

**SAC AND FOX NATION TRIBAL CODE
TITLE 6A ARTICLE 4**

**TITLE 6A
CIVIL INFRACTIONS**

**ARTICLE 4
PROPERTY OFFENSES**

Section 401. Forgery.

(a) It shall be a civil violation for any person within the jurisdiction of the Sac and Fox Nation to knowingly and with intent to defraud any person, tribal member or tribally owned business, to commit Forgery.

(b) Forgery is defined as:

(1) Making, altering or endorsing any written instrument in such a manner that purports to have been made, altered or endorsed by another person, either real or fictitious, and if a real person, without the authority of such person; or altering any written instrument in such a manner that it purports to have been made at another time or with different provisions without the authority; or

(2) Issuing or delivering such written instrument knowing it to have been thus made, altered or endorsed; or

(3) Possessing, with intent to issue or deliver, any such written instrument knowing it to have been thus made, altered or endorsed.

(c) In any proceeding or suit under this Section, it may be alleged in the complaint that it is not known whether a purported person is real or fictitious, and in such case there shall be rebuttable presumption that such purported person is fictitious.

(d) Violation of this Section shall be subject to a judgment of damages in the form of restitution, plus up to three (3) times the amount of restitution and Court costs.

[History: L. 1999, September 22; R-34-99; Amend. 2020, Jun. 16; R-37-20
PUBLIC LAW # T 6 § 401]

Section 402. Giving a Worthless Check.

(a) It shall be a civil violation for any person within the jurisdiction of the Sac and Fox Nation to knowingly and with the intent to make, draw, issue, or deliver to any person, tribal member, or tribally owned business, a worthless check.

(b) "Worthless Check" is defined as: the making, drawing, issuing, delivering, causing, or directing the making, issuing, or delivering of any check, order or draft on any bank, credit union, savings and law association, or depository for the payment of money or its equivalent with the intent to defraud and knowing, at the time of the making, drawing, issuing, or delivering of such check, order, or draft, that the maker or drawer has no deposit in or credits with the drawee or has not sufficient funds in, or credits with, the drawee for the payment of such check, order, or draft in full upon its presentation.

(c) In any suit or proceeding against the maker or drawer of a check, order, or draft payment, of which has been refused by the drawee on account of insufficient funds, the making, drawing, issuing, or delivering of such check shall be prima facie evidence for intent to defraud and of knowledge of insufficient funds in, or on deposit with, the drawee, unless the maker or drawer pays the holder thereof the amount due thereon, and a service charge not exceeding ten dollars (\$10.00) for each check, within seven (7) days after notice has been given to the maker or drawer that such check, draft, or order has not been paid by the drawee.

(d) As used in this Section, “notice” includes oral or written notice to the person entitled thereto. Written notice shall be presumed to have been given when deposited as restricted matter in the United States mail, addressed to the person to be given notice at such person’s address as it appears on such check, draft, or order.

(e) It shall be a defense to a suit or proceeding under this Section that the check, draft, or order upon which such suit or proceeding is based:

- (1) was postdated; or
- (2) was given to a payee who had knowledge or had been informed, when the payee accepted such check, draft, or order, that the maker did not have sufficient funds in the hands of the drawee to pay such check, draft, or order upon presentation.

(f) Giving a Worthless Check shall be subject to a judgment of, and in the amount equaling complete restitution and also paying up to three (3) times the amount of restitution, plus court costs.

[History: L. 1999, September 22; R-34-99; Amend. 2020, Jun. 16; R-37-20
PUBLIC LAW # T 6 § 402]

Section 403. Theft, Conversion or Misappropriation.

(a) It shall be a civil violation for any person within the jurisdiction of the Sac and Fox Nation to knowingly and with intent to permanently deprive any person, tribal member, or tribally owned business of the possession, use, or benefit of its property.

(b) Theft is defined as:

- (1) Obtaining or exerting unauthorized control over property; or
- (2) Obtaining by deception, control over property; or
- (3) Obtaining by threat, control over property; or
- (4) Obtaining control over stolen property knowing the property to have been stolen by another.

(c) Theft of property shall be subject to a fine not to exceed five hundred dollars (\$500.00), plus restitution to victim, plus court costs.

[History: L. 1999, September 22; R-34-99; Amend. 2020, Jun. 16; R-37-20
PUBLIC LAW # T 6 § 404]

Section 404. Conversion of Lost or Mislaid Property.

(a) It shall be a civil violation for any person within the jurisdiction of the Sac and Fox Nation to fail to take reasonable measures to restore lost or mislaid property to the lawful owner by a person who has obtained control of such property, who knows or learns the identity

of the owner thereof, and who intends to deprive the owner permanently of the possession, use or benefit of the property.

(b) Theft of lost or mislaid property shall be subject to a fine not to exceed five hundred dollars (\$500.00), plus restitution to victim, plus court costs.

[History: L. 1999, September 22; R-34-99; Amend. 2020, Jun. 16; R-37-20
PUBLIC LAW # T 6 § 404]

Section 405. Desecration.

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

(1) Obtain or attempt to obtain unauthorized control of a dead body or remains of any human being or coffin, urn or other article containing a dead body or remains of any human being; or

(2) By means other than fire or explosive to:

(A) damage, deface or destroy the flag, ensign or other symbol of the Sac and Fox Nation in which another has a property interest without the consent of such other person; or

(B) damage, deface or destroy any Tribal monument or structure; or

(C) damage, deface or destroy any tomb, monument memorial, marker, sign, grave, crypt gate, tree, shrub, plant, or any other property; or

(D) damage, deface or destroy any place of worship, with exception to Tribal ceremonies during which, grave, remains or other memorials, markers or monuments are being removed for relocation.

(b) Desecration shall be subject to a fine of not less than one thousand dollars (\$1000.00), nor more than one million dollars (\$1,000,000.00), plus costs of repair, replacement, services and other collateral damages and Court costs and fees.

[History: L. 1999, September 22; R-34-99; Amend. 2020, Jun. 16; R-37-20
PUBLIC LAW # T 6 § 405]

Section 406. Dangerous Drug Offense.

(a) It shall be a citable offense, except as authorized and controlled by federal law, to manufacture, distribute, possess with intent to distribute, dispense, create, possess, or cultivate a controlled or counterfeit substance by misrepresentation, fraud, forgery, deception, or subterfuge; or to knowingly or intentionally use any communication facility in committing any of the above prohibited acts.

(b) Controlled or counterfeit substances shall consist of the substances listed in 21 U.S.C. Section 812 (1972), and any other chemical substance, natural or artificial, defined as a controlled or dangerous substance with possession, sale, distribution, or use of which is prohibited by federal law, except peyote.

(c) A dangerous drug offense shall be subject to a fine not to exceed five hundred dollars (\$500.00), costs of handling, testing, mailing, transporting, storing such substance, plus court costs. Upon a finding of liability under this Section for sales distribution, possession

with intent to distribute, manufacture with the intent to sell, or cultivation with the intent to distribute, banishment may also be imposed for a term not to exceed ten (10) years.

(d) Any substance handled in violation of this Section is hereby declared to be contraband and forfeiture proceedings may be had against such substance as provided by law.

(e) Any personal property used to transport, conceal, manufacture, cultivate, or distribute the controlled substance in violation of this Section shall be subject to forfeiture as contraband by a separate civil proceeding as provided by law.

[History: L. 1999, September 22; R-34-99; Amend. 2020, Jun. 16; R-37-20
PUBLIC LAW # T 6 § 401]

Section 407. Littering of Public and Private Property; Penalty

(a) Any person who deposits, throws, discards, or otherwise disposes of any litter on any public or private property, or in any waters, commits the offense of littering unless:

(1) Such property is an area designated by law for the disposal of such material and such person is authorized by the proper public authority to so use such property; or

(2) Such person is authorized by the owner of the private property to use such property for such purpose.

(b) Definitions:

(1) The word litter as used in this section shall mean all waste material susceptible of being dropped, deposited, discarded, or otherwise disposed of by any person upon any property on the reservation, but does not include wastes of primary processes of farming or manufacturing.

(2) Waste material as used in this subsection shall mean any material appearing in a place or in a context not associated with that material's function or origin.

(c) Whenever litter is thrown, deposited, dropped, or dumped from any motor vehicle or watercraft in violation of this section the operator of such motor vehicle commits the offense of littering.

(d) Littering shall be subject to a fine of not less than one hundred dollars (\$100.00) and may include the costs of properly disposing of the waste material, plus court costs.

[History: L. 2020, Jun. 16; R-37-20:
PUBLIC LAW # T 6 § 407]

Section 408. Unauthorized Disposal of an Animal Carcass

(a) Any person who, without the express written permission of the Tribal Environmental Directors, deposits, leaves, discards, or otherwise disposes of any animal carcass on any public or private property, or in any waters, commits the offense of unauthorized disposal of an animal carcass.

(b) Unauthorized disposal of an animal carcass shall be subject to a fine of not less than one hundred dollars (\$100.00) and may include the costs of properly disposing of the animal carcass, plus court costs.

[History: L. 2020, Jun. 16; R-37-20:
PUBLIC LAW # T 6 § 408]