a pharmacist's license and without a lawful prescription, a prohibited substance, or an intoxicating substance.

- (b) Sale of controlled or prohibited substances is a Class C offense.
- (c) Sale of an intoxicating substance is a Class B offense.
- (d) At sentencing, if any of the following aggravating circumstances are proven by a preponderance of the evidence, the Court shall impose a jail sentence of not less than 90 days which shall not be suspended:
  - (1) The offender was pregnant at the time the offense was committed.
  - (2) The offense was committed while a child was present.
  - (3) The offense was committed at a residence where a child resided whether or not the child was present at the time of the offense.
  - (4) The offense was committed with the assistance or use of a child.

**Section 4-13-203 Use of a Controlled, Prohibited, or Intoxicating Substance**

- (a) A person commits the offense of Use of a controlled, prohibited, or intoxicating substance by:
  - (1) knowingly using or consuming a controlled substance without a lawful prescription,
  - (2) knowingly using or consuming a prohibited substance, or
  - (3) knowingly using or consuming an intoxicating substance.
- (b) Use of a controlled or prohibited substance is a Class C offense
- (c) Use of an intoxicating substance is a Class B offense.
- (d) At sentencing, if any of the following aggravating circumstances are proven by a preponderance of the evidence, the Court shall impose a jail sentence of not less than 90 days which shall not be suspended:
  - (1) The offender was pregnant at the time the offense was committed.
  - (2) The offense was committed while a child was present.
  - (3) The offense was committed at a residence where a child resided whether or not the child was present at the time of the offense.

**Section 4-13-204 Under the Influence of a Controlled, Prohibited, or Intoxicating Substance.**

(a) A person commits the offense of Under the Influence of a Controlled, Prohibited, or Intoxicating Substance by being under the influence of a controlled substance without a lawful prescription, or under the influence of a prohibited or intoxicating substance, as evidenced by any amount of a controlled, prohibited, or intoxicating substance being detected in his breath, blood, urine, hair, or saliva.

- (b) Under the Influence of a Controlled or Prohibited Substance is a Class C offense.
- (c) Under the Influence of an Intoxicating Substance is a Class B offense.

- (d) At sentencing, if any of the following aggravating circumstances are proven by a preponderance of the evidence, the Court shall impose a jail sentence of not less than 90 days which shall not be suspended:
- (1) The offender was pregnant at the time the offense was committed.
  - (2) The offense was committed while a child was present.
  - (3) The offense was committed at a residence where a child resided whether or not the child was present at the time of the offense.

**Section 4-13-205. Sale or Possession of Imitation controlled or prohibited substances.**

- (a) A person commits the offense of Sale or Possession of imitation controlled or prohibited substances by having in his possession or control, for any unlawful purpose, any false form of a controlled or prohibited substance with the intent of representing such substance as authentic.
- (b) The term "imitation controlled or prohibited substance" shall mean any substance made to have the appearance of and represented to be a controlled or prohibited substance.
- (c) Sale or Possession of Imitation controlled or prohibited substance is a Class C offense.

**Section 4-13-206. Possession of drug paraphernalia.**

- (a) A person commits the offense of Possession of drug paraphernalia by possessing any equipment, products and materials in any form that are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise unlawfully introducing into the human body a controlled or prohibited substance.
- (b) In determining whether an object is drug paraphernalia, the court shall consider, in addition to all other logically relevant factors the following:
- (1) statements by an owner or anyone in control of the object concerning its use;
  - (2) the proximity of the object, in time and space, to a direct violation of Part 2 of this Chapter although lack of proximity does not prevent a finding that the object is intended for use or designed for use as paraphernalia;
  - (3) the existence of any residue of a controlled or prohibited substance on the object;
  - (4) direct or circumstantial evidence of the intent of an owner or of anyone in control of the object to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of Part 2 of this Chapter;
  - (5) instructions, written or oral, provided with the object concerning its use;
  - (6) descriptive materials accompanying the object which explain or depict its use;
  - (7) national and local advertisement concerning its use;
  - (8) how the object was displayed upon discovery;
  - (9) whether the owner or anyone in control of the object is a legitimate supplier of like or related items to the community, such as a smokeshop;
  - (10) the existence and scope of legitimate uses for the object in the community;
- and

- (11) expert testimony concerning its use.
- (c) Possession of drug paraphernalia is a Class C offense.
- (d) At sentencing, if any of the following aggravating circumstances are proven by a preponderance of the evidence, the Court shall impose a jail sentence of not less than 90 days which shall not be suspended:
  - (1) The offense was committed where a child had ready access to the drug paraphernalia.

**Section 4-13-207. Manufacture or delivery of drug paraphernalia.**

- (a) A person commits the offense of Manufacture or delivery of drug paraphernalia if he delivers, possesses with intent to deliver, or manufactures with the intent to deliver, drug paraphernalia, knowing or under circumstances where one reasonably should know that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body any controlled or prohibited substance.
- (b) Manufacture or delivery of drug paraphernalia is a Class C offense.

**Section 4-13-208. Inhaling toxic vapors,**

- (a) A person commits the offense of Inhaling toxic vapors if he, for the purpose of becoming intoxicated or subjecting himself to the influence of such vapors, intentionally inhales the vapors or fumes of paint, gasoline, glue, any aerosol canned substance, or any other substance producing intoxicating fumes or vapors.
- (b) Inhaling vapors is a Class C offense.

**Section 4-13-209. Possession of tobacco by person under the age of 18 years.**

- (a) A person under the age of eighteen years commits the offense of Possession of tobacco by a person under the age of 18 years if he buys, receives, possesses, consumes, or attempts to buy, receive, possess, or consume, tobacco.
- (b) Possession of tobacco by a person under the age of 18 years shall be a Class A offense.
- (c) A person under the age of eighteen years shall not be in violation of this section if possession of tobacco is for traditional Native American use.

**Section 4-13-210. Sale of tobacco products to minors prohibited.**

- (a) A person commits the offense of sale of tobacco products to minors by unlawfully selling, distributing, or otherwise making available for use by minors, any tobacco product, including cigarettes, cigars or loose tobacco, *i.e.* snuff or chewing tobacco.
- (b) Sale of tobacco products to minors a Class B offense.

**Section 4-13-211. Civil Infractions Under Part 2.**

Any non-Indian who commits any offense enumerated under Part 2 shall be cited by the Reno-Sparks Indian Colony for a civil infraction and shall be subject to civil fines equivalent to the criminal fines as set forth in this Part. The matter shall follow the procedures set forth for enforcement of civil offenses under the Traffic Code, except that a civil infraction of Part 2 of Title IV must be proven by clear and convincing evidence.

