

LAW AND ORDER CODE OF THE LOS COYOTES BAND OF INDIANS

Section 1. Findings.

- (a). It is a fundamental right of the Los Coyotes Band of Indians (“Tribe”) to establish and enforce a Law and Order Code governing the conduct of persons within the boundaries of the Reservation (“Territory”); and,
- (b). The need to protect the health and safety of persons within the Territory has a direct effect on the political integrity, economic security, and health and welfare of the Tribe; and,
- (c). A set of laws governing the conduct of persons with the Territory has existed for decades and the Tribe is transcribing these laws for the purpose of clarifying any presently existing misconceptions about the nature of these laws; and,
- (d). In accordance with the Custom and Tradition of the Tribe, the Tribe hereby enacts the Law and Order Code for the Tribe as set forth below.

Section 2. Offenses.

(a). Disorderly Conduct.

A person commits the Offense of Disorderly Conduct if he intentionally, knowingly, or recklessly creates or makes an unreasonable noise in a public place or near a private residence which he has no right to occupy; or who intentionally, knowingly, or recklessly disrupts any lawful public meeting or assembly, without legal justification to do so.

(b). Trespass.

A person commits the Offense of Trespass if he, knowing or having reasonable cause to know that he is not licensed or privileged to do so, willfully enters or remains upon or within any building, structure, or land, or portion thereof after being ordered or notified not to enter or remain therein or thereupon.

(c). Unlawful Grazing of Livestock.

A person commits the Offense of Unlawful Grazing of Livestock if he intentionally or recklessly permits any livestock owned by such person to graze upon any public or private property without first having obtained a permit from the Tribe to do so.

(d). Harassment.

A person commits the Offense of Harassment if he so conducts himself at or in any public building or facility owned or controlled by the Tribe in such a way so as to willfully impede, disrupt, or hinder any public official or employee in the lawful performance of duties or activities through the use of restraint, coercion, intimidation, or by force or violence.

(e). Unlawful Use or Damage of Property of the Tribe.

A person commits the Offense of Unlawful Use or Damage of Property of the Tribe if he willfully or intentionally uses, misappropriates, or damages for personal or monetary gain the property, name, or image of the Tribe without the lawful authority to do so.

(f). Assault.

A person commits the Offense of Assault if he intentionally and without legal justification causes, threatens, or so intimidates another so as to cause in that other person a reasonable belief of immediate bodily harm or injury.

(g). Battery.

A person commits the Offense of Battery if he intentionally or recklessly causes bodily harm or injury to another without legal justification.

(h). Unlawful Possession or Use of a Firearm.

A person commits the Offense of Unlawful Possession or Use of a Firearm if he intentionally or knowingly possesses, uses, or discharges a firearm without lawful authority or permit issued by the Tribe.

(i). Under-aged Drinking of Alcoholic Beverages.

A person commits the Offense of Under-aged Drinking of Alcoholic Beverages if he is under the age of twenty-one and intentionally or knowingly purchases, receives, possesses, or consumes any malt, vinous, or spiritous liquor.

(j). Unauthorized Construction or Placement of a Home, Mobile Home, or Trailer.

A person commits the Offense of Unauthorized Construction or Placement of a Home, Mobile Home, or Trailer if he constructs a home, dwelling, or structure, or places a mobile home or trailer on or within the Territory without first obtaining permission from the Tribe for doing so.

(k). Reckless Driving.

A person commits the Offense of Reckless Driving if he intentionally or recklessly operates a motor vehicle on or within the Territory in a manner that endangers or threatens the health, safety, or welfare of others.

(l). Unauthorized Camping.

A person commits the Offense of Unauthorized Camping if he intentionally or knowingly erects a tent or sleeps within the Territory on lands designated for camping without first obtaining a permit from the Tribe.

(m). Unlawful Cutting of Firewood.

A person commits the Offense of Unlawful Cutting of Firewood if he intentionally or knowingly cuts, chops, or destroys any trees, limbs, or bushes naturally growing

within the Territory without first obtaining a permit from the Tribe.

(n). Illegal Fencing.

A person commits the Offense of Illegal Fencing if he intentionally or knowingly erects or posts any barricade, wire, or obstruction on any publically held lands within the Territory without first obtaining a permit from the Tribe.

(o). Criminal Interference with Authorized Business of the Tribe.

A person commits the Offense of Criminal Interference with Authorized Business of the Tribe if he intentionally or knowingly impedes, interferes, or restrains the lawful performance of any business enterprise operated by the Tribe.

(p). Theft

A person commits the Offense of Theft if he knowingly or intentionally obtains or exercises control over anything of value of another including the Tribe without authorization with the intent to deprive such other person or the Tribe permanently of the use or benefit of the thing of value.

(q). Mail Fraud and Unlawful Damage to Mail.

A person commits the Offense of Mail Fraud and Unlawful Damage to Mail if he, while within the Territory, obtains the possession of, or opens, or causes damage to another person's mail by intentional misrepresentation of office or by deceit.

(r). Possession, Distribution, or Manufacture of Illegal Drugs.

A person commits the Offense of Possession, Distribution, or Manufacture of Illegal Drugs if he knowingly or intentionally possesses, distributes, or manufactures any marijuana, or any portion of the plant cannabis sativa L. or any substance containing the same, or any opium, morphine, hashish, or heroin, or any drug or other substance identified or defined as a "controlled substance" in the provisions of Chapter 13, Title 21, United States Code, as amended to the date of the offense, unless such possession is for medical purposes under the prescription or supervision of a person licensed by the United States or one of the states thereof to administer, prescribe, control, or dispense such substance.

Section 3. Penalties.

(a). Any Indian person who has been determined to have committed an Offense listed in this Law and Order Code shall be subject to the following sanctions per offense as determined by the Judge who shall have the discretion to make such determinations:

- Community Service
- Imprisonment up to one, fine up to \$5000, or both imprisonment and fine
- Property forfeiture
- Restitution

- Exclusion from the Territory, and/or
- Disenrollment from Membership in the Tribe for repeated violations of this Law and Order Code.

(b). Any non-Indian person who has been determined to have committed an Offense listed in this Law and Order Code shall be subject to the following sanctions per offense as determined by the Judge who shall have the discretion to make such determinations:

- (1). If the non-Indian voluntarily submits to the criminal jurisdiction of the Tribe, then:
 - Community Service
 - Imprisonment up to one, fine up to \$5000, or both imprisonment and fine
 - Property forfeiture
 - Restitution, and/or
 - Exclusion from the Territory.

- (2). If the non-Indian refuses to voluntarily submit to the criminal jurisdiction of the Tribe, then:
 - Civil fine
 - Property forfeiture
 - Civil restitution, and/or
 - Exclusion from the Territory.

Section 4. Enforcement.

- (a). The Spokesperson shall be authorized to appoint a qualified Prosecutor and/or Law Enforcement Official(s) to enforce the Provisions of this Law and Order Code and such Prosecutor shall possess, at a minimum, prior experience as a Prosecutor / or law enforcement experience and legal training or a law degree.

- (b). Any person may file a complaint with the Prosecutor alleging a violation of this Law and Order Code. The Prosecutor shall have the discretion to determine whether to proceed with a prosecution by filing a formal complaint with the Court. Upon filing of a complaint, notice of charges shall be provided to the defendant, and the defendant shall be given an opportunity to respond to the charges by presenting evidence and testimony at a public hearing. The Judge or a jury of six persons shall determine the guilt or innocence of the defendant.

- (c). Within thirty (30) days of the enactment of this Code, the Spokesperson shall appoint a Judge who shall possess, at a minimum, a law degree and who shall have prior experience as a Judge. The Judge shall be authorized to establish rules of procedure for the Court.

- (d). A defendant who has been determined to have violated this Law and Order Code may appeal such determination to the General Council consisting of the Membership of voting age who shall make a final determination, and such determination shall be final and not subject to further appeal.
- (e). There shall be no statute of limitations on the prosecution of any Offense listed in this Law and Order Code.

Section 5. Severability.

In the event any provision of this Law and Order Code is determined invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.