

**Offenses and Penalties**

(Amended as of 04/17/2023)

**CHICKASAW NATION CODE**

**TITLE 17**

**17.OFFENSES AND PENALTIES**

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#### **SECTION 17-101.1**                    **APPLICATION.**

The following criminal offenses and penalties contained herein shall apply to all persons violating its provisions subject to the jurisdiction of the Chickasaw Nation.  
(PR38-024, 05/24/2021)

#### **SECTION 17-101.2**                    **INTEGRATED CRIMES.**

A. Unless otherwise prohibited by applicable law, the criminal acts or omissions as prescribed by the State of Oklahoma along with their elements and as interpreted by the Chickasaw Nation courts, shall apply when any person within the treaty territory of the Chickasaw Nation is guilty of any act or omission, although not made punishable by any enactment of the Chickasaw Tribal Legislature, would be punishable if committed or omitted within the State of Oklahoma.

B. Notwithstanding the provisions of Title 5, Section 5-701.3, of the Chickasaw Code,

1. if such crime is classified as a felony within the State of Oklahoma, it shall be punishable by a fine of not more than fifteen thousand dollars (\$15,000.00), a term of imprisonment not to exceed three (3) years, or both.
2. if such crime is classified as a misdemeanor within the State of Oklahoma, it shall be punishable by a fine of not more than five thousand dollars (\$5,000.00), a term of imprisonment not to exceed one (1) year imprisonment, or both.

C. The applicable criminal procedures, Rules of Evidence, and any other procedural rules, as well as the Defendant's rights and privileges shall be those recognized under enacted laws of the Chickasaw Nation. State and Federal statutes and case law will not be binding on the

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Chickasaw Nation. Nothing in this section shall be construed to waive the sovereign rights and immunities of the Chickasaw Nation.

(PR38-001, 11/20/2020)

### **SECTION 17-101.3            PRINCIPALS.**

A.     Whoever commits an offense against the Chickasaw Nation or aids, abets, counsels, commands, induces, or procures its commission, is punishable as a principal.

B.     Whoever willfully causes an act to be done which if directly performed by him or another would be an offense against the Chickasaw Nation, is punishable as a principal.

(PR38-024, 5/24/2021)

### **SECTION 17-101.4            ACCESSORIES.**

A.     Whoever, knowing that an offense against the Chickasaw Nation has been committed, receives, relieves, comforts, or assists the offender in order to hinder or prevent his apprehension, trial, or punishment is an accessory after the fact.

B.     An accessory after the fact shall be punishable by a fine of not more than one-half of the maximum fine prescribed for the punishment of the principal, a term of imprisonment of not more than one-half of the maximum term prescribed for the punishment of the principal, or by both such fine and imprisonment.

(PR38-024, 05/24/2021)

### **SECTION 17-101.5            TWO TYPES OF OFFENSES.**

All criminal offenses punishable by a term of imprisonment greater than one (1) year shall be a felony. All other criminal offenses shall be a misdemeanor.

(PR39-012, 09/20/2022)

## **CHAPTER 2**

### **ARTICLE A**

#### **CHICKASAW NATION SEX OFFENDER REGISTRATION AND NOTIFICATION ACT**

Section 17-201.1     Short Title.

Section 17-201.2     Preamble.

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**SECTION 17-201.1**                      **SHORT TITLE.**

This Article establishes ordinances for the registration and notification of Sex Offenders within the Chickasaw Nation and shall be known as the “Chickasaw Nation Sex Offender Registration and Notification Act” (“Act”). (PR29-005, 8/17/12)

**SECTION 17-201.2**                      **PREAMBLE.**

Tribal nations are affected by violent crime and sex offenses from both Indian and non-Indian Perpetrators. Consequently, the conduct and presence of Convicted Sex Offenders in Indian Country threatens the political integrity, economic security, health and welfare of tribal nations.

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### **SECTION 17-201.3            PURPOSE.**

A.        The Chickasaw Nation finds it to be in the best interest of all citizens and those eligible for citizenship to clarify the procedures used by the Chickasaw Nation for Sex Offender registration and notification.

B.        Having elected to function as a registration jurisdiction on May 18, 2007 by Tribal Legislative resolution GR-24-039, the Chickasaw Nation bears the responsibility of implementing Sex Offender registration and notification decisions and for assuring compliance with the federal Sex Offender Registration and Notification Act of 2007, the Chickasaw Constitution and this ordinance.

C.        The purpose of this Act is to implement the federal Sex Offender Registration and Notification Act of 2007 and this code shall be interpreted liberally to comply with the terms and conditions of the federal act as presently written or hereafter amended.

### **SECTION 17-201.4            CONSTITUTIONAL AUTHORITY.**

The Chickasaw Tribal Legislature has the power to enact ordinances governing criminal law and criminal procedures in the Chickasaw Nation. (Article II, Section 1 and 2, Constitution of the Chickasaw Nation.)

### **SECTION 17-201.5            NO WAIVER OF SOVEREIGN IMMUNITY.**

In order to implement this Act to its fullest, the Nation is hereby authorized to work cooperatively with necessary state, federal, or tribal agencies. However, in doing so, the Nation does not and shall not waive any sovereign rights, including sovereign immunity.

### **SECTION 17-201.6            ESTABLISHMENT.**

A.        This Act hereby establishes a mechanism to register anyone convicted of a Sex Offense or an attempt or conspiracy to commit a Sex Offense.

B.        This Act hereby establishes a Chickasaw Nation Sex Offender Registration Office, which the Chickasaw Nation shall maintain and operate pursuant to the provisions of this Act.

C.        This Act hereby establishes a public Sex Offender registration and notification system, which the Chickasaw Nation shall maintain and operate pursuant to the provisions of this

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Act.

D. This Act hereby establishes a Chickasaw Nation Sex Offender Registry website, which shall be maintained and operated pursuant to the provisions of this Act.

E. The Chickasaw Nation Sex Offender Registration Office shall have authority to establish policies and procedures and other mechanisms necessary and proper to carrying out this Act.

(PR29-005, 8/17/12)

### **SECTION 17-201.7                      APPLICABILITY.**

The following persons who have been Convicted of the offenses listed in this Act, are subject to the provisions herein: Sex Offenders who reside in, are employed in or attend school in Indian Country within the territorial jurisdiction of the Chickasaw Nation.

### **SECTION 17-201.8                      CRIMINAL AND CIVIL SANCTIONS.**

A. Any violation of a provision of this Act by a Sex Offender who is an Indian shall be considered a crime and subject to a maximum penalty of one year Imprisonment and/or fine of five thousand dollars (\$5,000), or both.

B. Any violation of a provision of this Act by a Sex Offender who is not an Indian shall be considered a civil violation subject to enforcement by any means not prohibited by federal law, including but not limited to the issuance of fines, forfeitures, civil contempt, and banishment.

### **SECTION 17-201.9                      DEFINITIONS.**

Words and phrases as used herein shall be defined as follows:

A. "Absconder" shall mean a Convicted Sex Offender who goes in a clandestine manner out of the jurisdiction of the Court, or lies concealed, in order to avoid process of law.

B. "Chickasaw Nation" or "Nation" shall mean the Government of the Chickasaw Nation or all Chickasaw Indians by blood whose names appear on the final rolls of the Chickasaw Nation as approved pursuant to Section 2 of the Act of April 26, 1906, (34 Stat. 137), and their lineal descendants as stated in Section 1, Article II of the Constitution of the Chickasaw Nation.

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C. “Chickasaw Nation Sex Offender Registration Office” shall mean the office designated by the Chickasaw Nation to register Sexual Offenders, and maintain the Sex Offender Registry, pursuant to the provisions of the Chickasaw Constitution and applicable laws of the Chickasaw Nation.

D. “Consent” shall mean to voluntarily give permission, approval, or agreement.

E. “Convicted” shall mean a Sex Offender who has been subject to penal consequences based on a conviction, however it may be styled. This includes convictions committed by any of the following:

1. adults;

2. Juvenile Offenders who are prosecuted as adults; or

3. Juveniles, age fourteen (14) years or older at the time of the offense, who are adjudicated delinquent for a sex offense comparable to or more severe than aggravated sexual abuse (as described in 18 U.S.C. § 2241(a) or (b)) or an attempt or conspiracy to commit such an offense.

F. “Court” shall mean the Chickasaw Nation District Court. All proceedings under this Act shall refer to the same.

G. “Digitized Format” shall mean information kept digitally on an electronic data base and does not mean hard copies or physical objects.

H. “Employee” shall mean any person who is self-employed or works for any entity whether compensated or not.

I. “Foreign Country” shall mean any territory, country, region or province which is outside the borders of the United States of America.

J. “Immediate” or “Immediately” shall mean within three (3) business days.

K. “Imprisonment” shall mean incarceration pursuant to a conviction, regardless of the nature of the institution in which the Offender serves the sentence. The term is to be interpreted broadly to include, for example, confinement in a state prison as well as in a federal, military, foreign, Bureau of Indian Affairs, private or contract facility, or a local or tribal jail.



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Persons under “house arrest” following conviction of a covered Sex Offense are required to register pursuant to the provisions of this Act during their period of “house arrest”.

L. “Indian” shall mean a person of any age who is a member of a federally recognized Indian tribe, as defined by 25 U.S.C. §450(b) et. seq, and who Resides or is found within the jurisdiction of the Chickasaw Nation.

M. “Indian Country” is defined, pursuant to 18 U.S.C. §1151, as:

1. all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation;

2. all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state; or

3. all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

“Indian Country” shall also be defined to include land held in trust by the United States for the benefit of the Chickasaw Nation.

N. “Intimate Parts” shall mean parts of the human body primarily in, but not limited to, the genital area, groin, inner thigh, buttocks, and breast.

O. “Jurisdiction” shall mean, unless otherwise specified, the 50 states, District of Columbia, the Five principal U.S. Territories – i.e. Commonwealth of Puerto Rico; Guam; American Samoa; the Northern Mariana Islands; the United States Virgin Islands, and Indian tribes that elect to function as registration authorities under 42 U.S.C. §16927.

P. “Juvenile” shall mean any person less than eighteen (18) years of age, regardless of legal emancipation.

Q. “Minor” shall mean a person under the age of eighteen (18) years old.

R. “Perpetrator” shall mean a person accused of criminal sexual conduct.

## **Offenses and Penalties**

S. “Resides” shall mean, with respect to an individual, the location of the individual’s home or other place where the individual habitually lives.

T. “Sexual Act” shall mean, unless otherwise provided herein, any of the following:

1. contact between the penis and the vulva or the penis and the anus, and for the purpose of this definition, contact involving the penis occurs upon penetration, however slight;

2. contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;

3. the penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with the intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of that person; or

4. the intentional touching, not through the clothing, of the genitalia of another person that has not attained the age of eighteen (18) years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of that person.

U. “Sexual Contact” shall mean, unless otherwise provided herein, the intentional touching, either directly or through the clothing, of the genitalia of another person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of that person.

V. “Sex Offender” or “Offender” shall mean a person Convicted of a Sex Offense or an attempt or conspiracy to commit a Sex Offense under state, federal, military, territorial, local, maritime, foreign or tribal law.

W. “Sex Offender Registry” shall mean the Registry of Sex Offenders and notification program maintained by the Chickasaw Nation.

X. “Sex Offense,” except as limited by Subparagraph 6 or 7, shall mean:

1. A criminal offense that has an element involving a sexual act or sexual contact with another;

2. a criminal offense that is a “specified offense against a Minor.” The term “specified offense against a Minor” means an offense against a Minor that involves any of the following:

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- a. An offense (unless committed by a parent or guardian) involving kidnapping.
- b. An offense (unless committed by a parent or guardian) involving false imprisonment.
- c. Solicitation to engage in sexual conduct.
- d. Use in a sexual performance.
- e. Solicitation to practice prostitution.
- f. Video voyeurism as described in 18 U.S.C. §1801.
- g. Possession, production, or distribution of child pornography.
- h. Criminal sexual conduct involving a Minor, or the use of the internet to facilitate or attempt such conduct.
- i. Any conduct that by its nature is a sex offense against a Minor.

3. A Federal offense (including an offense prosecuted under section 1152 or 1153 of Title 18 of the United States Code) under section 1591, or chapter 109A, 110 (other than section 2257, 2257A, or 2258), or 117, of Title 18 of the United States Code;

4. a military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (10 U.S.C. 951 note); or

5. an attempt or conspiracy to commit an offense described in clauses (1) through (4) of §17-201.9(X).

**6. Offenses involving Consensual Sexual Conduct.** An offense involving consensual sexual conduct is not a sex offense for the purposes of this Act if the victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense, or if the victim was at least thirteen (13) years old and the offender was not more than four (4) years older than the victim.

**7. Foreign Offenses.** A foreign conviction is not a sex offense for the purposes

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of this Act unless it was either:

a. obtained under the laws of Canada, the United Kingdom, Australia, or New Zealand, or

b. under the laws of any foreign country when the United States State Department in its Country Reports on Human Rights Practices has concluded that an independent judiciary generally or vigorously enforced the right to a fair trial in that country during the year in which the conviction occurred.

Y. “SORNA” shall mean Subchapter I entitled “Sex Offender Registration and Notification” of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248).

Z. “Student” shall mean an individual who enrolls or attends an educational institution, including a secondary school, trade or professional school, and institutions of higher education, whether public or private.  
(PR27-006, 7/16/10; PR29-005, 8/17/12)

### **SECTION 17-201.10            OFFENSES.**

A. **Tribal Offenses.** Unless otherwise provided for in this Code, any offenses listed within the Chickasaw Nation Code which are specifically set out as Sex Offenses or have an element involving a Sexual Act or Sexual Contact with another person or a criminal offense that is a specified offense against a Minor. Such Sex Offenses specifically include, as of the date of enactment of this Code section, the following offenses under the Chickasaw Nation Code:

1.        § 17-404.1 (bestiality);
2.        § 17-406.1 (prostitution);
3.        § 17-501.3 (possession or procurement of child pornography);
4.        § 17-501.5 (lewd or indecent proposals or acts as to child under 16; sexual battery); or
5.        § 17-501.5 (child sexual abuse);
6.        § 17-504.1 (rape in the first degree);

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7. § 17-504.2 (rape in the second degree);
  8. § 17-504.3 (sexual battery); or
  9. § 17-504.4 (indecent exposure).
- (PR39-007, 05/20/2022)

**B. Federal Offenses.** A conviction for any of the following, or a conviction for an attempt or conspiracy to commit any of the following, and any other offense hereafter included in the definition of a Sex Offense at 42 U.S.C. §16911(5):

1. 18 U.S.C. §1591 (sex trafficking of children);
2. 18 U.S.C. §1801 (video voyeurism of a Minor);
3. 18 U.S.C. §2241 (aggravated sexual abuse);
4. 18 U.S.C. §2242 (sexual abuse);
5. 18 U.S.C. §2243 (sexual abuse of a Minor or ward);
6. 18 U.S.C. §2244 (abusive Sexual Contact);
7. 18 U.S.C. §2245 (offenses resulting in death);
8. 18 U.S.C. §2251 (sexual exploitation of children);
9. 18 U.S.C. §2251A (selling or buying of children);
10. 18 U.S.C. §2252 (material involving the sexual exploitation of a Minor);
11. 18 U.S.C. §2252A (material containing child pornography);
12. 18 U.S.C. §2252B (misleading domain names on the internet);
13. 18 U.S.C. §2252C (misleading words or digital images on the internet);

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14. 18 U.S.C. §2260 (production of sexually explicit depictions of a Minor for import into the U.S.);

15. 18 U.S.C. §2421 (transportation of a Minor for illegal sexual activity);

16. 18 U.S.C. §2422 (coercion and enticement of a Minor for illegal sexual activity);

17. 18 U.S.C. § 2423 (Transportation of Minors for Illegal Sexual Activity, Travel With the Intent to Engage in Illicit Sexual Conduct With a Minor, Engaging in Illicit Sexual Conduct in Foreign Places);

18. 18 U.S.C. §2424 (failure to file factual statement about alien individual); or

19. 18 U.S.C. §2425 (transmitting information about a Minor to further criminal Sexual conduct).

C. **Foreign Offenses.** Any conviction for a Sex Offense involving any conduct listed in this Section that was obtained under the laws of Canada, the United Kingdom, Australia, New Zealand, or under the laws of any Foreign Country when the United States State Department in its Country Reports on Human Rights Practices has concluded that an independent judiciary generally or vigorously enforced the right to a fair trial in that country during the year in which the conviction occurred qualify for Foreign Country offenses.

D. **Military Offenses.** Any military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (codified at 10 U.S.C. §951 note).

E. **Attempt or Conspiracy.** Any attempt or conspiracy to commit any crime specified in §17-201.10(A), (B), (C) or (D) above.

F. **Juvenile Offenses or Adjudications.** Any Sex Offense, or attempt or conspiracy to commit a Sex Offense, that is comparable to or more severe than the federal crime of aggravated sexual abuse (as codified in 18 U.S.C. §2241(a) or (b)) and committed by a Juvenile who is fourteen (14) years of age or older at the time of the offense.

G. **State, Tribal, Territory, and Foreign Offenses.** Any criminal offense committed in any state, tribe, territory, or the District of Columbia, and any foreign country (subject to §17-201.10(C) that involves:

1. any type or degree of genital, oral, or anal penetration;

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2. any sexual touching of or Sexual Contact with a person's body, either directly or through the clothing;
3. kidnapping of a Minor;
4. false imprisonment of a Minor;
5. solicitation to engage a Minor in Sexual Conduct, understood broadly to include any direction, request, enticement, persuasion, or encouragement of a Minor to engage in Sexual Conduct;
6. use of a Minor in a sexual performance;
7. solicitation of a Minor to practice prostitution;
8. possession, production, or distribution of child pornography;
9. criminal sexual conduct that involves physical contact with a Minor or the use of the internet to facilitate or attempt such conduct. This includes offenses in which elements involve the use of other persons in prostitution, such as pandering, procuring, or pimping in cases where the victim was a Minor at the time of the offense;
10. any conduct that by its nature is a Sex Offense against a Minor; or
11. any conduct similar to those prohibited by the following:
  - a. 18 U.S.C. §1591 (sex trafficking by force, fraud, or coercion);
  - b. 18 U.S.C. §1801 (video voyeurism of a Minor);
  - c. 18 U.S.C. §2241 (aggravated sexual abuse);
  - d. 18 U.S.C. §2242 (sexual abuse);
  - e. 18 U.S.C. §2244 (abusive Sexual Contact);
  - f. 18 U.S.C. §2422(b) (coercing a Minor to engage in prostitution); or

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g. 18 U.S.C. §2423(a) (transporting a Minor to engage in illicit conduct).  
(PR27-006, 7/16/10; PR29-005, 8/17/12)

### **SECTION 17-201.11**

### **TIER 1 OFFENSE.**

A. A Tier 1 offense includes any Sex Offense that involves an element of a Sexual Act or Sexual Contact with another, for which a person has been Convicted, or an attempt or conspiracy to commit such a Sex Offense, that is not a Tier 2 or Tier 3 offense.

B. A Tier 1 offense also includes any offense for which a person has been Convicted by any jurisdiction, local government, or Foreign Country that involves the false imprisonment of a Minor, video voyeurism of a Minor, or possession or receipt of child pornography.

C. **Certain Federal Offenses.** Conviction for any of the following federal offenses or an attempt or conspiracy to commit such an offense shall be considered a conviction for a Tier 1 offense:

1. 18 U.S.C. §1801 (video voyeurism of a Minor);
2. 18 U.S.C. §2252 (receipt or possession of child pornography);
3. 18 U.S.C. §2252A (receipt or possession of child pornography);
4. 18 U.S.C. §2252B (misleading domain names on the internet);
5. 18 U.S.C. §2252C (misleading words or digital images on the internet);
6. 18 U.S.C. §2422(a) (coercion to engage in prostitution);
7. 18 U.S.C. §2423(b) (travel with the intent to engage in illicit conduct);
8. 18 U.S.C. §2423(c) (engaging in illicit conduct in foreign places);
9. 18 U.S.C. §2423(d) (arranging, inducing, procuring or facilitating the travel in interstate commerce of an adult for the purpose of engaging in illicit conduct for financial gain);
10. 18 U.S.C. §2424 (failure to file factual statement about an alien individual); or



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11. 18 U.S.C. §2425 (transmitting information about a Minor to further criminal sexual conduct); or

D. **Certain Military Offenses.** Any military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (codified at 10 U.S.C. §951 note) shall be considered a Tier 1 Offense.

E. **Tribal Offenses.** A Tier 1 offense includes any tribal offense listed under the Chickasaw Nation Code which expressly states that it is a Tier 1 Sex Offense, regardless of any other provisions of this Act. The category of Tier 1 Sex Offenses under the Chickasaw Nation Code shall include, but is not limited to, the following:

1. § 17-406.1(A)(11) (encourage, induce, or otherwise purposely cause another to become or remain a prostitute [when not involving a Minor]).

2. § 17-406.1(A)(12) (transport a person with a purpose to promote that person's engaging in prostitution or procuring or paying for transportation with that purpose [when not involving a Minor]).

(PR27-006, 7/16/10; PR29-005, 8/17/12; PR39-007, 05/20/2022)

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### **SECTION 17-201.12**

### **TIER 2 OFFENSES.**

A. **Recidivist Offender and Felonies.** Unless the offense is a Tier 3 Sex Offense, any Sex Offense that is not the first Sex Offense for which a person has been Convicted or an attempt or conspiracy to commit such an offense and that is punishable by more than one (1) year in jail is considered a Tier 2 offense.

B. **Offenses Involving Minors.** A Tier 2 offense includes any Sex Offense against a Minor for which a person has been Convicted in any jurisdiction, or an attempt or conspiracy to commit such an offense that involves any of the following:

1. the use of a Minor in prostitution, including solicitations;
2. enticing a Minor to engage in criminal sexual activity;
3. non-forcible Sexual Act with a Minor fourteen (14) years of age or older,

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whether directly or indirectly through the clothing, that involves the Intimate Parts of the body;

4. the use of a Minor in a sexual performance;
5. the production or distribution of child pornography; or
6. Sexual Contact with a Minor thirteen (13) years of age or older.

C. **Certain Federal Offenses.** Conviction for any of the following federal offenses or an attempt or conspiracy to commit such an offense shall be considered a conviction for a Tier 2 offense:

1. 18 U.S.C. §1591 (sex trafficking by force, fraud, or coercion);
2. 18 U.S.C. §2244 (abusive Sexual Contact, where victim is 13 years old, or older);
3. 18 U.S.C. §2251 (sexual exploitation of children);
4. 18 U.S.C. §2251A (selling or buying of children);
5. 18 U.S.C. §2252 (material involving the sexual exploitation of a Minor);
6. 18 U.S.C. §2252A (production or distribution of material containing child pornography);
7. 18 U.S.C. §2260 (production of sexually explicit depictions of a Minor for import into the United States);
8. 18 U.S.C. §2421 (transportation of a Minor for illegal sexual activity);
9. 18 U.S.C. §2422(b) (coercing a Minor to engage in prostitution);
10. 18 U.S.C. §2423(a) (transportation for prostitution); or
11. 18 U.S.C. §2423(d) (arranging, inducing, procuring or facilitating the travel in interstate commerce of a Minor for the purpose of engaging in illicit conduct for financial gain).

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D. **Certain Military Offenses.** Any military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (codified at 10 U.S.C. §951 note) shall be considered a Tier 2 offense.

E. **Tribal Offenses.** A Tier 2 offense includes any tribal offense listed under the Chickasaw Nation Code which expressly states that it is a Tier 2 offense, regardless of the term of punishment. The category of Tier 2 Sex Offenses under the Chickasaw Nation Code shall include, but is not limited to, the following:

1. § 17-406.1(A)(11) (encourage, induce, or otherwise purposely cause another to become or remain a prostitute [when involving a child thirteen (13) years of age or older]).

2. § 17-406.1(A)(12) (transport a person with a purpose to promote that person's engaging in prostitution or procuring or paying for transportation with that purpose [when involving a child thirteen (13) years of age or older]).  
(PR27-006, 7/16/10; PR29-005, 8/17/12; PR39-007, 05/20/2022)

### **SECTION 17-201.13**

### **TIER 3 OFFENSES.**

A. **Recidivist Offender and Felonies.** Any Sex Offense for which a person previously convicted of a Tier 2 offense or an attempt or conspiracy to commit such an offense, or for a person who has previously become a Tier 2 Sex Offender, whose current Sex Offense conviction is punishable by more than one (1) year imprisonment is considered a Tier 3 offense.

B. **General Offenses.** A Tier 3 offense includes any Sex Offense for which a person has been Convicted of the offense, or an attempt or conspiracy to commit such an offense, which involves:

1. non-parental kidnapping of a Minor;
2. a Sexual Act with another by force or threat;
3. a Sexual Act with another who has been rendered unconscious or involuntarily drugged, or who is otherwise incapable of appraising the nature of the conduct, or declining to participate; or
4. Sexual Contact with a Minor twelve (12) years of age or younger, including offenses that cover sexual touching of or contact with the intimate parts of the body, either directly or through the clothing.

## Offenses and Penalties

C. **Certain Federal Offenses.** Conviction for any of the following federal offenses or an attempt or conspiracy to commit such an offense shall be considered conviction for a Tier 3 offense:

1. 18 U.S.C. §2241 (aggravated sexual abuse);
2. 18 U.S.C. §2242 (sexual abuse);
3. 18 U.S.C. §2243 (sexual abuse of a Minor or ward); or
4. 18 U.S.C. §2244 (abusive Sexual Contact, victim under thirteen (13) years of age).

D. **Certain Military Offenses.** Any military offense specified by the Secretary of Defense under section 115(a)(8)(C)(I) of Public Law 105-119 (codified at 10 U.S.C. §951 note) shall be considered a Tier 3 offense.

E. **Tribal Offenses.** A Tier 3 offense includes any tribal offense listed under the Chickasaw Nation Code which expressly states that it is a Tier 3 offense, regardless of the term of punishment. The category of Tier 3 Sex Offenses under the Chickasaw Nation Code shall include, but is not limited to, the following:

1. § 17-404.1 (bestiality);
2. § 17-406.1(A)(11) (encourage, induce, or otherwise purposely cause another to become or remain a prostitute [when involving a child twelve (12) years of age or younger]);
3. § 17-406.1(A)(12) (transport a person with a purpose to promote that person's engaging in prostitution or procuring or paying for transportation with that purpose [when involving a child twelve (12) years of age or younger]);
4. § 17-501.3 (possession or procurement of child pornography);
5. § 17-501.4 (lewd or indecent proposals or acts as to child under 16);
6. § 17-501.5 (child sexual abuse);  
(PR27-006, 7/16/10; PR29-005, 8/17/12)

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7. § 17-504.1 (rape in the first degree);
  8. § 17-504.2 (rape in the second degree);
  9. § 17-504.3 (sexual battery); and
  10. § 17-504.4 (indecent exposure).
- (PR39-007, 05/20/2022)

### **SECTION 17-201.14**                      **REGISTRATION REQUIREMENTS FOR SEX OFFENDERS.**

A. Any person with a conviction listed in this Act must Immediately register as a Sex Offender if he lives, or works, or Resides in Indian Country within the Chickasaw Nation's territorial jurisdiction. Registration is required for all Sex Offenses under this Act unless specifically stated to the contrary and regardless of the jurisdiction or location of prior conviction.

B. Where to Register:

1. If Convicted in this Court, Sex Offenders shall initially register with the Chickasaw Nation Sex Offender Registration Office within three (3) business days of sentencing, if no jail time is ordered.

2. If the Sex Offender is incarcerated, he shall register at the facility in which he is detained before his release.

3. A Sex Offender must also register in all of the following jurisdictions:

- a. where he was Convicted; and
- b. where he Resides; and
- c. where he is employed; and
- d. where he goes to school.

C. **Current Information.** A Sex Offender with a conviction listed in this Act shall keep his personal information current in the Registry at all times. A Sex Offender is required to appear in person at the Chickasaw Nation Sex Offender Registration Office to update any change in

## Offenses and Penalties

his personal information within three (3) business days of such change. The information required to be updated includes but is not limited to:

1. name;
2. residence address;
3. employment;
4. school attendance;
5. e-mail addresses;
6. instant message addresses;
7. any other designations used in internet communications, postings, or telephone communications;
8. termination of residence;
9. temporary lodging information;
10. vehicle information;
11. intent to travel outside of the United States;
12. termination of employment; and
13. termination of school attendance.

D. **Registration Period.** The registration period begins to run upon release from custody for an incarcerated Sex Offender, or at sentencing for Sex Offenders not incarcerated. The length of registration is as follows:

1. fifteen (15) years if the Offender is a Tier 1 Sex Offender;
2. twenty-five (25) years if the Offender is a Tier 2 Sex Offender; or
3. the life of the Offender if the Offender ~~he~~ is a Tier 3 Sex Offender.

## Offenses and Penalties

E. **Clean Record.** There are only two (2) classifications of sex offenders that are permitted to have a reduced registration provided that certain requirements are met. An eligible Sex Offender who has maintained a clean record may petition the Court to reduce the Offender's registration period.

1. **Tier 1 Offender.** The Sex Offender must have maintained a clean record for ten (10) years and satisfied all of the following conditions:

- a. the Offender has not been Convicted of any offense for which Imprisonment for more than one (1) year may be imposed;
- b. the Offender has not been Convicted of any Sex Offense regardless of sentence;
- c. the Offender has successfully completed, without revocation, any periods of supervised release, probation and parole; and
- d. the Offender has successfully completed an appropriate Sex Offender sex offender treatment program approved by the jurisdiction which Convicted the Offender or by the United States Attorney General (42 U.S.C. § 16915(b)(1)). Such jurisdiction shall decide what program design is sufficient and what constitutes "successful completion."

2. **Tier 3 Offender.** The Sex Offender must have maintained a clean record for twenty-five (25) years and satisfied all of the following conditions:

- a. the Offender was required to register based on a delinquency adjudication as a juvenile for an offense which required Tier 3 registration;
- b. has not been Convicted of any offense for which Imprisonment for more than one (1) year may be imposed;
- c. the Offender has not been Convicted of any sex offense regardless of sentence;
- d. the Offender has successfully completed, without revocation, any periods of supervised release, probation and parole; and

## Offenses and Penalties

e. the Offender has successfully completed an appropriate sex offender treatment program approved by the jurisdiction which Convicted the Offender or by the United States Attorney General (42 U.S.C. § 16915(b)(1)). Such jurisdiction shall decide what program design is sufficient and what constitutes “successful completion.

F. A Tier 1 Sex Offender is required to personally appear to take a photograph, and review and verify registration information at least once every twelve (12) months with the Chickasaw Nation Sex Offender Registration Office. The Offender’s date of review shall be on or before the last date of registration.

G. A Tier 2 Sex Offender is required to personally appear to take a photograph, and review and verify registration information at least once every six (6) months with the Chickasaw Nation Sex Offender Registration Office.

H. A Tier 3 Sex Offender is required to personally appear to take a photograph, and review and verify registration information at least once every three (3) months with the Chickasaw Nation Sex Offender Registration Office.

I. Upon entering the Nation’s jurisdiction for residency, work, or school, a Sex Offender from another jurisdiction must register with the Chickasaw Nation Sex Offender Registration Office, within three (3) business days.  
(PR27-006, 7/16/10; PR29-005)

J. If, after entering the Nation’s jurisdiction for residency, work, or school, a Sex Offender who is unable to provide a mappable address with a zip code and registers as a transient shall report in person to Chickasaw Nation Sex Offender Registration Office every seven (7) days and provide the approximate location of where the person is staying and where the person plans to stay.  
(PR38-024, 5/24/2021)

### **SECTION 17-201.15**

### **FAILURE TO REGISTER.**

A. It shall be unlawful for a Sex Offender to fail to register in any jurisdiction or update current information. If Convicted, such offense shall carry a maximum penalty of incarceration of not more than one (1) year, or a civil penalty of not more than Five Thousand Dollars (\$5,000), or both.



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B. If a Sex Offender fails to register in the Nation's jurisdiction as required by this Act, the Nation shall:

1. petition the Court for a warrant to arrest and detain the Offender until a hearing can be set to determine the penalty, if any, for the Offender's non-compliance;
2. revise the information in the Chickasaw Nation Sex Offender Registry to reflect that the Sex Offender has failed to register and the Offender's new status as an Absconder; and
3. enter the Sex Offender into the National Crime Information Center Wanted Persons File.

C. **Absconders.** When the Chickasaw Nation Sex Offender Registration Office has information that a Sex Offender may have absconded, a reasonable effort must be made by the Chickasaw Nation Sex Offender Registration Office to determine whether the Sex Offender has actually absconded.

1. In the event no determination can be made, the Chickasaw Nation Sex Offender Registration Office or designee shall ensure the Chickasaw Lighthorse Police Department and any other appropriate law enforcement agency is notified.

2. If the information indicating the possible absconding came through notice from another jurisdiction or federal authorities, those authorities shall be informed that the Sex Offender has failed to appear or actually register.

3. If an absconded Sex Offender cannot be located then the Chickasaw Lighthorse Police Department shall take the following steps:

- a. update the registry/public website to reflect the Sex Offender has absconded or is otherwise not capable of being located,
- b. notify the U.S. Marshals Service,
- c. seek a warrant for the Sex Offender's arrest. The U.S. Marshals Service or FBI may be contacted in an attempt to obtain a federal warrant for the Sex Offender's arrest,
- d. update the National Crime Information Center ("NCIC")/National

## **Offenses and Penalties**

Sex Offender Registry (“NSOR”) to reflect the Sex Offender’s status as an absconder, or is otherwise not capable of being located, and

e. enter the Sex Offender into the National Crime Information Center Wanted Persons File.

D. When the Chickasaw Nation Sex Offender Registration Office is notified by another jurisdiction that a Sex Offender intends to reside, be employed, or attend school in the Nation’s jurisdiction, and that Sex Offender fails to personally appear for registration as required, the Chickasaw Nation Sex Offender Registration Office shall inform the notifying jurisdiction if the Sex Offender fails to appear for registration.

(Pr27-006, 7/16/10; PR29-005, 8/17/12)

### **SECTION 17-201.16                      PROVIDING FALSE INFORMATION.**

A. It shall be unlawful for a Sex Offender to provide false information to the Chickasaw Nation Sex Offender Registration Office. If Convicted, such offense shall carry a maximum penalty of incarceration of not more than one (1) year, or a civil penalty of not more than Five Thousand Dollars (\$5,000), or both.

B. If a Sex Offender provides false information to the Chickasaw Nation Sex Offender Registration Office, the Nation shall:

1. petition the Court for a warrant to arrest and detain the Offender until a hearing can be set to determine the penalty, if any, for the Offender’s non-compliance;

2. revise the information in the Chickasaw Nation Sex Offender Registry to reflect that the Sex Offender has provided false information and the Offender is considered an Absconder; and

3. enter the Sex Offender into the National Crime Information Center Wanted Person File.

C. **Absconders.** The Nation must make a reasonable effort to first verify that the information provided by the Sex Offender is false as of the date the sex offender last verified his information before the Sex Offender can be considered an Absconder.

(PR29-005), 8/17/12)

### **SECTION 17-201.17                      RETROACTIVE REGISTRATION REQUIREMENTS OF**

## Offenses and Penalties

### THE CHICKASAW NATION.

A. This Act applies to all Sex Offenders, regardless of when they were convicted. The Nation is specifically required to recapture, which includes appropriately classifying and retroactively registering Sex Offenders if they are in the tribal judicial system as prisoners, supervisees, or registrants or if they reenter the system due to another conviction. The Nation shall notify such Sex Offenders of the new requirement. The Nation shall establish procedures to recapture and retroactively register the following categories of Sex Offenders:

1. Sex Offenders incarcerated or under supervision, either for the predicate Sex Offense or for some other crime;
2. Sex Offenders already registered or subject to a pre-existing sex offender registration requirement under the Nation's laws or that of another jurisdiction; and
3. Sex Offenders who reenter the Nation's criminal justice system because of a conviction for some other crime regardless of whether or not the crime is a Sex Offense.

B. The Sex Offender is thereafter subject to the registration requirements set forth herein upon notification of a duty to register.

C. The initial registration of recaptured Sex Offenders shall take place within the following time periods as of the date of the Act's enactment:

1. Tier 1 Offenders: within one (1) year;
2. Tier 2 Offenders: within six (6) months; and
3. Tier 3 Offenders: within three (3) months.

(PR29-005, 8/17/12)

### SECTION 17-201.18

### MAINTENANCE AND MANAGEMENT OF REGISTRY.

A. The Nation shall maintain a jurisdiction-wide Sex Offender Registry conforming to the requirements of SORNA.

B. The Nation may manage and enforce the registration of all tiers of Sex Offenders who are Convicted, reside, go to school, or work within Indian Country and within the jurisdiction of the Nation.

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C. The Nation shall implement and maintain an electronic database of information and ensure that such information can be Immediately transmitted to others and Immediately accessed. Nevertheless, all information obtained under this Act shall be, at a minimum, maintained by the Nation or its designee in Digitized Format.

D. The Nation shall procure and maintain at all times computer software to enable the Nation or its designee to establish and operate a uniform Sex Offender Registry and internet web site. Such software shall facilitate (a) the Immediate exchange of information among jurisdictions, (b) public access over the Internet to appropriate information, including the number of registered Sex Offenders in the Nation's jurisdiction, (c) full compliance with the requirements of SORNA, and (d) communication of information to community notification program participants.

E. **Sex Offender Website.** The Nation's registered Sex Offender information shall be made available on the Internet, and in a manner that is readily accessible to all jurisdictions and to the public. The website shall:

1. allow for Immediate exchange of information among and between other jurisdictions;
2. provide for public access to appropriate information on Sex Offenders in the Nation's jurisdiction;
3. be able to receive information from other participating jurisdictions regarding Offenders entering the tribal jurisdiction;
4. work in conjunction with the Dru Sjudin National Sex Offender Public Website;
5. allow for and provide hyperlinks to Sex Offender safety and education resources;
6. have instructions on how to correct erroneous information on a Sex Offender listed on the website;
7. give notice and warning that information on the website should not be used to unlawfully injure, harass, or commit a crime against any individual named in the Registry, or who reside, or work at any reported address. The warning shall note that any action could result in civil and criminal penalties;

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8. implement search capabilities, including but not limited to, name, county, zip code, or geographical radius; and

9. provide an automated notification system which incorporates substantially the following features:

a. the information required to be included on all Sex Offender websites is posted on the Nation's Sex Offender website within three (3) business days;

b. the Nation's Sex Offender website includes a function under which members of the public and organizations can request notification when Sex Offenders commence residence, employment, or school attendance within zip codes or geographic radius areas specified by the requester, where the requester provides an e-mail address to which the notice is to be sent; and

c. Upon posting on the Nation's Sex Offender website of new residence, employment, or school attendance information for a Sex Offender within an area specified by the requester, the system will automatically send an e-mail notification to the requester which identifies the Sex Offender sufficiently that the requester can then

access the Nation's website and view the information about the Sex Offender on the website.

F. Whenever a Sex Offender registers or updates his or her information, the Chickasaw Nation Sex Offender Registration Office shall:

1. monitor and utilize the SORNA Exchange Portal for inter-jurisdictional change of residence, employment or student status, including following guidance issued by the U.S. Department of Justice on use of the SORNA Exchange Portal;

2. immediately update NCIC/NSOR;

3. immediately notify the U.S. Attorney General or national database;

4. immediately notify all law enforcement agencies, schools, and the public housing agencies in the area in which the Offender Resides;

5. immediately notify each jurisdiction where the Sex Offender is employed, attends school, or Resides, and each jurisdiction from or to which a change of residence,

## **Offenses and Penalties**

temporary lodging, employment, or student status occurs;

6. immediately notify agencies in the immediate area that conduct employment background checks under Section 3 of the National Child Protection Act of 1993;

7. immediately notify Social Service or volunteer entities in the area responsible for protecting Minors;

8. immediately notify any organization or individual that has requested notification;  
and

9. immediately enter or update information posted on the public website.

(PR29-005, 8/17/12)

### **SECTION 17-201.19**

### **REGISTRY INFORMATION REQUIRED TO BE PRESERVED BY THE CHICKASAW NATION.**

A. A Sex Offender covered by this Code who is required thereby to register with the tribe shall provide all the information detailed in this Chapter to the Chickasaw Nation Sex Offender Registration Office. The following Sex Offender information is required to be kept by the Chickasaw Nation Sex Offender Registration Office in a Digitized Format and on an electronic database that will enable it to be Immediately accessed by or transmitted to various entities, and shall be used on the public website unless specifically excluded:

1. name, including full legal name, nicknames, tribal or traditional names, and any aliases;
2. date of birth, and dates that the Offender uses as a birth date;
3. detailed physical description, including general appearance and any tattoos, scars, or other identifying marks;
4. current photograph, and if available, more than one photograph showing the front and back of the Offender, and the Offender in other presentations;
5. internet identifiers, monikers, email and instant messaging addresses;
6. telephone numbers including cell, work, and residential locations;

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7. residence address, including past and current street addresses only, no post office boxes. If no street address is available, then a reasonable description of where the person's home is located shall be used;
8. alternative residences or temporary lodging information. This includes any place where the Offender might stay periodically or for seven days or more at one time, including the address and period of time the Offender stays there;
9. employer name and address, which includes self-employment whether compensated or not. If the Sex Offender has no fixed place of employment, other employment information concerning places where the Sex Offender works such as a normal travel route or the general area(s) in which the Offender works shall be listed;
10. professional licenses;
11. school or educational information, including the name and address of any educational institution where the Offender is currently enrolled and physically present;
12. vehicle information, including license plate number and description of any vehicle owned or regularly operated by the Offender. This includes watercraft, aircraft and any other land vehicles, such as ATVs;
13. the text of the provision of law defining the criminal offense for which the Offender is currently registered. This may be in the form of electronic text or a hyperlink;
14. fingerprints and palm prints. This can be digitized form, or hyperlinks to the central Registry;
15. driver's license or identification card (digitized photocopy); however, all prohibited information shall be redacted;
16. tribal affiliation and CDIB card (digitized photocopy); however, all prohibited information shall be redacted;
17. passport and immigration documents; however, all prohibited information shall be redacted;
18. criminal history, including the date of all arrests, the date of all convictions, any outstanding warrants, the registration status, and the status of parole, probation, or

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supervised release;

19. a DNA sample;

20. Social Security Number;

21. notice of intent of the Sex Offender to travel outside of the United States, which shall require the following:

a. notice of such intent must be provided in person by the Sex Offender at least twenty-one (21) days in advance of travel;

b. the Chickasaw Nation Sex Offender Registration Office must notify the U.S. Marshals Service and any other jurisdiction where the Sex Offender is registered, or required to register, of the updated information, and must update NCIC/NSOR;

c. the Chickasaw Nation Sex Offender Registration Office must advise the Sex Offender of his duty to provide notice of intent to travel outside the United States; and

22. when the Offender is in violation of this Act or cannot be located, the website must note this fact and label the Offender as an "Absconder."

B. Such information shall be Immediately shared among registration jurisdictions and disclosure of all of the information, except that which is mandatorily excluded, to the general public, local law enforcement, local child protection agencies, and other specified entities.  
(PR29-005, 8/17/12)

### **SECTION 17-201.20**

### **MANDATORY EXCLUSIONS.**

**Prohibited Information.** The following information shall be retained by the Chickasaw Nation Sex Offender Registration Office; however, it shall not be placed for public viewing on the Chickasaw Nation Sex Offender Registry web site:

A. the identity of a victim of a Sex Offense;

B. the Sex Offender's social security number;



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- C. the Sex Offender's arrests that did not result in conviction;
  - D. the Sex Offender's travel and immigration document numbers; and
  - E. the Sex Offender's internet identifiers.
- (PR27-006, 7/16/10; PR29-005, 8/17/12)

### **SECTION 17-201.21**

### **REGISTRY INFORMATION REQUIRED TO BE PRESERVED BY THE CHICKASAW NATION.**

Each time a Sex Offender appears before the Chickasaw Nation Sex Offender Registration Office for review, updating, and verification of his information, the attending officer shall:

- A. take a new photo of the Sex Offender and provide additional forms to the Sex Offender to verify or correct the Offender's information;
  - B. inform the Sex Offender of his duties to register under this Act;
  - C. require the Sex Offender to read and sign a form, as provided in §17-201.25, stating that the duty to register has been explained and that the Sex Offender understands the registration requirements; and
  - D. ensure that the Offender is properly registered and Immediately enter the updated information into the Registry and transmit such by electronic means or data link to all jurisdictions where such notification is required.
- (PR29-005, 8/17/12)

### **SECTION 17-201.22**

### **THE CHICKASAW NATION AS RESIDENCE, EMPLOYER, AND SCHOOL JURISDICTIONS.**

- A. If the Nation registers a Sex Offender because he was Convicted, or began to reside, work, or attend school within its jurisdiction, the Nation shall forward notifications by automated e-mail or otherwise to the jurisdictions where the Offender is required to register, the U.S. Marshals Service, and other agencies who have requested notice.
- B. If a Sex Offender is currently registered in the Chickasaw Nation jurisdiction because he was Convicted, Resides, works, or attends school therein, and the Offender gives notice that he intends to take up residence outside the Chickasaw Nation jurisdiction, including outside of

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the United States, the Nation shall forward notifications by automated e-mail or otherwise to the jurisdictions where the Offender intends to reside, work, or attend school, to the U.S. Marshals Service, the national sex offender registry, and any jurisdiction where the Sex Offender is registered or required to register.

C. Any notification provided by the Nation under Section §17-201.22, including notifying jurisdictions where the Sex Offender is temporarily staying, shall be provided within three (3) business days.

(PR27-006, 7/16/10; PR29-005, 8/17/12)

### **SECTION 17-201.23                      EMPLOYEES OF THE CHICKASAW NATION.**

An Employee of the Nation who fails to inform the Nation Immediately that he is a registered Sex Offender, or who fails to register as a Sex Offender, or who fails to keep Sex Offender registration information current, may be discharged from employment with the Nation without notice.

(PR29-005, 8/17/12)

### **SECTION 17-201.24                      UNLAWFUL EMPLOYMENT.**

A. It is unlawful for any person registered pursuant to the Chickasaw Nation Sex Offender Registration and Notification Act or the Chickasaw Nation Violent Crime Offenders Registration Act to work with or provide services to children or to work on school premises, or for any person or business which contracts for work to be performed on school premises to knowingly and willfully allow any employee to work with children or to work on school premises who is registered pursuant to the Chickasaw Nation Sex Offender Registration and Notification Act or the Chickasaw Nation Violent Crime Offenders Registration Act.

B. Unlawful Employment shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000).

(PR38-024, 5/24/2021)

### **SECTION 17-201.25                      UNLAWFUL HABITATION.**

A. It is unlawful for any person registered pursuant to the Chickasaw Nation Sex Offender Registration Act to reside, either temporarily or permanently, within a two-thousand-foot radius of any public or private school site, educational institution, property or campsite used by an organization whose primary purpose is working with children, a playground or park that is established, operated or supported in whole or in part by a homeowners' association or a city, town,

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county, state, federal, or tribal government, a licensed child care center or family child care home as defined by the Oklahoma Child Care Facilities Licensing Act or the residence of his or her victim. Establishment of a licensed child care center, family child care home or park in the vicinity of the residence of a registered sex offender will not require the relocation of the sex offender or the sale of the property. Nothing in this provision shall require any person to sell or otherwise dispose of any real estate or home acquired or owned prior to the conviction of the person as a sex offender.

B. It shall be unlawful for any person who is required to register pursuant to the Chickasaw Nation Sex Offender Registration Act for any offense in which a minor child was the victim to reside with a minor child or establish any other living accommodation where a minor child resides. Provided, however, the person may reside with a minor child if the person is the parent, stepparent, or grandparent of the minor child and the minor child was not the victim of the offense for which the person is required to register. Any person subject to the provisions of the Chickasaw Nation Sex Offender Registration Act who resides with a minor child must report to the Chickasaw Nation Department of Family Services the name and date of birth of any and all minor children residing in the same household and the offenses for which the person is required to register pursuant to the Chickasaw Nation Sex Offender Registration Act within three (3) days of intent to reside with a minor child.

Nothing in the provisions of this subsection shall prevent the Department of Family Services from conducting and completing a safety evaluation when a registered sex offender resides in the home of a minor child.

C. The provisions of this section shall not apply to any registered sex offender residing in a hospital or other facility to provide medical and rehabilitation services.

D. Unlawful Habitation shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

(PR38-024, 5/24/2021)

### **SECTION 17-201.26**

### **UNLAWFUL HABITATION IN AN INDIVIDUAL DWELLING.**

A. It is unlawful for two or more persons required to register as sex offenders to reside together in any Individual Dwelling during the term of registration as a sex offender.

B. Nothing in this section shall not be construed to prohibit a registered sex offender from residing in any facility owned or operated by the Chickasaw Nation, any properly zoned and

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established boarding house, apartment building or other Multi-Unit Structure; provided the Individual Dwellings are separate for each registered person. Nothing in this subsection shall prohibit the sharing of living quarters, jail, or prison space, or any multi-person or dormitory-style housing of sex offenders in the custody of any jail or correctional facility or any properly zoned facility under contract with a jail or correctional agency for the purpose of housing prisoners, or any properly established treatment or nonprofit facility located in a properly zoned area determined by the local governing authority and housing persons for purposes of sex offender services and treatment. Nothing in this subsection shall prohibit married persons, both of whom are required to register as sex offenders, or two or more blood relatives who are required to register as sex offenders, from residing in any Individual Dwelling during the term of registration as a sex offender.

C. For purposes of this section:

1. “Individual Dwelling” means:

- a. a private residential property, whether owned, leased, or rented, including all real property zoned as single-family residential property or zoned as multi-family residential property due to any adjacent, detached, or separate living quarters of any kind on such property;
- b. any room available within any dwelling that is used for the residency of two or more unrelated persons;
- c. any single apartment for rent or lease within an apartment building;  
or
- d. any separate residential unit made available for sale, rent, or lease within a Multi-Unit Structure, including a condominium, duplex, triplex, quadriplex, or any unit that is constructed together with other separate units into one structure.

2. “Multi-Unit Structure” means a structure with multiple residential units that provide independent living facilities for living, sleeping, cooking, eating, and sanitation within each individual unit. Manufactured homes, mobile homes, trailers, and recreational vehicles that do not meet the descriptions of this paragraph are not Multi-Unit Structures.

D. No person or entity shall knowingly establish or operate a boarding house or group home, or otherwise knowingly rent or lease rooms, for the residency of persons required to register pursuant to the Chickasaw Nation Sex Offender Registration Act unless treatment services are

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provided. Said facility must also be in a properly zoned area determined by the local governing authority. For purposes of this subsection, “boarding house or group home” means a dwelling that is used for the residency of two or more unrelated persons.

E. No person or entity shall knowingly establish, lease, operate, or own any structure or portion of a structure where persons required to register pursuant to the Chickasaw Nation Sex Offender Registration Act are allowed to reside together in violation of this section or knowingly allow any other violation of this section.

F. Unlawful Habitation in an Individual Dwelling shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

(PR38-024, 5/24/2021)

### CHAPTER 3 OFFENSES AGAINST PROPERTY

#### ARTICLE A OFFENSES RELATED TO INJURY AND DESTRUCTION OF PROPERTY

Section 17-301.1	Criminal Mischief.
Section 17-301.2	Malicious Mischief.
Section 17-301.3	Arson in the First Degree.
Section 17-301.4	Arson in the Second Degree.
Section 17-301.5	Unlawful Burning.

#### **SECTION 17-301.1**                      **CRIMINAL MISCHIEF.**

- A. It shall be unlawful to willfully and knowingly:
1. damage or destroy any property with the intent to defraud an insurer;
  2. tamper with the property of another so as to recklessly endanger the safety of another, or recklessly cause any damage to any property or utility service; or
  3. damage, destroy, maim, or deface any domestic animal of another.

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B. Criminal Mischief shall be punishable by a fine of not less than three hundred dollars (\$300) nor more than five thousand dollars (\$5,000), by imprisonment for not less than three (3) months nor more than one (1) year, or by both such fine and imprisonment.  
(TL14-002, 4/18/97; PR15-030, 9/23/98; PR39-007, 05/20/2022)

### **SECTION 17-301.2**                      **MALICIOUS MISCHIEF.**

A. It shall be unlawful to maliciously injure, deface, or destroy any real or personal property not his or her own.

B. Malicious Mischief shall be punishable by a fine of not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

### **SECTION 17-301.3**                      **ARSON IN THE FIRST DEGREE.**

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

1. destroying or damaging any building, dwelling, occupied structure or other property of another exceeding one thousand dollars (\$1,000) in value; or
2. destroying or damaging any property, by whomever owned, to collect insurance for such loss.

B. Arson in the First Degree shall be punishable by a fine not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not less than one (1) year, but not to exceed three (3) years, or by both such fine and imprisonment.  
(TL14-002, 4/18/97; PR15-030, 9/23/98; PR38-012, 2/22/2021; PR39-007, 05/20/2022)

### **SECTION 17-301.4**                      **ARSON IN THE SECOND DEGREE.**

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

1. endangers human or safety of life; or
2. damages or destroys the property of another.

## **Offenses and Penalties**

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

1. take reasonable measures to put out or control the fire; or
2. to give prompt alarm, if the fire is spreading in such manner that it may endanger the life or property of another.

C. Arson in the Second Degree shall be punishable by a fine of not less than two hundred fifty dollars (\$250) nor more than five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment. (TL14-002, 4/18/97; PR39-007, 05/20/2022)

### **SECTION 17-301.5                      UNLAWFUL BURNING.**

A. It is unlawful for any person subject to the Chickasaw Nation's jurisdiction to set fire to any forest, grass, range, crop or other wildlands, or to build a campfire or bonfire, or to burn trash or other material that may cause a forest, grass, range, crop or other wildlands fire within the Chickasaw reservation during a period in which the Governor of the Chickasaw Nation has issued an emergency declaration prohibiting burning.

B. Unlawful Burning shall be punishable by a fine not exceeding one thousand dollars (\$1,000) or imprisonment not exceeding one (1) year, or both such fine and imprisonment. (PR39-014, 09/20/2022)

## **ARTICLE B INTRUSION OFFENSES**

- |                  |                                |
|------------------|--------------------------------|
| Section 17-302.1 | Burglary in the First Degree.  |
| Section 17-302.2 | Burglary in the Second Degree. |
| Section 17-302.3 | Breaking and Entering.         |
| Section 17-302.4 | Unlawful Entry.                |
| Section 17-302.5 | Criminal Trespass.             |

### **SECTION 17-302.1                      BURGLARY IN THE FIRST DEGREE.**

A. It shall be unlawful to break into by any force whatsoever and enter into any manner any dwelling, office, room, apartment, tenement, shop, warehouse, store, mill, barn,

## **Offenses and Penalties**

stable, garage, tent, vessel, railroad car, airplane, motor vehicle, trailer or semitrailer, mobile home, or any similar enclosed structure of another without consent with the intent to steal or commit any offense punishable by imprisonment when a person is present within such structure.

B. Burglary in the First Degree shall be punishable by a fine not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not less than one (1) year, but not to exceed three (3) years, or by both such fine and imprisonment.  
(TL14-002, 4/18/97; PR15-030, 9/23/98; PR38-012, 2/22/2021; PR39-007, 05/20/2022)

### **SECTION 17-302.2                      BURGLARY IN THE SECOND DEGREE.**

A. It shall be unlawful to break into by any force whatsoever and enter into any manner any dwelling, office, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, garage, tent, vessel, railroad car, airplane, motor vehicle, trailer or semitrailer, mobile home, or any similar enclosed structure of another without consent with the intent to steal or commit any offense punishable by imprisonment when no person is present in such structure.

B. Burglary in the Second Degree shall be punishable by a fine not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not to exceed three (3) years, or by both such fine and imprisonment.  
(TL14-002, 4/18/97; PR15-030, 9/23/98; PR38-012, 2/22/2021; PR39-007, 05/20/2022)

### **SECTION 17-302.3                      BREAKING AND ENTERING.**

A. It shall be unlawful to break into by any force whatsoever and enter into any manner any dwelling, office, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, garage, tent, vessel, railroad car, airplane, motor vehicle, trailer or semitrailer, mobile home, trunk, drawer, box, coin operated machine, or similar structure, object, device of another without consent and without the intent to commit any crime therein.  
(PR38-017, 04/16/2021)

B. Breaking and Entering shall be punishable by a fine of not less than two hundred fifty dollars (\$250) nor more than five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.  
(TL14-002, 4/18/97; PR39-007, 05/20/2022)



## **Offenses and Penalties**

### **SECTION 17-302.4                      UNLAWFUL ENTRY.**

A.        It shall be unlawful to enter in any manner, under circumstances not amounting to any burglary or breaking and entering, any dwelling, office, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, garage, tent, vessel, railroad car, airplane, motor vehicle, trailer or semitrailer, mobile home, or any similar enclosed structure of another without consent and with the intent to:

1.        cause annoyance or injury to any person therein,
2.        cause damage to any property therein,
3.        commit any offense therein,
4.        steal, or
5.        cause, or does actually cause, whether intentionally or recklessly, fear for the safety of another.

B.        Unlawful Entry shall be punishable by a fine of not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

(PR39-007, 05/20/2022)

### **SECTION 17-302.5                      CRIMINAL TRESPASS.**

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

1.        personal communication by the owner or business or someone having authority to act for the owner or business;
2.        fencing, other than barbed wire or similar field fences except hereafter provided, or other enclosure obviously designed to exclude intruders; or
3.        posting of signs prohibiting entry reasonably designed to come to the attention of intruders.

## **Offenses and Penalties**

B. Criminal Trespass shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

C. It is a complete affirmative defense to the offense of criminal trespass that:

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

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

D. On rural lands fenced with barbed wire or other types of fencing normally meant to enclose or exclude domestic animals, signs prohibiting entry or use at least six (6) inches by eight (8) inches placed upon or in plain sight next to such fence not more than one hundred fifty (150) feet apart shall create a rebuttable presumption that reasonable notice against entry or entry for certain purposes had been given.

(TL14-002, 4/18/97; PR39-007, 05/20/2022)

### **ARTICLE C THEFT OFFENSES**

Section 17-303.1	Grand Larceny.
Section 17-303.2	Larceny.
Section 17-303.3	Extortion.
Section 17-303.4	False Pretenses.
Section 17-303.5	Embezzlement in the First Degree.
Section 17-303.6	Embezzlement in the Second Degree.
Section 17-303.7	Possession of Stolen Property.
Section 17-303.8	Theft of Property Lost, Mislaid, or Delivered by Mistake.
Section 17-303.9	Theft of Services.
Section 17-303.10	Unauthorized Use of a Vehicle.
Section 17-303.11	Joy Riding.

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### **SECTION 17-303.1            GRAND LARCENY.**

A.     It shall be unlawful to take or carry away any tangible or intangible personal property, by fraud or stealth with the intent to deprive the owners thereof, and the value of such property exceeds one thousand dollars (\$1000).

B.     Grand Larceny shall be punishable by a fine not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not to exceed three (3) years, or by both such fine and imprisonment.  
(TL14-002, 4/18/97; PR15-030, 9/23/98; PR38-012, 2/22/2021; PR39-007, 05/20/2022)

### **SECTION 17-303.2            LARCENY.**

A.     It shall be unlawful to take or carry away any tangible or intangible personal property, by fraud or stealth with the intent to deprive the owners thereof, and the value of such property is less than one thousand dollars (\$1000).

B.     Larceny shall be punishable by a fine not exceeding five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.  
(TL14-002, 4/18/97; PR15-030, 9/23/98; PR38-012, 2/22/2021; PR39-007, 05/20/2022)

### **SECTION 17-303.3            EXTORTION.**

A.     It shall be unlawful to take, receive, or control the use or disposition of property of another with the intent to deprive him of the possession or use thereof by threatening to:

1.     cause bodily harm to any person;
2.     commit any offense;
3.     unlawfully injure or destroy any property;
4.     expose any personal information or secret not public knowledge tending to expose any person to hatred, contempt, or ridicule, or to impair his business or reputation, except by institution of legal proceedings to recover the debt demanded or proper reports to bona fide credit agencies; or
5.     unlawfully take or withhold official action.

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B. Extortion shall be punishable by a fine not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not to exceed three (3) years, or by both such fine and imprisonment.  
(TL14-002, 4/18/97; PR15-030, 9/23/98; PR38-012, 2/22/2021; PR39-007, 05/20/2022)

### **SECTION 17-303.4                      FALSE PRETENSES.**

A. It shall be unlawful to obtain, take, or receive any property, money or valuable thing of another by means of a trick or deception, or false or fraudulent representation, statement, or pretense with the intent to deprive the owner thereof.

B. False Pretenses shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.  
(TL14-002, 4/18/97; PR15-030, 9/23/98; PR39-007, 05/20/2022)

### **SECTION 17-303.5                      EMBEZZLEMENT IN THE FIRST DEGREE.**

A. It shall be unlawful to wrongfully or fraudulently appropriate for a person's own use or the use of another any property of another which the person has been entrusted, and the value of such property exceeds one thousand dollars (\$1,000).

B. Embezzlement in the First Degree shall be punishable by a fine not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not to exceed three (3) years, or by both such fine and imprisonment.  
(TL14-002, 4/18/97; PR15-030, 9/23/98; PR39-007, 05/20/2022)

### **SECTION 17-303.6                      EMBEZZLEMENT IN THE SECOND DEGREE.**

A. It shall be unlawful to wrongfully or fraudulently appropriate for a person's own use or the use of another any property of another which the person has been entrusted, and the value of such property is less than one thousand dollars (\$1,000).

B. Embezzlement in the Second Degree shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.  
(TL14-002, 4/18/97; PR15-030, 9/23/98; PR39-007, 05/20/2022)

## **Offenses and Penalties**

### **SECTION 17-303.7                    POSSESSION OF STOLEN PROPERTY.**

A.        It shall be unlawful to knowingly possess, receive, buy, or conceal any personal property that has been stolen or otherwise obtained from its true owner in violation of this Code with intent to deprive the true owner thereof.

B.        If the value of such stolen personal property or combined stolen personal property is greater than one thousand dollars (\$1,000), then the offense shall be punished by a fine not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not to exceed three (3) years, or by both such fine and imprisonment.

C.        If the value of such stolen personal property or combined stolen personal property is less than one thousand dollars (\$1,000), then the offense shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

(TL14-002, 4/18/97; PR15-030, 9/23/98; PR39-007, 05/20/2022)

### **SECTION 17-303.8                    THEFT OF PROPERTY LOST, MISLAID, OR DELIVERED BY MISTAKE.**

A.        It shall be unlawful to fail to take reasonable measures to restore property to a person entitled thereto, with the intent to deprive the owner thereof, when it is known or reasonably suspected that the property has been lost, mislaid, or delivered under a mistake as to the nature or amount of the property or the identity of the recipient.

B.        Theft of Property Lost, Mislaid, or Delivered by Mistake shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

(TL14-002, 4/18/97; PR15-030, 9/23/98; PR39-007, 05/20/2022)

### **SECTION 17-303-9                    THEFT OF SERVICES.**

A.        It shall be unlawful to obtain services known to be available only for compensation by deception, threat, force or any other means with the intent to avoid due payment thereof.

B.        Theft of Services shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and

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imprisonment.

(TL14-002, 4/18/97; PR15-030, 9/23/98; PR39-007, 05/20/2022)

### **SECTION 17-303.10                      UNAUTHORIZED USE OF A VEHICLE.**

A.        It shall be unlawful to take, drive or operate another's motor vehicle, motorcycle, bicycle, or wheeled conveyance without the consent of the owner, with the intent to temporarily deprive the owner of its use or possession.

B.        Unauthorized Use of a Vehicle shall be punishable by a fine not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not to exceed three (3) years, or by both such fine and imprisonment.

(PR38-012, 2/22/2021; PR39-007, 05/20/2022)

### **SECTION 17-303.11                      JOY RIDING.**

A.        It shall be unlawful to drive, or attempt to drive any Motor Vehicle, as such term is defined in Section 21-101.3(14) of Title 21, without the consent of the owner, for joyriding or any other purpose.

B.        Joy Riding shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

(PR39-007, 05/20/2022)

## **ARTICLE D FINANCIAL OFFENSES**

Section 17-304.1	Forgery.
Section 17-304.2	Criminal Simulation.
Section 17-304.3	Fraudulent Handling of Recordable Instruments.
Section 17-304.4	Tampering with Records.
Section 17-304.5	Bad Checks.
Section 17-304.6	Fraudulent Use of a Credit Card.
Section 17-304.7	Deceptive Business Practices.
Section 17-304.8	Defrauding Creditors.
Section 17-304.9	Securing Execution of Documents by Deception.
Section 17-304.10	Criminal Usury.
Section 17-304.11	Unlawful Dealing with Property by a Fiduciary.
Section 17-304.12	Making a False Credit Report.

## **Offenses and Penalties**

### **SECTION 17-304.1            FORGERY.**

A. Every person who sells, exchanges, or delivers for any consideration any forged or counterfeited promissory note, check, bill, draft, or other evidence of debt, or engagement for the payment of money absolutely, or upon any contingency, knowing the same to be forged or counterfeited, with intent to have the same uttered or passed, or who offers any such note or other instrument for sale, exchange, or delivery for any consideration, with the like knowledge and intent, or who receives any such note or other instrument upon a sale, exchange, or delivery for any consideration with the like knowledge and intent, is punishable as follows:

B. If the value of the instrument is less than One Thousand Dollars (\$1,000), Forgery shall be punishable by a fine not to exceed Five Thousand Dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

C. If the value of the instrument is greater than One Thousand Dollars (\$1,000), Forgery shall be punishable by a fine not to exceed Fifteen Thousand Dollars (\$15,000), by a term of imprisonment not to exceed three (3) years, or by both such fine and imprisonment.

(TL14-002, 4/18/97; PR15-030, 9/23/98; PR39-007, 05/20/2022; PR40-005, 02/17/2023)

### **SECTION 17-304.2            CRIMINAL SIMULATION.**

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

B. Criminal Simulation shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

(TL14-002, 4/18/97; PR15-030, 9/23/98; PR39-007, 05/20/2022)

### **SECTION 17-304.3            FRAUDULENT HANDLING OF RECORDABLE INSTRUMENTS.**

A. It shall be unlawful to destroy, remove or conceal any will, deed, mortgage, security instrument, any record of the Chickasaw Nation for which the law provides public recording, including documents of the Chickasaw Tribal Legislature that require legislative

## **Offenses and Penalties**

action, or to knowingly record a false or forged instrument, with the intent to deceive or injure anyone, or to conceal wrong doing.

B. Fraudulent Handling of Recordable Instruments shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

(TL14-002, 4/18/97; PR15-030, 9/23/98; PR39-007, 05/20/2022)

### **SECTION 17-304.4                      TAMPERING WITH RECORDS.**

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

B. Tampering with Records shall be punishable with a fine not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not to exceed three (3) years, or by both such fine and imprisonment.

(TL14-002, 4/18/97; PR15-030, 9/23/98; PR38-012, 2/22/2021; PR39-007, 05/20/2022)

### **SECTION 17-304.5                      BAD CHECKS.**

A. It shall be unlawful to issue or pass a check or similar sight order for the payment of money, for the purpose of obtaining any money, property, or other thing of value or paying for any services, rent, wages, or salary, which are not honored on account of insufficient funds of the maker of the check or because the check was drawn from a nonexistent account.

B. Bad Checks shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

(TL14-002, 4/18/97; PR39-007, 05/20/2022)

### **SECTION 17-304.6                      FRAUDULENT USE OF A CREDIT CARD.**

A. It shall be unlawful to use a credit card or credit card account information for the purpose of obtaining property or services with knowledge that:

1. the credit card or credit card account information was stolen;
2. the credit card has been revoked or canceled; or



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3. for any other reason his or her use of the credit card or credit card account information is unauthorized by either the issuer or the person to whom the card has been issued.

B. Fraudulent Use of a Credit Card shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.  
(TL14-002, 4/18/97; PR39-007, 05/20/2022)

### **SECTION 17-304.7                      DECEPTIVE BUSINESS PRACTICES.**

A. It shall be unlawful, in the course of business, to intentionally:

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

2. sell, offer, or expose for sale, or deliver less than the represented quality or quantity of any commodity or service;

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

4. sell, offer, or expose for sale Adulterated or Mislabeled commodities. For purposes of this Section, the following terms shall be defined accordingly:

a. "Adulterated" means varying from the standard of composition or quality prescribed by law or commercial usage.

b. "Mislabeled" means varying from the standard of truth or disclosure in labeling prescribed by law or commercial usage.

5. make a substantial false or misleading statement in any advertisement addressed to the public or a substantial segment thereof for the purpose of promoting the purchase or sale of property or services;

6. make a false or misleading written statement for the purpose of obtaining property or credit; or

## **Offenses and Penalties**

7. make a false or misleading written statement for the purpose of promoting the sales of securities, or omit information required by law to be disclosed in written documents relating to securities.

B. Deceptive Business Practices shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

C. It is an affirmative defense to Deceptive Business Practices that the defendant's conduct was not knowingly or recklessly deceptive.  
(TL14-002, 4/18/97; PR15-030, 9/23/98; PR39-007, 05/20/2022)

### **SECTION 17-304.8**

### **DEFRAUDING CREDITORS.**

A. It shall be unlawful to:

1. destroy, remove, conceal, encumber, transfer, or otherwise deal with property subject to a security interest with the intent to hinder enforcement of that interest;

2. deal with property with the intent to defeat or obstruct the operation of any law relating to administration of property for the benefit of creditors;

3. knowingly falsify any writing or record relating to the property; or

4. knowingly misrepresent or refuse to disclose to a person entitled to administer property for the benefit of creditors, the existence, amount or location of the property, or any other information which the actor could be legally required to furnish in relation to such administration.

B. Defrauding Creditors shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.  
(TL14-002, 4/18/97; PR39-007, 05/20/2022)

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### **SECTION 17-304.9**

### **SECURING EXECUTION OF DOCUMENTS BY DECEPTION.**

A. It shall be unlawful to intentionally, and by deception, cause another to execute any instrument affecting or likely to affect the pecuniary interest of any person.

B. Securing Execution of Documents by Deception shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

(TL14-002, 4/18/97; PR39-007, 05/20/2022)

### **SECTION 17-304.10**

### **CRIMINAL USURY.**

A. It shall be unlawful to intentionally provide financing or make loans at a rate of interest more than the following:

1. If the amount to which the interest applies is less than one hundred dollars (\$100), or the period of the loan or financing is less than one (1) year, or both, the rate of interest shall not exceed a twenty four percent (24%) per annum simple interest rate.

2. If the amount to which the interest applies is greater than one hundred dollars (\$100), or the period of the loan or financing is greater than one (1) year, or both, the rate of interest shall not exceed an eighteen percent (18%) per annum simple interest rate.

B. Criminal Usury shall be punishable by a fine not exceeding five thousand dollars (\$5,000), by imprisonment for a period not exceeding one (1) year, or both. The victim is entitled to restitution for double the actual amount of interest which was actually paid and cancellation of all interest owing for the term of the financing.

(TL14-002, 4/18/97)

### **SECTION 17-304.11**

### **UNLAWFUL DEALING WITH PROPERTY BY A FIDUCIARY.**

A. It shall be unlawful to knowingly deal with property that has been entrusted to one in a Fiduciary capacity, or property of the Chickasaw government or of a financial institution, in a manner which is known to be a violation of his fiduciary duty, or which involves a substantial risk or loss to the owner or to a person for whose benefit the property is entrusted.

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B. As used in this Section, "Fiduciary" includes a trustee, guardian, executor, administrator, receiver or any person carrying on fiduciary functions on behalf of a corporation or other organization which is Fiduciary.

C. Unlawful Dealing with Property by a Fiduciary shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.  
(TL14-002, 4/18/97; PR15-030, 9/23/98; PR39-007, 05/20/2022)

### **SECTION 17-304.12 MAKING A FALSE CREDIT REPORT.**

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

B. Making a False Credit Report shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.  
(TL14-002, 4/18/97; PR39-007, 05/20/2022)

## **CHAPTER 4 OFFENSES AGAINST PUBLIC PEACE, HEALTH, SAFETY, AND WELFARE**

### **ARTICLE A WEAPONS OFFENSES**

Section 17-401.1	Possession of Firearm by a Prohibited Possessor.
Section 17-401.2	Dangerous Weapons on School Property.
Section 17-401.3	Weapons Offense.
Section 17-401.4	Aggravated Weapons Offense.
Section 17-401.5	Dangerous Devices.
Section 17-401.6	Unlawfully Discharging a Firearm.

### **SECTION 17-401.1**                      **POSSESSION OF FIREARM BY A PROHIBITED POSSESSOR**

A. It shall be unlawful for any Prohibited Possessor to have any firearm or ammunition in their possession or under their immediate control, or in any Motor Vehicle which the Prohibited

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Possessor is operating or riding as a passenger, or at the place where the Prohibited Possessor resides.

B. For purposes of this Section:

1. Prohibited Possessor shall mean a person who:

- a. has been convicted of a crime punishable by a term of imprisonment exceeding one year in any jurisdiction;
- b. has been convicted of any crime of domestic violence in any jurisdiction; or
- c. is, at the time of possession, prohibited from possessing a firearm by a court order from any jurisdiction.

2. Firearm shall mean any pistol, imitation or homemade pistol, altered air or toy pistol, machine gun, sawed-off shotgun or rifle, or any other dangerous or deadly destructive device, excluding antique firearms.

C. Possession of Firearm by a Prohibited Possessor shall be punishable by a fine not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not to exceed three (3) years, or by both such fine and imprisonment.

(PR38-017, 04/16/2021)

### **SECTION 17-401.2**

### **DANGEROUS WEAPONS ON SCHOOL PROPERTY.**

A. It shall be unlawful to have a Dangerous Weapon in one's Possession on any School Property or while on any school bus, except:

1. a Dangerous Weapon designed for hunting or fishing purposes kept in a privately owned vehicle and properly displayed or stored as required by law, provided such vehicle containing said Dangerous Weapon is driven onto School Property only to transport a student to and from school and such vehicle does not remain unattended on School Property;

2. a Dangerous Weapon used for the purposes of participating in the Oklahoma Department of Wildlife Conservation certified hunter training education course or any other hunting, fishing, safety or firearms training courses, or a recognized firearms sports event, team shooting program or competition, or living history reenactment, provided the course or event is approved by the principal or chief

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administrator of the school where the course or event is offered, and provided the weapon is properly displayed or stored as required by law pending participation in the course, event, program or competition;

3. a Dangerous Weapons in the possession of any peace officer or other person authorized by law to possess a weapon in the performance of his or her duties and responsibilities;

4. by an individual who is licensed pursuant to the Oklahoma Self-Defense Act, provided, however, that there are no school policies to the contrary;

5. a gun, knife, bayonet or other Dangerous Weapon in the possession of a member of a veterans group, the National Guard, active military, the Reserve Officers' Training Corps (ROTC) or Junior ROTC, in order to participate in a ceremony, assembly, or educational program approved by the chief administrator of a school or school district where the ceremony, assembly, or educational program is being held; provided, however, the gun or other weapon that uses projectiles is not loaded and is inoperable at all times while on School Property;

6. a handgun carried in a motor vehicle pursuant to a valid handgun license authorized by the Oklahoma Self-Defense Act onto School Property set aside for the use or parking of any vehicle; provided, however, said handgun shall be stored and hidden from view in a locked motor vehicle when the motor vehicle is left unattended on School Property, provided, however, that there are no school policies to the contrary; and

7. a handgun carried onto School Property by school personnel who have been designated by the board of education, provided such personnel either possess a valid armed security guard license or holds a valid reserve peace officer certification;

B. For purposes of this section:

1. "School Property" means any Chickasaw Nation educational facility, including without limitation any Head Start property and any childcare property; any publicly owned property held for purposes of elementary, secondary, or vocational-technical education; and shall not include property owned by public school districts or where such property is leased or rented to an individual or corporation and used for purposes other than educational;

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2. All capitalized terms not otherwise defined in this Section shall have the meanings ascribed to them as set forth in Title 5, Section 5-1506.7.

C. Dangerous Weapons on School Property shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

D. A law enforcement officer shall seize any and all Firearms or Dangerous Weapons in the person's possession if the law enforcement officer has probable cause to believe that a person has violated this Section and the seizure of the property shall be governed according to Title 5, Section 5-1506.7(F).  
(PR38-028, 6/18/2021)

### **SECTION 17-401.3**

### **WEAPONS OFFENSE.**

A. It shall be unlawful to:

1. have a Dangerous Weapon in one's actual and physical control while being addicted to any narcotic drug; or after having been declared mentally incompetent; or while being intoxicated or otherwise under the influence of alcoholic beverages or other intoxicating substance, drug, or medicine; or while possessing the intent to unlawfully assault another; or while under the age of eighteen (18) years of age, and without the consent of his parent or guardian; or

2. transport a loaded rifle or shotgun in a landborne motor vehicle over a public highway or roadway unless the rifle or shotgun is transported clip- or magazine-loaded, not chamber-loaded, and in an exterior locked compartment of the vehicle or trunk of the vehicle or in the interior compartment of the vehicle; or

3. discharge any kind of Firearm from a motor vehicle without lawful authority to do so; or to discharge a Firearm from, upon, or across any public highway without lawful authority to do so; or

4. carry or possess a Dangerous Weapon in any establishment where low-point beer or alcoholic beverages are consumed. This provision does not apply to Law Enforcement Officers, or to private investigators with a firearms authorization when acting in the scope and course of employment and shall not apply to an owner or proprietor of the establishment having a pistol, rifle, or shotgun on the premises. Provided

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however, a person possessing a valid handgun license pursuant to the provision of the Oklahoma Self-Defense Act may carry the concealed or unconcealed handgun into any restaurant or other establishment licensed to dispense low-point beer or alcoholic beverages where the sale of low-point beer or alcoholic beverages does not constitute the primary purpose of the business. Provided further, nothing in this section shall be interpreted to authorize any Law Enforcement Officer in actual physical possession of a Dangerous Weapon to consume low-point beer or alcoholic beverages, except in the authorized line of duty as an undercover officer. Nothing in this section shall be interpreted to authorize any private investigator with a firearms authorization in actual physical possession of a Dangerous Weapon to consume low-point beer or alcoholic beverages in any establishment where low-point beer or alcoholic beverages are consumed; or

5. have a Firearm in one's actual and physical control while committing or attempting to commit any criminal offense under the Chickasaw Nation Code punishable by imprisonment for a term exceeding one year; or

6. have a Dangerous Weapon in one's actual and physical control in any structure, building, or office space which is owned or leased by a city, town, county, state, tribal, or federal governmental authority for the purpose of conducting business with the public; or

7. have a Dangerous Weapon in one's actual and physical control in any courthouse, courtroom, prison, jail, detention facility, or any facility used to process, hold, or house arrested persons, prisoners or persons alleged delinquent or adjudicated delinquent; or

8. have a Dangerous Weapon in one's actual and physical control in any place where gambling is authorized; or

9. carry a Firearm into any premises upon which the property owner, tenant, employer, place of worship, or business entity prohibits the possession of weapons on the property controlled by the person or business entity and has posted signs clearly stating such prohibition.

(PR38-028, 6/18/2021)

B. Definitions:



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1. "Dangerous Weapon" means any item, including a Firearm, that in the manner of its use or intended use is capable of causing death or serious bodily injury. In determining whether an item, object or thing not commonly known as a Dangerous Weapon is a Dangerous Weapon, the character of the instrument, object or thing the character of the wound produced, if any, and the manner in which the instrument, item or thing was used shall be determinative.

2. "Firearm" means any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; or any destructive device. "Firearm" does not include an antique firearm.

3. "Possession" shall mean to have in one's Actual and physical control, care and management, or to have dominion or control over the property though not in one's physical possession.  
(PR38-028, 6/18/2021)

C. Weapons Offense shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, immediate removal or banishment from Chickasaw Nation property, or any combination of these listed punishments.  
(TL14-002, 4/18/97; PR15-030, 9/23/98; PR37-001, 01/17/2020)

D. Nothing in this Section shall prohibit the lawful use of Firearms or Dangerous Weapons for hunting, fishing, educational or recreational purposes, or as otherwise authorized by Chickasaw law.

E. Nothing in this Section shall prohibit the lawful use of Firearms or Dangerous Weapons by any law enforcement officer, peace officer, or security officer in the performance of his or her duties.

F. A law enforcement officer shall seize any and all Firearms and/or Dangerous Weapons in the person's Possession if the law enforcement officer has probable cause to believe that a person has violated this Section. Any property taken or detained under this Section shall not be repleviable or alienable, but shall be deemed to be in the custody of the office of the prosecutor, subject only to the orders and decrees of the Court.

1. Any property seized according to this Section shall be released upon:

## **Offenses and Penalties**

a. Failure to file criminal charges within ninety (90) days from the date of seizure, provided the property is held as evidence and not forfeited to the Chickasaw Nation or returned to an owner or party in interest. Provided, however, the prosecutor may request the Court to grant an extension beyond the ninety-day limitation for filing charges if a criminal investigation may result in charges being filed after that time. If an extension to file criminal charges is granted, the seized property may be held until the Court orders the property released; or

b. Dismissal or acquittal of criminal charges, provided the property is held as evidence and not forfeited to the Chickasaw Nation, returned to an owner or party in interest.

2. If the property no longer has evidentiary value in a Chickasaw Nation case or investigation, the property shall be delivered upon request to any other jurisdiction in which the property may be of evidentiary value in a case or investigation, in which case, the Chickasaw Nation shall no longer maintain any right, title or interest in the property.

3. Upon conviction under this Section, the property shall be destroyed or returned to its rightful owner (if the property was stolen, used without permission, or a third party has an interest in the property), provided that the property no longer has evidentiary value in the Chickasaw Nation or no other jurisdiction has requested the property.

(PR38-028, 6/18/2021; PR39-007, 05/20/2022)

### **SECTION 17-401.4**

### **AGGRAVATED WEAPONS OFFENSE.**

A. It shall be unlawful to carry a Dangerous Weapon concealed or unconcealed on the person or to threaten to use or exhibit a Dangerous Weapon in a dangerous and threatening manner, or use a Dangerous Weapon in a fight or quarrel; or to possess a short-barreled shotgun having one or more barrels less than eighteen (18) inches in length or any weapon made from a shotgun (whether by alteration, modification or otherwise) if such a weapon as modified has an overall length of less than twenty-six (26) inches in length; or a short-barreled rifle having one or more barrels less than sixteen (16) inches in length or any weapon made from a rifle (whether by alteration, modification, or otherwise) if such a weapon as modified has an overall length of less than twenty-six (26) inches in length without a National Firearms Act Tax Stamp authorized by the Bureau of Alcohol, Tobacco, Firearms, and Explosives. This does not prohibit the lawful use

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of Firearms for hunting, fishing, educational or recreational purposes, security or law enforcement activities, or as otherwise authorized by Chickasaw law.

B. Aggravated Weapons Offense shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, immediate removal or banishment from Chickasaw Nation property, or any combination of these listed punishments.

(TL14-002, 4/18/97; PR37-001, 01/17/2020; PR39-007, 05/20/2022)

### **SECTION 17-401.5                      DANGEROUS DEVICES.**

A. It shall be unlawful to:

1. deliver or cause to be delivered to any express, railway company or common carrier, or place in the mail or deliver to any person, or throw or place on or about the premises or property of another or in any place where another may be injured thereby, a Dangerous Device, knowing it to be such, unless the threatened person is informed of the nature thereof and its placement is for some lawful purpose; or

2. knowingly construct or contrive any Dangerous Device, or with the intent to injure another in his person or property, have a Dangerous Device in one's possession.

B. For purposes of this Section, a "Dangerous Device" is any box, package, contrivance, bomb, or apparatus containing or arranged with an explosive or acid or poisonous or inflammable or radioactive substance, biological agent, chemical, or compound, or knife, loaded Firearm or other dangerous or harmful weapon or thing, constructed, contrived, or arranged so as to explode, ignite, irradiate, or throw forth its contents, or to strike with any of its parts, unexpectedly when moved, handled, or opened or after the lapse of time or under conditions or in a manner calculated to endanger health, life, limb, or property.

C. Dangerous Devices shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

(TL14-002, 4/18/97; PR39-007, 05/20/2022)

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### **SECTION 17-401.6                      UNLAWFULLY DISCHARGING A FIREARM.**

A.        It shall be unlawful to willfully discharge any pistol, rifle, shotgun, airgun, or other weapon, or throw any other missile in a public place, or in any place where there is any person to be endangered thereby, although no injury to any person shall ensue.

B.        Unlawfully Discharging a Firearm shall be punishable by a fine not to exceed five thousand dollars (\$5,000.00), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.  
(PR39-007, 05/20/2022)

## **ARTICLE B CONTROLLED DANGEROUS SUBSTANCES OFFENSES**

Section 17-402.1	Definitions
Section 17-402.2	Possession of a Controlled Dangerous Substance
Section 17-402.3	Possession of a Controlled Dangerous Substance with Intent to Distribute
Section 17-402.4	Manufacture or Cultivation of a Controlled Dangerous Substance
Section 17-402.5	Distribution of a Controlled Dangerous Substance
Section 17-402.6	Obtaining a Controlled Dangerous Substance through Deceptive Means
Section 17-402.7	Obtaining a Controlled Dangerous Substance through Theft
Section 17-402.8	Obtaining a Controlled Dangerous Substance through Robbery
Section 17-402.9	Use of Communication Facilities in Committing Prohibited Acts
Section 17-402.10	Possession of Drug Paraphernalia

### **SECTION 17-402.1                      DEFINITIONS.**

For the purposes of this Article:

1.        “Communication Facility” shall mean any equipment or device, mechanical or otherwise, including but not limited to telephones, facsimile machines, computers, computer networks and radios, wire or wireless means of communications, including the United States Postal Service and other carriers, and/or any building, motor vehicle or other structure which contains or houses communications equipment of any kind, insofar as such equipment or facilities are contained within the jurisdiction of the Chickasaw Nation.
2.        “Controlled Dangerous Substance” shall mean those substances listed in 21 U.S.C. § 812 (1972), and any other chemical substance, natural or artificial, defined as a controlled or dangerous substance which the possession, sale, distribution, or use is prohibited by federal

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law. Intoxicating beverages are regulated, controlled, and defined in Title 3 of this Code. This Section does not apply to intoxicating beverages.

3. “Counterfeit Substance” means a substance that is purported to be a Controlled Dangerous Substance but may not in fact be such Controlled Dangerous Substance.

4. “Distribute” means to deliver (other than by administering or dispensing) a Controlled Dangerous Substance.

5. “Manufacture” means the production, preparation, propagation, compounding, or processing of a Controlled Dangerous Substance, either directly or indirectly or by extraction from substances of natural origin, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of such substance or labeling or relabeling of its container; except that such term does not include the preparation, compounding, packaging, or labeling of a drug or other substance in conformity with applicable law by a practitioner as an incident to his administration or dispensing of such drug or substance in the course of his professional practice.

6. “Possession” shall mean to have in one’s actual and physical control, care and management, or to have dominion or control over the property though not in one’s physical possession.

(PR38-024, 5/24/2021)

### **SECTION 17-402.2**

### **POSSESSION OF A CONTROLLED DANGEROUS SUBSTANCE.**

A. It shall be unlawful, except as authorized and controlled by federal law, to knowingly or intentionally be in Possession of a Controlled Dangerous Substance unless such substance was obtained directly, or pursuant to a valid prescription or order, from a practitioner, while acting in the course of his or her professional practice.

B. Conviction for Possession of a Controlled and Dangerous Substance shall be punishable by a fine not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not to exceed three (3) years, or by both such fine and imprisonment.

(PR38-024, 5/24/2021)

### **SECTION 17-402.3**

### **POSSESSION OF A CONTROLLED DANGEROUS SUBSTANCE WITH THE INTENT TO DISTRIBUTE.**

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A. It shall be unlawful, except as authorized and controlled by federal law, to knowingly or intentionally be in Possession of a Controlled Dangerous Substance or a Counterfeit Substance in such qualities that a reasonable person would infer an intent to deliver or transfer possession of the Controlled Dangerous Substance to another person, with or without any financial interest in the transaction.

B. Conviction for Possession of a Controlled and Dangerous Substance with the Intent to Distribute shall be punishable by a fine not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not to exceed three (3) years, or by both such fine and imprisonment.  
(PR38-024, 5/24/2021)

### **SECTION 17-402.4                      MANUFACTURE OR CULTIVATION OF A CONTROLLED DANGEROUS SUBSTANCE.**

A. It shall be unlawful, except as authorized and controlled by federal law, to Manufacture or cultivate a Controlled Dangerous Substance.

B. Manufacture or Cultivation of a Controlled and Dangerous Substance shall be punishable by a fine not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not to exceed three (3) years, or by both such fine and imprisonment.  
(PR38-024, 5/24/2021)

### **SECTION 17-402.5                      DISTRIBUTION OF A CONTROLLED DANGEROUS SUBSTANCE.**

A. It shall be unlawful, except as authorized and controlled by federal law, to Distribute a Controlled Dangerous Substance or a Counterfeit Substance.

B. Distribution of a Controlled and Dangerous Substance shall be punishable by a fine not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not to exceed three (3) years, or by both such fine and imprisonment.  
(PR38-024, 5/24/2021)

### **SECTION 17-402.6                      OBTAINING A CONTROLLED DANGEROUS SUBSTANCE THROUGH DECEPTIVE MEANS.**

A. It shall be unlawful to obtain Possession of a Counterfeit Substance through misrepresentation, fraud, forgery, deception, or subterfuge.

B. Obtaining a Controlled and Dangerous Substance through Deceptive Means shall be

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punishable by a fine not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not to exceed three (3) years, or by both such fine and imprisonment.

(5/24/2021)

### **SECTION 17-402.7                    OBTAINING A CONTROLLED DANGEROUS SUBSTANCE THROUGH THEFT.**

A.     It shall be unlawful to obtain Possession of a Counterfeit Substance through larceny, burglary or theft.

B.     Obtaining a Controlled and Dangerous Substance through Theft shall be punishable by a fine not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not to exceed three (3) years, or by both such fine and imprisonment.

(PR38-024, 5/24/2021)

### **SECTION 17-402.8                    OBTAINING A CONTROLLED DANGEROUS SUBSTANCE THROUGH ROBBERY.**

A.     It shall be unlawful to obtain Possession of a Counterfeit Substance through robbery or attempted robbery.

B.     Obtaining a Controlled and Dangerous Substance through Robbery shall be punishable by a fine not less than one thousand dollars (\$1,000) nor more than fifteen thousand dollars (\$15,000), or by imprisonment for a mandatory period not less than one (1) year, nor more than three (3) years, or by such fine and imprisonment.

(PR38-024, 5/24/2021)

### **SECTION 17-402.9                    USE OF COMMUNICATION FACILITIES IN COMMITTING PROHIBITED ACTS.**

A.     It shall be unlawful, except as authorized and controlled by federal law, to knowingly or intentionally use any communication facility in committing any of the acts prohibited in this Article.

B.     Conviction Use of Communication Facilities in Committing Prohibited Acts shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) years, or by both such fine and imprisonment.

(PR38-024, 5/24/2021)

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### **SECTION 17-402.10                    POSSESSION OF DRUG PARAPHERNALIA.**

A.        It shall be unlawful to deliver, sell, possess, or manufacture drug paraphernalia knowing, or under circumstances where one reasonably should know, that it will be used to illegally plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise unlawfully introduce into the human body a Controlled Dangerous Substance.

B.        Possession of Drug Paraphernalia shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.  
(PR38-033, 7/16/2021; PR39-007, 05/20/2022).

### **ARTICLE C OFFENSES AGAINST THE PUBLIC PEACE**

- |                   |  |
|-------------------|--|
| Section 17-403.1  | Rioting.                                   |
| Section 17-403.2  | Failure to Disperse.                       |
| Section 17-403.3  | Disorderly Conduct.                        |
| Section 17-403.4  | Public Nuisance.                           |
| Section 17-403.5  | Disrupting a Public or Religious Assembly. |
| Section 17-403.6  | Intoxication.                              |
| Section 17-403.7  | Desecration.                               |
| Section 17-403.8  | Littering.                                 |
| Section 17-403.9  | Obscenity.                                 |
| Section 17-403.10 | Fireworks Offense.                         |

### **SECTION 17-403.1                    RIOTING.**

A.        It shall be unlawful to simultaneously, with two or more other persons, engage in tumultuous or violent conduct in a public place which endangers person or property, and thereby knowingly or recklessly create a substantial risk of causing public alarm; or to assemble with two (2) or more persons with the purpose of engaging soon thereafter in the above described conduct.

B.        Rioting shall be punishable by a fine not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not to exceed three (3) years, or by both such fine and imprisonment.  
(TL14-002, 4/18/97; PR38-012, 2/22/2021; PR39-007, 05/20/2022)



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### **SECTION 17-403.2                      FAILURE TO DISPERSE.**

A. It shall be unlawful to refuse or knowingly fail to obey an order to disperse or leave the immediate vicinity given by a law enforcement officer or other public servant performing an enforcement function, at the scene of a riot, fire, or other public disorder or given in the course of the investigation of the commission of an accident, fire, offense or suspected offense.

B. Failure to Disperse shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

(TL14-002, 4/18/97; PR39-007, 05/20/2022)

### **SECTION 17-403.3                      DISORDERLY CONDUCT.**

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

1.        engaging in fighting, or threatening to engage in violent or tumultuous behavior;
2.        making unreasonable noise or offensively coarse utterances, gestures, or displays, or addressing abusive language to any person present;
3.        creating a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor; or
4.        appearing in Public Places in an intoxicated condition and doing any of the following:
  - a.        passing out or falling or sleeping on the property of another without permission;
  - b.        bothering, disrupting or otherwise intruding upon another person or group of persons;

## **Offenses and Penalties**

c. wandering about without being able to give a reasonable account of a destination to a law enforcement officer; or

d. appearing or being found in an area set aside for religious or ceremonial activities which have traditionally, or by order of the Chickasaw Nation or conducting authorities, been set aside for use, free from alcoholic beverage consumption or the presence of intoxicated persons, during the period of such a religious or ceremonial or public activity.

5. "Public Places" means affecting or likely to affect persons in a place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, the common areas of schools, hospital, apartment houses, and office buildings, transport facilities, businesses open to the public, and places of entertainment or amusement.

B. Disorderly Conduct shall be punishable by a fine not to exceed two hundred fifty dollars (\$250), by a term of imprisonment not to exceed three (3) months, or both.

C. Upon a second or subsequent conviction under this Section, a punishment of a fine not to exceed five hundred dollars (\$500) or a term of imprisonment not to exceed six (6) months, or both may be imposed.

(TL14-002, 4/18/97; PR15-030, 9/23/98; PR39-007, 05/20/2022)

### **SECTION 17-403.4                      PUBLIC NUISANCE.**

A. It shall be unlawful to do any act, without lawful authority to do so, which act either:

1. unreasonably and substantially annoys and injures or endangers the comfort, repose, health, or safety of three or more persons;

2. offends public decency;

3. unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for use or passage any lake, stream, or campground, powwow ground, public park, square, street, highway, or road; or

## **Offenses and Penalties**

4. in any way unreasonably renders one (1) or more persons insecure in life or the use of the property.

B. Public Nuisance shall be punishable by a fine not to exceed two hundred fifty dollars (\$250), by a term of imprisonment not to exceed three (3) months, or both.  
(TL14-002, 4/18/97; PR15-030, 9/23/98; PR39-007, 05/20/2022)

### **SECTION 17-403.5                      DISRUPTING A PUBLIC OR RELIGIOUS ASSEMBLY.**

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

B. Disrupting a Public or Religious Assembly shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.  
(TL14-002, 4/18/97; PR39-007, 05/20/2022)

### **SECTION 17-403.6                      INTOXICATION.**

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

B. Intoxication shall be punishable by a fine not to exceed one hundred fifty dollars (\$150), by a term of imprisonment not to exceed three (3) months, or both. However, a Judge or the arresting law enforcement officer may order the release from custody and the dropping of a charge under this Section if the Judge believes further imprisonment is unnecessary for the protection of the individual or another and the individual is in a sober condition at the time of release. The Judge may also commit the person convicted to a facility for treatment if it appears that the person is dependent upon the intoxicating beverage, drug, controlled substance, or vapor producing substance, for a period not to exceed six (6) months.  
(TL14-002, 4/18/97; PR39-007, 05/20/2022)

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### **SECTION 17-403.7            DESECRATION.**

A.     It shall be unlawful to purposely desecrate any public monument or structure; or to purposely desecrate a place of worship or burial, or other sacred place, or any part thereof, or any appurtenance thereto, or any book, furniture, ornament, musical instrument, or other chattel kept therein for use in connection with religious worship.

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

C.     Desecration shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.  
(TL14-002, 4/18/97; PR39-007, 05/20/2022)

### **SECTION 17-403.8            LITTERING.**

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

B.     Littering shall be punishable by a fine not to exceed two hundred fifty dollars (\$250), by a term of imprisonment not to exceed three (3) months, or both.  
(TL14-002, 4/18/97; PR39-007, 05/20/2022)

### **SECTION 17-403.9            OBSCENITY.**

A.     It shall be unlawful to:

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

## Offenses and Penalties

2. present or direct an obscene play, dance, or performance, or participate in that portion thereof which makes it obscene;

3. publish, exhibit or otherwise make available any obscene material;

4. possess any obscene material for purposes of sale or other commercial dissemination; or

5. sell, advertise, or otherwise commercially disseminate material, whether or not obscene, by representing or suggesting that it is obscene.

B. Material is obscene if considered as a whole:

1. it lacks serious literary, artistic, political, or scientific value;

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

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

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

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

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

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

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G. Obscenity shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by imprisonment for a period not exceeding one (1) year, or both and all obscene material shall be confiscated and destroyed.  
(TL14-002, 4/18/97; PR39-007, 05/20/2022)

### **SECTION 17-403.10                      FIREWORKS OFFENSE.**

A. It shall be unlawful to possess, buy, sell, distribute, transport, activate, ignite, or detonate or to allow any minor under one's physical or actual care, custody, or control to possess, buy, sell, distribute, transport, activate, ignite, or detonate any firecracker or other firework type device which is capable of or intended to explode, ignite, become self-propelled, give off any projectile, spark, or other ignited or fused object or manifestation, or in any way give off sound or light by virtue of its burning or exploding.

B. It shall not be an offense under this Section:

1. to use or ignite handheld sparkler type devices in such a manner that they burn openly and singly or to use toy caps and cap guns singly and in the intended fashion;
2. to use or ignite fireworks at a patriotic, religious, or Chickasaw Nation ceremony, gathering, or celebration in a safe manner; and
3. to buy, possess, use or ignite fireworks between June 25 and July 10 inclusive of each year, provided that such devices are handled safely with regard to the safety of others and his or her property.

C. A Fireworks Offense shall be punishable by a fine not to exceed two hundred fifty dollars (\$250), by a term of imprisonment not to exceed three (3) months, or both.  
(TL14-002, 4/18/97; PR15-030, 9/23/98; PR39-007, 05/20/2022)

### **SECTION 17-403.11                      OUTRAGING PUBLIC DECENCY.**

A. It shall be unlawfully to willfully and wrongfully commit any act which openly outrages public decency, including, but not limited to, urination in a public place.

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B. Convictions under this Subsection A shall not be subject to registration under Title 17, Chapter 2, Article A, the Chickasaw Nation Sex Offender Registration and Notification Act.

C. Outraging Public Decency shall be punishable by a fine to exceed five thousand dollars (\$5,000.00), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

(PR38-0348, 08/20/2021; PR39-007, 05/20/2022)

## ARTICLE D ANIMAL OFFENSES

Section 17-404.1      Bestiality.  
Section 17-404.2      Livestock Offense.  
Section 17-404.3      Accessory to Animal Attacks.  
Section 17-404.4      Cruelty to Animals.

### **SECTION 17-404.1                      BESTIALITY.**

A. It shall be unlawful to engage in any form of sexual activity with an animal, and it shall be unlawful to cause another to engage in any form of sexual activity with an animal if:

1. that person is compelled to participate by any threat that would prevent resistance by a person of ordinary resolution;
2. that person is compelled to participate by force or threat of imminent death, serious bodily injury, extreme pain or kidnapping, to be inflicted on anyone;
3. the other person's power to appraise or control his conduct has been substantially impaired by the administration or employment of drugs or other intoxicants, without his knowledge, and for the purpose of preventing resistance; or
4. the offender has knowledge that the other person suffers from a mental or physical disease or defect which renders him incapable of appraising the nature of his conduct.

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B. Bestiality shall be punishable by a fine not to exceed fifteen thousand dollars (\$15,000.00), by a term of imprisonment not to exceed three (3) years, or by both such fine and imprisonment.

(TL14-002, 4/18/97; PR15-030, 9/23/98; PR38-012, 2/22/2021; PR39-007, 05/20/2022)

### **SECTION 17-404.2                      LIVESTOCK OFFENSE.**

A. It shall be unlawful to:

1. knowingly or recklessly refuse or fail to mark or brand his livestock when such is required in the interest of livestock identification or directed by Chickasaw Nation or government officials;
2. alter, obliterate, or remove a brand or mark, or misbrand or mismark livestock with a purpose to deceive another for any reason;
3. knowingly permit livestock to graze or trespass on the property of another or of the tribe without permission to do so in excess of permitted time or amount;
4. knowingly fail to treat or dispose of a sick animal where there is a substantial danger of infecting other livestock;
5. knowingly fail to treat or dispose of a sick animal where there is a substantial danger of infecting other animals;
6. fail to dip, inoculate, or otherwise treat livestock in the manner which a designated representative of the Chickasaw Nation shall direct; or
7. make a false report of livestock owned.

B. Except in cases in which the owner or person having custody of livestock believed to be in violation of this Section cannot be found, for Paragraphs A.1, 3, 4, 5, and 6 set forth above, no conviction may be sustained unless the owner or person having custody of the livestock involved is provided written notice of his alleged violation and afforded forty eight (48) hours to cure the alleged violations.



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C. Livestock found to be in treated in violation of this Section may be impounded without prior notice to the owner if a court so orders upon receipt of evidence that such animals seriously threaten the property of the Chickasaw Nation or another or the health of other livestock and that immediate action is necessary to protect such interests from serious harm. A reasonable fee for the care of such animals may be collected prior to their release.

D. Livestock Offenses shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

E. Livestock handled or kept in violation of this Section are hereby declared to be contraband and civil proceedings may be had against such animals for forfeiture as provided by law.

(TL14-002, 4/18/97; PR39-007, 05/20/2022)

### **SECTION 17-404.3**

### **ACCESSORY TO ANIMAL ATTACKS.**

A. It shall be unlawful for any person(s) in custody, control or possession of (an) animal(s) to fail to adequately protect the public from actions of such animal(s) that result in hurting, injuring, maiming, or killing (a) person(s) or animal(s), or harming, marring, damaging, or destroying public or private property, real or personal.

B. The animal(s) determined to be involved in the attack(s) shall be confiscated to be tested for diseases that, if existing, would require other medical treatments. Once the health of the animal(s) is/are determined, such animal(s) shall, by order of the Court, be either destroyed or otherwise disposed of as the interest of the victim and the Court shall best be served. The guilty party shall also be responsible for all costs relating to the court action and all legal and medical fees of the victim(s). Conviction under this Section shall not preempt any civil cause of action brought by a victim(s) against the accused.

C. Accessory to Animal Attacks shall be punishable by a fine not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not to exceed three (3) years, or by both such fine and imprisonment.

(TL14-002, 4/18/97; PR38-012, 2/22/2021; PR39-007, 05/20/2022)

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### **SECTION 17-404.4            CRUELTY TO ANIMALS.**

- A.     It shall be unlawful purposely or knowingly to:
1.     torture or seriously overwork an animal;
  2.     deprive an animal in one's custody of necessary food, drink, shelter, or veterinary care to prevent suffering for an animal;
  3.     abandon an animal in one's custody;
  4.     transport or confine an animal in a cruel manner;
  5.     kill, beat, injure or administer poison to an animal without legal privilege to do so;
  6.     cause one animal to fight with another under any circumstances, including, but not limited to willfully instigating or encouraging a fight between animals, and whether or not bets or wagers are made on the outcome of the fight; or
  7.     maim or mutilate any animal in subjugation or captivity, whether wild or tame, and whether belonging to the person or to another.

B.     Cruelty to Animals shall be punishable by a fine not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not to exceed three (3) years, or by both such fine and imprisonment. It is a defense to prosecution under this Section that the conduct of the actor toward the animal was an accepted veterinary practice or directly related to a bona fide experimentation for scientific research, provided that if the animal is to be destroyed, the manner employed will not be unnecessarily cruel  
(TL14-002, 4/18/97; PR39-007, 05/20/2022)

## **ARTICLE E ALCOHOL OFFENSES**

- Section 17-405.1     Definitions.  
Section 17-405.2     Possession, Purchase, and Consumption by Person under Twenty-One (21) Years of Age.

## **Offenses and Penalties**

- Section 17-405.3 Prohibited Sales to Person under Twenty-One (21) Years of Age.  
Section 17-405.4 Transporting Open Containers of Intoxicating Beverages or Low-Point Beer.

### **SECTION 17-405.1                      DEFINITIONS.**

All definitions in this Article relating to the Sale, purchase, or consumption of Alcohol found in the Beverage Control Act of 2007 and are hereby incorporated by reference as if fully stated herein.

(PR39-007, 05/20/2022)

### **SECTION 17-405.2                      POSSESSION, PURCHASE, AND CONSUMPTION BY PERSON UNDER TWENTY-ONE (21) YEARS OF AGE.**

- A. It shall be unlawful for any person under twenty-one (21) years of age to either:
1. consume or possess with the intent to consume beverages as defined in the Beverage Control Act of 2007; or
  2. purchase or attempt to purchase beverages as defined in the Beverage Control Act of 2007, except under supervision of law enforcement officers.
- B. Possession, Purchase, or Consumption by Person Under Twenty-One (21) Years of Age shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00), by imprisonment for not more than three (3) months, or both.
- C. Nothing in this Section shall be construed to criminalize possession of an Alcoholic Beverage by a person who is at least eighteen (18) years of age and who is in possession of an Alcoholic Beverage solely and exclusively for the purpose of serving such Alcoholic Beverage within the scope of a license from the Chickasaw Nation Tax Commission.  
(PR32-008, 9/21/154; PR39-007, 05/20/2022)

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### **SECTION 17-405.3**

### **PROHIBITED SALES TO PERSON UNDER TWENTY - ONE (21) YEARS OF AGE.**

A. It shall be unlawful for any person to sell, serve, or otherwise supply, or attempt to sell, serve, or otherwise supply beverages as defined in the Beverage Control Act of 2007 to any person under twenty-one (21) years of age.

B. Any person performing a Prohibited Sale to Person under Twenty-One (21) Years of Age shall be punished by imprisonment for not more than one (1) year, a fine not to exceed Five Thousand Dollars (\$5,000.00), or a combination of both penalties. In addition, if such person holds a license issued by the Chickasaw Tax Commission, the license may be revoked or other civil action may be taken pursuant to the Beverage Control Act of 2007.  
(PR39-007, 05/20/2022)

### **SECTION 17-405.4**

### **TRANSPORTING OPEN CONTAINERS OF INTOXICATING BEVERAGES OR LOW-POINT BEER.**

A. It shall be unlawful for any operator to knowingly transport or for any passenger to possess in any moving vehicle upon a public highway, street or alley any intoxicating beverage or low-point beer, except in the original container which shall not have been opened and from which the original cap or seal shall not have been removed, unless the opened container be in the rear trunk or rear compartment, which shall include the spare tire compartment in a station wagon or panel truck, or any outside compartment which is not accessible to the driver or any other person in the vehicle while it is in motion.

B. Transporting Open Containers of Intoxicating Beverages or Low-Point Beer shall be punishable by a fine not to exceed two hundred fifty dollars (\$250.00), by a term of imprisonment not to exceed three (3) months, or both.

C. The provisions of subsection A of this section shall not apply to the passenger area of buses and limousines; however, it shall be unlawful for the driver of the bus or limousine to consume or have in the driver's immediate possession any intoxicating beverage or low-point beer.

1. "Bus" shall mean every motor vehicle designed for carrying more than eight passengers and used for the transportation of persons; and every motor vehicle designed and used for the transportation of persons for compensation. It shall not mean a

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school bus transporting children, or a vehicle operated pursuant to a franchise within a city or a town operating over a regularly scheduled route; and

2. “Limousine” shall mean chauffeur-driven motor vehicle, other than a bus or taxicab, designed and used for transportation of persons for compensation.

### ARTICLE F OFFENSES AGAINST PUBLIC HEALTH

Section 17-406.1	Prostitution.
Section 17-406.2	Spreading Venereal Disease.
Section 17-406.3	Knowingly Engaging in Conduct Reasonably Likely to Transfer HIV.
Section 17-406.4	Tobacco Offense.
Section 17-406.5	Abuse of Psychotoxic Chemical Solvents.
Section 17-406.6	Waters Offense.

#### **SECTION 17-406.1**                      **PROSTITUTION.**

A. It shall be unlawful to:

1. be a resident of a House of Prostitution or otherwise engage in Sexual Activity as a business or for hire;
2. loiter in or within view of a Public Place for the purpose of being hired to engage in Sexual Activity;
3. engage in or offer or agree to engage in any Sexual Activity with another person for a fee;
4. pay or offer or agree to pay another person a fee for the purpose of engaging in an act of Sexual Activity;
5. enter or remain in a House of Prostitution for the purpose of engaging in Sexual Activity;
6. own, control, manage, supervise, or otherwise keep, alone or in association with another, a House of Prostitution or a prostitution business;

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7. solicit a person to patronize a prostitute;
8. procure or attempt to procure a prostitute for another;
9. lease or otherwise permit a place controlled by the actor, alone or in association with others, to be used for prostitution or the promotion of prostitution;
10. procure an Inmate for a House of Prostitution;
11. encourage, induce, or otherwise purposely cause another to become or remain a prostitute;
12. transport a person with a purpose to promote that person's engaging in prostitution or procuring or paying for transportation with that purpose;
13. share in the proceeds of a prostitute pursuant to an understanding that one is to share therein, unless one is the child or legal dependent of a prostitute;
14. own, operate, manage, or control a House of Prostitution; or
15. solicit, receive, or agree to receive any benefit for doing any of the acts prohibited by this Section.

### **B. Definitions:**

1. "House of Prostitution" means a place where prostitution or promotion of prostitution is regularly carried on by one or more persons under the control, management, or supervision of another.
2. "Public Place" means any place to which the public or a substantial group thereof has access.
3. "Sexual Activity" means intercourse or any sexual act involving the genitals of one person and the mouth or anus of another person, regardless of the sex of either participant.

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C. On the issue of whether a place is a House of Prostitution, the following shall be admissible in evidence: its general reputation; the reputation of the persons who reside in or frequent the place; the frequency, timing and duration of visits by non-residents.

D. Prostitution shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed six (6) months, or both.  
(TL14-002, 4/18/97; PR15-030, 9/23/98; PR39-007, 05/20/2022)

### **SECTION 17-406.2                      SPREADING VENEREAL DISEASE.**

A. It shall be unlawful to infect another person with venereal disease, if one knows or has reason to believe he or she is infected with a venereal disease.

B. The Court shall, upon conviction, have the power to order the medical examination and treatment of the convicted offender, and may also order an investigation to determine to what extent others have or may have been infected by the convicted offender.

C. Spreading Venereal Disease shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.  
(TL14-002, 4/18/97; PR15-030, 9/23/98; PR39-007, 05/20/2022)

### **SECTION 17-406.3                      KNOWINGLY ENGAGING IN CONDUCT REASONABLY LIKELY TO TRANSFER HIV.**

A. It shall be unlawful for any person knowing that he or she has Acquired Immune Deficiency Syndrome (AIDS) or is a carrier of the human immunodeficiency virus (HIV) to engage in conduct reasonably likely to result in transfer of the person's own blood, bodily fluids containing visible blood, 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 fluids, and:

1. the other person did not consent to the transfer of blood, bodily fluids containing blood, semen, or vaginal secretions; or

## **Offenses and Penalties**

2. the other person consented to the transfer but at the time of giving consent had not been informed by the person infected that the person transferring such blood or fluids had AIDS or was a carrier of HIV.

B. The Court shall, upon conviction, have the power to order the medical examination and treatment of the convicted offender and may also order an investigation to determine to what extent others have or may have been infected by the convicted offender.

C. Knowingly Engaging in Conduct Reasonably Likely to Transfer HIV shall be punishable by a not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not to exceed three (3) years, or by both such fine and imprisonment.  
(TL14-002, 4/18/97; PR38-012, 2/22/2021)

### **SECTION 17-406.4                      TOBACCO OFFENSE.**

A. It shall be unlawful to:

1. purchase, obtain, possess, smoke, chew, inhale or ingest any product made from or with tobacco if under the age of eighteen (18) years; or

2. sell to, or otherwise obtain for or arrange for the obtaining of tobacco or a tobacco product for a person under the age of twelve, or to knowingly permit such a person to operate a machine dispensing tobacco products in his place of business or in an area of a place of business over which he is charged with the management or operation.

B. Tobacco Offense shall be punishable by a fine not to exceed two hundred fifty dollars (\$250), by a term of imprisonment not to exceed three (3) months, or both.  
(TL14-002, 4/18/97; PR39-007, 05/20/2022)

### **SECTION 17-406.5                      ABUSE OF PSYCHOTOXIC CHEMICAL SOLVENTS.**

A. It shall be unlawful to purposely smell or inhale the fumes of any Psychotoxic Chemical Solvent, or to possess, purchase, or attempt to possess or purchase any Psychotoxic Chemical Solvent, with the intention of causing a condition of intoxication, inebriation, excitement, stupefaction, or the dulling of the brain, or nervous system; or to sell, give away, dispense, or distribute, or offer to sell, give away, dispense, or distribute any Psychotoxic



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Chemical Solvent knowing or believing that the purchaser or another intends to use the solvent in violation of this Section.

B. This Section shall not apply to the inhalation of anesthesia for medical or dental purposes.

C. As used in this Section, "Psychotoxic Chemical Solvent" includes any glue, cement, or other substance containing one or more of the following chemical compounds; acetone and acetate, benzene, butyl-alcohol, methyl ethyl, peptone, pentachlorophenol, petroleum ether, or other chemical substance capable of causing a condition of intoxication, inebriation, excitement, stupefaction, or the dulling of the brain or nervous system as a result of the inhalation of the fumes or vapors of such chemical substance. The statement of listing of the contents of a substance packaged in a container by the manufacturer or producer thereof shall be proof of the contents of such substances without further expert testimony if it reasonably appears that the substance in such container is the same substance placed therein by the manufacturer or producer.

D. Abuse of Psychotoxic Chemical Solvents shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or both, and the Court may order any person using Psychotoxic Chemical Solvents for inhalation to be committed to some facility for treatment for a term not exceeding six months.

E. Such Psychotoxic Chemical Solvents kept or used in violation of this Section are hereby declared to be contraband and civil proceedings may be had against such Psychotoxic Chemical Solvents as provided by law.  
(TL14-002, 4/18/97; PR39-007, 05/20/2022)

### **SECTION 17-406.6                      WATERS OFFENSE.**

A. It shall be unlawful to:

1. interfere with or alter the flow of water in any stream, river, or ditch, without lawful authority to do so or a permit from the Chickasaw Nation and in violation of the right of any other person;

2. knowingly break, injure, alter or destroy any bridge, dam, levee, embankment, reservoir, water tank, water line, or other structure intended to create

## Offenses and Penalties

hydraulic power or pressure or direct the flow of water, without lawful authority to do so;  
or

3. pollute or befoul any water in any of the following ways:

a. construct or maintain a corral, sheep pen, goat pen, stable, pig pen, chicken coop, or other offensive yard or outhouse where the waste or drainage therefrom shall flow directly into waters of any stream, well, spring, or source of water used for domestic purposes;

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

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

d. knowingly cause or allow any substance which is harmful or potentially harmful to human life, animals, livestock, wild animals or which is harmful or potentially harmful to the real or personal property of another to enter into a source of water; or

e. knowingly throw, dump, place, or deposit any garbage, debris, junk, trash, or other substances of any nature whatsoever, which could impair any stream, well, spring, or source of water used for domestic purposes.

B. A Water Offense shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

(TL14-002, 4/18/97; PR15-030, 9/23/98; PR39-007, 05/20/2022)

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**ARTICLE G  
MISCELLANEOUS OFFENSES RELATED TO PUBLIC PEACE, HEALTH, SAFETY  
AND WELFARE**

Section 17-407.1	Abusing a Corpse.
Section 17-407.2	False Reports.
Section 17-407.3	Interference with an Emergency Call.
Section 17-407.4	Violation of Privacy.
Section 17-407.5	Criminal Defamation.
Section 17-407.6	Curfew Violation.
Section 17-407.7	Contributing to the Delinquency of a Minor

**SECTION 17-407.1                      ABUSING A CORPSE.**

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

B.        Abusing a Corpse shall be punishable by a fine not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not to exceed three (3) years, or by both such fine and imprisonment.

(TL14-002, 4/18/97; PR15-030, 9/23/98; PR38-012, 2/22/2021; PR39-007, 05/20/2022)

**SECTION 17-407.2                      FALSE REPORTS.**

A.        It shall be unlawful to initiate or circulate a report or warning of a fire, bombing, other crime, or catastrophe, knowing that the report or warning is false or baseless and that it is likely to cause evacuation of any building, place or assembly, facility of public transport, or to cause public inconvenience or alarm or action or any sort by an official or volunteer agency organized to deal with emergencies.

B.        False Reports shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

(TL14-002, 4/18/97; PR39-007, 05/20/2022)

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### **SECTION 17-407.3**

### **INTERFERENCE WITH AN EMERGENCY CALL.**

A. It shall be unlawful to knowingly or intentionally interrupt, disrupt, impede or interfere with an Emergency telephone call, or knowingly or intentionally prevent or hinder another person from placing an Emergency telephone call. For the purposes of this Section, "Emergency" means a situation in which property or human life or safety is in jeopardy and the prompt summoning of aid is or reasonably appears to be essential to preservation of human life, safety, or property.

(PR39-007, 05/20/2022)

B. Interference with an Emergency Call shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

(PR39-007, 05/20/2022)

### **SECTION 17-407.4**

### **VIOLATION OF PRIVACY.**

A. It shall be unlawful, except as authorized by law, to:

1. trespass on property with intent to subject anyone to Eavesdropping or other surveillance, or to visually observe another, in a Private Place;

2. install in any Private Place, without the consent of the person or persons entitled to privacy there, any device for observing, photographing, recording, amplifying, or broadcasting sounds or events in such place, or use any such unauthorized installation;

3. install or use outside of any Private Place any device for hearing, recording, amplifying, or broadcasting sounds originating in such place which would not ordinarily be audible or comprehensible outside without the consent of the person or persons entitled to privacy there;

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

## **Offenses and Penalties**

5. loiter about any building, with intent to overhear discourse therein, and to repeat or publish the same to vex, annoy, or injure others.

**B. Definitions:**

1. "Eavesdrop" means to overhear, record, amplify, or transmit any part of an oral or written communication of others without the consent of at least one party thereto by means of any electrical, mechanical or other device. Such Eavesdropping or other surveillance shall include, but not be limited to, unauthorized access to computers, data processing equipment or any electronic or manual data storage or record keeping equipment or other such storage devices.

2. "Private Place" means a place where one can reasonably expect to be safe from casual or hostile intrusion or surveillance.

C. Violation of Privacy shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

(TL14-002, 4/18/97; PR39-007, 05/20/2022)

### **SECTION 17-407.5**

### **CRIMINAL DEFAMATION.**

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

B. Criminal Defamation shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

C. It shall be a defense to Criminal Defamation that the person making the publication was at the time engaged in the formal broadcast of publication of news by some public news media of communication and in good faith believed he or she was reporting a

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truthful and newsworthy event concerning a public figure.  
(TL14-002, 4/18/97; PR39-007, 05/20/2022)

### **SECTION 17-407.6**                    **CURFEW VIOLATION.**

A.        It shall be unlawful for a parent, guardian or other person having physical charge of a minor to allow said minor under the age of eighteen (18) to be away from his place of residence in a public place, or a private place other than the place where he intends to spend the night with the permission of the owner of such place, or in a vehicle driving about, after the hour of eleven o'clock (11:00) p.m. local time, unless accompanied by a parent, guardian, or other person having physical charge of said minor or in attendance at or returning directly home from an organized school, church or Chickasaw Nation or public function.

B.        A Curfew Violation shall be punishable by a fine not to exceed two hundred fifty dollars (\$250), by a term of imprisonment not to exceed three (3) months, or both.  
(TL14-002, 4/18/97; PR39-007, 05/20/2022)

### **SECTION 17-407.7**                    **CONTRIBUTING TO THE DELINQUENCY OF A MINOR.**

A.        It shall be unlawful for a person eighteen (18) years of age or older to:

1.        knowingly or recklessly sell or give to or otherwise make beer, liquor, wine, other alcoholic beverages, controlled dangerous substance or psychotoxic substance available to a person under the age of eighteen (18) years; or

2.        knowingly or recklessly, by act or omission, encourage, cause or contribute to the delinquency or unlawful conduct of a minor under eighteen (18) years of age.

B.        Contributing to the Delinquency of a Minor shall be punishable by a fine of not more than five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or both.  
(TL14-002, 4/18/97; PR39-007, 05/20/2022)

## **CHAPTER 5 OFFENSES AGAINST PERSONS**

**Offenses and Penalties**

**ARTICLE A  
OFFENSES AGAINST CHILDREN**

Section 17-501.1	Child Abuse.
Section 17-501.2	Child Neglect.
Section 17-501.3	Possession or Procurement of Child Pornography.
Section 17-501.4	Lewd or Indecent Proposals or Acts as to Child under 16.
Section 17-501.5	Child Sexual Abuse.
Section 17-501.6	Trafficking in Children.

**SECTION 17-501.1                      CHILD ABUSE.**

A. It shall be unlawful for a person to willfully or maliciously Harm or Threaten to Harm or fail to protect from Harm or Threatened Harm to the health, safety, or welfare of a child under eighteen (18) years of age.

B. Child Abuse shall be punishable by a fine of not more than fifteen thousand dollars (\$15,000), imprisonment of not more than three (3) years, or both.

C. Child Abuse has a statute of limitations of twelve (12) years. A child may request prosecution of the charge of Child Abuse for five (5) years after his or her eighteenth (18th) birthday if a criminal charge has not previously been filed and the twelve (12) year statute of limitations has passed.

D. “Harm or Threatened Harm” and “Harm or Threaten to Harm” mean any real or threatened physical, mental, or emotional injury or damage to the body or mind that is not accidental including but not limited to Sexual Abuse, Sexual Exploitation, and Child Neglect.

**SECTION 17-501.2                      CHILD NEGLECT.**

A. It shall be unlawful for a person responsible for the child’s health, safety, or welfare to willfully or maliciously:

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1. fail or omit to provide to the child any of the following:
  - a. adequate food, clothing, shelter, medical care, or supervision; or
  - b. special care made necessary by the physical or mental condition of the child;
  
2. fail or omit to protect a child from exposure to any of the following:
  - a. the use, possession, sale, or manufacture of illegal drugs;
  - b. illegal activities; or
  - c. sexual acts or materials that are not age appropriate.
  
3. cause the child to be Abandoned as defined in Title 6 Section 6-201.4(A)(1).

B. Child Neglect shall be punishable by a fine of not more than fifteen thousand dollars (\$15,000), imprisonment of not more than three (3) years, or both.

C. Child Neglect has a statute of limitations of twelve (12) years. A child may request prosecution of the charge of Child Neglect for five (5) years after his or her eighteenth (18th) birthday if a criminal charge has not previously been filed and the twelve (12) year statute of limitations has passed.

### **SECTION 17-501.3**

### **POSSESSION OR PROCUREMENT OF CHILD PORNOGRAPHY.**

A. It shall be unlawful to procure or cause the participation of any minor under the age of eighteen (18) years in any Child Pornography or to knowingly possesses, procures, ~~or~~ manufactures, or causes to be sold or distributed any Child Pornography.



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B. "Child Pornography" shall mean and includes any visual depiction or individual image stored or contained in any format on any medium including, but not limited to, film, motion picture, videotape, photograph, negative, undeveloped film, slide, photographic product, reproduction of a photographic product, play or performance wherein a minor under the age of eighteen (18) years is engaged in any act with a person, other than his or her spouse, of sexual intercourse which is normal or perverted, in any act of anal sodomy, in any act of sexual activity with an animal, in any act of sadomasochistic abuse including, but not limited to, flagellation or torture, or the condition of being fettered, bound or otherwise physically restrained in the context of sexual conduct, in any act of fellatio or cunnilingus, in any act of excretion in the context of sexual conduct, in any lewd exhibition of the uncovered genitals in the context of masturbation or other sexual conduct, or where the lewd exhibition of the uncovered genitals, buttocks or, if such minor is a female, the breast, has the purpose of sexual stimulation of the viewer, or wherein a person under the age of eighteen (18) years observes such acts or exhibitions. Each visual depiction or individual image shall constitute a separate item and multiple copies of the same identical material shall each be counted as a separate item.

C. Possession or Procurement of Child Pornography shall be punishable by a fine not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not to exceed three (3) years, or by both such fine and imprisonment.  
(PR38-017, 04/16/2021; PR39-007, 05/20/2022)

### **SECTION 17-501.4**

### **LEWD OR INDECENT PROPOSALS OR ACTS AS TO CHILD UNDER 16.**

A. It shall be unlawful for any person who is at least three (3) years older than the victim to knowingly and intentionally:

1. make any oral or written lewd or indecent proposal to any Child under sixteen (16) years of age for the child to have unlawful sexual relations or sexual intercourse in any form with any person;

2. look upon, touch, maul, or feel the body or private parts of any Child under sixteen (16) years of age in any lewd or lascivious manner;

3. ask, invite, entice, or persuade any Child under sixteen (16) years of age to go alone with any person to a secluded, remote, or secret place, with the unlawful and willful intent and purpose to then and there commit any crime against public decency and morality with the Child; or

## **Offenses and Penalties**

4. in any manner lewdly or lasciviously look upon, touch, maul, or feel the body or private parts of any Child under sixteen (16) years of age or masturbate in the presence of a Child, with or without ejaculation, or force or require a Child to look upon the body or private parts of another person or upon sexual acts performed in the presence of the Child or force or require a Child to touch or feel the body or private parts of said Child or another person.

B. Lewd or Indecent Proposals or Acts as to Child Under 16 shall be punishable by a fine not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not to exceed three (3) years, or by both such fine and imprisonment.

C. Any person convicted of a second violation of this Section shall not be eligible for probation, suspended or deferred sentence.  
(TL14-002, 4/18/97; PR38-012, 2/22/2021; PR39-007, 05/20/2022)

### **SECTION 17-502.5                      CHILD SEXUAL ABUSE**

A. It shall be unlawful for a person responsible for a child's health, safety, or welfare to willfully or maliciously engage in with that child: sexual intercourse, penetration of the vagina or anus, however slight, by an inanimate object or any part of the human body not amounting to sexual intercourse, sodomy, incest, or a lewd act or proposal.

B. Child Sexual Abuse shall be punishable by a fine not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not to exceed three (3) years, or by both such fine and imprisonment.

C. Any person convicted of a second violation of this Section shall not be eligible for probation, suspended or deferred sentence.  
(PR39-007, 05/20/2022)

### **SECTION 17-501.6                      TRAFFICKING IN CHILDREN.**

A. It shall be unlawful to:

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

## **Offenses and Penalties**

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

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

B. For purposes of this Section, "Child" means an unmarried or unemancipated person under the age of eighteen (18) years.

C. This Section does not apply to attorneys or advocates licensed by the Chickasaw Nation courts receiving reasonable fees for legal services actually rendered in the course of lawful adoption proceedings, nor shall subparagraphs A.1 or A.2 above apply to any bona fide social worker or government employee receiving his or her normal salary and making such placements as a part of his or her official duties.

D. Trafficking in Children shall be punishable by a fine not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not to exceed three (3) years, or by both such fine and imprisonment.  
(TL14-002, 4/18/97; PR15-030, 9/23/98; PR38-012, 2/22/2021; PR39-007, 05/20/2022)

### **SECTION 17-501.7**

### **MANDATORY SCHOOL ATTENDANCE.**

A. It shall be unlawful for a Parent, Guardian, or Custodian having custody of a Child who is over the age of five (5) years, and under the age of eighteen (18) years, to neglect or refuse to cause or compel such Child to attend and comply with the rules of some public, private, or other School, unless other means of education are provided for the full term the Schools of the district are in session or the Child is excused as otherwise provided for in the Chickasaw Nation Code.

B. Any Parent, Guardian, Custodian, or other person violating this Section, upon conviction, shall be guilty of a misdemeanor, and shall be punished as follows:

1. For the first offense, a fine of not less than Twenty-five Dollars (\$25) nor more than Fifty Dollars (\$50), or imprisonment for not more than five (5) days, or both such fine and imprisonment; and

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2. For the second offense, a fine of not less than Fifty Dollars (\$50) nor more than One Hundred Dollars (\$100), or imprisonment not more than ten (10) days, or both such fine and imprisonment; and

3. For the third or subsequent offense, a fine of not less than One Hundred Dollars (\$100) nor more than Two Hundred Fifty Dollars (\$250), or imprisonment for not more than fifteen (15) days, or both such fine and imprisonment.

C. Each day the Child remains out of School after the oral and documented or written warning has been given by the Court to the Parent, Guardian, or Custodian of the Child shall constitute a separate offense.

D. It shall be a defense for a Parent, Guardian, Custodian, or other person charged for violating this section the Parent, Guardian, Custodian, or other person charged with the violation exercised reasonable diligence in attempting to cause a Child to attend School or that the School did not fulfill its duties under the law.

E. For purposes of this Section, “Child,” “Parent,” “Guardian,” or “Custodian” shall have the meaning ascribed to them in Title 6, Section 6-301.3.

F. For purposes of this Section, “School” shall have the meaning ascribed to it in Title 5, Section 5-503.2.  
(PR40-004, 02/17/2023)

## ARTICLE B PROTECTION OF VULNERABLE ADULTS

Section 17-502.1	Definitions
Section 17-502.2	Abuse of a Vulnerable Adult
Section 17-502.3	Neglect of a Vulnerable Adult
Section 17-502.4	Exploitation of a Vulnerable Adult

### **SECTION 17-502.1 DEFINITIONS.**

For purposes of this Article,

1. “Caretaker” means:

## Offenses and Penalties

a. a person who has the responsibility or assumed the responsibility for the care of a vulnerable adult or the financial management of the resources of a vulnerable adult, voluntarily, by contract, or by law;

b. an institution, agency, or its employees, that voluntarily provide or is required by law to provide services or resources to a vulnerable adult; or,

c. a person who has been appointed as a guardian, limited guardian, or conservator by an order of a court.

2. “Vulnerable Adult” means:

a. A person eighteen (18) years or older who:

i. possesses physical, mental or emotional infirmity or dysfunction or has a history, or has been classified as having, an impairment which substantially limits a major life activity;

ii. has a physical or mental condition that substantially impairs the adult’s ability to adequately provide for that adult’s daily needs, including, but not limited to, a resident of a nursing home or a resident of an assisted living facility; or

iii. is unable to receive and evaluate information or make or communicate informed decisions to such an extent that the adult lacks the ability to meet essential requirements for physical health, safety, or self-care, even with reasonable available appropriate technological assistance.

b. A person sixty (60) years or older.

3. “Harm” means any real or threatened physical, mental, or emotional injury or damage to the health, safety, or welfare of body or mind that is not accidental, including but not limited to, sexual abuse, sexual exploitation, and neglect.

### **SECTION 17-502.2 ABUSE OF A VULNERABLE ADULT.**

A. It shall be unlawful for a Caretaker to willfully or maliciously Harm a Vulnerable Adult.

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B. Abuse of a Vulnerable Adult shall be punishable by a fine not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not to exceed three (3) years, or by both such fine and imprisonment.

### **SECTION 17-502.3 NEGLECT OF A VULNERABLE ADULT.**

A. It shall be unlawful for a Caretaker to willfully or recklessly:

1. fail or omit to provide to the Vulnerable Adult any of the following:

a. adequate food, clothing, shelter, medical care, or supervision; or

b. special care made necessary by the physical or mental condition of the Vulnerable Adult;

2. fail or omit to protect a Vulnerable Adult from exposure to any of the following:

a. the use, possession, sale, or manufacture of illegal drugs;

b. illegal activities;

c. unwanted sexual acts or materials; or

d. Harm.

B. Neglect of a Vulnerable Adult shall be punishable by a fine not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not to exceed three (3) years, or by both such fine and imprisonment.

### **SECTION 17-502.4 EXPLOITATION OF A VULNERABLE ADULT.**

A. It shall be unlawful:

1. for any Caretaker to improperly use, control, take, or withhold the property, income, resources, or trust fund of a Vulnerable Adult for the Caretaker's profit or advantage other than for the benefit of the Vulnerable Adult, or

## Offenses and Penalties

2. to force, compel, coerce, or entice a Vulnerable Adult to perform services for the profit or advantage of the Caretaker or another person against the will of the Vulnerable Adult.

B. Exploitation of a Vulnerable Adult shall be punishable by a fine not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not to exceed three (3) years, or by both such fine and imprisonment.  
(PR38-036, 08/20/2021)

### ARTICLE C OFFENSES RELATED TO ASSAULT AND BATTERY OR DEATH

Section 17-503.1	Definition of Assault.
Section 17-503.2	Definition of Battery.
Section 17-503.3	Assault and Battery.
Section 17-503.4	Aggravated Assault and Battery.
Section 17-503.5	Assault and Battery with a Dangerous Weapon.
Section 17-503.6	Assault and Battery on a Law Enforcement Officer.
Section 17-503.7	Assault and Battery on an Officer of the Court.
Section 17-503.8	Assault and Battery on a Health Care Provider.
Section 17-503.9	Maiming.
Section 17-503.10	Homicide in the First Degree.
Section 17-503.11	Homicide in the Second Degree.
Section 17-503.12	Shooting with Intent to Kill.
Section 17-503.13	Unlawful Pointing of a Firearm.
Section 17-503.14	Administering Poison.
Section 17-503.15	Causing a Suicide.
Section 17-503.16	Aiding or Soliciting a Suicide.

#### **SECTION 17-503.1**                      **DEFINITION OF ASSAULT.**

For purposes of this Chapter, “assault” means any willful and unlawful attempt or offer with force or violence to do a corporal hurt to another.  
(PR39-007, 05/20/22; PR39-013, 09/20/2022)

#### **SECTION 17-503.2**                      **DEFINITION OF BATTERY.**

For purposes of this Article, “battery” means any willful and unlawful use of force or violence upon the person of another.  
(PR39-007, 05/20/22)

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### **SECTION 17-503.3                    ASSAULT AND BATTERY.**

A.     It shall be unlawful to, without justifiable and excusable cause, commit an assault, battery, or assault and battery upon another.

B.     Assault, Battery, or Assault and Battery shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

(TL14-002, 4/18/97; (PR39-007, 05/20/22)

### **SECTION 17-503.4                    AGGRAVATED ASSAULT AND BATTERY.**

A.     It shall be unlawful for every person who, with intent to do bodily harm and without justifiable or excusable cause, commits an assault and battery upon a person of another:

1.     causing serious bodily injury; or
2.     when committed by a person of robust health or strength upon one who is aged, decrepit, or incapacitated.

B.     For purposes of this section “serious bodily injury” means bone fracture, protracted and obvious disfigurement, protracted loss or impairment of the function of a body part, organ or mental faculty, or substantial risk of death.

C.     Aggravated Assault and Battery shall be punishable by a fine not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not to exceed three (3) years, or by both such fine and imprisonment.

(PR39-007, 05/20/22)

### **SECTION 17-503.5                    ASSAULT AND BATTERY WITH A DANGEROUS WEAPON.**

A.     It shall be unlawful for every person who, with intent to do bodily harm and without justifiable or excusable cause, commits any assault, battery, or assault and battery upon the person of another with any sharp or dangerous weapon.



## **Offenses and Penalties**

B. Assault and Battery with Dangerous shall be punishable by a fine not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not to exceed three (3) years, or by both such fine and imprisonment.  
(PR39-007, 05/20/22)

### **SECTION 17-503.6                      ASSAULT AND BATTERY ON A LAW ENFORCEMENT OFFICER.**

A. It shall be unlawful for every person who, without justifiable or excusable cause knowingly commits an assault, battery or assault and battery upon the person of a Law Enforcement Officer as defined in Section 5-201.2.

B. Assault and Battery on Law Enforcement Officer shall be punishable by a fine not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not to exceed three (3) years, or by both such fine and imprisonment.  
(PR39-007, 05/20/22)

### **SECTION 17-503.7                      ASSAULT AND BATTERY ON AN OFFICER OF THE COURT.**

A. It shall be unlawful for every person who, without justifiable or excusable cause knowingly commits Assault, Battery, or Assault and Battery upon an Officer of the Court.

B. For purposes of this section, "Officer of the Court" means judges, bailiffs, court reporters, court clerks, witnesses, jurors, prosecutors, probation officers, jail staff, re-entry program staff, drug court staff, other employees of the court or prosecution or other persons providing services for the court or prosecution staff.  
(PR39-013, 09/13/2022)

C. Assault and Battery on Officer of the Court shall be punishable by a fine not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not to exceed three (3) years, or by both such fine and imprisonment.  
(PR39-007, 05/20/22)

## **Offenses and Penalties**

### **SECTION 17-503.8**

### **ASSAULT AND BATTERY ON A HEALTH CARE PROVIDER.**

A. It shall be unlawful for every person who, without justifiable or excusable cause, commits any assault, battery or assault and battery upon the person of a health care provider in a health care facility or appurtenant to providing health care.

B. For purposes of this section, “health care provider” means doctors, residents, interns, non-physician practitioners, nurses, nurses’ aides, ambulance attendants and operators, paramedics, emergency medical technicians, laboratory technicians, radiologic technologists, physical therapists, chaplains, volunteers, pharmacists, students receiving clinical education, mental and behavioral health care practitioners, and members of a hospital security staff.

C. Assault and Battery on Health Care Provider shall be punishable by a fine not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not to exceed three (3) years, or by both such fine and imprisonment.  
(PR39-007, 05/20/22)

### **SECTION 17-503.9**

### **MAIMING.**

A. It shall be unlawful to wrongfully, purposely, or knowingly deprive a human being of a member of his body or render it useless, or to cut out or off, disable or disfigure any part of the body of another.

B. Maiming shall be punishable by a fine not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not to exceed three (3) years, or by both such fine and imprisonment.  
(TL14-002, 4/18/97; PR15-030, 9/23/98; PR39-007, 05/20/22)

### **SECTION 17-503.10**

### **HOMICIDE IN THE FIRST DEGREE.**

A. It shall be unlawful to:

1. purposely, knowingly, and wrongfully with the malice aforethought cause the death of another human being; or

## **Offenses and Penalties**

2. cause the death of another human being due to the commission or attempted commission of a felony, a crime under this code, or any offense under the Major Crimes Act.

B. Homicide in the First Degree shall be punishable by a fine not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not less than (1) year, but not to exceed three (3) years, or by both such fine and imprisonment.  
(TL14-002, 4/18/97; PR15-030, 9/23/98; PR38-012, 2/22/2021; PR39-007, 05/20/22)

### **SECTION 17-503.11                      HOMICIDE IN THE SECOND DEGREE.**

A        It shall be unlawful to:

1.        Recklessly or negligently with disregard of the possible consequence of one's conduct to cause the death of another human being; or

2.        Cause the death of another human being by operating a motor vehicle in a reckless, negligent, or careless manner, or while under the influence of an alcoholic beverage, intoxicating liquor, a controlled substance, or any drug, to a degree which renders the person incapable of safely driving a vehicle.

        a.        A blood alcohol content in excess of .08 shall create a rebuttable presumption that the person was under the influence of an alcoholic beverage.

        b.        For purposes of this Section, a motor vehicle is any self-propelled vehicle and includes, but is not limited to, any automobile, truck, van, motorcycle, train, engine, water craft, aircraft, or snowmobile.

B.        Homicide in the Second Degree shall be punishable by a fine not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not to exceed three (3) years, or by both such fine and imprisonment.  
(TL14-002, 4/18/97; PR15-030, 9/23/98; PR38-012, 2/22/2021; PR39-007, 05/20/22)

### **SECTION 17-503.12                      SHOOTING WITH INTENT TO KILL.**

A.        It shall be unlawful to intentionally and wrongfully shoot another with or discharge any kind of firearm, with intent to kill any person, including an unborn child.

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B. Shooting with Intent to Kill shall be punishable by a fine not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not to exceed three (3) years, or by both such fine and imprisonment.

C. For purposes of this Section, “unborn child” means the unborn offspring of human beings from the moment of conception, through pregnancy, and until live birth including the human conceptus, zygote, morula, blastocyst, embryo, and fetus.  
(PR39-007, 05/20/22)

### **SECTION 17-503.13                      UNLAWFUL POINTING OF A FIREARM.**

A. It shall be unlawful to willfully point a firearm or other deadly weapon whether loaded or not at any other person or persons under circumstances not amounting to self-defense.

B. Unlawful Pointing of a Firearm shall be punishable by a fine not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not to exceed three (3) years, or by both such fine and imprisonment.  
(PR39-007, 05/20/22)

### **SECTION 17-503.14                      ADMINISTERING POISON.**

A. It shall be unlawful to willfully administer, cause, or procure to be administered, poison to another with the intent to kill or physically harm any person.

B. Administering Poison shall be punishable by a fine not to exceed fifteen thousand dollars (\$15,000), by term of imprisonment not to exceed three (3) years, or by both such fine and imprisonment.  
(PR39-007, 05/20/22)

### **SECTION 17-503.15                      CAUSING A SUICIDE.**

A. It shall be unlawful to intentionally cause a suicide by force, duress, or deception.

B. Causing a Suicide shall be punishable by a fine not to exceed fifteen thousand dollars (\$15,000), by term of imprisonment not to exceed three (3) years, or by both such fine and imprisonment.  
(TL14-002, 4/18/97; PR15-030, 9/23/98; PR38-012, 2/22/2021; PR39-007, 05/20/22)

**Offenses and Penalties**

**SECTION 17-503.16                    AIDING OR SOLICITING A SUICIDE.**

A.        It shall be unlawful to intentionally aid or solicit another to attempt or commit suicide.

B.        Aiding or Soliciting a Suicide shall be punishable by a fine not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not to exceed three (3) years, or by both such fine and imprisonment.

(TL14-002, 4/18/97; PR15-030, 9/23/98; PR38-012, 2/22/2021; PR39-007, 05/20/22)

**ARTICLE D  
SEX OFFENSES**

- Section 17-504.1        Rape in the First Degree.
- Section 17-504.2        Rape in the Second Degree.
- Section 17-504.3        Sexual Battery.
- Section 17-504.4        Indecent Exposure.
- Section 17-504.5        Eligibility for Probation, Suspended or Deferred Sentence.
- Section 17-504.6        Sex Trafficking.
- Section 17-504.7        Entering or Traveling within the Chickasaw Nation with the Intent to Engage in Illicit Sexual Conduct.

**SECTION 17-504.1                    RAPE IN THE FIRST DEGREE.**

A.        It shall be unlawful to intentionally and wrongfully:

1.        compel another to submit to sexual intercourse in any form by force or by threat of imminent death, serious bodily injury, extreme pain, or kidnapping to be inflicted on that person or anyone else; or
2.        engage in sexual intercourse in any form with a person under the age of fourteen (14), regardless of consent.

B.        It is not a defense to Rape in the First Degree that the victim was the spouse of the defendant.

## **Offenses and Penalties**

C. Rape in the First Degree shall be punishable by a fine not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not less than one (1) year, but not to exceed three (3) years, or by both such fine and imprisonment.  
(TL14-002, 4/18/97; PR15-030, 9/23/98; PR39-007, 05/20/22)

### **SECTION 17-504.2**

### **RAPE IN THE SECOND DEGREE.**

A. It shall be unlawful to intentionally and wrongfully:

1. compel another to submit to sexual intercourse in any form by any threat that would prevent resistance by a person of ordinary resolution;

2. engage in sexual intercourse in any form with another whose power to appraise or control his or her conduct has been substantially impaired by the administration or employment of drugs or other intoxicants, without his or her knowledge, and for the purpose of preventing resistance;

3. engage in sexual intercourse in any form with a person with the knowledge that the person suffers from a mental or physical disease or defect which renders that person incapable of appraising the nature of his or her conduct;

4. engage in sexual intercourse in any form with a person who is unconscious or with a person who is unaware, or with a person who submits because he or she falsely supposes that the person is his or her spouse; or

5. engage in sexual intercourse in any form with a person under the age of sixteen (16) but over the age of fourteen (14), regardless of consent, the perpetrator being at least four (4) years older than the victim.

6. engage in sexual intercourse in any form with a person who is under the legal custody or supervision of a tribal agency, state agency, federal agency, a county, a municipality, a subdivision of said agency, subcontractor of said agency, or employee of said agency, subdivision or subcontractor and the defendant exercises authority over the victim.

7. engage in sexual intercourse in any form with a person who is at least sixteen (16) years of age and is less than twenty (20) years of age and is a student, or under the legal custody or supervision of any public or private elementary or secondary

## **Offenses and Penalties**

school, junior high or high school, or public vocational school, and the defendant is eighteen (18) years of age or older and is an employee of the same school system.

B. It is not a defense to Rape in the Second Degree that the victim was the spouse of the defendant.

C. Rape in the Second Degree shall be punishable by a fine not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not to exceed three (3) years, or by both such fine and imprisonment.

(TL14-002, 4/18/97; PR15-030, 9/23/98; PR38-012, 2/22/2021; PR39-007, 05/20/22)

### **SECTION 17-504.3**

### **SEXUAL BATTERY.**

A. It shall be unlawful to intentionally touch, maul or feel of the body or private parts of any person sixteen (16) years of age or older, in a lewd and lascivious manner and without the consent of that person.

B. Sexual Battery shall be punishable by a fine not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not to exceed three (3) years, or by both such fine and imprisonment.

(PR39-007, 05/20/22)

### **SECTION 17-504.4**

### **INDECENT EXPOSURE.**

A. It shall be unlawful to willfully and knowingly expose his or her genitals in any public place, or in any place where there are other persons present to be offended or annoyed thereby.

B. A person alleged to have committed an act of public urination shall not be prosecuted under this Section.

C. Upon conviction, the Court may require the offender to register as a sex offender under Title 17, Chapter 2, Article A, the Chickasaw Nation Sex Offender Registration and Notification Act.

D. Indecent Exposure shall be punishable by a fine not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not to exceed three (3) years, or by both such fine and imprisonment.

## Offenses and Penalties

(PR39-007, 05/20/22)

### **SECTION 17-504.5**                    **ELIGIBILITY FOR PROBATION, SUSPENDED OR DEFERRED SENTENCE.**

Any person convicted of a second or subsequent violation of an Article D offense shall not be eligible for probation, suspended or deferred sentence.

(PR39-007, 05/20/22)

### **SECTION 17-504.6**                    **SEX TRAFFICKING.**

A. It shall be unlawful to knowingly:

1. recruit, entice, harbor, maintain, transport, provide, obtain, advertise, patronize, or solicit another person, while knowing or, except in the case of advertising, in reckless disregard of the fact that force, threats of force, fraud, coercion, or any combination of such means will be used to cause said person to engage in a Commercial Sex Act; or

2. recruit, entice, harbor, maintain, transport, provide, obtain, advertise, patronize, or solicit another person, while knowing or, except in the case of advertising, in reckless disregard of the fact that said person has not attained the age of 18 years and will be caused to engage to engage in a Commercial Sex Act; or

3. benefit, financially or by receiving anything of value, from assisting, supporting, or facilitating a venture that has engaged in an act of recruiting, enticing, harboring, maintaining, transporting, providing, obtaining, advertising, patronizing, soliciting another person, while knowing or, except in the case of advertising, in reckless disregard of the fact that force, threats of force, fraud, coercion, or any combination of such means will be used to cause said person to engage in a Commercial Sex Act; or

4. benefit, financially or by receiving anything of value, from assisting, supporting, or facilitating a venture that has engaged in an act of recruiting, enticing, harboring, maintaining, transporting, providing, obtaining, advertising, patronizing, soliciting another person, while knowing or, except in the case of advertising, in reckless disregard of the fact that said person has not attained the age of 18 years and will be caused to engage to engage in a Commercial Sex Act.



## Offenses and Penalties

B. Sex Trafficking shall be punishable by a fine not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not to exceed three (3) years, or by both such fine and imprisonment.

C. In a prosecution under subsection (A)(2) or (A)(4) in which the defendant had a reasonable opportunity to observe the person so recruited, enticed, harbored, transported, provided, obtained, maintained, patronized, or solicited, the Nation need not prove that the defendant knew, or recklessly disregarded the fact, that the person had not attained the age of 18 years.

D. “Coercion” shall mean:

1. threats of serious harm to or physical restraint against any person;
2. any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to- or physical restraint against any person; or
3. use or threatened use of a law or legal process, whether administrative, civil, or criminal, in any manner or for any purpose for which the law was not designed, in order to exert pressure on another person to cause that person to take some action or refrain from taking some action.

E. “Commercial sex act” shall mean any sex act, on account of which anything of value is given to or received by any person.

F. “Serious harm” shall mean any harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing commercial sexual activity in order to avoid incurring that harm.

G. “Venture” shall mean any group of two or more individuals associated in fact, whether or not a legal entity.  
(PR39-013, 09/20/2022)

## Offenses and Penalties

### **SECTION 17-504.7**

### **ENTERING OR TRAVELING WITHIN THE CHICKASAW NATION WITH THE INTENT TO ENGAGE IN ILLICIT SEXUAL CONDUCT.**

A. It shall be unlawful to enter or travel within the Chickasaw Nation with a motivation of engaging in:

1. Any sexual act with a minor under the age of eighteen (18) years of age that would be a criminal offense of the laws of the Chickasaw Nation;
2. Any commercial sex act, as such term is defined in Section 17-504.6, with a minor under the age of eighteen (18);
3. Any violation of Section 17-501.3, Possession or Procurement of Child Pornography; or
4. Any violation of Section 17-504.6, Sex Trafficking, in which the victim being trafficked is a minor under the age of eighteen (18).

B. Entering or Traveling within the Chickasaw Nation with the Intent to Engage in Illicit Sexual Conduct shall be punishable by a fine not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not to exceed three (3) years, or by both such fine and imprisonment.

C. Any person convicted of a second violation of this Section shall not be eligible for probation, suspended or deferred sentence.

D. In a prosecution under this Section based on illicit sexual conduct as defined in subsection (A)(2), it is a defense, which the Defendant must establish by clear and convincing evidence, that the Defendant reasonably believed that the person with whom the Defendant engaged in the commercial sex act had attained the age of 18 years.

E. Whoever attempts or conspires to violate this Section shall be punishable in the same manner as a completed violation of this Section.

(PR39-013, 09/20/2022)

## Offenses and Penalties

### ARTICLE E DOMESTIC VIOLENCE OFFENSES

Section 17-505.1	Domestic Violence.
Section 17-505.2	Domestic Violence by Strangulation.
Section 17-505.3	Domestic Violence with Prior Pattern of Physical Abuse.
Section 17-505.4	Domestic Violence in the Presence of a Minor.
Section 17-505.5	Domestic Violence Upon a Pregnant Woman.
Section 17-505.6	Domestic Violence with a Dangerous Weapon.
Section 17-505.7	Aggravated Domestic Violence.
Section 17-505.8	Domestic Violence by Committing a Criminal Offense.

#### **SECTION 17-505.1**                      **DOMESTIC VIOLENCE.**

A. It shall be unlawful to::

1. commit an Assault, Battery, or Assault and Battery upon a Domestic or Dating Partner; or  
(PR39-013, 09/20/2022)

2. commit Assault, Battery, or Assault and Battery upon a parent, a foster parent, a child, a sibling, a person otherwise related by blood or marriage, a person who formerly lived in the same household as the defendant, a person living in the same household as the defendant, or any combination of such persons.  
(PR39-013, 09/20/2022)

3. engage in any sexual act by force or coercion; or

4. use or offer to use force or violence.

B. A Domestic or Dating Partner within this section means:

1. a current or former spouse or intimate partner;

2. a person with whom the perpetrator shares a child in common;

3. a person who is cohabitating with or has cohabitated with the perpetrator as a spouse or intimate partner; or

## Offenses and Penalties

4. a person who is or has been in a social relationship of a romantic or intimate nature with the perpetrator, as determined by the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

C. For purposes of this Article, a Domestic or Dating Partner does not include a neighbor, co-worker, casual acquaintance, or the ordinary fraternization between persons in a business or social context unless otherwise set out above.

D. Domestic Violence shall be punishable by a fine not exceeding five thousand dollars (\$5,000) or imprisonment not exceeding one (1) year, or both such fine and imprisonment.

E. A second or subsequent conviction of Domestic Violence, a conviction of any other offense in the Article, or any other equivalent conviction in tribal, Federal, State, or municipal courts, shall be punishable by a fine not exceeding fifteen thousand dollars (\$15,000) or imprisonment not exceeding three (3) years, or both.  
(PR39-013, 09/20/2022)

F. In addition to any other penalty specified by this Section, the Court may require a defendant to participate and complete a batterer's intervention program or similar program.  
(PR38-019, 04/16/2021; PR38-033, 7/16/2021; PR39-007, 05/20/22)

### **SECTION 17-505.2**

### **DOMESTIC VIOLENCE BY STRANGULATION.**

A. It shall be unlawful to willfully commit an Assault and Battery by strangulation or attempting to cause strangulation upon a Domestic or Dating Partner.  
(PR39-013, 09/20/2022)

B. For purposes of this section, "strangulation" means any form of asphyxia, including but not limited to, asphyxia characterized by the closure of the blood vessels or air passages of the neck as a result of external pressure on the neck however slight or the closure of the nostrils or mouth as a result of external pressure on the head.

C. A Domestic or Dating Partner shall mean the same as within Section 17-505.1.

## **Offenses and Penalties**

D. Domestic Violence by Strangulation shall be punishable by a fine not less than one thousand dollars (\$1,000) nor more than fifteen thousand dollars (\$15,000), or by imprisonment for a mandatory period not less than sixty (60) days nor more than three (3) years, or by both.

E. In addition to any other penalty specified by this Section, the Court may require a defendant to participate and complete a batterer's intervention program or similar program. (PR38-006, 12/18/2020; PR38-019, 04/16/2021; PR39-007, 05/20/22; PR39-013, 09/20/2022)

### **SECTION 17-505.3**

### **DOMESTIC VIOLENCE WITH PRIOR PATTERN OF PHYSICAL ABUSE.**

A. It shall be unlawful for any person who has a prior pattern of physical abuse to commit Assault, Battery or Assault and Battery upon a Domestic or Dating Partner. (PR39-013, 09/20/2022)

B. For purposes of this section, "prior pattern of physical abuse" means two or more separate incidents, including the current incident, occurring on different days and each incident relates to an act constituting Domestic Violence as defined by this Article against the same victim, where proof of each incident prior to the present incident is established by the sworn testimony of a third party who was a witness to the alleged physical abuse or by other admissible direct evidence that is independent of the testimony of the victim.

C. Domestic Violence with Prior Pattern of Physical Abuse shall be punishable by a fine not less than one thousand dollars (\$1,000) nor more than fifteen thousand dollars (\$15,000), or by imprisonment for a mandatory period not less than sixty (60) days nor more than three (3) years, or by both.

D. In addition to any other penalty specified by this Section, the Court may require a defendant to participate and complete a batterer's intervention program or similar program. (PR38-024, 5/24/2021; PR39-007, 05/20/22)

### **SECTION 17-505.4**

### **DOMESTIC VIOLENCE IN PRESENCE OF MINOR.**

A. It shall be unlawful to commit Assault, Battery, or Assault and Battery upon a Domestic or Dating Partner while in the presence of a minor.

## Offenses and Penalties

B. In this section, “in the presence of a minor” means in the physical presence of a child under the age of eighteen (18); or having knowledge that a child under the age of eighteen (18) is present and may see or hear an act of domestic violence. For the purpose of this section, a “child” may be any child whether or not related to the victim or the defendant.

C. Domestic Violence in Presence of Minor shall be punishable by a fine not exceeding five thousand dollars (\$5,000) or imprisonment not less than sixty (60) days nor more than one (1) year, or both such fine and imprisonment.  
(PR39-007, 05/20/22; PR39-013, 09/20/2022)

### **SECTION 17-505.5**                      **DOMESTIC VIOLENCE AGAINST A PREGNANT WOMAN.**

A. It shall be unlawful to commit Assault, Battery, or Assault and Battery against a Domestic or Dating Partner who is pregnant while having knowledge of the pregnancy.

B. Domestic Violence Against a Pregnant Woman shall be punishable by a fine not exceeding five thousand dollars (\$5,000) or imprisonment not less than sixty (60) days nor more than one (1) year, or both such fine and imprisonment.  
(PR39-007, 05/20/22; PR39-013, 09/20/2022)

### **SECTION 17-505.6**                      **DOMESTIC VIOLENCE WITH A DANGEROUS WEAPON.**

A. It shall be unlawful to commit Assault, Battery, or Assault and Battery upon a Domestic or Dating Partner with any sharp or dangerous weapon.

B. Domestic Violence with a Dangerous Weapon shall be punishable by a fine not less than one thousand dollars (\$1,000) nor more than fifteen thousand dollars (\$15,000), or by imprisonment for a mandatory period not less than sixty (60) days nor more than three (3) years, or by both.  
(PR39-007, 05/20/22; PR-013, 09/20/2022)

### **SECTION 17-505.7**                      **AGGRAVATED DOMESTIC VIOLENCE.**

A. It shall be unlawful to commit Assault and Battery upon a Domestic or Dating Partner that results in Serious Bodily Injury as defined by Section 17-503.4(B).

## Offenses and Penalties

B. Aggravated Domestic Violence shall be punishable by a fine not less than one thousand dollars (\$1,000) nor more than fifteen thousand dollars (\$15,000), or by imprisonment for a mandatory period not less than sixty (60) days nor more than three (3) years, or by both. (PR39-007, 05/20/22)

### **SECTION 17-505.8**                      **DOMESTIC VIOLENCE BY COMMITTING A CRIMINAL OFFENSE.**

A. It shall be unlawful to commit any criminal violation within the Chickasaw Nation Code upon a Domestic or Dating Partner; or,

B. Domestic Violence by Committing of a Criminal Offense shall be punishable in accordance with the range of punishment for the underlying criminal offense.

C. Nothing in this section shall allow a Defendant to be charged with both an offense under this Section and the underlying criminal offense.

D. In addition to any other penalty specified by this Section, the Court may require a defendant to participate and complete a batterer's intervention program or similar program. (PR39-013, 09/20/2022)

## ARTICLE F MISCELLANEOUS OFFENSES AGAINST PERSONS

- |                  |  |
|------------------|--|
| Section 17-506.1 | Planning or Threatening Violent Act.             |
| Section 17-506.2 | Kidnapping.                                      |
| Section 17-506.3 | False Imprisonment.                              |
| Section 17-506.4 | Criminal Coercion.                               |
| Section 17-506.5 | Obscene, Threatening or Harassing Communication. |
| Section 17-506.6 | Stalking.  |
| Section 17-506.7 | Harassment.                                      |
| Section 17-506.8 | Robbery.   |
| Section 17-506.9 | Placing Bodily Fluid on a Government Employee.   |

### **SECTION 17-506.1**                      **PLANNING OR THREATENING VIOLENT ACT.**

A. It shall be unlawful to attempt, conspire or endeavor to perform an act of violence involving or intended to involve serious bodily harm or death of another person.

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B. It shall be unlawful to threaten to perform an act of violence involving or intended to involve serious bodily harm or death of another person.

C. Subsection A of this Section shall be punishable by a fine not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not to exceed three (3) years, or both.

D. Subsection B of this Section shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or both.  
(PR39-007, 05/20/22)

### **SECTION 17-506.2                      KIDNAPPING.**

A. It shall be unlawful to wrongfully seize, confine, inveigles, decoys, kidnaps, abducts, or carry away another, with intent to confine or imprison such person against the will of that person, without lawful authority to do so.

B. A kidnapping is “wrongful” within the meaning of this Section if it is accomplished by force, threat, or deception, or, in the case of a Child under the age of fourteen (14) or incompetent, if it is accomplished without the consent of a parent, guardian, or other person responsible for general supervision of his welfare.

C. Kidnapping shall be punishable by a fine not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not less than (1) year, but not to exceed three (3) years, or by both such fine and imprisonment three (3) years, or by both such fine and imprisonment.  
(TL14-002, 4/18/97; PR15-030, 9/23/98; PR38-012, 2/22/2021; PR39-007, 05/20/22)

### **SECTION 17-506.3                      FALSE IMPRISONMENT.**

A. It shall be unlawful to knowingly and wrongfully restrain or imprison another so as to interfere with his liberty.

B. False Imprisonment shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or both, unless the detention occurs under circumstances which expose the victim to a risk of serious bodily injury. In which case, exposing the victim to such risk during commission of the offense shall be punishable as an additional offense by a fine not to exceed five thousand dollars (\$5,000), or by a term of imprisonment not to exceed one (1) year, or both.



## **Offenses and Penalties**

(TL14-002, 4/18/97; PR15-030, 9/23/98; PR39-007, 05/20/22)

### **SECTION 17-506.4                      CRIMINAL COERCION.**

A. It shall be unlawful to intentionally and wrongfully restrict another's freedom of action to his detriment by threatening to:

1. commit any criminal offense;
2. accuse anyone wrongfully of a criminal offense;
3. expose any secret tending to subject any person to hatred, contempt or ridicule, or to impair his credit or business reputation; or
4. unlawfully take or withhold action as an official, or cause an official to take or withhold action.

B. It is an affirmative defense to Criminal Coercion, except for subsection (A)(1), above, that the defendant believed the accusation or secret to be true or the proposed official action justified and that his purpose was limited to compelling the other in a lawful manner to behave in a way reasonably related to the circumstances which were the subject of the accusation, exposure, or proposed official action.

C. Criminal Coercion shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

(TL14-002, 4/18/97; PR39-007, 05/20/22)

### **SECTION 17-506.5                      OBSCENE, THREATENING OR HARASSING COMMUNICATION.**

A. It shall be unlawful to, by means of a telephone or other electronic device, willfully:

1. make any comment, request, suggestion, or proposal which is obscene, lewd, lascivious, filthy, or indecent to another;

## **Offenses and Penalties**

2. attempt a communication, whether or not conversation ensues, with intent to put another in fear of physical harm or death;

3. attempt a communication, whether or not conversation ensues, without disclosing his identity and with intent to annoy, abuse, threaten, or harass another;

4. knowingly permit any telephone or electronic device under his control to be used for any purpose prohibited by this Section; or

5. in conspiracy or concerted action with other persons, make repeated or simultaneous communications solely to harass another.

B. Use of a telephone or electronic device under this Section shall include all use made of such device between the points of origin and reception. Any offense under this Section is a continuing offense and shall be deemed to have been committed at either the place of origin or the place of reception.

C. Obscene, Threatening or Harassing Communication shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.  
(TL14-002, 4/18/97; PR15-030, 9/23/98; PR39-007, 05/20/22)

### **SECTION 17-506.6                      STALKING.**

A. It shall be unlawful to willfully, maliciously, and repeatedly follow or Harass another person in a manner that:

1. would cause a reasonable person or a Member of the Immediate Family of that person as defined in Subsection E below to feel frightened, intimidated, threatened, harassed, or molested; or

2. actually causes the person being followed or harassed to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

B. Stalking shall be punishable by a fine of not more than five thousand dollars (\$5,000), by imprisonment for not more than one (1) year, or both.

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C. A second or subsequent conviction of Stalking shall be punishable by a fine not exceeding fifteen thousand dollars (\$15,000) or imprisonment not exceeding three (3) years, or both.

D. Evidence that the defendant continued to engage in a Course of Conduct involving repeated Unconsented Contact with the victim after having been requested by the victim to discontinue the same or a different form of Unconsented Contact, and to refrain from any further Unconsented Contact with the victim, shall give rise to a rebuttable presumption that the continuation of the Course of Conduct caused the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

E. For purposes of this Section:

1. "Harasses" means conduct directed toward a person that includes, but is not limited to, repeated or continuing Unconsented Contact, that would cause a reasonable person to suffer Emotional Distress, and that actually causes Emotional Distress to the victim. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose.

2. "Course of Conduct" means a series of two (2) or more separate acts over a period of time, however short or long, evidencing a continuity of purpose, which may include any of the following, without limitation:

- a. maintaining a visual or physical proximity to the victim,
- b. approaching or confronting the victim in a public place or on private property,
- c. appearing at the workplace of the victim or contacting the employer or coworkers of the victim,
- d. appearing at the home of the victim or contacting the neighbors of the victim,
- e. entering onto or remaining on property owned, leased, or occupied by the victim,
- f. contacting the victim by telephone, text message, electronic message, electronic mail, or other means of electronic communication or causing

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the telephone or electronic device of the victim or the telephone or electronic device of any other person to ring or generate notifications repeatedly or continuously, regardless of whether a conversation ensues,

g. photographing, videotaping, audiotaping, or, through any other electronic means, monitoring or recording the activities of the victim. This subparagraph applies regardless of where the act occurs,

h. sending to the victim any physical or electronic material or contacting the victim by any means, including any message, comment, or other content posted on any Internet site or web application,

i. sending to a family member or member of the household of the victim, or any current or former employer of the victim, or any current or former coworker of the victim, or any friend of the victim, any physical or electronic material or contacting such person by any means, including any message, comment, or other content posted on any Internet site or web application, for the purpose of obtaining information about, disseminating information about, or communicating with the victim,

j. placing an object on or delivering an object to property owned, leased, or occupied by the victim,

k. delivering an object to a family member or member of the household of the victim, or an employer, coworker, or friend of the victim, or placing an object on, or delivering an object to, property owned, leased, or occupied by such a person with the intent that the object be delivered to the victim, or

l. causing a person to engage in any of the acts described in subparagraphs a through k of this paragraph.

(PR40-010, 04/17/2023)

Constitutionally protected activity is not included within the meaning of "course of conduct."

3. "Emotional Distress" means significant mental suffering or distress that may, but does not necessarily require, medical or other professional treatment or counseling.

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4. "Unconsented Contact" means any contact with another individual that is initiated or continued without the consent of the individual, or in disregard of that individual's expressed desire that the contact be avoided or discontinued. Constitutionally protected activity is not included within the meaning of unconsented contact. Unconsented contact includes but is not limited to any of the following:

- a. following, which includes, but is not limited to, tracking of the movement or location of an individual through the use of a Global Positioning System (GPS) device or other monitoring device by a person, or appearing within the sight of that individual;  
(PR40-010, 04/17/2023)
- b. approaching or confronting that individual in a public place or on private property;
- c. appearing at the work place or residence of that individual;
- d. entering onto or remaining on property owned, leased, or occupied by that individual;
- e. contacting that individual by telephone;
- f. sending mail or electronic communications to that individual; and
- g. placing an object on, or delivering an object to, property owned, leased, or occupied by that individual.

5. "Member of the Immediate Family" means any spouse, parent, Child, person related within the third degree of consanguinity or affinity or any other person who regularly resides in the household or who has regularly resided in the household within the prior six (6) months.  
(TL14-002, 4/18/97; PR15-030, 9/23/98; PR39-007, 05/20/22)

E. Whenever a law enforcement agency receives a complaint of stalking and finds that such conduct has occurred, the law enforcement agency shall be required to provide a copy of a Stalking Warning Letter to the accused provided that the victim does not otherwise request that such letter not be served upon the accused. The Stalking Warning Letter shall be served upon the accused in the same manner as a bench warrant. However, nothing shall prohibit arrest and prosecution of Stalking without service of the Stalking Warning Letter.

**Offenses and Penalties**

F. The Stalking Warning Letter, as required by the provisions of Subsection E of this section, shall be utilized by law enforcement agencies throughout the Chickasaw Nation and shall be in substantially the following form:

Stalking Warning Letter  
The Chickasaw Nation

\_\_\_\_\_  
(Name of law enforcement agency)

RE: \_\_\_\_\_  
(Complainant)

Stalking Warning Letter served to: \_\_\_\_\_

\_\_\_\_\_  
(Home Address)

\_\_\_\_\_  
(Date of Birth)

The above-named law enforcement agency has recently investigated a complaint about your behavior towards the above-named individual. The behavior you have engaged in could be interpreted as "stalking" as provided for in Title 17, Section 17-506.6, of the Chickasaw Nation Code. Stalking can be described as intentionally engaging in a course of conduct directed at a specific person that would cause a reasonable person under the same circumstances to suffer serious emotional distress, or place the specific person in reasonable fear of bodily injury. Your behavior has induced such fear or distress in the above-named individual. Stalking is a criminal offense under the laws of the Chickasaw Nation. The Chickasaw Nation and law enforcement agencies take this law very seriously.

Please consider this a formal warning that any future conduct by you toward the above-named individual could result in arrest by law enforcement and prosecution by the Chickasaw Nation.

\_\_\_\_\_

**Offenses and Penalties**

Print Name of Chief of Law Enforcement Agency

\_\_\_\_\_  
Signature of Chief of Law Enforcement Agency

Served in hand \_\_\_\_\_  
(Date and Time)

by \_\_\_\_\_  
(Office and Badge Number)

On behalf of \_\_\_\_\_  
(Law Enforcement Agency)

at \_\_\_\_\_  
(Location of Service)

(PR40-010, 04/17/2023)

**SECTION 17-506.7                      HARASSMENT.**

A.     It shall be unlawful, with the purpose to annoy or alarm another, to insult, taunt, or challenge another in a manner likely to provoke a violent or disorderly response or to make repeated communications anonymously or at extremely inconvenient hour or in offensively coarse language.

B.     Harassment shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.  
(TL14-002, 4/18/97; PR39-007, 05/20/22)

**SECTION 17-506.8                      ROBBERY.**

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

B.     Robbery shall be punishable by a fine not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not less than one (1) year, but not to exceed three (3) years, or by both such fine and imprisonment.

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(TL14-002, 4/18/97; PR15-030, 9/23/98; PR38-012, 2/22/2021; PR39-007, 05/20/22)

### **SECTION 17-506.9**                    **PLACING BODILY FLUIDS UPON GOVERNMENT EMPLOYEE.**

A.     It shall be unlawful for any person in the custody of the tribe, state, county, municipal city or federal government to throw, transfer or in any manner place feces, urine, semen, saliva or blood upon the person of an employee of the tribe, state, county, municipal city, federal government, or agency or contractor thereof.

B.     Placing Bodily Fluids upon Government Employee shall be punishable by a fine not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not to exceed three (3) years, or by both such fine and imprisonment.  
(PR39-007, 05/20/22)

## ARTICLE G DEFENSES TO OFFENSES AGAINST PERSONS

Section 17-507.1     Lawful Use of Force by Officer.  
Section 17-507.2     Self Defense.  
Section 17-507.3     Defense of Another.  
Section 17-507.4     Defense of Property.

### **SECTION 17-507.1**                    **LAWFUL USE OF FORCE BY OFFICER.**

To use or attempt to offer to use force or violence upon or toward the person of another is not unlawful when necessarily committed by a public officer in the performance of any legal duty, or by any other person assisting such officer or acting by such officer's direction.  
(PR39-007, 05/20/22)

### **SECTION 17-507.2**                    **SELF DEFENSE.**

To use or attempt to offer to use force or violence upon or toward the person of another is not unlawful when necessarily committed by a person in danger of imminent bodily harm in preventing said harm and in preventing an unlawful offense against himself or herself, provided the force or violence used is not more than sufficient to prevent such offense.  
(PR39-007, 05/20/22)



## **Offenses and Penalties**

### **SECTION 17-507.3                    DEFENSE OF ANOTHER.**

To use or attempt to offer to use force or violence upon or toward the person of another is not unlawful when necessarily committed on another person's behalf because said person is in danger of imminent bodily harm to prevent or attempt to prevent said imminent bodily harm and to prevent an offense against the person in danger, provided the force or violence used is not more than sufficient to prevent such offense.

(PR39-007, 05/20/22)

### **SECTION 17-507.4                    DEFENSE OF PROPERTY.**

To use or attempt to offer to use force or violence upon or toward the person of another is not unlawful when necessarily committed to prevent or cease any trespass or other unlawful interference with real or personal property in such person's lawful possession, provided the force or violence used is objectively reasonable and not more than sufficient to prevent such offense. For purposes of this section, deadly force is never lawful to defend property alone and there is a duty to retreat from said force or violence when the threat of trespass or interference is no longer present.

(PR39-007, 05/20/22)

## **CHAPTER 6 OFFENSES AGAINST PUBLIC JUSTICE**

### **ARTICLE A OFFENSES AGAINST THE ADMINISTRATION OF PUBLIC JUSTICE**

Section 17-601.1	Failure to Obey a Law Enforcement Officer.
Section 17-601.2	False Arrest.
Section 17-601.3	False Reports of a Crime.
Section 17-601.4	Harboring Criminals and Fugitives.
Section 17-601.5	Providing Contraband.
Section 17-601.6	Possession of Contraband in a Penal Institution.
Section 17-601.7	Resisting Lawful Arrest.
Section 17-601.8	Escape.
Section 17-601.9	Bail Jumping.
Section 17-601.10	Perjury in the First Degree.
Section 17-601.11	Perjury in the Second Degree.
Section 17-601.12	Tampering with Witnesses.

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Section 17-601.13	Tampering with Evidence.
Section 17-601.14	Failure to Obey an Order of the Court.
Section 17-601.15	Custodial Interference.
Section 17-601.16	False Impersonation of Peace Officers.
Section 17-601.17	False Personation.

### **SECTION 17-601.1                    FAILURE TO OBEY A LAW ENFORCEMENT OFFICER.**

It shall be unlawful for any person who willfully delays or obstructs any Law Enforcement Officer in the discharge or attempt to discharge any duty. Failure to Obey a Law Enforcement Officer shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

(PR38-017, 04/16/2021; PR39-007, 05/20/22)

### **SECTION 17-601.2                    FALSE ARREST.**

A.      It shall be unlawful for any public officer or person pretending to be a public officer to, under the pretense or color of any process or other legal authority, arrest or detain any person against his will, except where such person reasonably believes he is authorized by law to do so.

B.      False Arrest shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

(TL14-002, 4/18/97; PR39-007, 05/20/22)

### **SECTION 17-601.3                    FALSE REPORTS OF CRIME.**

A.      It shall be unlawful to willfully, knowingly, and without probable cause to:

1.      make a false report to any person of any crime or circumstance indicating the possibility of crime having been committed which causes or encourages the exercise of police action or investigation.

## **Offenses and Penalties**

2. communicate false information concerning a missing child to a law enforcement agency that causes or encourages the activation of an AMBER alert warning system.

B. False Reports of Crime shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.  
(PR39-007, 05/20/22)

### **SECTION 17-601.4                      HARBORING CRIMINALS AND FUGITIVES.**

A. It shall be unlawful to knowingly feed, lodge, clothe, arm, equip in whole or in part, harbor, aid, assist, transport, or conceal in any manner any person guilty of any offense, any person who is a fugitive from justice, or any person seeking to escape arrest for any crime committed within the Chickasaw Nation or within the jurisdiction of any other Indian tribe, state, or territory.

B. Harboring Criminals and Fugitives shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.  
(PR39-007, 05/20/22)

### **SECTION 17-601.5                      PROVIDING CONTRABAND.**

A. It shall be unlawful to provide any person in official detention with alcoholic beverages, drugs, weapons, implements of escape, or any other thing or substance which the actor knows is improper or unlawful for the detainee to possess.

B. Providing Contraband shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.  
(TL14-002, 4/18/97; PR39-007, 05/20/22)

## **Offenses and Penalties**

**SECTION 17-601.6**                      **POSSESSION OF CONTRABAND IN A PENAL INSTITUTION.**

A.        It shall be unlawful to possess without lawful authority, in any jail or penal institution or any other place where prisoners are located, any alcoholic beverages, controlled dangerous substances, gun, knife, bomb, or other dangerous weapon or instrument, money, financial documents of another person, implements of escape, tobacco product, cellular phone or electronic device capable of sending or receiving any electronic communication, or any other thing or substance which the actor knows is improper or unlawful to possess in detention.

B.        Possession of Contraband in a Penal Institution shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.  
(PR39-007, 05/20/22)

**SECTION 17-601.7**                      **RESISTING LAWFUL ARREST.**

A.        It shall be unlawful to knowingly resist, by use of force or violence, any law enforcement officer from effecting an arrest or detention of himself or of any other person.

B.        Resisting Lawful Arrest shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.  
(TL14-002, 4/18/97; PR39-007, 05/20/22)

**SECTION 17-601.8**                      **ESCAPE.**

A.        It shall be unlawful to:

1.        remove oneself from Official Detention or fail to return to Official Detention following temporary leave granted for a specific purpose or period;
2.        knowingly procure, make, or possess anything which may facilitate escape while being held in Official Detention;
3.        aid another person to escape Official Detention; or

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4. knowingly provide a person in Official Detention with anything which may facilitate such a person's escape.

B. "Official Detention" means arrest, detention in any facility for custody of persons under charge or convicted of a crime, or any other detention for law enforcement purposes, but Official Detention does not include supervision of probation or parole, or constraint incident to release on bail.

C. Escape shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment. (TL14-002, 4/18/97; PR39-007, 05/20/22)

### **SECTION 17-601.9                      BAIL JUMPING.**

A. It shall be unlawful to fail without just cause to appear in person after having been released on bail or on his own recognizance by court order or other lawful authority upon condition that he subsequently appear on a charge of an offense.

B. Bail Jumping shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment. (TL14-002, 4/18/97; PR39-007, 05/20/22)

### **SECTION 17-601.10                      PERJURY IN THE FIRST DEGREE.**

A. It shall be unlawful, in any official proceeding, to make a false statement under oath or equivalent affirmation, or swear or affirm the truth of a statement previously made, when the statement is material and he does not believe it to be true.

B. Falsification is material, regardless of the admissibility of the statement under rules of evidence, if it could have affected the course or outcome of the proceeding. It is no defense that the declarant mistakenly believed the falsification to be immaterial. Whether a falsification is material in a given factual situation is a question of law to be decided by the Court.

C. It is no defense to prosecution under this Section that the oath or affirmation was administered or taken in an irregular manner or that the declarant was not competent to make the

## **Offenses and Penalties**

statement. A document purporting to be made on oath or affirmation at any time when the actor presents it as being verified shall be deemed to have been duly sworn or affirmed.

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

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

F. Perjury in the First Degree shall be punishable by a fine not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not to exceed three (3) years, or by both such fine and imprisonment.

(TL14-002, 4/18/97; PR15-030, 9/23/98; PR38-012, 2/22/2021; PR39-007, 05/20/22)

### **SECTION 17-601.11**

### **PERJURY IN THE SECOND DEGREE.**

A. It shall be unlawful, with the purpose to mislead a public servant in performing his official function, to:

1. make any written false statement which he does not believe to be true;
2. purposely create a false impression in a written application for any benefit by omitting information necessary to prevent statements therein from being misleading;
3. submit or invite reliance on any writing which he knows to be forged, altered or otherwise lacking in authenticity; or
4. submit or invite reliance on any sample, specimen, map, boundary mark, or other object which he knows to be false.

B. A person is guilty of Perjury in the Second Degree if he makes a false statement which he does not believe to be true, on or pursuant to a form bearing notice, authorized by law, to the effect that false statements made therein are punishable.

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C. It is no defense to prosecution under this Section that the oath or affirmation was administered or taken in an irregular manner or that the declarant was not competent to make the statement. A document purporting to be made on oath or affirmation at any time when the actor presents it as being so verified shall be deemed to have been duly sworn or affirmed.

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

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

F. Perjury in the Second Degree shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

(TL14-002, 4/18/97; PR15-030, 9/23/98; PR39-007, 05/20/22)

### **SECTION 17-601.12                      TAMPERING WITH WITNESSES.**

A. It shall be unlawful to willfully prevent or attempt to prevent any person from giving testimony or producing any record, document or other object who has been summoned or subpoenaed or who is a witness to a crime, or threatens or procures physical or mental harm through force or fear with the intent to prevent any witness from appearing in court or to law enforcement agency investigating a crime to give his or her testimony or produce any record, document or other object, or to alter his or her testimony.

B. Tampering with Witnesses shall be punishable by a fine not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not to exceed three (3) years, or by both such fine and imprisonment.

(TL14-002, 4/18/97; PR38-012, 2/22/2021; PR39-007, 05/20/22)

### **SECTION 17-601.13                      TAMPERING WITH EVIDENCE.**

A. It shall be unlawful knowing that any book, paper, record, instrument in writing, or other matter or thing, is about to be produced in evidence upon any trial, proceeding, inquiry

## **Offenses and Penalties**

or investigation whatever, authority by law, willfully destroys the same, with intent thereby to prevent the same from being produced.,

B. Tampering with Evidence shall be punishable by a fine not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not to exceed three (3) years, or by both such fine and imprisonment.

(TL14-002, 4/18/97; PR15-030, 9/23/98; PR38-012, 2/22/2021; PR39-007, 05/20/22)

### **SECTION 17-601.14                      FAILURE TO OBEY A LAWFUL ORDER OF THE COURT.**

A. It shall be unlawful to purposely or knowingly fail to obey an order, subpoena, warrant or command duly made, issued, or given by any court of the Chickasaw Nation, or any officer thereof, or otherwise issued according to law without just cause.

B. This Section shall apply to a failure to appear as a party in a civil action where default or similar remedy is available to the other party.

C. Failure to Obey a Lawful Order of the Court shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

(TL14-002, 4/18/97; PR39-007, 05/20/22)

### **SECTION 17-601.15                      CUSTODIAL INTERFERENCE.**

A. It shall be unlawful to wrongfully:

1. take, entice, conceal, or detain a Child under the age of sixteen (16) from his parent, guardian, or other lawful custodian, knowing he has no legal right to do so, and:

a. with the intent to hold the Child for a period substantially longer than any visitation or custody period previously awarded by a court of competent jurisdiction; or

b. with the intent to deprive another person of his or her lawful visitation or custody rights.

or



## **Offenses and Penalties**

2. intentionally take, entice or detain an incompetent or other person who has been committed by authority of law to the custody of another person or institution from the other person or institution, without good cause and with knowledge that there is no legal right to do so.

B. Custodial Interference shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

(TL14-002, 4/18/97; PR39-007, 05/20/22)

### **SECTION 17-601.16                      FALSE IMPERSONATION OF PEACE OFFICERS.**

A. It shall be unlawful to exercise or attempt to exercise the functions or hold himself or herself out to any one as an officer of the Lighthorse Police Department, a deputy sheriff, marshal, police officer, constable, or any other peace officer.

B. It shall be unlawful for any person to affix on his or her motor vehicle, either temporarily or permanently, any insignia of the Lighthorse Police Department or any insignia typically used by a law enforcement agency.

C. False Impersonation of Peace Officers shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or both by such fine and imprisonment.

(PR39-007, 05/20/22)

### **SECTION 17-601.17                      FALSE PERSONATION.**

A. It shall be unlawful to falsely personate another, and in such assumed character:

1. Marries or pretends to marry, or to sustain the marriage relation toward another, with or without the connivance of such other person; or

2. Becomes bail or surety for any party, in any proceeding whatever, before any court or officer authorized to take such bail or surety; or

## Offenses and Penalties

3. Subscribes, verifies, publishes, acknowledges or proves, in the name of another person, any written instrument, with intent that the same may be delivered or used as true; or

4. Does any other act whereby, if it were done by the person falsely personated, he might in any event become liable to any suit or prosecution, or pay any sum of money, or to incur any charge, forfeiture or penalty, or whereby any benefit might accrue to the party personating, or to any other person.

B. False Personation shall be punishable by a fine not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not to exceed three (3) years, or both by such fine and imprisonment.

(PR39-007, 05/20/22)

### ARTICLE B OFFENSES RELATED TO BREACH OF PUBLIC TRUST

Section 17-602.1	Improper Influence in Official Matters.
Section 17-602.2	Retaliation for Past Official Action.
Section 17-602.3	Improper Gifts to Public Servants.
Section 17-602.4	Unofficial Misconduct.
Section 17-602.5	Oppression in Office.
Section 17-602.6	Misusing Public Money.
Section 17-602.7	Impersonating a Public Servant.
Section 17-602.8	Obstructing Governmental Function.
Section 17-602.9	Compensation for Past Official Behavior.
Section 17-602.10	Official Unlawful Action.
Section 17-602.11	Special Influence.
Section 17-602.12	Custody and Dissemination of Confidential and Privileged Information.

#### **SECTION 17-602.1**                      **IMPROPER INFLUENCE IN OFFICIAL MATTERS.**

A. It shall be unlawful to:

1. threaten unlawful harm to any person with intent to influence another's decision, opinion, recommendation, vote or other exercise of discretion as a public servant, party official, or voter;

## **Offenses and Penalties**

2. threaten harm to any public servant or relative of a public servant with the intent to influence his decision, opinion, recommendation, vote or other exercise of discretion in a judicial, legislative, or administrative proceeding;

3. threaten harm to any public servant or official or relative of either with the intent to influence him to violate his duty; or

4. privately address any public servant who has or will have an official discretion in a judicial or administrative proceeding and making thereby any representation, entreaty, argument, or other communication designed to influence the outcome on the basis of considerations other than those authorized by law.

B. It is no defense to prosecution under this Section that a person whom the actor sought to influence was not qualified to act in the desired way, whether because he had not yet assumed office or lacked jurisdiction, or for any other reason.

C. Improper Influence in Official shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

(TL14-002, 4/18/97; PR15-030, 9/23/98; PR39-007, 05/20/22)

### **SECTION 17-602.2**

### **RETALIATION FOR PAST OFFICIAL ACTION.**

A. It shall be unlawful to harm any person by an unlawful act in retaliation for anything lawfully done by another person in his capacity as a public servant.

B. Retaliation for Past Official Action shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

(TL14-002, 4/18/97; PR15-030, 9/23/98; PR39-007, 05/20/22)

### **SECTION 17-602.3**

### **IMPROPER GIFTS TO PUBLIC SERVANTS.**

A. It shall be unlawful to knowingly confer, offer, or agree to confer benefit to a public servant with the intent to induce an exercise of his or her discretion in an unlawful manner, or to determine official impartiality.

## **Offenses and Penalties**

B. This Section shall not apply to:

1. fees prescribed by law to be received by public servant, or any benefit for which the recipient gives lawful consideration or to which he is otherwise entitled;

2. gifts or other benefits conferred on account of kinship, traditional ceremonies, or other personal, professional or business relationship independent of the official status of the receiver; or,

3. trivial benefits incidental to personal, professional or business contacts and involving no substantial risk of undermining official impartiality. A trivial benefit is one that does not exceed twenty five dollars (\$25) in value.

C. Improper Gifts to Public Servants shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

(TL14-002, 4/18/97; PR15-030, 9/23/98; PR39-007, 05/20/22)

### **SECTION 17-602.4                      UNOFFICIAL MISCONDUCT.**

A. It shall be unlawful to exercise or attempt to exercise any of the functions of a public office when one has not been elected or appointed to office.

B. Unofficial Misconduct shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

(TL14-002, 4/18/97; PR15-030, 9/23/98; PR16-025, 8/23/99; PR39-007, 05/20/22)

### **SECTION 17-602.5                      OPPRESSION IN OFFICE.**

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

1. subject another to arrest, detention, search, seizure, mistreatment, dispossession, assessment, lien or infringement of personal or property rights; or

## **Offenses and Penalties**

2. deny or impede another in the exercise or enjoyment of any right, power, or immunity.

B. Oppression in Office shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

(TL14-002, 4/18/97; PR15-030, 9/23/98; PR39-007, 05/20/22)

### **SECTION 17-602.6 MISUSING PUBLIC MONEY.**

A. It shall be unlawful for a person charged with the receipt, safekeeping, transfer or disbursement of public monies to:

1. without lawful authority appropriate the money or any portion of it to his own use or use of another;
2. lend the money or any portion thereof without lawful authority;
3. fail to keep the money in his possession until lawfully disbursed or paid out according to law;
4. deposit the money in an unauthorized bank or with a person not lawfully authorized to receive such;
5. knowingly keep any false account, or make a false entry or erasure in any account of or relating to the money;
6. fraudulently alter, falsify, conceal, destroy, or obliterate any such account;
7. knowingly refuse or omit to pay over on lawful demand by competent authority any public monies in his hands;
8. knowingly omit to transfer money when transfer is required by proper authority;
9. make a profit for himself or another when not lawfully entitled to such, or in an unlawful manner, out of public monies;

## **Offenses and Penalties**

10. fail to pay over to the proper account or authority any fines, forfeitures, or fees received by him;

11. otherwise handle Public Money in a manner not authorized by law for his own benefit; or

12. handle Public Money in a reckless manner as a result of which a risk of loss of such money is significant.

B. "Public Money" includes all money, bonds, and evidences of indebtedness or their equivalent, belonging to, received or held by the Chickasaw Nation or any other government, or any account or money held by the Chickasaw Nation or government for any individual or group.

C. Misusing Public Money shall be punishable by a fine not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not to exceed three (3) years, or by both such fine and imprisonment.

(TL14-002, 4/18/97; PR15-030, 9/23/98; PR38-012, 2/22/2021; PR39-007, 05/20/22)

### **SECTION 17-602.7                      IMPERSONATING A PUBLIC SERVANT.**

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

B. Impersonating a Public Servant shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

(TL14-002, 4/18/97; PR39-007, 05/20/22)

### **SECTION 17-602.8                      OBSTRUCTING GOVERNMENTAL FUNCTION.**

A. It shall be unlawful to:

1. use force, violence, intimidation, or engage in any other unlawful act with a purpose to interfere with a public servant performing or purporting to perform an official function; or

## **Offenses and Penalties**

2. purposely obstruct, impair, or prevent the administration of law or other governmental function by force, violence, physical interference or obstacle, breach of official duty, or any other unlawful act, except that this Section does not apply to flight by a person charged with crime, refusal to submit to arrest, failure to perform a duty other than an official duty, or any other means of avoiding compliance with law without affirmative interference with governmental functions.

B. Obstructing Governmental Function shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

(TL14-002, 4/18/97; PR39-007, 05/20/22)

### **SECTION 17-602.9                      COMPENSATION FOR PAST OFFICIAL BEHAVIOR.**

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

B. Compensation for Past Official Behavior shall be punishable by a fine not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not to exceed three (3) years, or by both such fine and imprisonment. (TL14-002, 4/18/97; PR15-030, 9/23/98; PR39-007, 05/20/22)

### **SECTION 17-602.10                      OFFICIAL UNLAWFUL ACTION.**

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

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

## **Offenses and Penalties**

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

a. acquire or divest himself of a valuable interest in any property, transaction or enterprise which may be affected by such action or information; or

b. speculate or wager on the basis of such action or information, and knowingly aid another to do any of the foregoing.

B. Official Unlawful Action shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

(TL14-002, 4/18/97; PR15-030, 9/23/98; PR39-007, 05/20/22)

### **SECTION 17-602.11**                      **SPECIAL INFLUENCE.**

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

B. Special Influence shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

(TL14-002, 4/18/97; PR15-030, 9/23/98; PR39-007, 05/20/22)

### **SECTION 17-602.12**                      **CUSTODY AND DISSEMINATION OF CONFIDENTIAL AND PRIVILEGED INFORMATION.**

A. It shall be unlawful for any person charged with the custody and dissemination of confidential and privileged information or in receipt of such information from any law enforcement data communications network to divulge or disclose any such information except to federal, state, county, city, or tribal law enforcement or criminal justice agencies.



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B. Custody and Dissemination of Confidential and Privileged Information shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.  
(PR39-007, 05/20/22)

### ARTICLE C MISCELLANEOUS OFFENSES AGAINST PUBLIC JUSTICE

Section 17-603.1	Bribery.
Section 17-603.2	Attempts to Influence Jurors.
Section 17-603.3	Tampering with Public Records.
Section 17-603.4	False Alarms.
Section 17-603.5	Doing Business without a License.
Section 17-603.6	Tampering with Public Property.
Section 17-603.7	Injuring Public Property.
Section 17-603.8	Treason.

#### **SECTION 17-603.1**                      **BRIBERY.**

A. It shall be unlawful to ask for, give or accept any money, goods, right in action, property, thing of value or advantage, present or prospective, or any promise or undertaking, given with a wrongful or corrupt intent to influence unlawfully the person to whom it is given.

B. Bribery shall be punishable by a fine not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not to exceed three (3) years, or by both such fine and imprisonment.  
(TL14-002, 4/18/97; PR15-030, 9/23/98; PR39-007, 05/20/22)

#### **SECTION 17-603.2**                      **ATTEMPTS TO INFLUENCE JURORS.**

A. It shall be unlawful to attempt to influence a juror, or any person summoned or drawn as a juror, or chosen as arbitrator or appointed a referee, in respect to his or her verdict, or decision of any cause or matter pending, or about to be brought before him or her, either:

1. by means of any communication oral or written had with him or her, except in the regular course of proceedings upon the trial of the cause;

## **Offenses and Penalties**

2. by means of any book, paper, or instrument, exhibited otherwise than in the regular course of the proceedings, upon the trial of the cause;

3. by means of any threat or intimidation; or

4. by means of any assurance of promise of any pecuniary or other advantage.

B. Attempts to Influence Jurors shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

(PR39-007, 05/20/22)

### **SECTION 17-603.3**

### **TAMPERING WITH PUBLIC RECORDS.**

A. It shall be unlawful to:

1. knowingly make a false entry in, or false alteration of, any record, document or thing belonging to, received by or kept by the Chickasaw Nation or any government for information or record, or required by law to be kept by others for information of the Chickasaw Nation or government;

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

3. purposely and unlawfully destroy, conceal, remove or otherwise impair the truth or availability of any such record, document or thing belonging to or received or kept by, the Chickasaw Nation or any government.

B. Tampering with Public Records shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

(TL14-002, 4/18/97; PR15-030, 9/23/98; PR39-007, 05/20/22)

## **Offenses and Penalties**

### **SECTION 17-603.4            FALSE ALARMS.**

A.     It shall be unlawful to knowingly cause a false fire alarm or alarm of other emergency to be transmitted to or within any organization, official or volunteer, for dealing with emergencies involving danger to life or property.

B.     False Alarms shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.  
(TL14-002, 4/18/97; PR39-007, 05/20/22)

### **SECTION 17-603.5            DOING BUSINESS WITHOUT A LICENSE.**

A.     It shall be unlawful to commence or carry on any business, trade, profession, or calling, the transaction or carrying on of which is required by law to be licensed, without having an appropriate license.

B.     Doing Business without a License shall be punishable by a fine not to exceed two hundred fifty dollars (\$250), by a term of imprisonment not to exceed one (1) month, or both.  
(TL14-002, 4/18/97; PR39-007, 05/20/22)

### **SECTION 17-603.6            TAMPERING WITH PUBLIC PROPERTY.**

A.     It shall be unlawful to:

1.     steal, deface, mutilate, alter, falsify, or remove all or part of any record, map, book, document or thing, or any court documents or records, placed or filed in any public office, or with any public officer, or to permit another to do so;

2.     knowingly injure, deface or remove any signal, monument or other marker placed or erected as part of an official survey of the Chickasaw Nation or Federal government without authority to do so; or

3.     intentionally deface, obliterate, tear down, or destroy any copy or transcript or extract from any law or any proclamation, advertisement, or notice set up or displayed by any public officer or court, without authority to do so and before the expiration of the time for which the same was to remain set up.

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B. Tampering with Public Property shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

(TL14-002, 4/18/97; PR39-007, 05/20/22)

### **SECTION 17-603.7                      INJURING PUBLIC PROPERTY.**

A. It shall be unlawful to:

1. intentionally break down, pull down or otherwise injure or destroy any jail or other place of confinement;

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

3. remove or injure any milepost, guidepost or road or highway sign or marker or any inscription on them while such is erected along a road or highway; or

4. knowingly and without authority to do so, remove, injure, deface, or destroy any public building or structure, or any personal property belonging to the Chickasaw Nation, or any other government or government agency.

B. Injuring Public Property shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

(TL14-002, 4/18/97; PR39-007, 05/20/22)

### **SECTION 17-603.8                      TREASON.**

A. Any person subject to the jurisdiction of the Chickasaw Nation who, overtly or covertly, levies war against the Chickasaw Nation or adheres to enemies of the Chickasaw Nation by giving him or her aid or information or so doing other acts, official or not official, which is determined to be designed to do away with the existence of the Chickasaw Nation or to otherwise interfere with the peace and stability of the Chickasaw Nation, shall be guilty of Treason.

## Offenses and Penalties

B. Treason shall be punishable by a fine of not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not less than one (1) year but not to exceed three (3) years, or by both such fine and imprisonment.  
(TL14-002, 4/18/97; PR15-030, 9/23/98; PR38-012, 2/22/2021; PR39-007, 05/20/22)

### CHAPTER 7 INCHOATE OFFENSES

Section 17-701.1	Attempt
Section 17-701.2	Conspiracy
Section 17-701.3	Solicitation
Section 17-701.4	Misprision
Section 17-701.5	Use of Minors in Offenses
Section 17-701.6	Affirmative Defenses

#### **SECTION 17-701.1**            **ATTEMPT.**

A. It shall be unlawful to engage in conduct constituting a substantial step toward commission of any offense with the kind of culpability otherwise required for the commission of the offense.

B. Attempt shall be punishable by the same penalties as those prescribed for the offense the commission of which was the object of the attempt.

#### **SECTION 17-701.2**            **CONSPIRACY.**

A. It shall be unlawful for two or more persons to conspire either to commit any offense against the Chickasaw Nation, to defraud the Chickasaw Nation, or to engage in conduct constituting an offense in violation of the laws of the Chickasaw Nation, in any manner or for any purpose, and for one or more of such persons to do any act to effect the object of the conspiracy.

B. Conspiracy shall be punishable by the same penalties as those prescribed for the offense, the commission of which was the object of the attempt.

#### **SECTION 17-701.3**            **SOLICITATION.**

## **Offenses and Penalties**

A. It shall be unlawful for any person, with intent that another person engage in conduct constituting an offense in violation of the laws of the Chickasaw Nation, and under circumstances strongly corroborative of that intent, solicits, commands, induces, or otherwise endeavors to persuade such other person to engage in such conduct.

B. Solicitation shall be punishable by the same penalties as those prescribed for the offense, the commission of which was the object of the attempt.

### **SECTION 17-701.4 MISPRISION.**

Whoever, having knowledge of the actual commission of a criminal offense with a maximum term of imprisonment of one (1) year or greater cognizable by a court of the Chickasaw Nation, conceals and does not as soon as possible make known the same to some judge or other person in authority under the Chickasaw Nation, shall be punishable by a fine not to exceed fifteen thousand (\$15,000.00), by a term of imprisonment not to exceed three (3) years, or by both such fine and imprisonment.

### **SECTION 17-701.5 USE OF MINORS IN OFFENSES.**

A. In this section, the following definitions shall apply:

1. "Crime of Violence" means:
  - a. an offense that has as an element of use, attempted use, or threatened use of physical force against the person or property of another; or
  - b. any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.
2. "Minor" means a person who has not reached 18 years of age.
3. "Uses" means employs, hires, persuades, induces, entices, or coerces.

B. Penalties.

1. Any person who is eighteen (18) years of age or older, who intentionally Uses a Minor to commit any offense for which such person may be prosecuted in a court of the Chickasaw Nation, or to assist in avoiding detection or apprehension for such an offense, shall be subject to twice the maximum term of imprisonment and twice the maximum fine,

## **Offenses and Penalties**

or both such fine and imprisonment, that would otherwise be authorized for the offense, up to the maximum allowed within the Chickasaw Nation for a single offense.

2. Any person who is eighteen (18) years of age or older, who intentionally Uses a Minor to commit a Crime of Violence for which such person may be prosecuted in a court of the Chickasaw Nation, or to assist in avoiding detection or apprehension for such an offense, shall be subject to thrice the maximum term of imprisonment and thrice the maximum fine, or both such fine and imprisonment, that would otherwise be authorized for the offense, up to the maximum allowed within the Chickasaw Nation for a single offense.

### **SECTION 17-701.6**

### **AFFIRMATIVE DEFENSES.**

A. It is an affirmative defense to a prosecution under this Chapter if:

1. under circumstances manifesting a voluntary and complete renunciation of his criminal intent, the defendant prevented the commission of the crime solicited. A renunciation is not “voluntary and complete” if it is motivated in whole or in part by a decision to postpone the commission of the crime until another time or to substitute another victim or another but similar objective. If the defendant raises this affirmative defense at trial, the defendant has the burden of proving the defense by a preponderance of the evidence.

2. the attempted, solicited, conspired, abetted offense is a legal impossibility.

If the defendant raises these affirmative defenses at trial, the defendant has the burden of proving the defense by a preponderance of the evidence.

B. It is not a defense to prosecution under this Chapter if:

1. the Principal, co-conspirator(s), or any person abetted could not be convicted of the crime because he lacked the state of mind required for its commission, because he was incompetent or irresponsible, or because he is immune from prosecution or is not subject to prosecution.

2. the Principal, co-conspirator(s), or any person abetted cannot be prosecuted by the Chickasaw Nation for lack of jurisdiction.

3. the criminal offense was rendered factually impossible.

(PR38-024, 5/24/2021)

**Offenses and Penalties**

**CHAPTER 8**

**MOTOR VEHICLE CRIMES**

Section 17-800.1	General.
Section 17-800.2	Actual Physical Control.
Section 17-800.3	Reckless Operation of a Motor Vehicle.
Section 17-800.4	Aggravated Reckless Operation of a Motor Vehicle.
Section 17-800.5	Eluding an Officer.
Section 17-800.6	Leaving the Scene of an Accident Involving Injury or Death.
Section 17-800.7	Leaving the Scene of an Accident Involving Damage to Property.
Section 17-800.8	Driving Under the Influence.
Section 17-800.9	Child Endangerment.

**SECTION 17-800.1**                      **GENERAL.**

A. All capitalized terms not otherwise defined in this Chapter 8 shall have the meanings ascribed to them as set forth in Title 21, Section 21-100.3 and Title 5 of the Chickasaw Nation Code.

B. The criminal provisions under this Chapter 8 shall be governed by the court rules and criminal procedures provided under Title 5 of the Chickasaw Nation Code.

**SECTION 17-800.2**                      **ACTUAL PHYSICAL CONTROL.**

A. It shall be unlawful to be in the Actual Physical Control of a Motor Vehicle while having a blood or breath alcohol concentration of eight-hundredths (0.08) or more, at the time of a test of such Driver's blood or breath administered within two (2) hours after the arrest of such person.

B. It shall be unlawful to be in the Actual Physical Control of a Motor Vehicle while under the influence of alcohol, a Controlled Dangerous Substance, or other Intoxicating Substance that may render one incapable of safely operating a Motor Vehicle.

C. The fact that a person charged with a violation of this Section is or has been lawfully entitled to use such Intoxicating Substance shall not constitute a defense.

D. Actual Physical Control shall be punishable by a fine not to exceed five thousand



## **Offenses and Penalties**

dollars (\$5,000.00), by a term of imprisonment not to exceed one (1) year, or both.

E. Conviction for a second or subsequent offense of Actual Physical Control, or following an offense of 17-800.8, Driving under the Influence, shall be punishable by a fine not to exceed fifteen thousand (\$15,000.00), by a term of imprisonment not to exceed three (3) years, or both.

(PR39-007, 05/20/2022; PR39-011; 08/19/2022)

### **SECTION 17-800.3**

### **RECKLESS OPERATION OF A MOTOR VEHICLE.**

A. It shall be unlawful to operate a Motor Vehicle in a careless or wanton manner.

B. Reckless Operation of a Motor Vehicle shall be punishable by a fine not to exceed five thousand dollars (\$5,000.00), by a term of imprisonment not to exceed one (1) year, or both.

### **SECTION 17-800.4**

### **AGGRAVATED RECKLESS OPERATION OF A MOTOR VEHICLE.**

A. It shall be unlawful for any person to operate a Motor Vehicle in a careless or wanton manner and the operation results in great bodily harm, disability, or disfigurement to any person.

B. Aggravated Reckless Operation of a Motor Vehicle shall be punishable by a fine not to exceed fifteen thousand (\$15,000.00), by a term of imprisonment not to exceed three (3) years, or both.

### **SECTION 17-800.5**

### **ELUDING AN OFFICER.**

A. It shall be unlawful for the Driver of any Motor Vehicle to willfully increase the speed of, or extinguish the lights of, such Motor Vehicle or willfully attempt in any other manner to elude in an attempt to elude an Officer who has directed such Motor Vehicle to a stop by displaying a visual emergency flashing light or audible siren signal.

B. Eluding an Officer shall be punishable by a fine not to exceed five thousand dollars (\$5,000.00), by a term of imprisonment not to exceed one (1) year, or both.

C. Eluding an Officer where any other person is endangered or where the Driver of the Motor Vehicle causes an accident shall be punishable by a fine not to exceed fifteen thousand (\$15,000.00), by a term of imprisonment not to exceed three (3) years, or both.

## **Offenses and Penalties**

(PR38-004, 11/20/2020)

**SECTION 17-800.6**                      **LEAVING THE SCENE OF AN ACCIDENT INVOLVING INJURY OR DEATH.**

A.     It shall be unlawful to willfully or maliciously leave the scene of a motor vehicle accident that resulted in bodily injury or death to avoid detection or prosecution.

B.     Leaving the scene of an accident involving injury or death shall be punishable by a fine not to exceed fifteen thousand dollars (\$15,000), by a term of imprisonment not to exceed three (3) years, or by both such fine and imprisonment.

(PR38-033, 7/16/2021)

**SECTION 17-800.7**                      **LEAVING THE SCENE OF AN ACCIDENT INVOLVING DAMAGE TO PROPERTY.**

A.     It shall be unlawful to willfully or maliciously leave the scene of a motor vehicle accident that resulted in damage to property, another motor vehicle, or fixtures upon a highway, to avoid detection or prosecution.

B.     Leaving the scene of an accident involving damage to property shall be punishable by a fine not to exceed five thousand dollars (\$5,000), by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

(PR38-033, 7/16/2021)

**SECTION 17-800.8**                      **DRIVING UNDER THE INFLUENCE.**

A.     It shall be unlawful for any Driver to drive, operate, or be in Actual Physical Control of a Motor Vehicle who commits any of the following:

1.     Has a blood or breath alcohol concentration of eight-hundredths (0.08) or more at the time of a test of such Driver's blood or breath administered within two (2) hours after the arrest of such person;

2.     Has any amount of any Intoxicating Substance other than alcohol or one of its metabolites or analogs in the Driver's blood, saliva, urine, or any other bodily fluid at the time of a test of such Driver's blood, saliva, urine, or any other bodily fluid administered within two (2) hours after the arrest of such Driver;

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3. Is under the influence of any Intoxicating Substance other than alcohol which may render such Driver incapable of safely driving or operating a Motor Vehicle,

4. Is under the influence of alcohol or any other Intoxicating Substance that may render such Driver incapable of safely driving or operating a Motor Vehicle; or

5. Is under the combined influence of alcohol and any other Intoxicating Substance which may render such Driver incapable of safely driving or operating a Motor Vehicle.

B. Anyone found guilty of violating this section shall be guilty of Driving under the Influence.

C. The fact that a person has been charged with a violation of this Section is or has been lawfully entitled to use such Intoxicating Substance shall not constitute a defense.

D. Driving under the Influence shall be punishable by a fine not to exceed five thousand dollars (\$5,000.00), by a term of imprisonment not to exceed one (1) year, or both.

E. Conviction for a second or subsequent offense of Driving under the Influence, or following an offense of 17-800.2, Actual Physical Control, shall be punishable by a fine not to exceed fifteen thousand (\$15,000.00), by a term of imprisonment not to exceed three (3) years, or both.

F. In addition to any other penalty specified by this Section, the Court may require any or all of the following as the Court deems necessary for treatment and rehabilitation:

1. Attend drug and alcohol assessment or treatment;

2. Attend a Victim Impact Panel as the Court deems necessary for treatment and rehabilitation; or,

3. Any other conditions as prescribed by the Court.

G. Driving under the Influence that results in serious bodily injury to a person shall be punishable by a fine not exceeding fifteen thousand dollars (\$15,000) or imprisonment not exceeding three (3) years, or both such fine and imprisonment.

(PR38-033, 7/16/2021; PR39-007, 05/20/2022)

## **Offenses and Penalties**

### **SECTION 17-800.9**

### **CHILD ENDANGERMENT.**

A. It shall be unlawful for a parent, guardian or person having custody or control of a child under eighteen (18) years of age to drive, operate or be in physical control of a motor vehicle in violation of Section 17-800.2 or Section 17-800.8 while transporting or having in the vehicle such child or children.

B. Child Endangerment shall be punishable by a fine not exceeding fifteen thousand dollars (\$15,000) or imprisonment not exceeding three (3) years, or both such fine and imprisonment.

(PR39-007, 05/20/2022)