

**SAC AND FOX NATION TRIBAL CODE
TITLE 6A ARTICLE 3**

**TITLE 6A
CIVIL INFRACTIONS**

**ARTICLE 3
WEAPONS OFFENSES**

Section 301. Firearms Offense.

- (a) A civil citation may be issued to any person found to:
- (1) Have a dangerous weapon in his physical possession while:
 - (A) being at a Blood Alcohol Level of .08 or higher; or
 - (B) being in possession or under the influence of any illegal narcotic or drug; or
 - (C) being in violation of any Court order requiring them not to possess any firearm; or
 - (D) being under the age of eighteen (18) years old without the consent of a parent or guardian.
 - (2) Carry a loaded firearm in a vehicle on a public road without lawful authority to do so; or to discharge any kind of firearm from a motor vehicle without lawful authority to do so; or to discharge a firearm from, upon or across any public highway without lawful authority to do so.
- (b) Definitions:
- (1) “Dangerous Weapon” means any item that in the manner of its use or intended use is capable of causing death or serious bodily injury. In determining whether an item, object or thing the character of the wound produced, if any, and the manner in which the instrument, item or thin was used shall be determinative.
 - (2) “Firearms” means pistols, revolvers, rifles, shotguns, and any device that is capable of being used as a weapon because it expels a projectile by some means of force.
 - (3) A firearm or other weapon shall be deemed loaded when there is an unexpended cartridge, shell or projectile in the firing position except in the case of pistols and revolvers, in which case they shall be deemed loaded when the unexpended cartridge, shell or projectile is in such position as to be fired next.
- (c) Refusal to submit to a Blood Alcohol Testing will result in a citation being issued and weapons being seized.
- (d) Weapons offenses shall be subject to a fine not to exceed five hundred dollars (\$500.00), and possible seizure of weapon(s) involved.

[History: L. 1999, September 22; R-34-99:
PUBLIC LAW # T 6A § 301]

Section 302. Use of Weapon.

(a) It shall be a civil violation for any person within the jurisdiction of the Sac and Fox Nation to:

(1) Sell, manufacture, purchase, possess, or carry any bludgeon, sand-club, metal knuckles or throwing star, or any knife commonly referred to as a switch-blade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward or centrifugal thrust or movement; or

(2) Carry, concealed on one's person, or in possession with an intent to use the same against another, a dagger, dirk, billy-club, blackjack, sling shot, dangerous knife, straight-edged razor, stiletto, or any other dangerous or deadly weapon or instrument of like character, except that an ordinary pocket knife with no blade more than four (4) inches in length shall not be construed to be a dangerous knife, or a dangerous or deadly weapon or instrument; or

(3) Carry on one's person or in any land, water or air vehicle, with an intent to use the same, a tear gas or smoke bomb or projector or any object containing noxious liquid, gas or substance; or

(4) Carry any pistol, revolver or other firearm concealed on one's person, except when on the person's land or in the person's abode or fixed place of business; or

(5) Set a spring gun; or

(6) Possess any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sell, manufacture, purchase, possess, or carry a shotgun with a barrel less than eighteen (18) inches in length or any other firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger; or

(8) Possess or transport any incendiary or explosive material, liquid, solid or mixture equipped with a fuse, wick or any other detonating device, commonly known as a Molotov cocktail or a pipe bomb.

(b) Law Enforcement Officers or any persons summoned by any such Officers to assist in making arrests or preserving the peace while actually engaged in assisting such Officers are exempt from Articles (1), (2), (3), (4), and (7).

(c) Other exemptions include Security personnel, members of the Armed Services or Guards while on duty and performing their duties, licensed hunters or fishermen while actually hunting or fishing, state of Kansas or Nebraska Fire Marshall or its employees while engaged in the performance of the duties, Railroad Detectives or Officers while in the performance of their assigned duties.

(d) Violators of this Section shall be subject to a fine not to exceed ten thousand dollars (\$10,000.00), plus Court costs and seizure of item(s) for destruction.

[History: L. 1999, September 22; R-34-99: Amend. 2020, June 16; R-37-20; PUBLIC LAW # T 6A § 302]