TRIBAL COUNCIL OF THE
IIPAY NATION OF SANTA YSABEL

BILL

To Enact the Iipay Nation of Santa Ysabel Peace and Security Code

BILL NO: LB 26-02

DATE INTRODUCED: 7/12/2026

SPONSORING Council Member(s): ALL Tribal Council Members

SUBJECT: Iipay Nation of Santa Ysabel Peace and Security Code

IIPAY NATION OF SANTA YSABEL PEACE AND SECURITY CODE

ARTICLE I - TITLE.

1.01. Title. The attached Ordinance, entitled "Iipay Nation of Santa Ysabel Peace and Security Code," shall be referred to as the "Peace and Security Code."

ARTICLE II - FINDINGS.

2.01. Findings. The Tribal Council finds:

(a) The Iipay Nation of Santa Ysabel ("the Nation") is a federally recognized Tribe with approximately 15,000 acres of trust land ("the Reservation") spread between three parcels located in North San Diego County; and

(b) The Tribal Council has been charged by the Constitution to regulate and govern and assert sovereignty and jurisdiction over all lands, persons, property, and activities within the Territory of the Nation; and

(c) The Tribal Council shall oversee the establishment, administration, and coordination of governmental departments and functions necessary to provide for the health, safety, and welfare of the Nation and its citizens; and

(d) The Tribal Council has the inherent sovereign authority and constitutional power to make laws necessary and proper for the good of the Nation, including laws governing public safety, peace, and order; and

(e) The Nation has a fundamental responsibility to protect its members, residents, employees, and

visitors from harm, including violence, harassment, disorderly conduct, and threats to property and community well-being; and

(f) The Tribal Council recognizes that maintaining peace and security within the Nation's Territory is essential to the preservation of the Nation's political integrity, economic security, and the health and welfare of its citizens; and

(g) The Tribal Council further recognizes that the Nation retains inherent civil and regulatory jurisdiction over persons present within its Territory, including Members, Non-Members, and Non-Native persons, to the extent permitted by federal law and consistent with the Nation's sovereignty; and

(h) The Tribal Council finds that Public Law 280 did not divest the Nation of its inherent authority to enact and enforce its own laws necessary to maintain peace and order within its Territory; and

(i) The Tribal Council has determined that a comprehensive Peace and Security Code is necessary to define offenses against persons, property, and the Tribal government, and to establish clear standards of conduct applicable within the Nation's Territory; and

(j) The Tribal Council has further determined that a unified Code is necessary to provide consistent procedures for enforcement, citation, adjudication, and remedies through Tribal Law Enforcement and the Tribal Court; and

(k) The Tribal Council recognizes the importance of incorporating culturally appropriate and community-based approaches to justice, including restorative practices, community service, and rehabilitative measures, consistent with the Nation's customs and traditions; and

(l) The Tribal Council finds that the Peace and Security Code is necessary to support and strengthen Tribal Law Enforcement and Tribal Court authority, including the ability to respond effectively to domestic violence, public safety threats, and other violations of Tribal law; and

(m) The Tribal Council further finds that the Code will promote coordination and cooperation with federal, state, and other tribal jurisdictions where appropriate, while preserving the Nation's sovereign authority; and

(n) The Tribal Council recognizes that the establishment and periodic revision of a Schedule of Fines and Penalties is necessary to ensure fair, consistent, and effective enforcement of the Code; and

(o) The Tribal Council intends that the Peace and Security Code be liberally construed to achieve its purposes, including preserving peace, ensuring fairness, protecting individual rights, and promoting the general welfare of the Nation; and

(p) The Tribal Council has determined that adoption of the Peace and Security Code is in the best interest of the Nation and is necessary to maintain peace, safety, order, and justice within the Nation's Territory.

ARTICLE III - PURPOSE.

3.01. Purpose. The purpose of this Ordinance is to establish a comprehensive Peace and Security Code

governing conduct, enforcement, and adjudication within the Nation's Territory.

ARTICLE IV – ENACTMENT OF THE PEACE AND SECURITY CODE

4.01. Enactment.

(a). The Tribal Council hereby enacts the attached Ordinance entitled "*Iipay Nation of Santa Ysabel Peace and Security Code ("Code").*"

(b). The Tribal Council hereby enacts the attached "*Schedule of Fines and Penalties*" which the Tribal Council may amend, revise, or from time to time by resolution without the need to amend the Code

(b). All acts, laws or customs and traditions in conflict with this Ordinance are hereby repealed.

ARTICLE V – SEVERABILITY

5.01. Severability. If any provision of the Iipay Nation of Santa Ysabel Peace and Security Code is held to be void, invalid, or unenforceable, it shall be considered deleted, and the invalidity of such provision shall not affect the validity or enforceability of any other provision which shall be given effect in the absence of the invalid provision. The remaining provisions shall continue in full force and effect without being invalidated.

SO ENACTED this 223rd day of 2026, by the Tribal Council of the Iipay Nation in the by a vote of 4 FOR, 1 AGAINST, AND 1 ABSTAINING as follows:

			FOR	AGAINST	ABSTAIN	NOT PRESENT
Kevin Osuna	Chairman		1			
Chris Cleland	Vice-Chairman				1	
Silva French	Secretary			1		
Vanessa Christman	Councilmember		1			
George Rodriguez	Councilmember		1			
Bruce Durbin	Councilmember		1			

LEGISLATIVE HISTORY

Date of Formal Introduction				7/12/2026
Date of Reading into the Legislative Record				7/12/2026
Date of Publication into the Legislative Calendar				7/12/2026
Date of Public Hearing				7/12/2026
Date of Approval by the Tribal Council				8/11/2026
Date of the Chairman's Signature				8/11/2026
Deadline of Receipt of Verified Petition to General Council				9/10/2026
Date of Receipt of Verified Petition				
Date of General Council Repeal				

Chairman Kevin Osuna _____ Date August 11, 2026

THE IIPAY NATION OF SANTA YSABEL
TRIBAL PEACE AND SECURITY CODE



2026

Article 1. Purpose, Jurisdiction and Construction

Section A. Purpose, Policy and Applicability

1. The Iipay Nation of Santa Ysabel ("Nation") is a sovereign tribal government that exercises its authority within its Territory. All Persons lawfully on the Nation's Territory are entitled to the peaceful and tranquil pursuit of their lifestyles, including Iipay cultural practices and activities, and are entitled to security against harassment, vandalism, violence, disturbing the peace and other antisocial acts, in both common and private areas of the Nation's Territory. The Nation will achieve this through maintaining order by enforcing Tribal Law and safeguarding cultural practices and resources.

2. Public Law 280 did not divest the Nation of its inherent sovereign authority to establish its own laws and enforce them. The adoption and enforcement of a Peace and Security Code is necessary to maintain peace and order on the Nation's Territory. The adoption of this Code is in the best interest of all Members, Non-Members, or Non-Native Persons within the Nation's Territory because it promotes the health and safety of the Nation and furthers the Nation's sovereignty and the administration of justice.

3. The applicability of the Nation's Tribal Laws serves as a fundamental mechanism for maintaining order, protecting Tribal sovereignty, and safeguarding the community. Tribal Law is designed to address issues specific to the tribal community, ensuring justice, harmony, and cultural preservation.

4. This Code shall be enforceable by Tribal Law Enforcement Officers and the Tribal Council. Any individual found in violation of this Code shall be notified through a written notice or citation issued by either the Tribal Law Enforcement Officers or the Tribal Council. The omission of citation to specific Code sections shall not impede the prosecution of any violation under this Code. Furthermore, this Code shall be subject to liberal construction to effectively fulfill its intended purposes and promote justice.

5. The Nation is committed to administering justice through traditional and culturally appropriate methods which may include the imposition of community service or referral for rehabilitative treatment services.

Section B. Jurisdiction

1. *Authority of the Nation*. The Iipay Nation of Santa Ysabel exercises sovereign authority over all Persons, property, and activities within the Nation's Territory and any additional lands acquired in trust for the Nation. The scope of this authority and jurisdiction extends to:

   a. Enforcing tribal and other applicable laws on all Persons present on the Nation's lands, whether they are Members, Non-Members, or Non-Native Persons;

b. Regulating and governing land use, natural resources, and any Economic or Commercial Activities conducted on the Nation's Territory; and

c. Resolving disputes, including civil and criminal matters involving any Person within the Nation's Territory.

2. *Jurisdiction over Domestic Violence*. The Nation has subject matter jurisdiction, pursuant to Article II, Section 2 of the Nation's Constitution, over any act of Domestic Violence, Stalking, Abduction, or Sexual Assault that occurs on the Nation's Territory. The Nation has personal jurisdiction over any act of such violence upon a Member, Non-Member or Non-Native Person which occurs within the Nation's Territory. The Nation also has jurisdiction over any valid order of protection issued by another court of competent jurisdiction, when either the Victim or the Perpetrator is residing, or found to be within the Nation's Territory.

3. *Tribal Court Jurisdiction*. The Iipay Nation of Santa Ysabel Tribal Court ("Tribal Court"), whether it be through the existing membership in the Southern California Intertribal Court system or should the Nation establish its own court system, shall have jurisdiction over all cases arising under this Code. The jurisdiction of the Tribal Court shall extend to all Persons and lands within the Nation's Territory.

4. *Cooperation with Other Jurisdictions*. The Nation may collaborate with federal, state, and other tribal authorities to ensure the enforcement of laws and to address matters that extend beyond the Nation's Territory.

5. *Tribal Law Enforcement Officer Jurisdiction.* Tribal Law Enforcement Officers have jurisdiction to enforce this Code, upon Probable Cause, over all Persons on the Reservation. Upon the grant of a Special Law Enforcement Commission, Tribal Law Enforcement Officers shall additionally have jurisdiction to enforce certain federal and state laws within the Nation's Territory.

Section C. Liberal Construction. This Code shall be interpreted to give full effect to the objectives and purpose for which it was enacted. Furthermore, the Code shall be interpreted to:

1. Preserve the peace, harmony, safety, health and general welfare of the Members, employees of the Nation and those permitted to enter or reside on the Nation's Territory;

2. Ensure peace and order on the Nation's Territory;

3. Promote the welfare of the Nation and its Members;

4. Safeguard individual rights, cultural practices and community standards;

5. Secure rights and powers which are inherent in the Nation's sovereign status;

6. Exert jurisdiction over all matters essential to the Nation's self-determination and self-governance;

7. Treat all Persons fairly and without prejudice, protecting individual rights guaranteed by the Indian Civil Rights Act and by the traditions, customs and laws of the Nation;

8. Resolve disputes fairly and efficiently; and

9. Provide an orderly procedure for resolving conflicts which reflects tribal customs and traditions as well as prevailing community standards, and which affords all affected Persons a fair, prompt and impartial hearing.

Article 2 Definitions

"Adult" means a Person over the age of eighteen (18) years of age.

"Advocate or Tribal Court Advocate" means an employee of, or volunteer for, a program for Victims of Domestic Violence, Stalking, Abduction or Sexual Assault and who has a primary function in the program of rendering advocacy, counseling, or assistance to Victims of Domestic Violence, Stalking, Abduction or Sexual Assault; supervising employees or volunteers of the program and/or supports and represents a Person in Tribal Court matters.

"Allotment" means any land held in trust by the federal government for the benefit of a specific Member.

"Assignment" means Reservation land provided to a Member for residential uses.

"Bodily Injury" means any physical harm or injury inflicted on a person's body, regardless of its severity. It can include minor injuries like cuts, bruises, or sprains.

"Cannabis" means the genus of a flowering plant which includes three (3) different species: Cannabis sativa, Cannabis Indica and Cannabis Ruderalis, commonly referred to as marijuana and products produced from the plant.

"Cannabis Product" means a product containing Cannabis that is processed for use or consumption, including, but not limited to, smoking products, vaporizing products, edible products, topical products, ointments and tinctures.

"Catphishing" means creating a fake online identity to trick or deceive a Person.

"Clear and Convincing Evidence" means that a Person has provided evidence that leads a decider of fact to a firm belief or conviction that it is highly probable the factual contentions of the claim or defense are true.

"Controlled Substance" means any drug or other substance under the provisions of Chapter 13, Title 21, Section 82, "Controlled Substance" of the United States Code, with the exception of Cannabis.

"Cultural Site" means a place, feature, object or sacred space that has traditional and cultural value to the Nation and its Members.

"Cyber Bullying" means using electronic communication to bully, intimidate or threaten a Person.

"Dangerous Animal" means an animal that has attacked, bitten or otherwise caused injury to a Person or another animal without provocation at least twice within a two (2) year period.

"Dangerous Weapon" means any weapon, device, material or substance, whether animate or inanimate, which is used or intended to be used in a manner that is capable of producing death or Serious Bodily Injury.

"Default Judgment" means a legal ruling granted by a court in favor of the Nation when the Person cited fails to respond to a summons or fails to appear in court.

"Defendant" means a Person who has received a citation from a Tribal Law Enforcement Officer

"Domestic Partner" means a Person who shares a Residence with a partner, especially without a legally recognized union or marriage.

"Domestic Violence" means a pattern of behavior in which one Person uses physical, emotional, psychological, monetary or other abusive tactics to establish power and control over another Person.

"Economic or Commercial Activities" means money generating activities that involve and support the economic well-being of the Nation, with the exceptions of commercial cannabis activities as operated by the Nation's TDC.

"Elder" means a Person who is seventy (70) years of age or older. For purposes of this Code, the term will also include "Senior."

"Emotional Distress" means significant mental or emotional suffering caused by another Person's actions or circumstances.

"Family or Household Member" means a biological or adopted relative of the Person; a Person's biological or adopted children; any child that the Person has legal custody, or is legal guardian or Indian custodian of, any child that the Person receives into his or her home and openly holds out as his or her child; any person living in the Person's home at the time of any offense; any person generally recognized by the Nation under law or custom and tradition as a member of the Person's family.

"Firearm" means any Weapon that uses explosive force to launch a projectile such as a bullet, including a starter gun, handguns, rifles (Long guns designed for accuracy), Shotguns (designed to shoot pellets or slugs, and automatic or semi-automatic weapons.

"Guardian" means an Adult Person who is not a Minor's legal parent but is legally responsible for the Minor and Minor's care.

"Intoxicated/Intoxication" means a Person affected by alcohol or Controlled Substance to the point where physical and mental control is noticeably diminished.

"Lewd" means crude, offensive or indecent in a sexual way.

"Legally Obtained" means a Person has followed all state, federal and Tribal Law in acquiring a firearm.

"Livestock" means horses, cattle, pigs, sheep, goats, rabbits and/or fowl or any other domesticated animals used for agricultural purposes or that support the ecology of the Nation's Territory.

"Member" means an enrolled tribal member of the Iipay Nation of Santa Ysabel.

"Mental Anguish" means the emotional suffering or distress that a Person experiences as a result of an event or situation, often characterized by feelings of anxiety, depression, or grief.

"Minor" means any Person under the age of eighteen (18) years old.

"Motor Vehicle" or "Vehicle" is any mode of transportation which is motorized and includes automobiles, light and heavy-duty trucks, motorcycles, off-road vehicles or all-terrain vehicles (ATVs), e-bikes, electric wheeled platforms, motorized scooters and/or skateboards, golf carts, motorized personal assistive mobility device, and all other forms of motorized transportation.

"Nation's Territory" means the Reservation and other lands owned by the Nation.

"Nonconsensual Sexual Activity or Contact" means any sexual activity attempted without consent of the Victim, including, but not limited to: fondling, forced watching of pornography, exhibitionism, disrespecting of privacy and physical boundaries for sexual purposes, forced prostitution, or demanding sexual favors in exchange for anything.

"Non-Member" means a person of Native American descent who is not an enrolled member of the Iipay Nation of Santa Ysabel.

"Non-Native" means a person of descent other than Native American.

"Nuisance" means a condition, activity or situation that unreasonably interferes with the use or enjoyment of a property or a Person's well-being.

"Owner/Keeper" means a Person who owns, possesses or keeps a Pet or Livestock.

"Parent" means the biological or adoptive mother or father of a Minor.

"Perpetrator" means any Person who engages in an act of Domestic Violence, Stalking, Sexual Assault, Abduction, or other form of violence or commits a violation of this Code.

"Person" means any individual whether a Member, a Non-Member, or a Non-Native.

"Personal Property" means any type of property that includes any object or asset that can be owned by a person, including a structure or Residential unit that can be moved, but does not include land. Pets and other animals shall be considered Personal Property.

"Personally Identifiable Information" means any data that can be used to identify an individual directly or indirectly.

"Pet" means any domesticated animal, including dogs and cats.

"Petitioner" means a Person, entity or tribal authority who formally initiates a legal action by filing a petition or other pleading with the Tribal Court or Tribal Council seeking specific relief or remedies.

"Predominant Aggressor" means the Person who poses the most serious threat to the Person's partner, attempts to exert power and control over the Person's partner, and has the most ability or inclination to cause physical harm, regardless of which Person engaged in violent behavior first.

"Probable Cause" refers to a reasonable belief, based on factual evidence and circumstances, that a Person has committed, is committing, or is about to commit an offense under this Code.

"Public Place" means any tribal building, facility, business establishment, roadway or any other place which Members and the general public have lawful access to.

"Rape" means nonconsensual sexual intercourse or penetration of the vagina, anus or orally that is accomplished by means of force, violence, threats, or fraud and without the consent of the Victim.

"Reckless" means when a Person acts carelessly, heedlessly, or is inattentive to the circumstances surrounding them.

"Reckless Endangerment" means a Person engages in conduct that shows a gross disregard for the safety of others, thereby putting them at significant risk of injury or death.

"Red Flag Conditions" means situations that pose increased danger from fire hazards or winter weather.

"Reservation" means Tract One, Tract Two, Tract Three, and all other lands held in trust by the United States for the benefit of the Nation and any additional land acquired and held in trust for the Nation.

"Residence/Residential" means where a Person or Persons lawfully live and includes both the dwelling unit and any associated yard area and appurtenant/accessory buildings surrounding the dwelling unit. Lawfully as used herein means that the Person or Persons have the consent and permission of the Nation through its Tribal Council and/or General Council to reside on the Nation's Territory.

"Resident" means a Person who lawfully lives or resides on an Assignment or an Allotment on the Nation's Territory.

"Respondent" means the Person who is the subject of a Petition for Protective Order or an Order of Exclusion/Banishment.

"Running at Large" means the presence or situation of any Pet at any location within the Nation's Territory that is not within the Owner/Keeper's Allotment, designated Assignment or Residence unless the Pet is restrained by a Person physically able to control the Pet on a leash that is not longer than fifteen (15) feet in length.

"Senior" means a person between the ages of sixty (60) and sixty-nine (69).

"Serious Bodily Injury" means an injury which involves a substantial risk of death, extreme physical pain or disfigurement, or a protracted loss or impairment of the function of a bodily member, organ or mental facility.

"Sexual Abuse" means non-consensual sexual contact or assault.

"Special Law Enforcement Commission (SLEC)" means a federal law enforcement commission issued by the Bureau of Indian Affairs (BIA) to a Tribal Law Enforcement Officer pursuant to a memorandum of understanding or agreement between the Nation and the BIA. A SLEC authorizes the officer to enforce applicable federal law within the Nation's Territory and other authorized Indian Country areas consistent with the terms of the commission and applicable federal law. Enforcement of state law or participation in joint operations with non-BIA law enforcement agencies may occur only where separately authorized by applicable agreements, memoranda of understanding, cross-deputization agreements, or Tribal resolutions.

"Tribal Council" means the Nation's elected executive and legislative body.

"Tribal Court" means the judicial branch of the Nation which is the Intertribal Court of Southern California or such other court system as the Nation shall delegate.

"Tribal Law" means all laws, ordinances, resolutions, policies and guidelines of the Nation.

"Tribal Law Enforcement Officer" means a Person designated by the Nation to enforce this Code and to act as a law enforcement officer for the Nation, including POST certified officers, trained police dogs, rangers or security officers.

"Tribal Official" means a member of the Nation's elected Tribal Council.

"Tribal Police Chief" means the head of the Tribal Law Enforcement Department.

"Truant/Truancy" means a Minor, who is absent for three (3) full days in a single school year; or is tardy three (3) times in a year; or is absent three (3) times for more than thirty (3) minutes; or any combination of the above.

"Victim" means any Person who has suffered harm as a direct result of an act to control physically, sexually, psychologically, financially or to damage a reputation or property or a

Person who has been affected by the commission of an offense by another Person. The term "Victim" applies regardless of the relationship between the Victim and the Perpetrator (e.g., known, or unknown, familial, or unrelated).

"Vulnerable Adult" means an adult who exceeds the age of eighteen (18) years old and is unable to protect themselves from potential or actual abuse, neglect or exploitation. This includes a Person who is unable to make responsible decisions for themselves because of mental illness or cognitive limitations due to age or other conditions, physical disability or illness, or the effects of chronic use of alcohol and/or drugs.

"Weapon" means any tool or device designed to inflict harm or cause damage to a Person.

Article 3. Violations

Section A. Offenses Against Property

1. ***TRESPASS***. It is unlawful for any Person not properly authorized to enter or remain on land within the Nation's Territory (as defined in this Code), including on the Assignments or Allotments of Members of the Nation.

   a. Civil Trespass. Trespass is committed when a Person enters on or otherwise occupies lands within the Nation's Territory, a Member's Allotment or Assignment, any lawful Residence, or other lands subject to the jurisdiction of the Nation, without the express consent or permission of the Nation or Tribal Council, and

      i. Had Notice that the entry was forbidden;

      ii. Was ordered to depart after entry and failed to do so; or

      iii. Has been excluded from the Nation's Territory by Tribal Court order or Tribal Council Resolution.

      iv. Notice or an order may be given by:

         (1) Written or verbal communication given to the intruder by a Tribal Official, Tribal Law Enforcement Officer, the Resident of the property or a Person authorized to act on behalf of the Resident;

         (2) Written notice posted on or about the property in a manner likely to come to the attention of potential intruders- whether illegally removed by the intruder or otherwise;

         (3) Fences, barricades or other devices obviously designed to enclose the property and to exclude all potential intruders;

         (4) Written Exclusion Order issued by the Tribal Court or Tribal Council Resolution;

(5) Written protective or restraining orders issued by a Tribal, State or Federal court preventing a Person from entering the buildings or facilities within the Nation's Territory.

b. Criminal Trespass. Any Person who enters or remains on the Nation's Territory with the intent to commit an unlawful act or has previously been cited and convicted of trespass is guilty of the offense of criminal trespass.

c. Illegal Occupancy/Continuing Trespass. No Person may occupy lands within the Nation's Territory without express permission of the Tribal Council. Any occupation or placement of any dwelling or building on the Nation's Territory without such permission constitutes the offense of trespass and the Person committing such offense will forfeit any such dwelling or building and all Personal Property therein, which will become the property of the Nation. The Person may also be excluded from the Nation's Territory pursuant to Article 5, Section F of this Code.

i. Violations of General Council Resolution #7-36 are punishable under this Section.

d. Evidence of Permission, Right or Authority. All Persons entering onto or remaining at any land, building, facility, structure, and other area located on the Nation's Territory are required to have documentary evidence of the right and authority to do so. Such evidence may include but is not limited to: a permit or license issued by the Nation or an agency of the Nation or an agreement, lease, easement or right-of-way between such Person and the Nation or an agency of the Nation. No other governmental authority, federal, tribal or state, may grant any rights to entry or occupation of the Nation's Territory. Any Person that does not have evidence documenting a right and authority to enter and remain on lands within the Nation's Territory is presumed to be a trespasser under this Code and may be detained, arrested or removed by Tribal Law Enforcement.

2. ***ARSON***. Arson is committed when:

a. A Person intentionally or negligently sets fire to, or burns, or causes to be burned, or aids, counsels, or assists in the burning of any trailer, motor vehicle, dwelling, structure, stable, crops, trees, vegetation, trash or open area located within the Nation's Territory; or

b. A Person uses fire pits or engages in burning practices without a permit, or violates burn restrictions, suspensions, and closures for the Nation for which the Iipay Nation Fire Department is authorized to establish protocols.

i. Any Person engaged in cultural burning practices must provide prior notification to the Tribal Council which will provide protocols and appropriate measures to follow; or

ii. Any Person or other entity engaged in a prescribed burn must provide prior notification to the Iipay Nation Fire Department which will provide protocols and appropriate measures to follow.

3. ***THEFT***. Theft is committed when a Person:

a. Knowingly takes the Personal Property of another without permission or consent;

b Receives, conceals or aids in the receipt or concealment of Personal Property obtained illegally by another.

4. ***BURGLARY.*** Burglary is committed when a Person:

a. Knowingly enters or remains unlawfully in a building, structure, dwelling, vehicle, trailer, storage unit, shed, or other enclosed area within the Nation's Territory with the intent to commit theft or another offense therein;

b. Breaks, forces, tampers with, or otherwise unlawfully opens any door, window, container, vehicle, or other secured place within the Nation's Territory with the intent to commit theft or another offense; or

c. Attempts to commit any act described in subsections (a) or (b).

5. ***DAMAGE OR DESTRUCTION OF A CULTURAL OR HISTORIC SITE***. Damage or Destruction of a Cultural or Historic Site is committed if a Person:

a. Damages or destroys a Cultural or Historic Site or Monument; or

b. Loots, traffics, or deliberately damages any feature, artifact, artwork or cultural symbolism; or

c. Makes markings, including, inscriptions, slogans, drawings, or painting on the Cultural or Historic Site; or

d. Aids, assists, commands, or counsels another to commit Damage or Destruction to a Cultural or Historic Site.

6. ***DAMAGE OR DESTRUCTION OF PROPERTY/RECKLESS DAMAGE OR DESTRUCTION OF PROPERTY***.

a. Damage or Destruction of Property is committed if a Person, without the effective consent of the owner or Nation:

i. Damages or destroys the property of the owner; or

ii. Tampers with property of the owner and causes monetary loss or substantial inconvenience to the owner or a third Person; or

iii. Makes markings, including, inscriptions, slogans, drawings, or painting on the property of the owner; or

iv. Alters, defaces or damages tribally owned property, which may include a monument, structure or facility, public art, place of worship or burial ground or any other property of the Nation; or

v. Aids, assists, commands, or counsels another to commit Damage or Destruction to Property.

b. Reckless Damage or Destruction is committed when, a Person Recklessly damages or destroys property of the owner without the consent of the owner.

Section B. Offenses against the Peace and Tribal Government

1. ***INTERFERING WITH LAWFUL DUTIES.*** Interfering with Lawful Duties is committed when, if by force, violence, or other means, a Person interferes, obstructs or resists any Tribal Fire Department Official, Tribal Law Enforcement Officer, Tribal Official, Tribal employee, or any law enforcement officer in the performance of their official duties.

2. ***INTERFERING WITH LAWFUL DETENTION/ARREST OR RESISTING DETENTION/ARREST.*** Interfering with Lawful Detention or Resisting Detention is committed when, if by force, violence, or other means, a Person:

   a. Flees from any Tribal Law Enforcement Officer or any law enforcement officer who is attempting to lawfully restrain the Person either on foot or in a Motor Vehicle; or

   b. Assists another Person to avoid a lawful detention or knowingly harbors a fugitive.

3. ***FAILURE TO COMPLY.*** Failure to Comply is committed when a Person willfully disobeys the directions or commands of a Tribal Law Enforcement Officer or any law enforcement officer.

4. ***LEAVING THE SCENE OF AN AUTOMOBILE ACCIDENT.*** Leaving the Scene of an Automobile Accident is committed when a Person:

   a. Operates a Motor Vehicle involved in an accident within the Nation's Territory that results in injury to any person or damage to any vehicle or property and knowingly fails to immediately stop and remain at the scene of the accident until the requirements of this section are satisfied;

   b. Fails to remain at the scene of the accident long enough to provide their name, contact information, and vehicle registration information to the other party involved or to Tribal Law Enforcement; or

c. Fails to promptly report the accident to Tribal Law Enforcement when no other party is present or when the accident involves unattended property.

5. ***REFUSING TO AID A LAW ENFORCEMENT OFFICER***. Refusing to Aid a Law Enforcement Officer is committed if a Person neglects or refuses, when called upon by a Tribal Law Enforcement Officer or any law enforcement officer, to aid and assist in preventing any breach of the peace or the commission of any violation of this Code. No Person will be cited under this Section if the Person is unable to aid law enforcement due to age, physical or cognitive limitations, or other condition that prevents the Person's ability to respond to the law enforcement officer's request.

6. ***FAILURE TO OBEY AN ORDER OF THE TRIBAL AND/OR GENERAL COUNCIL***. Failure to Obey an Order is committed when a specific order or resolution, whether pursuant to custom and tradition or a specific Tribal Law, against the Person has been issued by the Tribal Council and/or General Council and the Person has violated that order or resolution.

7. ***HARBORING AN EXCLUDED OR BANISHED PERSON***. Harboring an Excluded or Banished Person is committed when a Person allows a Person who was excluded or banished either through Tribal Council/General Council action or Tribal Court order to occupy, reside in or visit the Person's Residence.

   a. Any Person may petition the Tribal Council for temporary relief to allow the Excluded or Banished Person to attend a specific cultural practice or funeral. If the Tribal Council grants the relief, it will provide specific protocols and guidelines for the temporary admittance of the Excluded or Banished Person.

8. ***POSSESSION OF A DANGEROUS WEAPON AND/OR FIREARM***

   a. Possession of a Dangerous Weapon and/or Firearm is committed when a Person other than a State, Federal or Tribal Law Enforcement Officer carries on or about their Person, either overtly or concealed, a Dangerous Weapon as defined in this Code.

   b. Members may own and possess Legally Obtained Firearms on the Nation's Territory but shall not brandish or threaten other Persons with them.

   c. Exceptions:

      i Members under the age of eighteen (18) years old may not possess or own any type of Firearm and must always be in the presence of an Adult when using any Firearm.

      ii. Persons who have been convicted of a felony in State or Federal Court may not possess any type of Firearm or ammunition.

iii. Persons with Court Orders or Restraining Orders against them may not possess any type of Firearm or ammunition.

d. Any Tribal Law Enforcement Officer, or other tribally designated security or law enforcement officer may, upon Probable Cause, confiscate a Dangerous Weapon and/or Firearm from any Person who violates this subsection.

9. ***RECKLESS DISCHARGE OF A FIREARM***. Reckless Discharge of a Firearm is committed when a Person:

a. Discharges a Firearm within a quarter mile of a Residence, Public Place, or commercial area; or

b. Discharges a Firearm at or within a dwelling, occupied building or occupied Motor Vehicle; or

c. Discharges any Firearm that results in damage to property or physical harm to a Person.

d. Exceptions:

i. Tribal Law Enforcement Officers while in the performance of their official duties; or

ii. Any other state, federal, or tribal law enforcement officer, while in the performance of their official duties; or

iii. Members may discharge firearms at shooting areas on the Nation's Territory as designated by Tribal Council.

10. ***DISORDERLY CONDUCT***. Disorderly Conduct is committed if a Person:

a. Fights, or challenges to fight, any other Person, or encourages or cheers for, aids, or abets such fight within the Nation's Territory; or

b. Video records such fight for purposes other than providing evidence of wrongdoing; or

c At any time between 10 p.m. and 6 a.m., creates any excessive noise where complaints have been received, including, but not limited to, amplified sound, loud arguing or fighting, revving vehicle engines, or racing vehicles, or allows or permits the creation of any excessive noise on property assigned, allotted, leased, occupied or otherwise controlled by such Person where the noise causes or creates a Nuisance; or

d. Brandishes a Dangerous Weapon or Firearm in an offensive manner; or

e. Abuses or threatens a Person in an offensive manner; or

f. Engages in lewd behavior and is reckless toward Person present; or

g. Is publicly intoxicated; or

h. Uses abusive, indecent, profane, or vulgar language in a tribal building, against tribal employees, or on the Nation's Territory, and the language by its very utterance tends to incite a breach of the peace; or

i. Urinates or defecates in a Public Place or area on the Nation's Territory. This section shall not apply to a Person who cannot comply with this Section because of a disability, age or a medical condition.

11. ***LOITERING***. Loitering is committed if a Person:

a. Physically remains on, at, or near land within the Nation's Territory without a legitimate purpose, invitation, or authorization, except that enrolled members and other persons authorized by the Nation may be present for casual social purposes so long as they are not intoxicated or under the influence of alcohol or drugs, do not disturb or interfere with Tribal officials, staff, employees, children, or other persons, and are not located within fifty (50) feet of official Tribal facilities or government buildings; or

b. Begs, harasses, or panhandles on land within the Nation's Territory; or

c. Remains in an area the has been posted as a No Loitering or No Trespass area; or

d. Refuses to leave an area after being directed to do so by authorized Tribal personnel or law enforcement.

Section C. Animal Control

1. ***DOMESTIC***

a. **Restraint of Pets**. Pet Owners/Keepers commit the offense of Failure to Restrain a Pet if:

i. The Pet is Running At Large within the Nation's Territory as defined in this Code; or

ii. The Pet trespasses on any property and causes damage or destruction to property or anything of value; or

iii. The Pet disturbs the peace or makes other loud noises, snaps, bites or jumps upon another Person while not within the Owner/Keeper's Assignment/Allotment/Residence.

b. **Vaccination**. Pet Owners/Keepers commit the offense of Failure to Vaccinate if they do not obtain rabies and other necessary vaccinations for the Pet on the prescribed schedule and/or cannot produce proof of vaccination upon demand when in violation of this Section 11and requested to do so by a Tribal Law Enforcement Officer.

c. **Animal Neighborhood Disturbance**. The owner of a female Pet in heat or when in season, shall take reasonable precautions to ensure that such animal is secured or kenneled in such a manner as to protect the female from potential attack.

d. **Injury to Another Animal**. A Pet Owner/Keeper commits the offense of Injury to Another Animal if their Pet or other domesticated animal injures or causes the death of a Pet or other animal on the Nation's Territory.

e. **Injury to Persons**. A Pet Owner/Keeper commits the offense of Injury to Persons if a Pet injures a Person by biting, scratching, attacking, maiming or otherwise injuring the Person.

i. The Pet shall immediately be quarantined for ten (10) days, or for such a period of time as a public health officer or physician may direct, at the Owner/Keeper's Residence or other location at the Owner/Keeper's expense for observation for signs or symptoms of rabies. The quarantine shall be in a location that keeps the Pet restrained and secure for the duration of the observation. If the quarantined Pet shows signs of being infected or dies, the Owner/Keeper must notify the Tribal Law Enforcement Office immediately. The ill or deceased Pet must not be buried within the Nation's Territory and must be relinquished to a Tribal, State or Federal Agency to prevent further spread of disease.

ii. If the quarantined Pet does not show symptoms of infection with rabies at the end of isolation period and it is not also considered a Dangerous Animal, the Owner/Keeper may release the Pet from quarantine by providing proof of updated vaccinations to the Tribal Law Enforcement Office, at Owner/Keeper's full expense.

f. **Dangerous Animals.**

i. A Pet Owner/Keeper commits the offense of Owning or Keeping a Dangerous Animal if the Pet or other domesticated animal

(1) Bites, attacks, or otherwise inflicts harm on a Person without provocation, resulting in injury, death, or a reasonable fear of injury; or

(2) Has been observed or documented to attack, injure, or kill livestock, poultry, or Pet without provocation; or

(3) Regularly exhibits aggressive behaviors, such as snarling, growling, lunging, chasing or charging, in a manner that causes reasonable fear of harm to people or animals; or

(4) Has a documented history of escaping confinement and engaging in behaviors that threaten the safety of individuals, livestock, or other animals; or

(5) Is known to be trained, bred, or used for illegal activities such as fighting, or is otherwise kept for purposes that encourage or promote violent behavior; or

(6) Attacks or behaves aggressively toward a Person, Pet or other animal in a Public Place without provocation or reasonable justification; or

(7) Is suspected or confirmed to be carrying a contagious disease (e.g., rabies) that poses a risk to public health.

ii. An animal shall not be considered dangerous if:

(1) It acts in defense of its Owner/Keeper, the Owner/Keeper's Assigned or Allotted land or Residence, or itself when provoked; or

(2) The attack or aggressive behavior occurs as a direct response to trespassing, harassment, or provocation by a Person or animal; or

(3) It is a working animal (e.g., Tribal Police, Law Enforcement, or Livestock Guardian Dogs) acting within the scope of its duties.

iii. If the Owner/Keeper fails to exterminate the Pet or other animal, then a Tribal Law Enforcement Officer or animal control officer may seize and exterminate at the Owner/Keeper's expense any animal the Tribal Law Enforcement Officer believes to be a Dangerous Animal and has appropriately documented.

iv. Any Person shall have the right to take any measures necessary to immediately exterminate any Pet or Dangerous Animal engaged in the process of injuring, or harassing livestock, Pets or other domestic animals or wildlife, or threatening or inflicting harm to any Person, or inflicting serious harm to Personal Property or Tribal property, provided doing so does not threaten the public safety. The extermination of the Pet shall be substantiated with supporting evidence of the Pet inflicting serious harm.

g. **Liability of Owners/Keepers.**

i. Every Person owning or keeping a Pet shall be liable for injury or damages committed by the Pet unless the injury or damages were cause by someone illegally trespassing on an Assignment, Allotment or the Nation's Territory.

ii. Neither the Nation, a Tribal Official, nor a Tribal Law Enforcement Officer employed by the Nation shall be liable for damages for injury committed by a dog when:

(1) The dog has been trained to assist in law enforcement; and

(2) The injury occurs while the dog is deployed in the apprehension, arrest, or locating of a suspect or in maintaining control of public order.

iii. Where an injury or damage occurs by two or more Pets acting together and owned by different Persons, all such Persons have committed the offense and fines, fees and all reasonable costs incurred for such injury or damage shall be apportioned

among the Owners/Keepers found liable and judgment shall be entered against them for the amount apportioned.

h. **Cruelty to Animals.** Cruelty to Animals is committed if a Person physically mistreats an animal either by abuse or failure to provide minimum care. Physical mistreatment or neglect of an animal shall include, but is not limited to, the killing, maiming, mutilating, beating, torturing, wounding, tormenting an animal and/or depriving an animal necessary sustenance, such as food, water, and shelter, or chaining or tying an animal in a confined area without access to food, water or shade/shelter.

2. ***LIVESTOCK CONTROL***

[RESERVED]

3. ***HUNTING***

a. The purpose of this Section is to establish rules governing hunting on the Nation's Territory while protecting our cultural heritage. The frequency of trespass by external hunters on the Nation's Territory has resulted in dangerous situations for Members and Residents of the Nation. Furthermore, Members have abused their hunting privileges by allowing Non-Members or Non-Natives to hunt within the Nation's Territory without following established protocols. Traditionally, any game within the Nation's Territory is reserved for Members in specific amounts only in order to ensure the Member's ability to provide sustenance and traditional food sources for their family and neighbors. Abuse of these privileges will not be tolerated and a violation of any provision of this Subsection shall be considered a crime against the land and a crime against all other Members of the Nation.

b. The Tribal Council may suspend a hunting season due to ecological conditions such as drought, disease, contamination, or other environmental factors, as determined by the Tribal Council with notice to the Members.

c. **Rules Governing Hunting for Members on the Nation's Territory.**

i. A Member of the Nation may hunt within the Nation's Territory at any time of the year for sustenance and in the pursuit of traditional cultural practices, including exploiting traditional food sources.

ii. Non-Member spouses may hunt within the Nation's Territory only when accompanied by an adult Member.

iii. Game killed by Members may be removed from the Nation's Territory, in accordance with Tribal, State and Federal Fish and Game and regulations.

iv. Game taken under the provisions of this Section is prohibited from being sold, traded or bartered with Non-Members.

v. A Member of the Nation under the age of eighteen (18) may hunt within the Nation's Territory with the express written permission of the minor's parent or legal guardian. The parent or legal guardian shall be responsible for authorizing and supervising the minor's hunting activities and for determining whether the minor may hunt independently or must be accompanied.

1. Written parental permission must be provided to the Tribal Council prior to a minor hunting independently within the Nation's Territory.

2. For purposes of this section, the responsibility for permitting and supervising hunting activities by a person under eighteen (18) years of age rests with the parent or legal guardian.

vi. Hunting permits and game tags are not required for Members, but a safety course is strongly recommended.

vii. Members must advise Non-Member and Non-Native guests that they must obtain a Tribal Hunting Permit prior to hunting on the Nation's Territory. Members are allowed to host one (1) hunting guest each calendar year. This privilege may be suspended at any time.

viii. Game weighing in excess of 2 lbs. must be hunted with a center fire cartridge firearm or rifle. Modern Black Powder firearms are allowed. Full metal jacket ammunition firearms are prohibited. Bow hunting is allowed anytime for Members and only during bow season for Non-Members and Non-Natives.

ix. All kills must be clean kills, determined by a head or heart shot, excluding fowl.

x. Hunting from a vehicle is prohibited.

xi. Spotlight hunting is prohibited.

xii. Hunting is prohibited within a quarter mile of any Residence, Public Place or commercial area.

xiii. Trapping game is prohibited.

xiv. No animal may be killed for the sake of being killed or used as target practice with exception of rodent or vermin control.

xv. Hunting deer one-year old or younger is prohibited. Deer must be forked horned to be considered legal game.

d. **Rules Governing Non-Member and Non-Native Hunting on the Nation's Territory.**

i. Non-Members (inclusive of Non-Natives for purposes of this Section) engaged in hunting activities are required to have both State and Tribal Hunting Permits at all times while on the Nation's Territory. Failure to carry or show a permit to a Tribal

Law Enforcement Officer or Tribal Official when requested shall be a violation of this Code.

ii. Tribal Hunting Permits can be obtained at a time and location specified by the Tribal Council.

iii. Non-Members engaged in hunting activities must be accompanied by an adult Member at all times when on the Nation's Territory and that Member must comply with Article 3, Section C(3)(c)(vii) above.

iv. Individual Non-Members engaged in hunting activities are allowed one large kill (such as deer or turkey) per visit and may not hunt more than one time per season.

(1) Non-Members are allowed to hunt female deer only when a Doe Tag is attached to their permit.

(2) Smaller birds such as quail or dove are limited to ten (1) per hunt and pigeon is limited to five (5) per hunt.

v. Members are responsible for Non-Members at all times when visiting the Nation's Territory and shall be held legally responsible for any damage attributable to a guest and may have their hunting privileges revoked if found to be in violation of this Subsection.

vi. A Member may lose their privilege to host Non-Members for hunting and may be subject to fines if found to have prior violations of this Subsection.

Section D. Offenses against a Person

1. ***ASSAULT/BATTERY***. Assault/Battery is committed if a Person:

a. Causes Bodily Injury or Serious Bodily Injury to another; or

b. Threatens another with imminent Bodily Injury or causes another to reasonably fear imminent Bodily Injury; or

c. Causes physical contact with another Person that will regard the contact as offensive or provocative; or

d. Uses or exhibits a weapon during the commission of a battery; or

e. Forcibly assaults, batters, resists, opposes, prevents, impedes, intimidates, or interferes with any Tribal Official, Tribal Law Enforcement Officer or any law enforcement officer lawfully discharging an official duty.

2. ***HARASSMENT***. Harassment is committed if one Person engages in a pattern of behavior that is intended to annoy, threaten or frighten another Person by:

a. Making offensive comments, insults, or threats directed at a Person based on their race, gender, age, religion, sexual orientation, disability, or any other protected characteristic; or

b. Making unwanted physical contact or exhibiting aggressive behavior, including stalking, blocking someone's path, or making physically intimidating gestures; or

c. Sharing a false report that another Person has died or suffered Serious Bodily Injury in a way that is likely to alarm the Person receiving the information, when the Person sharing it knows it is false; or

d. Threatening, in a manner reasonably likely to alarm the Person receiving the threat, to inflict Serious Bodily Injury against the Person, a member of the Person's family or property; or

e. Using electronic communication, such as telephone, social media, email, Catphishing, Cyber Bullying, or text message to harass, threaten, or otherwise harm another Person, including:

   i. Causing the telephone of another to ring repeatedly or making repeated calls, either anonymously or in a manner likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another; or

   ii. Knowingly allowing a telephone number under a Person's control to be used by another Person to commit an offense under this Subsection; or

   iii. Intentionally sharing false information, either written or spoken, that harms another Person's reputation; reduces the respect, regard or confidence in which that Person is held; or leads to disparaging, hostile, or negative opinions about that Person (Defamation).

f. Intentionally subjects another to sexual harassment (see also Section on Domestic Violence and Related Offenses); or

g. Intentionally stalks another (see also Section on Domestic Violence and Related Offenses).

3. ***MINORS***. This Section is intended to be enforced in conjunction with the Nation's Children's Code. Nothing in this Section shall be deemed to replace or supersede any provision of the Iipay Nation of Santa Ysabel Children's Code ("Children's Code").

   a. **Responsibility**. A Parent or Guardian may be cited for neglect and insufficient supervision of a Minor in accordance with this Code and the Children's Code in addition to any citations issued to the Minor by the Tribal Law Enforcement Officer.

   b. **Contributing to the Delinquency of a Minor**. Contributing to the Delinquency of a Minor is committed when a Person gives, purchases, or furnishes any Minor or Person under the age of 21 any alcoholic beverages, nicotine products, Controlled

Substances, Cannabis or any item subject to Article 3, Section F of this Code within the Nation's Territory. Exceptions may be made for tobacco gifted to a Minor for ceremonial use, provided the Person has informed the Minor's Parent or Guardian.

c. **Violating Curfew**. Violating Curfew is committed if a Minor remains in Public Places or in non-Residential areas of the Nation's Territory between the hours of 1: p.m. and 6: a.m. unattended by a Parent or Guardian or an Adult approved by the Minor's Parent or Guardian. Exceptions may be warranted if the Minor is accompanied by a responsible adult, being on an errand directed by a Parent or Guardian, attending or participating in officially sanctioned tribal events or other social, cultural or educational function and for purposes related to the employment of the Minor.

d. **Adult Violation of Minor Curfew**. An adult violates this Code if a Parent or Guardian of a Minor:

i. Knowingly permits or by insufficient supervision allows the Minor to remain in Public Places or in non-Residential areas of the Nation's Territory between 1:00 p.m. and 6:00 a.m.; or

ii. Fails to respond within two hours of notification by a Tribal Law Enforcement Officer, law enforcement official, or Tribal Official to take custody of a Minor taken into protective care for violation of this Section.

e. **Truancy**. A Minor commits Truancy if:

i. The Minor has not completed the twelfth grade or earned a G.E.D., and without good cause fails to attend school.

ii. Exceptions shall be considered if the Minor is married or otherwise emancipated, or attending an approved educational program, or is at least 16 years of age and employed with the consent of a Parent or Guardian.

iii. A Parent or Guardian commits the offense of Not Ensuring Adequate Supervision of Child's School Attendance when the Minor is a chronic Truant.

f. **Unauthorized Absence from Home**. A Minor commits the offense of Unauthorized Absence from Home if the Minor is intentionally absent from the home of the Parent or Guardian without the permission or knowledge of the Parent or Guardian for more than eight hours.

Section E. Domestic Violence and Related Offenses. These provisions apply to acts of emotional, psychological or physical violence, threats or harassment committed by one Person against another within specific types of relationships such as current or former spouses or domestic partners, co-parents, Family or Household Members.

1. ***DOMESTIC VIOLENCE***. Domestic Violence is committed if a Person:

a. Causes Bodily Injury, Serious Bodily Injury or Assault/Battery as defined in this Code to a Victim or Family or Household Member of the Victim; or

b. Attempts or makes threats to cause physical abuse, Bodily Injury or Serious Bodily Injury, or uses looks, actions, words, or gestures that instill fear or Mental Anguish in a Victim or Family or Household Member of the Victim that the Person will cause physical abuse, Bodily Injury, or Serious Bodily Injury; or

c. Engages in, attempts to engage in, or threatens to engage in Rape, or Nonconsensual Sexual Activity or Contact to a Victim or Family or Household Member of the Victim by force, threat of force, coercion, or duress; or

d. Threatens or induces fear or Mental Anguish that a Person will cause physical abuse, Bodily Injury, will engage in Nonconsensual Sexual Activity or Contact with, or will otherwise harm a Victim or Family or Household Member; or

e. Causes harm to a Victim or Family or Household Member of the Victim, or to Pets belonging to a Victim or Family or Household Member of the Victim with the purpose of causing intimidation or Mental Anguish; or

f. Improperly conceals or threatens to conceal a Minor child from a Person with sole or joint custody of the Minor, repeatedly threatening to improperly remove the Minor child from the jurisdiction or from the Parent or Guardian's physical care; or

g. Violates any valid and current orders for protection against domestic violence issued by any court of competent jurisdiction.

2. ***STALKING***. Stalking another Person is committed if a Person: Causes a Victim or a Family or Household Members of a Victim to experience Mental Anguish, fear for personal safety, or emotional distress by engaging in repeated and unwanted contact with the Victim or a Family or Household Members of a Victim. Such contact includes, but is not limited to:

a. Sending or making written or spoken communications directed at a Victim, including, but not limited to calling, sending letters, texting, or any other electronic means of communication; or

b. Engaging in behaviors that monitor a Victim; such as following the victim or Loitering outside a Victim's home, school, workplace, or other commonly frequented location; or repeatedly and intentionally coming into the presence of a Victim; or

c. Communicating with the Victim directly, or pressuring or using others contact or communicate with a Victim as set forth in Article 3, Section D(2); or

d. Contact with a third party who has a relationship with the Victim, either personal or business-related, with the intent of harming the relationship; or

e. Commits any offense Against Property, under Article 3, Section A, directed at the property of a Victim, at Victim's place of work, or a Victim's school; or

f. Commits any stalking related offense against a Victim under state or federal law; or

g. Directs any of the aforementioned behaviors at the Family or Household Members of a Victim with the purpose of intimidating a Victim.

3. ***SEXUAL ASSAULT***. Sexual Assault against another Person is committed if a Person engages in any Nonconsensual Sexual Activity or Contact with or Rapes any Person.

4. ***ABDUCTION***. Abduction is committed if, for any period of time, a Person:

a. Threatens to forcibly remove or abduct a Person against their will with the intent to control, intimidate, or instill fear; or

b. Forcibly takes or detains a Person against their will, particularly when used as a method of power, control or coercion.

5. ***STATUTORY RAPE***. Statutory Rape is committed when a Person who is not a Minor engages in sexual intercourse with a Minor.

6. ***ELDER OR VULNERABLE ADULT ABUSE***. Elder or Vulnerable Adult Abuse is committed if:

a. The Person knows or should know that the other Person is an Elder or Vulnerable Adult; and

i. Willfully causes or permits any Elder or Vulnerable Adult to suffer; or

ii. Subjects any Elder or Vulnerable Adult to exploitation, unreasonable confinement or intimidation; or

iii. Inflicts unjustifiable physical pain or mental suffering, including Serious Bodily Injury or death; or

Iv. if primarily having the responsibility of care or guardianship of any Elder or Vulnerable Adult, willfully causes or permits the health of the Elder or Vulnerable Adult to be neglected, injured or willfully causes or permits the Elder or Vulnerable Adult to be in a situation in which their health may be endangered; or

v. Commits theft, embezzlement, forgery, or fraud against an Elder or Vulnerable Adult through improper or unauthorized use of the Elder or

Vulnerable Adult's financial assets or Personal Property; or

vi. Commits identity theft involving the property or personal information of an Elder or Vulnerable Adult.

b. Persons who suspect Elder or Vulnerable Adult Abuse must report the alleged abuse to Tribal Law Enforcement and the Nation's Social Services Department.

7. ***ENDANGERING A VICTIM OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, ABDUCTION OR STALKING***. Endangering a Victim of Domestic Violence, Sexual Assault, Abduction, or Stalking is committed if a Person:

a. Discloses the location of any domestic violence shelter without the authorization of the shelter, the Nation's Chair or the Nation's social services/domestic violence Advocates; or

b. Knowingly assists a Perpetrator in any act of Domestic Violence, Sexual Assault, Abduction or Stalking against a Victim; or

c. Houses, hides, or harbors a Perpetrator in one's Assignment, Allotment or Residence to assist that Perpetrator's evasion of tribal or state law enforcement.

8. ***HARASSING AN ADVOCATE***. Harassing an Advocate is committed if a Person intimidates or threatens an Advocate, or makes an Advocate fear for their personal safety either in retaliation for that Advocate's representation of a Victim; or with the purpose of discouraging the Advocate from aiding a Victim.

9. ***FAILURE TO REGISTER AS A SEXUAL OFFENDER***. If a Person is legally required to register as a sexual offender under state law, that Person must also notify the Tribal Council and/or Tribal Law Enforcement Department of their presence on the Nation's Territory.

10. ***RESPONSIBILITIES OF TRIBAL LAW ENFORCEMENT OFFICERS UNDER THIS SUBSECTION***.

a. A Tribal Law Enforcement Officer will respond to every report of Domestic Violence, Sexual Assault, Abduction or Stalking that occurs on the Nation's Territory.

b. If a Tribal Law Enforcement Officer learns of or observes any signs indicating potential Domestic Violence, Sexual Assault, Abduction, or Stalking, they shall take appropriate action to investigate further, regardless of whether an official report has been made

c. Tribal Law Enforcement Officers will collaborate with other local law enforcement officials when responding to incidents of Domestic Violence, Stalking, Abduction or Sexual Assault.

d. When faced with a situation that potentially involves Domestic Violence, Stalking, Abduction or Sexual Assault, it will be the responsibility of the responding Tribal Law Enforcement Officers to:

i. Secure the scene, and ensure the safety of potential Victims;

ii. Confiscate any weapons involved or present at the scene;

iii. If necessary, detain/arrest the Perpetrator;

iv. Issue citations to potential Perpetrators, and forward those citations to the Tribal Court;

v. Notify the Victim of all rights under the "Victim's Rights" Subsection of this Code and Appendix B;

vi. Notify the Victim that they have the right to consult with an Advocate, and to contact an Advocate if the Victim requests that one be present;

vii. Provide the Advocate's business cards, and Domestic Violence program information to any Victim who does not request an Advocate;

viii. Take statements from both the potential Victim and alleged Perpetrator, unless infeasible. The officer may take the statements at a separate location from the scene of the incident. The alleged Perpetrator shall not be in the same room or physical proximity as the potential Victim when the officer takes the Victim's statement. The potential Victim will have the opportunity to be accompanied by an Advocate when the officer takes their statement;

ix. Arrange transportation for the Victim(s) to receive appropriate medical services if necessary;

x. Arrange transportation for the Victim and any Minor(s) to a location deemed safe;

xi. Notify the Nation's ICWA Department if a Minor was involved or witnessed the incident;

xii. Issue Emergency Orders for protection to Victims in need;

xiii. Write a comprehensive report that includes the officer's observations and statements from both the potential Victim and Perpetrator. No facts or information should be left out of the incident report as officers should not decide the relevance of the information. A copy of the citation and incident report will be submitted to the Tribal Police Chief, Tribal Court, and Advocate. If there isn't a citation, detention, or arrest, a contact incident

report will be submitted to the Tribal Police Chief and Advocate for review;

xiv. Serve Perpetrators with citations, hearing dates, and orders for protection issued by the Tribal Court;

xv. Keep all Personally Identifiable Information, including address and location, of the Victim confidential and out of the public record;

xvi. Assist the Tribal Council and Tribal Courts in enforcing all orders of protection and exclusion/banishment;

e. Determining the Predominant Aggressor.

i. If a Tribal Law Enforcement Officer is presented with two conflicting complaints of Domestic Violence, Stalking, Abduction or Sexual Assault the officer will evaluate each complaint separately to determine who was the Predominant Aggressor, as follows:

1. The officer will interview each Person separately and not within the visual or audio presence other party;

2. Each Person will have the right to be accompanied by a Victim's Advocate;

ii. The officer will then consider:

1. Each Person's history, if any, of Domestic Violence, Stalking, Abduction or Sexual Assault, including prior complaints and violations, and the officer's personal knowledge or experience of each Person's history with Domestic Violence, Stalking, Abduction or Sexual Assault;

2. The relative severity of the injuries inflicted on each Person, and the relative ability of each Person to inflict injuries upon the other, considering the physical characteristics of each Person in relation to the other;

3. Each Person's history of seeking help from law enforcement or from Victims' advocacy services;

4. The incidents and events leading up to the violent episode;

5. The likelihood of future injury to each Person and who is at greater risk of future harm;

6. Whether one of the Persons acted in self-defense and/or in defense of others;

7. Whether one of the Persons has acted with deliberate intent to control, isolate, intimidate, emotionally demean, or to cause injury, pain, or fear of harm to the other Person in the immediate situation, or in the past.

iii. When determining which of two parties is a Predominant Aggressor, a Tribal Law Enforcement Officer shall not consider the use of intoxicants by either Person in deciding as to whether or not Domestic Violence, Stalking, Abduction or Sexual Assault has been committed;

iv. When a Tribal Law Enforcement Officer determines the Predominant Aggressor, the officer will document the basis for their determination in a report and will submit it to the Tribal Court.

v. If a Tribal Law Enforcement Officer determines the Predominant Aggressor, the officer has the discretion to refrain from citing the Victim.

vi. The Tribal Court will make the final decision regarding which Person is the Predominant Aggressor.

11. ***VICTIM'S RIGHTS AND PROTECTIONS***

a. Every Victim and potential Victim has the right to the services of an Advocate, and to be accompanied by an Advocate at all hearings, court appearances, and interviews with Tribal Law Enforcement Officers.

b. All communications between a Victim or potential Victim and their Advocate are privileged and confidential, and are permanently protected from public disclosure, unless the Victim permits them to be released.

c. All information about a Victim's location or address, and the location or address of the Victim's Family or Household Members will be kept confidential by Tribal Law Enforcement Officers, Advocates, Tribal Court officials, and Tribal Officials.

d. Every Victim and potential Victim has the right to be interviewed by the Tribal Court or Tribal Law Enforcement Officer outside the presence of a Perpetrator or alleged Perpetrator.

e. Every Victim and potential Victim is entitled to access to a waiting area separate from that of the Perpetrator or alleged Perpetrator during all court proceedings, including prior to and during the proceedings.

f. Every Victim or potential Victim who believes that law enforcement protection is needed for their physical safety, has the right to request assistance from a Tribal Law Enforcement Officer ("Officer"). This includes:

i. Requesting that the Officer seek an Emergency Order for Protection to ensure their immediate safety;

ii. Assistance in retrieving essential personal effects;

iii. Transportation to a safe location such as a shelter, a family member's or friend's residence, or another place of safety;

iv. Assistance in obtaining medical treatment if needed; and

v. Obtaining a copy of the law enforcement report at no cost.

g. The Nation may issue a tribal citation. Additionally, a state prosecutor and/or the United States Attorney may, if appropriate, file a criminal complaint against the Perpetrator. Independently, a Victim has the right to file a petition with the Tribal Court requesting a Protective Order from Domestic Violence or Related Offenses. This petition may request one or more of the following orders:

i. An order enjoining the Perpetrator from threatening to commit or committing further acts of Domestic Violence or Related Offenses;

ii. An order prohibiting the Perpetrator from harassing, annoying, telephoning, contacting, or otherwise communicating with the Victim, either directly or indirectly through Family or Household Members, friends, or co-workers;

iii. An order requiring the removal of the Perpetrator from the residence for a period of thirty (30) days following the incident, regardless of ownership or leasehold rights or Tribal membership. If the Victim is a Non-Member, they may be required to vacate the premises after the 30-day period. However, they have the right to request an extension of this period. The length of the extension shall be determined on a case-by-case basis by the Iipay Nation of Santa Ysabel Domestic Violence Department;

iv. An order directing the Perpetrator to stay away from the Victim's residence, school, place of employment, or any other location the Victim or a designated Family or Household Member frequents;

v. An order prohibiting the Perpetrator from using or possessing any firearm or other weapon as specified by the Court;

vi. An order granting the Victim possession and use of an automobile and other essential personal effects, regardless of ownership;

vii. An order granting the Victim custody of your child or children;

viii. An order denying the Perpetrator visitation rights;

ix. An order specifying terms of visitation, including the possibility of supervised visitation; and

x. An order requiring the Perpetrator to pay specific costs and fees, which may include rent or mortgage payments, child support, medical expenses, shelter costs, court costs, and attorney's fees.

Section F. Drug and Alcohol Violations

1. ***CHEMICAL INTOXICATION. CHEMICAL INTOXICATION IS COMMITTED IF A PERSON***:

   a. Inhales, ingests, applies, uses, or possesses a substance containing a volatile chemical, solvent-based glue, aerosol paint or other aerosol with the intent to affect the Person's central nervous system, create or induce a condition of intoxication, hallucination, or elation, change, distort, or disturb the Person's eyesight, cognitive function, balance, or coordination.

   b. Sells, offers or distributes for sale, provides or gifts to any Person any volatile chemical, solvent-based glue, aerosol paint or other aerosol with the intent to become or allow another Person to become Chemically Intoxicated.

2. ***POSSESSION OR USE OF CONTROLLED SUBSTANCES***. Possession or Use of Controlled Substances is committed if a Person possesses, consumes, distributes, sells, manufactures, transports or offers to sell any drug identified as a Controlled Substance without a valid medical prescription, or any drug paraphernalia.

3. ***POSSESSION OR USE OF CANNABIS*** shall follow the Santa Ysabel Tribal Cannabis Regulatory Agency (TCRA) Cannabis Enterprise Regulations § 15.10 which limits the daily purchase for an Adult to:

   a. Twenty-eight and a half (28.5) grams of non-concentrated Cannabis;

   b. Eight (8) grams of concentrated Cannabis, including concentrated Cannabis concentrate contained in Cannabis Products;

   c. Six (6) immature Cannabis plants;

   d. Eight (8) ounces of medicinal Cannabis in the form of dried mature flowers or equivalent plant conversion;

   e. Twelve (12) immature medicinal Cannabis plants;

   f. Any amount of Cannabis or Cannabis Products outlined in a valid physician's recommendation for medicinal Cannabis.

4. ***CULTIVATION OF CANNABIS IS GOVERNED BY THE NATION'S CANNABIS CODE***.

5. ***PUBLIC INTOXICATION WITHIN THE NATION'S TERRITORY***. A Person commits the offense of Public Intoxication within the Nation's Territory if the person is under the influence of alcohol, drugs, or another intoxicating substance to the degree that the person endangers their own safety, endangers the safety of another person, or causes a disturbance while on land within the Nation's Territory.

   A determination of intoxication must be supported by objective indicators, which may include breathalyzer or other lawful testing, observable physical or behavioral indicators consistent with intoxication, witness statements, or other reliable evidence.

Where reasonably practicable, Tribal law enforcement or authorized personnel should consider whether the individual may be experiencing a medical condition rather than intoxication.

6. ***REFUSSAL TO SUBMIT TO TESTING FOR INTOXICATION***. A Person commits the offense of Refusal to Submit to Testing for Intoxication within the Nation's Territory when the Person knowingly refuses, obstructs, or fails to cooperate with a lawful request by a Tribal Law Enforcement Officer to submit to a breath, blood, urine, saliva, or other scientifically reliable and minimally intrusive test authorized by Tribal Law which is intended to determine the presence of alcohol, Controlled Substances, Cannabis or other intoxicating substances, where the officer has reasonable grounds to believe that the Person:

   a. Is committing or has committed a violation of this Code in which intoxication may be a contributing factor;

   b. Is publicly intoxicated;

   c. Is creating a disturbance, nuisance, or threat to the health, safety, or welfare of another Person; or

   d. Is operating or has recently operated a Motor Vehicle within the Nation's Territory while under the influence.

Refusal may be considered by the Tribal Court as evidence in any proceeding arising from the underlying violation(s) of the Code.

Section G. Offenses against Health and Safety

1. This Section shall be enforced in conjunction with the Nation's Solid Waste Ordinance. Any conflicts shall be resolved in favor of this Code.

2. ***Unlawful Dumping Activities***.

   a. Any Person dumps, places, deposits, stores, or accumulates any waste or trash within the Nation's Territory, including an Assignment/Allotment, in a manner that is harmful to the public health and safety, as determined by a Tribal Law Enforcement Officer or any federal agency in the discharge of a trust obligation on the Reservation.

   b. Any Person dumps or causes to be dumped any waste matter within the Reservation in or upon any:

      i. Public or Residential highway or road;

      ii. The Nation's Territory into or upon which the public is admitted by easement or license; or

iii. Assignment/Allotment.

c. Any Person, regardless of intent, litters or deposits waste matter or causes litter or waste matter to be deposited on any of the Nation's Territory, on Residential property, or in or on waters of the Reservation unless:

i. The Person is directed to do so by a Tribal Official or officially designated representative of the Nation as part of a litter collection drive; or

ii. The Person deposits the litter or waste matter in a solid waste receptacle in a lawful manner that prevents it being carried away by the elements.

d. Any Person places any solid waste in a dumpster, garbage can, or other solid waste container belonging to another Person without the permission of the receptacle owner legally entitled to own and use said dumpster, garbage can, or other solid waste container.

e. Any Person places, leaves, dumps, or permits the accumulation of unused, large bulky debris, such as white goods (refrigerators, stoves, etc.) or inoperable cars or trucks or parts thereof, in any open and visible location on the Reservation.

f. Any Person knowingly allows the carcass of any dead animal that belonged the Person at the time of its death to be put, or to remain, within 100 feet of any residence, street, alley, public highway, or road in common use.

g. Any Person enters or assists a Person who enters the Reservation for the purpose of dumping or disposing of solid waste.

h. Any Person that is not a Tribal Official or employee of the Nation operates a landfill or solid waste disposal site or operates a solid waste collection system.

i. Any Person generates, stores, transfers, transports, treats, discharges, releases, or disposes of hazardous waste, chemicals or other pollutants on the Reservation in a manner that endangers or harms the people or environment.

3. ***Usage of the Nation's Solid Waste Transfer Facility ("Facility")***. The Facility must be administered by a Member or in the presence of a Member. No off-reservation solid waste shall be disposed of at the Facility unless authorized under the Nation's Solid Waste Facility Code.

4. ***Open Burning of Solid Waste***. The offense of Open Burning of Solid Waste is committed when a Person burns solid waste on the Nation's Territory without obtaining a burn permit from the Tribal Fire Department. No solid waste that includes pollutants or hazardous materials shall be burned at any time.

5. ***Contamination of Water and/or Food Supplies***. The offense of Contamination of Water and/or Food Supplies is committed when any Person contaminates any water or food supplies on the Nation's Territory through either negligently, Recklessly, or

knowingly dispersing or releasing toxic chemicals, bacteria or other pollutants that affect the water or food supplies of the Nation.

Section H. Licensing and Traffic Violations

1. ***LICENSING REQUIREMENTS***

   a. No Person shall operate a Motor Vehicle within the Nation's Territory without:

      i. A valid license issued by a recognized state, federal or tribal authority; or

      ii. A valid tribal permit issued by the Nation under its sovereign authority for Persons exempt from state licensing requirements.

   b. All drivers must carry their driver's license or tribal permit and proof of active automobile insurance coverage while operating a Motor Vehicle within the Nation's Territory and shall present it upon request to Tribal Law Enforcement.

   c. No Person shall operate a Motor Vehicle on a suspended or revoked license or tribal permit.

   d. No Person shall operate a Motor Vehicle using another Person's license or tribal permit or on a fraudulent or altered license or tribal permit.

   e. The following exceptions to the licensing requirements apply:

      i. Persons operating a Motor Vehicle within the Nation's Territory solely for maintenance, agricultural, ceremonial or cultural persons; or

      ii. A non-licensed or non-permitted person may operate a Motor Vehicle in emergency situations such as seeking medical treatment, evacuations, or other such situations as the Tribal Council may designate.

      iii. A Member may operate a Motor Vehicle solely within the Nation's Territory that is not used on public highways, provided that the vehicle is operated only within the boundaries of the Nation's Territory and all required safety systems of the vehicle, including brakes, steering, headlights, and windshield wipers, are present and operable.

2. ***SPEED LIMIT REQUIREMENTS.***

   a. Unless otherwise posted, the maximum speed limit within the Nation's Territory shall be:

      i. Fifty-five (55) miles per hour on tribal and state highways unless otherwise posted;

      ii. Twenty-five (25) miles per hour in Residential areas or areas with high pedestrian traffic;

iii. Fifteen (15) miles per hour near schools, school bus stop zones, or where Minors are playing;

iv. Fifteen (15) miles per hour on unpaved roadways;

v. Ten (10) miles per hour in designated areas such as parking lots, community centers or ceremonial grounds.

b. Persons operating Motor Vehicles must adjust their speed when conditions such as blind curves, rain, fog, snow or road damage make the posted limits unsafe.

c. Persons operating Motor Vehicles must reduce speed and obey signs in construction or emergency zones.

d. Persons operating a Motor Vehicle in excess of posted speed limits by thirty (30) or more miles per hour or speeds that endanger lives or property may be charged with Reckless Endangerment in addition to speeding.

3. ***PARKING AND SIGNAGE/ROAD VIOLATIONS***. No Person may:

a. Park a Motor Vehicle in a posted no-parking zone or blocking a driveway; or

b. Park a Motor Vehicle in a spot marked or reserved for the handicapped without a properly designated placard or license plate; or

c. Park or abandon a Motor Vehicle in an unsafe manner on the Nation's roadways, in an area not safe for parking, or in a manner that otherwise prohibits the safe passage of vehicles on the street or road on the Nation's Territory; or

d. Park a Motor Vehicle on any roadways in the Nation's Territory during Red Flag Conditions; or

i. When Red Flag conditions are in effect, Motor Vehicles that are illegally parked or abandoned will be immediately towed and impounded at the owner's expense.

e. Fail to follow posted signs, including but not limited to:

i. Failure to stop at a stop sign or doing a rolling stop;

ii. Failure to yield;

iii. Failure to stop for bus stop signs when the bus is loading or unloading passengers.

f. Pass when there is a double yellow line or in a no-passing zone; or

g. Failure to yield to an emergency vehicle.

4. ***UNLAWFUL ABANDONMENT OF A VEHICLE***. Unlawful Abandonment if a Person permits any abandoned or inoperable Vehicle to be parked, placed or allowed to remain on Nation's Territory in violation of the provisions of this Code. A Person shall be given a

two (2) day notice prior to having the Motor Vehicle towed and impounded at the owner's expense.

5. ***UNLAWFUL OPERATION OF MOTOR VEHICLE***. Unlawful Operation of Motor Vehicle occurs when a Person within the Nation's Territory:

   a. Operates a Motor Vehicle that does not meet tribal, state or federal safety regulations, such as having proper lighting, signaling and safety equipment; or

   b. Operates a Motor Vehicle without the mandated use of seatbelts by all Persons in the Motor Vehicle; or

   c. Operates a Motor Vehicle without the proper use of child safety restraints:

      i. Minors under the age of two (2) years old must be in rear-facing approved child car seats

      ii. Minors between the ages of two (2) and eight (8) must be in a car seat appropriate for their size.

   d. Operates any Motor Vehicle on any of the Nation's roadways or Residential areas within the Nation's Territory in a Reckless manner or which creates a Nuisance or environmental hazard/danger; or

   e. Operates a Motor Vehicle anywhere on the Nation's Territory without a spark arrester or muffler; or

   f. Operates a motorcycle or ATV without a helmet, unless the operator is over the age of 18 or unless the ATV is equipped with a seatbelt and said seatbelt is worn by the operator; *however, all motorcycle and ATV users are strongly advised to wear helmets at all times*; or

   g. Operates a Motor Vehicle outside of any established roadways within the Nation's Territory which may also result in a charge of Trespass.

6. ***OPERATING A MOTOR VEHICLE UNDER THE INFLUENCE (DUI)***:

   a. A Person shall not operate or be in physical control of a Motor Vehicle while:
      i. Under the influence of alcohol, Controlled Substances, Cannabis or any other intoxicating substance to a degree that it renders them incapable of safely operating the Motor Vehicle; or
      ii. Having a blood alcohol concentration level (BAC) of 0.08% or higher as measured by a reliable testing device; or
      iii. Having a BAC of 0.04% or higher when operating a commercial Motor Vehicle; or
      iv. Under the influence of any Controlled Substance, unless legally prescribed and taken in accordance with medical advice.
   b. Any Person operating a Motor Vehicle within the Nation's Territory is deemed to have given consent to testing of their breath, blood, or urine to determine the

presence of alcohol or drugs. Refusal to test may result in suspension of driving privileges for up to one year.

c. A DUI violation that results in Bodily Injury or death may result in enhanced penalties.

d. A DUI violation with the presence of a Minor in the Motor Vehicle may have child endangerment charges applied as well.

Article 4. Enforcement

Section A. Tribal Law Enforcement Officer Duties and Authority. Tribal Law Enforcement Officers shall be responsible for the enforcement and implementation of this Code. In fulfilling their duties and responsibilities under this Code, Tribal Law Enforcement Officers are vested with authority to:

1. Investigate possible violations of the Nation's laws, which may include conducting warrantless searches in accordance with the Indian Civil Rights Act and other relevant federal law, including, but not limited to: when in hot or fresh pursuit of a suspect, during an arrest, if evidence is in plain view, with consent or under exigent circumstances. This investigative authority extends to entering tribally owned or operated buildings or enterprises to conduct searches, make arrests or investigate violations of tribal, federal, and when applicable, state laws;

2. Obtain search warrants via writing or telephonic affidavit from the Tribal Court or, when applicable, state or federal authorities;

3. Issue citations for violations of this Code where reasonable cause exists that an offense has been committed and use reasonable force to prevent a violation of this Code or cause such violation to cease;

4. Upon Probable Cause, when issuing a citation for an offense, seize any property used in the commission of a violation of this Code. All property used to violate this Code is also subject to seizure and forfeiture by order of the Tribal Court. The Nation must return any property confiscated to its owner upon request by the property owner to the Tribal Court unless the Tribal Court determines that the possession of the property is unlawful or could be deemed a risk to facilitate future violations of this Code, in which case it will become the property of the Nation;

5. Restrain/Detain/Arrest Persons who commit a violation of this Code exercising such restraint as is reasonable for the Person's arrest and detention, pending transfer of the Person to the custody of a County Sheriff or other state or federal peace officer;

6. Escort Persons subject to Exclusion and/or Banishment Orders under this Code to a location off of the Nation's Territory using only as much force as is reasonably necessary for such exclusion;

7. Enforce Exclusion and/or Banishment Orders by removing the Person and their possessions from the Nation's Territory or storing the possessions at the person's expense. In removing possessions, the Tribal Law Enforcement Officer shall exercise ordinary and reasonable care to avoid damage to the possessions, while in the Officer's custody and shall prepare an inventory of the items and mail a copy of the inventory to the Respondent notifying them that they may recover possession of the property upon payment of seizure and reasonable storage costs.

8. Testify and otherwise provide evidence in proceedings arising out of violations of this Code or state or federal criminal laws in tribal, state or federal proceedings;

9. The Tribal Police Chief may require and request assistance from federal, state, local and other law enforcement entities with its tribal law enforcement duties under this Code;

10. The Tribal Police Chief may deputize Persons over 18 years of age who meet the hiring and training standards of the Tribal Law Enforcement Department in consultation with and the authorization of the Tribal Council;

11. File a petition for a Protective Order on behalf of a Victim if so requested.

12. The Tribal Police Chief may adopt policies and procedures necessary to perform the Tribal Law Enforcement duties.

Section B. Sovereign Immunity for Tribal Law Enforcement Officers. The sovereign immunity of the Nation shall extend to its Tribal Law Enforcement Officer(s) to the extent permitted by federal and tribal law.

Section C. Citation Process

1. *Citation Issuance*

   a. A Tribal Law Enforcement Officer has the authority to issue a citation to any Person if:

      i. The offense occurs in the presence of the Tribal Law Enforcement Officer; or

      ii. When the Tribal Law Enforcement Officer has reasonable cause to believe an offense has been committed.

   b. The Tribal Law Enforcement Officer shall issue all citations as soon as is practicable from the date the offense occurred. Where necessary, the Tribal Law Enforcement Officer may re-issue the citation or write subsequent or supplemental citation(s) for the same offense.

   c. A Tribal Law Enforcement Officer shall cite any Person whom they have Probable Cause to believe committed any act involving Domestic Violence or Related Offenses as set forth in this Code

either in the presence of the officer or within 24 hours, or as soon as possible, of a report to Tribal Law Enforcement of the commission of such an act.

d. Regardless of the elements of any other offense committed in conjunction with an act of Domestic Violence or Related Offense, a citation for Domestic Violence shall be considered a separate and distinct offense and shall be cited in addition to any other infraction or offense the Perpetrator may be charged with under tribal, federal or state law.

e. Tribal Law Enforcement Officers shall provide all Victims of Domestic Violence and other related offenses with both a verbal and written notice.

f. The written notice:

i. Must not include the addresses or locations of shelters, and

ii. Must be provided in the primary language of the Victim, if practicable, when the native language of the Victim is not English.

g. A Tribal Law Enforcement Officer who enforces this Section in good faith shall be immune from suit by any person alleging a violation of this Section or any other Section of tribal, state or federal law.

2. *Court Issued Citation.* The Tribal Court may issue a citation if a Tribal Law Enforcement Officer, Tribal Council member or Member files an affidavit with the Tribal Court stating they have reasonable cause to believe that a Person committed an offense under his Code.

3. *Citation Contents/Notice Requirements.* The citation shall include the following statements:

a. The citation represents a final determination of the Person's guilt and liability to pay the penalty listed on the citation unless the Person contests the offense as set forth in this Code.

b. The offense is a non-criminal offense for which imprisonment is not an available sanction.

c. The Code section of the alleged violation along with a statement briefly describing the conduct of the Person supporting the alleged violation

d. The monetary penalty imposed for the offense and where to remit the penalty or fine and that the Person may be noticed by separate letter that the penalty amount has increased after determination that the Person has previous violations or cited offenses.

e. Ways in which the Person may contest the citation.

f. That the Nation must prove the Person committed the offense by a preponderance of the evidence at the requested hearing.

g. That the hearing will be conducted in compliance with procedures which will afford the Person specific rights, such as subpoenaing witnesses to testify at the hearing.

h. Unless cited for Domestic Violence or Related Offenses, the Person must respond to the citation within thirty (30) days from the date of personal service of the citation or within forty-five (45) days from the date of service by mail.

i. For violations of Domestic Violence or Related Offenses as set forth in this Code, the Tribal Court shall schedule a hearing within ten (10) days of the filing of the citation regardless of whether a hearing is requested by the Person.

j. Where applicable, the Person must sign the citation in the presence of the Tribal Law Enforcement Officer.

k. Failure to respond to the citation or failure to appear at a requested hearing will result in a default judgment against the Person in the amount of the citation plus a sanction imposed by the Court for Person's failure to appear.

4. *Identification*. A Person who has committed or is reasonably suspected of committing an offense under this Code or any of the Nation's laws and is stopped by a Tribal Law Enforcement Officer is required to identify themselves by providing their name, address, and date of birth. If requested by the Tribal Law Enforcement Officer, the Person shall also produce photo identification, such as a Tribal I.D., state issued I.D., driver's license, or military I.D. If the Person is unable or unwilling to identify themselves or produce photo identification, the Tribal Law Enforcement Officer may detain the Person for a reasonable period of time in order to identify the Person and issue a citation.

5. *Service*.

a. The citation may be served in the following manner:

i. Personal service by a Tribal Law Enforcement Officer or other authorized representative of the Nation; or

ii. Mailing the citation by certified or registered mail, return receipt requested, addressed to the Person at their mailing address if known, or such other address which is believed to give actual notice.

iii. Posting at the Nation's governmental offices and the Person's last know

location if no mailing address is available.

b. Service is deemed effective on the date of the Personal Service or when the certified mail is either delivered or delivery is attempted. If the certified mail receipt is returned unsigned, then service shall be deemed effective on the date three days following deposit in the mail.

c. Where service of any notice required under this Code is affected in compliance with this Section and with due process the asserted failure of any Person to receive the notice shall not affect the validity of any proceedings taken under this Code.

d. A copy of the citation, any incident reports and, if applicable, the proof of service shall be filed with the Tribal Court within seventy-two (72) hours of issuance, excluding weekends and holidays.

e. A second or supplemental notice may be served on a Person who has been served a citation informing them of additional allegations for the citation or that the amount of the penalty reflected on the citation has been increased due to the fact that the Person has been cited one or more times in the past twelve months for the same offense thereby enhancing the penalty for the recent offense. This second notice shall inform the Person of the revised penalty amount and again inform the Person where they may pay the fine and the process for contesting the citation.

Section D. Tribal Court Procedures. All administrative procedures set forth in the Nation's Codes and Constitution, such as petitions to the General Council, must be exhausted prior to bringing a matter before the Tribal Court.

1. *Citations - Response Options.* A Person shall respond to the citation:

a. Paying the fine and/or penalty by submitting a cashier's check or money order in the amount indicated to the Tribal Court within thirty (30) days from the date the citation is served; or

b Requesting a hearing by completing the dedicated portion of the citation form and submitting the request to Tribal Court, per the instruction within thirty (30) days the date the citation is served personally or forty-five (45) if served by mail.

c. The filing of a motion on behalf of the Defendant to the Tribal Court such as a motion to dismiss must be filed a minimum of twenty (20) calendar days before the citation hearing date. The Nation shall have a minimum of fourteen (14) days from date of receipt of the motion to respond.

2. *Failure to Respond and Default Judgment*. Failure to submit payment or request a hearing on a citation in a timely manner, or failure to participate in a requested

hearing, shall be deemed an admission of the facts alleged in the citation. Such failures will result in a default judgment being entered against the Person which confirms both the truth of the allegations and the amount of the civil fine for which they are liable. Additionally, at its discretion, the Tribal Court may impose further sanctions for failing to respond.

3. *Parents and Legal Guardians Liable*. Parents and legal Guardians are responsible for violations of this Code committed by Minors or other dependents in their custody or control or residing in the same household.

4. *Public Safety Agency Cost Recovery*. In the event that the Nation's Tribal Law Enforcement Department and/or Fire Department responds to emergency calls or complaints regarding disturbances four or more times within a twelve (12) month period, the Resident shall bear financial responsibility for the costs incurred by the public safety department in responding to such incidents. Such disturbances may include but are not limited to the violation of Disorderly Conduct as set forth in this Code, hosting loud or unruly parties, reporting intoxicated individuals, or alleged criminal activity by a Resident or their guest(s)

5. *Hearings*

a. Scheduling and Notice.

i. The Tribal Court shall schedule hearings as follows:

1. For citation cases, the hearing shall be scheduled on the next available Tribal Court citation calendar date established by the Court. Citation hearing dates are set by the Court in advance and provided to Tribal Law Enforcement for use when issuing citations. A citation hearing shall be scheduled within a reasonable time after issuance of the citation, consistent with the Court's established calendar.

2. For domestic violence cases, the hearing will be scheduled within ten (10) days from the date the citation is filed.

ii. The Tribal Court shall provide a Notice of Hearing to the Defendant, the Nation, and the Tribal Law Enforcement Department. This notice may be via U.S. Mail and/or electronic mail, with the Nation consenting to electronic service. The Notice shall specify the date, time, and place of the hearing and be served at least five (5) days prior to the hearing date for domestic violence cases, and at least fifteen (15) days prior for citation cases. Notice to the Nation and the Tribal Law Enforcement Department will include an attachment of the Defendant's completed Request for Hearing form when applicable.

iii. The Nation authorizes electronic service from the Court.

iv. The hearing shall not be postponed more than forty-five (45) days after the hearing request was filed.

b. Reports.

i. A Person accused of Domestic Violence and Related Offenses pursuant to this Code may request a copy of the Tribal Law Enforcement Officer's report from the Court.

ii. If the Tribal Law Enforcement Officer submits a supplemental report concerning the citation for the Tribal Court to consider at the hearing, a copy of that report shall also be served on the Defendant at least five (5) days prior to the date of the hearing.

c. Continuances.

i. The Defendant or the Nation shall be entitled to one (1) continuance for any reason provided that the request is submitted to the Tribal Court at least forty-eight (48) hours in advance of the scheduled hearing.

ii. In citation cases, the hearing shall not be postponed more than forty-five (45) days after the hearing request was filed.

iii. In domestic violence cases, the hearing shall not be postponed more than twenty (20) days after the hearing request was filed.

iv. A request to continue a hearing made less than forty-eight (48) hours before the scheduled hearing may be granted by the Tribal Court upon disclosing a matter of exigency or for good cause.

d. Confidentiality. All hearings shall be closed to the public unless the Tribal Law Enforcement Officer, the Advocate and/or a Tribal Official agree to the hearing being open.

e. Testimony.

i. At the hearing, both the Nation and the Defendant shall be given the opportunity to testify, present evidence, and cross-examine witnesses concerning the citation.

ii. Victims of Domestic Violence and Related Offenses pursuant to this Code shall be given an opportunity to testify.

iii. The Nation and Defendant may appear personally or through an attorney. Upon request by either party, the Tribal Court may conduct the hearing via telephone, using virtual platforms or a combination of in-person and remote.

iv. The Nation, the Defendant, or in the case of domestic violence the Victim may subpoena witnesses and documents as authorized by the Nation's laws or the Tribal Court's Code of Civil Procedure and Rules of Court.

f. Prehearing Discovery. Prehearing discovery is not authorized.

g. Fair Hearing.

i. The Tribal Court is authorized to conduct the hearing informally, both as to rules of procedure and admission of evidence, in any manner which will provide a fair hearing.

ii. Intoxication is not a defense against a violation of any provisions of this Code.

h. Evidence and Burden of Proof.

i. The citation and any reports submitted by the Tribal Law Enforcement Officer shall constitute presumptive evidence of the respective facts contained in those documents.

ii. In cases where the Defendant contests the citation, the Defendant's standard of proof is Clear and Convincing Evidence.

i. Continuation of Hearing. The Tribal Court may continue the hearing and request additional information from the Tribal Law Enforcement Officer or the Defendant prior to issuing a written decision.

6. *Tribal Court Decision*

a. After consideration of all testimony and evidence submitted at the hearing, the Tribal Court shall issue a written decision to uphold or dismiss the citation and the Court's reasoning for that decision, including written findings on each violation.

i. For citation hearings, the decision of the Tribal Court shall be issued within thirty (30) calendar days following closure of the hearing.

b. Should the Tribal Court uphold the citation, one or more of the following remedies may be applied:

i. The Tribal Court may issue an injunction, by ordering the Defendant to temporarily or permanently refrain from conducting the acts or actions that gave rise to the citation;

ii. Impose penalties and/or fines for each violation in an amount not to exceed the maximum provided in the Schedule of Fines and Penalties. The Tribal Court shall consider any or all of the following factors when determining the amount of the fine or civil penalty:

1. the impact of the violation on the Victim(s);

2. the duration of the violation;

3. the frequency, recurrence, and number of violations, related or unrelated, by the same Defendant;

4. the severity of the violation;

5. the economic impact of the violation on the Victim and/or community; and

6. such other factors as justice may require.

iii. Suspend the penalty and/or fine on the condition the Defendant does not commit any other violations of this Code and complies with all Tribal Court orders relating to the offense during a specified period not to exceed one (1) year;

iv. Order restitution to be paid to Victim(s);

v. Order community service in addition to or in lieu of a fine and/or penalty;

vi. Refer the Defendant for rehabilitative services or treatment;

vii. Issue an Order of Banishment for a Member or an Order of Exclusion for a Non-Member;

viii. Order Seizure of Property;

ix. Issue an order for payment of additional costs to the Nation;

x. Issue such other orders as may be deemed fair and just by the Tribal Court.

c. If the Tribal Court finds that a Request for Hearing is without merit, the Tribal Court may hold the Defendant liable and order the Defendant to pay the Nation's reasonable fees and costs including attorney's fees.

d. Late payment charges shall accrue and be payable in the amount and by the terms specified in the Schedule of Fines and Penalties.

e. If the Tribal Court determines the citation should be dismissed, the Tribal Court shall issue a decision dismissing the citation.

f. The Defendant and the Nation shall be served with a copy of the decision within seven (7) calendar days of its issuance.

g. The decision of the Tribal Court shall be final upon service on the Defendant and not subject to further review.

Section E. Protective Orders

1. A Person (herein "Petitioner') may file for a Protective Order under this Section if they, or a Family or Household Member has been the Victim of Domestic Violence and Related Offenses pursuant to this Code or the Person has reasonable cause to believe that there is a danger of being subject to Domestic Violence and Related

Offenses pursuant to this Code which may cause significant or immediate harm (either physical or emotional) to the Person, their Family or Household Member.

2. Any Petitioner may seek relief under this Code on behalf of:

   a. Themselves;

   b. A Minor, a Family or Household Member;

   c. A Vulnerable Adult or Person incapacitated due to hospitalization.

3. A Petitioner may file a written "Petition for Protective Order" in any format as long as the following information is included in the Petition:

   a. The identity of Petitioner's tribal affiliation and state that they are domiciled, reside or were on the Nation's Territory;

   b. The identity of the Respondent, their tribal affiliation, and address or other contact information;

   c. The identity of the family or household relationship Petitioner has with the Respondent;

   d. A brief description of the Domestic Violence and Related Offenses violation(s) the Respondent has committed, the specific location these acts occurred and the date of the occurrence;

   e. Information regarding whether the Respondent has a history of Domestic Violence and Related Offenses, including dates, locations, and description of said acts;

   f. A description of the injury (physical, mental and emotional, destruction of property, loss of employment, etc.) Petitioner has suffered;

   g. Information regarding any past orders that have been issued against the Respondent (criminal and civil);

   h. Information regarding all Minor(s) for whom Respondent and Petitioner jointly act as Parent or Guardian, including their names, DOB, tribal affiliations, in whose custody the Minors currently are in and where the Minors presently reside;

   i. Information regarding whether the Respondent has abused the Minors and describes how, when, and where this abuse occurred.

4. A hearing on such a Petition shall be set within fourteen (14) days from filing. The Court Clerk shall set the date for the hearing and issue a "Notice of Hearing" and shall serve Respondent with the summons and Petition through appropriate Tribal Law Enforcement.

Section F. Tribal Court Hearings on Protective Orders

1. The hearing on a Petition for a Protective Order shall follow the rules as set forth under this Code and the Tribal Court Rules of Court.

2. The Court may consider other prior acts of Domestic Violence, crimes, or any wrongs, acts, or patterns of behavior which may be relevant to the need for the Protective Order and this evidence shall be admissible regardless of whether the alleged crimes, wrongs, acts or patterns of behavior were committed by Respondent against the Petitioner or their Family or Household Member.

3. The Court shall not dismiss a Petition of a Protective Order because it was not filed within a particular time period after the last alleged incident of domestic violence.

4. This Code shall be enforced regardless of current marital status, cohabitation or existence of a current relationship.

5. If a continuance is granted, all Ex Parte orders shall remain in effect.

Section G. Ex Parte Protective Orders

1. *Request for Order*.

   a. If an Ex Parte Protective Order is required prior to the filing of or a hearing on a "Petition for Protective Order," the Petitioner may request, or the Court or its designee, may issue on its own motion, an Ex Parte Protective Order. The Petitioner may file a written Petition for an Ex Parte Protective Order in any form as long as the information required for filing a Petition for a Protective Order is included (Section D) along with additional facts as to why an Ex Parte Protective Order is required.

   b. To issue such an Ex Parte Protective Order it must clearly appear to the Court, or its designee, from specific facts shown by Petitioner that they or a Family or Household Member has reasonable cause to believe that there is an immediate danger of Domestic Violence which could result in the physical or emotional injury to the Person on whose behalf the Petition is filed.

   c. An Ex Parte Order of Custody prior to the service of process and notice shall not be entered unless the Court, or its designee finds that the Minor is exposed to a substantial risk of Bodily Injury, Sexual Abuse, or Emotional Distress. A finding by the Court, or its designee, that there is basis for issuing an Ex Parte Protective Order constitutes sufficient reasons to not require notice.

2. *Orders*

   a. Ex Parte Protective Orders: All Ex Parte Protective Orders shall contain the following information:

i. Respondent's name and date of birth (if known);

ii. The name(s) of the protected parties;

iii. The date the order was filed;

iv. The hearing date and time for the Petition;

v. The conditions that apply to the Respondent ;

vi. Signature of the Tribal Court Judge.

b. The Ex Parte Protective Order shall also have the following notification:

"THIS ORDER FOR PROTECTION IS NOW ENFORCEABLE. You are subject to fines and/or exclusion/banishment from the Nation's Territory if you violate any of the terms of this order of protection. You may also be subject to a fine and imprisonment under the California state penal code."

c. Once the Ex Parte Protective Order is issued, a hearing shall be set within 14 days. In the interim, the Ex Parte Order will remain in effect until such time as a hearing is held and a Final Protective Order is entered, or the Ex Parte Order is vacated by the Court. If the Petitioner has not yet filed a "Petition for Protective Order" with the Court, they must do so within 5 days from the date the hearing is set.

d. The Court shall immediately serve the Ex Parte Protective Order on the Respondent with copies of the "Petition for Protective Order" (if on file with the Court) and the Request for Ex Parte Order, along with the Notice of Hearing.

Section H. Final Protective Orders

1. The Court may grant a Protective Order or approve a consent agreement to stop or prevent acts of Domestic Violence and Related Offenses pursuant to this Code. Relief granted pursuant to an Ex Parte Order shall expire at such time a Final Protective Order is entered. All relief granted under a Final Protective Order shall not exceed two years duration and may be modified or extended at a subsequent hearing upon proof and a finding by the Court that the threat of Domestic Violence still exists. If immediate modification or renewal is necessary to address urgent circumstances, it may be obtained Ex Parte, without prior notice to the other parties. Permanent orders regarding matters of custody, visitation, support or division of property shall be addressed by filing separate civil actions with the Tribal Court or State Court in accordance with the applicable rules of civil procedure and tribal and/or state law.

2. A Protective Order may impose one or more the following requirements and/or directives:

a. Direct the Respondent to refrain from any acts of Domestic Violence as defined under this Code; or

b. Grant the Petitioner the Residence and/or exclude the Respondent from the Residence; or

c. Require the Respondent to provide the Petitioner and any Minors suitable alternate housing; or

d. Award temporary custody of Minors, order child support, and establish temporary visitation rights of the Minors. Primary consideration shall be given to the least disruption to the Minors, the Minors' health, safety, education, and normal routines. All visitation orders shall provide for the rules concerning the exchange of the Minors (times, places, Persons, and the non-custodial Parent or Guardian may be required to post bond); or

e. Order the eviction of the Respondent from the Residence and provide assistance to the Petitioner in returning to the Residence; or

f. Order the Respondent to make timely payments on all family or household obligations and debts, including but not limited to mortgage, rent, utilities, medical expenses, health insurance coverage for the spouse and Minors, as well as other necessary expenses; or

g. Provide for possession of Personal Property of the parties, including granting the Petitioner use of a Vehicle and other essential Personal Property, regardless of who holds title to the property; or

h. Order the Respondent to refrain from any or all of the following:

   i. Threatening, abusing or following the Petitioner or member of their Family or Household Member; or

   ii. Visiting the home, workplace, school, or any other place the Petitioner or their Family or Household Member(s) is likely to be and wherein Respondent has no authorized business or need to be; or

   iii. Communicating with the Petitioner or their Family or Household Member(s) by telephone or in writing either directly or indirectly or through third parties; or

   iv. Coming within a certain distance of the Petitioner or their Family or Household Member(s) at any time; or

   v. Otherwise interfering with the Petitioner or their Family or Household Member(s) or engaging in any other conduct that would result in emotional distress to the Petitioner or their Family or Household Member.

i. Award costs and attorney fees to the Petitioner; or

j. Prohibit a Respondent from receiving, using, possessing, purchasing, or transporting a firearm or ammunition; or

k. Order Respondent to attend and complete an anger management treatment program approved by the Nation or Tribal Court; or

l. Order the Respondent to undergo a drug or alcohol assessment and treatment; or

m. Order Respondent and/or Petitioner to maintain and refrain from removing funds beyond certain limits from any joint bank account(s); or

n. Prohibit Respondent and/or Petitioner from transferring, removing, encumbering, mortgaging, concealing, disposing, or altering property except as authorized by the Court; or

o. Order Respondent pay restitution to the Petitioner or their Family or Household Member who has suffered a financial loss due to Respondent's actions; or

p. Include any additional prohibitions or requirements the Court deems necessary to protect the Petitioner or their Family or Household Member; or

q. Order the Respondent to reimburse, within thirty (30) days of the Order, any Victim services agency/program for any services provided to Petitioner or their Family or Household Members as a result of being a Victim of Domestic Violence.

3. *Mutual Orders*. Protective Orders shall not be issued as mutual orders. However, the Court may issue separate orders for protection and restraint for each Petitioner, provided that:

a. each Petitioner has properly filed and served a Petition for a Protective Order; and

b. each Petitioner has committed Domestic Violence as defined in this Code; and

c. there is a continuing risk of violence between the parties; and

d. neither Petitioner's conduct was primarily in self-defense.

4. *Notice of the Order*

a. A copy of the Protective Order shall be served on the parties at the conclusion of the hearing. Within twenty-four (24) hours of the Protective Order being entered, a copy will be provided the Tribal Law Enforcement Department, the County Sheriff's office and if applicable, lodged with state Superior Court for recognition under the federal Violence Against Woman Act.

b. Attached to the order shall be a Notice which shall include the following information:

"**TO RESPONDENT**: You must obey this Protective Order or be subject to fines or exclusion or banishment from the Nation's Territory and/or other penalties including fines and/or imprisonment under state law and possibly federal law.

This Order is valid and will be enforced against you by the Nation as well as in all 50 states of the United States, the District of Columbia, on any Indian lands and any commonwealth, territory or possession of the United States.

Federal law prohibits you from possessing or purchasing any firearms while this Order is in effect as long as the Order is not an Ex Parte Order. The federal law applies whether or not the Order entered against you by Tribal Court prohibits you from possessing or purchasing firearms.

If you travel across state or Indian lands with the intent to violate the Order entered against you, you are subject to prosecution for a federal crime.

If you travel across state or Indian lands with the intent to injure, harass, intimidate, or place the Person protected under this Order or their Family or Household Member(s) in fear of Serious Bodily Injury, you are subject to prosecution for a federal crime.

You and the Person protected by the Order cannot change the terms of the Order against you by your own agreement. All of the provisions of this Order continue in effect until the ending date of the Order unless modified by the Court. If you violate this Order, you can be held in contempt of court and fined, excluded from the Nation's Territory, and if you violate this Order while off the Nation's Territory you are subject to the civil and criminal penalties of the state."

"**TO PETITIONER**: You should keep a copy of this Protective Order on you at all times and should make a copy for your family and friends. If you move to another jurisdiction, you may wish to give a copy to the local law enforcement agency where you move, but you are not required to do so.

The Order is valid not only on the Iipay Nation's Territory but in all 50 states of the United States, the District of Columbia, any Indian lands and any commonwealth, territory or possession of the United States.

You may not change the terms of the Order by agreement with the Respondent. If you wish to change any terms of this Order, you must return to Tribal Court and request the judge modify the Order.

If the Respondent violates any provision of this Order, you may call Tribal Law Enforcement (or the County Sheriff Office) and go to State and/or Tribal Court

for an order of contempt, which can subject the Respondent to fines, exclusion or banishment from the Nation's Territory, and fines and imprisonment under state law.

5. *Violation of Protective Order*

a. Detention and Arrest for Violations of a Protective Order. When a Tribal Law Enforcement Officer has Probable Cause to believe that a Respondent has violated a verifiable Protective Order issued by the Tribal Court or State Court:

i. If the Tribal Law Enforcement Officer holds a Special Law Enforcement Commission (SLEC) from the Office of Justice Services, the officer may:

1. Arrest the Respondent if they have violated 18 U.S.C.A § 2262 and transport the Respondent to the appropriate federal detention facility or take other appropriate action;

2. Arrest the Respondent pursuant to CA Penal §830.S(a) if the Protective Order that has been violated was issued by a State Court and transport the Respondent to the appropriate state detention facility;

ii. If the Protective Order that has been violated was issued by a State Court and the officer does not hold a SLEC, the Tribal Law Enforcement Officer may Restrain and detain the Respondent until the appropriate state law enforcement agency can take custody of the Respondent and/or transport the Respondent to the appropriate state law enforcement agency;

iii. For violations of any Tribal Court issued Protective Orders (Ex Parte or Final), the Tribal Law Enforcement Officer shall cite the Respondent, and the citation will be filed with the Tribal Court and proceed under this Code.

iv. A Tribal Law Enforcement Officer who has arrested or detained a Respondent for violation of a Protective Order shall file within twenty-four (24) hours of such arrest or detention report as provided in Article 4, Section H(5)(c).

b. The Petitioner granted a Protective Order cannot violate or be arrested for violation of their own Protective Order.

c. Any Person with knowledge of Respondent's violation of a Protective Order may file a petition requesting that the Court determine why the Respondent should not be held in contempt and punished for said violation. The Court shall set the date for the hearing, issue a "Notice of Hearing" and shall serve the "Notice of Hearing" on the Respondent and Petitioner.

d. At the hearing, the Tribal Court will determine if the Respondent violated any provision of the Protective Order. If the Court finds the Order has been violated, the Respondent shall be found in contempt of Court and subject to the following:

i. A fine as set forth in the Schedule of Fines and Penalties for each violation; and/or

ii. Community service as determined appropriate by the Tribal Court; and/or

iii. Any and all other fees, fines and penalties the Court deems just and necessary.

e. If the Court finds that the Respondent has violated the Protective Order twice or more, the Tribal Court may issue an Order of Exclusion/Banishment of the Respondent from the Nation's Territory.

Section G. Full Faith and Credit of Foreign Protective Orders.

1. *Enforcement of Foreign Protective Orders*. Whenever a Tribal Law Enforcement Officer or the Tribal Court is presented with a Protective Order that was issued by another Tribal or State court, whether Ex Parte or final, or verifies the existence of such an Order through the court or law enforcement agency of the issuing jurisdiction, the Tribal Law Enforcement Officer and Tribal Court shall enforce such Protective Order and all provisions of such Order, including the award of custody and property in such Order, as if it were issued by the Tribal Court.

2. *Immunity for Good Faith Enforcement of Foreign Protective Order*. An officer or any Tribal Law Enforcement Officer who acts in good faith in enforcing a foreign Protective Order and its terms shall be immune from suit for any civil or criminal action. This immunity shall extend to a Tribal Law Enforcement Officer who arrests a Non-Indian for violation of a Protective Order pursuant to state or federal law.

3. *Role of Tribal Court in Enforcing This Section*. The Tribal Court shall enforce a Protective Order, either Ex Parte or final, and all provisions of that Protective Order, including child custody and property awards, if all the following are satisfied:

a. The Respondent received notice of the order in compliance with requirements of the issuing jurisdiction; and

b. The Order remains in effect in the issuing jurisdiction; and

c. The issuing court had jurisdiction over the parties and subject matter; and

d. The Respondent was afforded reasonable notice and the opportunity to be heard prior to the issuance of a permanent Protective Order or in the case of an Ex Parte Order it appears from the face of the Order that a hearing will be conducted within a reasonable time to allow the Respondent to raise any defenses they may have to the issuance of a permanent Protective Order.

4. *Registration of Foreign Protective Order with the Tribal Court*. Any Person who has received a Protective Order, either Ex Parte or final, from another Tribal or State Court, may file the Protective Order with the Tribal Court and request that the Tribal Court

grant full faith and credit to the Protective Order. Immediately upon the filing of that Protective Order with the Court, the Tribal Court shall review such filing and substantiate that the Protective Order meets the requirements of this Code and shall enter an order recognizing the Protective Order. Said Order shall immediately be forwarded to Tribal and local law enforcement. A Person shall be not charged a filing or registration fee for the filing of a foreign Protective Order. A Person protected by a Protective Order issued by another Tribal or State Court need not file that Protective Order with the Tribal Court in order to receive law enforcement protection from the Respondent under this Code.

5. *Violation of Foreign Protective Order*. Any violation of the foreign Protective Order shall subject the Respondent to penalties set forth in this Code and any federal or state penalties as provided under federal or state law.

Article 5. Penalties and Other Judicial Remedies

Section A. General Penalty Provisions

1. A Person committing a violation under this Code will be subject to a fine in an amount not to exceed the maximum provided in the Schedule of Fines adopted by the Tribal Council in effect on the date the violation occurred.

2. In addition to or in lieu of the fine, the Tribal Court may grant such other relief as is necessary and proper, including but not limited to the following: community service, restitution, treatment and/or counseling, protective or exclusion/banishment orders, and traditional sanctions; and

3. The Tribal Court has the authority to forfeit property, suspend or cancel a license or permit, or cite for contempt.

Section B. Fines Deferred. The Tribal Court may choose not to impose a fine for a period not to exceed one (1) year if justice so requires and/or the following criteria is met:

1. The Person has not committed any previous violations of this Code;

2. The Person does not commit any other violations of this Code during the time the fine is deferred or suspended;

3. The Person does not commit any infractions, violations or offenses during the time the fine is deferred or suspended; and

4. The Person complies with all Tribal Court orders concerning the offense to the best of their ability.

Section C. Community Service. The Nation and the Tribal Court recognize that a Person who violates this Code may be unable to pay their fine as imposed by the Tribal Court. For this reason, the Tribal Court, at its discretion or upon request by the Nation, may order community service or restorative justice in addition to or in place of a fine. The Tribal Court, upon request by or consultation with the Nation and/or Tribal Court Advocate, will determine if a Person is a suitable candidate for community service and is likely to carry out the service. The Tribal Council or a Department Head, Agency or other representative delegated by Tribal Council shall maintain a community service log of services requested by Members and performed by the Defendant. Verification that the services have been completed will be provided to the Defendant.

1. Community Service is limited to:

   a. Lands within the Nation's Territory or at the Nation's governmental agencies; or

   b. The primary Residence of a tribal Elder.

2. Tribal agencies or Elders requiring services must submit a written request to the Tribal Council. The Tribal Court Advocate shall assist in preparing the request where necessary or requested to do so. Tribal Council will then submit all such requests to the Tribal Court Administrator.

3. Assistance will be distributed in the order that requests are received.

4. The Person performing community service will be responsible for:

   a. Obtaining written verification from the monitoring supervisor on the form provided; and

   b. Submitting the form to the Tribal Court as required.

Section D Referral for Treatment

1. In addition to or instead of a fine, the Tribal Court may, at its discretion or at the request of the Nation, refer a Defendant to mental health providers, including: an alcohol/substance abuse program, and/or social services program for an evaluation, counseling and/or treatment. The Defendant shall sign a release permitting the provider to share progress reports with the Nation.

2. Any fines may be deferred pending treatment and may be waived upon proof of successful completion of treatment.

3. After completion of an evaluation, the agency conducting the evaluation shall report its findings and recommendations to the Tribal Court or an officer assigned by the Tribal Court. A certificate of completion shall be submitted to the Nation.

4. The Tribal Court may order mental health providers to submit progress reports of treatment. An officer assigned by the Tribal Court will monitor the Person's progress in their treatment program.

5. Residential treatment facilities are an option for Persons violating this Code if so requested by the Person and if recommended by an authorized mental health or other treatment agency.

Section 5. Enforcement of Fines and Collection

1. In any case where a Person has been found to have committed an offense and a fine has been assessed, the Person has thirty (30) days to pay the fine. For good cause shown, the Tribal Court may extend the time for payment or approve an installment plan.

2. Parent(s), Guardians, or any adult responsible for the care of a Minor are liable for the fine of a Minor.

3. If the Person has not paid the fine within the time allotted by the Tribal Court, the Court may take any and all actions necessary to collect the fine, including, but not limited to:

   a. Order any employer on Nation's Territory to garnish the Defendant's wages, consistent with applicable laws and regulations.

   b. Order the appropriate Tribal Official to garnish, levy, or enforce against a Member's per capita distribution of tribal revenues. Failure to pay fines and/or penalties may result in forfeiture of tribal benefits that are dispersed, including but not limited to per capita funds, meals or card give-a-ways, and other such benefits.

   c. Selling any property confiscated pursuant to Article 4, Section A (4) of this Code.

   d. Issue a garnishment order to an employer or any other entity that provides or owes the Defendant any wages or other money outside of the Nation's Territory.

   e. Request comity on the judgment from the courts of any other jurisdiction.

   f. Retain a collection agency according to the provisions of this Code.

   g. Any appropriate means necessary to satisfy the judgment of the Tribal Court.

Section F. Civil Exclusion and Removal of Non-Members

1. *Purpose*

   a. The Nation finds that certain types of conduct by Non-Members within the Nation's Territory endangers the health, safety and welfare of Members of the Nation, endangers Tribal lands and personal property of Members and may threaten the political integrity and economic security of the Nation.

b. Access to the Nation's Territory is a privilege granted by the Nation, and the Nation has the inherent sovereignty and power to withdraw the privilege and exclude Non-Members from the Nation's Territory. The purpose of this Civil Exclusion and Removal provision is to protect the integrity and security of the Nation and its Members, and provide a civil exclusion and removal procedure consistent with the requirements of the Nation's Constitution and other applicable laws.

c. Nothing herein prevents the Tribal Council and/or General Council from issuing exclusion or banishment orders to a Person under custom and tradition. Where the Person violates such an exclusion or banishment order, they shall have committed the offense of Failure to Obey an Order as set forth in Article 3, Section B(5).

2. *Exclusion of Persons from the Nation's Territory*. It is unlawful and constitutes a violation of this Code for any Non-Member to enter or remain within the Nation's Territory if they have been excluded from the Nation's Territory by Order of Exclusion ("Order") issued by the Tribal Court, or by the Nation in accordance with custom and tradition. The Non-Member must have been served with the Order following the hearing that resulted in their exclusion.

3. *Order of exclusion; grounds*. The Court shall have the authority to issue an Order of Exclusion under this Code prohibiting a Non-Member from entering or remaining in the Nation's Territory for a specified period of time or permanently. It may issue an order to any Person who:

a. Has occupied Tribal land without the consent of the Nation in violation of Article 3, Section A.

b. As demonstrated by past conduct, constitutes a threat to the peace and privacy or personal safety of Persons who live and work in the Nation's Territory, or presents an unreasonable risk of injury or damage to or loss of Personal or Public Property located on the Nation's Territory.

c. Has acted improperly and willfully to interfere with the operation of the Nation's government, the administration and delivery of tribal services, or the operation of public and private businesses authorized on the Nation's Territory.

d. Has committed the following or similar acts on the Nation's Territory: trespassed on tribal land including occupying a Residence on the Nation's Territory without prior approval; dumped or disposed of garbage or refuse on tribal land; remained in control of tribal land after expiration of a lease or tribal land assignment; damaged any tribal cultural site; discharged or pointed a firearm (whether loaded or unloaded) in a threatening manner; has assaulted or attacked any Person within the Nation's Territory or used or sold any illegal drug or provided drugs or alcohol to Minors.

e. Any other act or condition considered objectionable by the Nation may be grounds for exclusion. The Person will be informed of the objectionable behavior or condition and provided with notice to cease such conduct.

4. *Order of Exclusion, Civil Procedure*. The Tribal Court shall issue an Order of Exclusion using the following civil procedure:

a. Whenever the Tribal Council has reason to believe that a Non-Member is subject to exclusion, it shall issue a notice or Tribal Council order of Exclusion ("Notice of Exclusion") to that Person.

b. The Notice of Exclusion shall state that access to the Nation's Territory is a privilege granted by the Nation and that the Nation has inherent authority to withdraw this privilege and exclude Persons from the Nation's Territory. The Notice of Exclusion shall also describe the grounds for exclusion and set a date and time for hearing before the Tribal Court.

c. The Notice of Exclusion shall be served by a Tribal Law Enforcement Officer, who may serve the Notice of Exclusion on the Respondent via any allowable service methods under this Code (See Article 4, Section B (5)). Thereafter, the Tribal Law Enforcement Officer serving the Notice of Exclusion shall complete a certification of service and file the Notice of Exclusion and the certification of service with the Tribal Court.

5. *Exclusion Hearing.* The hearing on the Exclusion Order shall be held by the Tribal Court within fifteen (15) days of the filing of the Notice of Exclusion.

a. Respondent shall have the right to appear and be represented by an attorney.

b. The hearing shall be conducted informally and in confidence, excluding public, except for witnesses called by the Respondent or the Nation.

c. Evidence of the Nation's customs and tradition from either the Nation or the Respondent will be accepted by the Tribal Court.

e. The Respondent may produce documents and provide any explanation or argument they believe is appropriate. With prior approval of the Tribal Court and five (5) days' notice to the Nation, the Respondent may present the testimony of witnesses.

f. After the Nation and Respondent have presented their cases, the Tribal Court shall issue its decision. If the Tribal Court determines there is sufficient cause, Respondent shall be served with the Order of Exclusion. The Tribal Court may determine whether the Order of Exclusion is temporary or permanent.

g. If the Respondent fails to appear at the hearing, the Tribal Court may decide to

issue the Order of Exclusion as appropriate. If the Respondent cannot be personally served, the Tribal Court shall serve the Order on the Respondent as set forth in this Code.

6. *Order of Exclusion*

a. An Order of Exclusion shall state that access to the Nation's Territory is a privilege granted by the Nation and that the Nation has inherent authority to withdraw this privilege and exclude Persons from the Nation's Territory.

b. An Order of Exclusion shall state that any personal property belonging to the Respondent remaining in the Nation's Territory after the date specified for removal in the Order of Exclusion will be removed, stored, or otherwise forfeited to the Nation.

d. The Order shall also state the grounds for exclusion, state the period of exclusion or that the exclusion is permanent, and state that the Respondent is excluded from the Nation's Territory.

e. An Order of Exclusion shall become effective twenty-four (24) hours after it is served, or upon issuance if determined by the Tribal Court that safety issues require the immediate removal of the Person named in the Order.

f. If the Order of Exclusion contains conditions on future conduct and the Respondent violates any of those conditions, the Order will automatically be reinstated.

7. *Emergency Exclusion*. In cases involving immediate danger to life, health or property of the Nation or any of its Members, Residents, Employees or Visitors, and where delay may result in irreparable damage, a Tribal Official may issue an emergency temporary order of exclusion until such time as a hearing may be conducted in accordance with this Code.

8. *Notice of Order of Exclusion.*

a. Upon the issuance of an Order of Exclusion and service by the Tribal Court upon the Respondent, the Tribal Council shall give public notice of the Order and any subsequent discharge of the Order, by the following means:

i. By posting the notice at the tribal office and/or any house or structure located on any leasehold, assigned or unassigned tribal lands occupied or used by the Person to be excluded.

ii. By personal service and by mailing notice to the Person to be excluded if their mailing address is known.

iii. By mailing notice to the San Diego County Sheriff's Department and the Bureau of Indian Affairs.

b. The Tribal Council may publish the notice in the Nation's newsletter to inform the General Council.

c. The Tribal Council may establish signs at the entrance to the Nation's Territory stating, "Entrance Prohibited to Persons Excluded by Order of the Tribal Court. No Trespassing by Such Persons. Prohibited Entry Subject to Criminal Penalties. (Cal. Penal Code Section 602 - Trespass.)"

9. *Banishment of Members*.

a. Members shall be subject to the Nation's custom and tradition with regard to banishment procedures. Banishment Orders shall be issued by the Tribal Council.

b. The Tribal Council may also elect to obtain a Tribal Court order confirming the banishment so long as the Tribal Council Banishment Order includes sufficient information on the grounds for banishment.

c. Petition for Modification or Dissolution of a Banishment Order. Any Person against whom a Banishment Order has been issued by Tribal Council may petition the Tribal Council in writing for modification or dissolution of the banishment. The Tribal Council shall review the petition to determine whether the Tribal Council has a reasonable belief that the Respondent has reformed their behavior sufficiently to permit them to reintegrate with the community. The Council may issue a Resolution:

i. Approving the dissolution of the Banishment Order;

ii. Modifying the Banishment Order;

Article 6. Miscellaneous

Section A Severability.

If any provision of this Code, or its application to any Person, legal entity or circumstances is held invalid, the remainder of the Code, or its application of the provision to other Persons, legal entities or circumstances, shall not be affected to that end the provisions of this Code may be severable.

Section B Sovereign Immunity.

Nothing in this Code is intended to waive the tribal sovereign immunity enjoyed by the Nation or its Tribal Officials acting within the course and scope of their office. Nothing in the Code is intended as consent to suit.

In carrying out the provisions of this Code, Tribal Officials and employees are immune from suit. The sovereign immunity of the Nation is in no manner

waived by this Code, by any action of its Tribal Law Enforcement Officers or any of the employees of the Nation acting pursuant to this Code.

Section C Amendments

This Code may be amended by the Tribal Council.

Section D Repeal

Adoption of this Code will repeal the Nation's Peace and Security Code adopted July 4, 2013, and the Nation's Domestic Violence Code adopted April 1, 2015 are hereby repealed in their entirety.

IIPAY NATION

PEACE AND SECURITY CODE

SCHEDULE OF FINES AND PENALTIES

Resolution TCR #2026-12

Section 1. Authority

This Schedule of Fines and Penalties ("Schedule") is adopted pursuant to the Iipay Peace and Security Code and is intended to implement the civil penalty provisions authorized therein.

Section 2. Nature of Penalties

Violations listed in this Schedule are civil in nature unless otherwise designated by the Code. Penalties may include monetary fines, administrative fees, restitution, exclusion, impoundment, forfeiture, or other remedies expressly authorized by the Code.

ARTICLE 3 – OFFENSES AGAINST PROPERTY

(Peace and Security Code, Article 3, Section A)

Code Reference	Offense Description	1st Violation	2nd/Subsequent
Art. 3, §A(1)(a)	Civil Trespass		
Art. 3, §A(1)(c)	Continued Trespass		
Art. 3, §A(2)	Arson	$1000-	$2500-/$5000-
Art. 3, §A(3)-(4)	Theft/Burglary	$250-	$1000-/$2000-
Art. 3, §A(5)	Damage or Destruction of Cultural or Historic Site	$250-.$1000	$1000-/$5000-
Art. 3, §A(6)(a)	Damage or Destruction of Property	$500-	$1000-/$5000-
Art. 3, §A(6)(a)(v)	Aiding or Assisting in Property Damage	$250-	$500-/$1000-
Art. 3, §A(6)(b)	Reckless Damage or Destruction	$500-	$1000-/$5000-

ARTICLE 3 – OFFENSES AGAINST THE PEACE AND TRIBAL GOVERNMENT

(Peace and Security Code, Article 3, Section B)

Code Reference	Offense Description	1st Violation	2nd/Subsequent
Art. 3, §B(1)	Interfering with Lawful Duties	$250-/$500-	$1000-/$2000-
Art. 3, §B(2)(a–b)	Interfering with or Resisting Detention/Arrest	$250-/$500-	$1000-/$2000-
Art. 3, §B(3)	Failure to Comply with Lawful Order	$250-	$500-/$1000-
Art. 3, §B(4)	Leaving the Scene of an Automobile Accident		
Art. 3, §B(5)	Refusing to Aid Law Enforcement	$150-	$300-/$500-
Art. 3, §B(6)	Failure to Obey Tribal or General Council Order	$150-	$300-/$500-
Art. 3, §B(7)	Harboring an Excluded or Banished Person	$250-	$500-/$1000-
Art. 3, §B(8)	Possession of a Dangerous Weapon or Firearm	$250-	$500-/$1000-
Art. 3, §B(9)	Reckless Discharge of a Firearm		
Art. 3, §B(10)	Disorderly Conduct		
Art. 3, §B(11)	Loitering		

ARTICLE 3 - ANIMAL CONTROL

Peace and Security Code, Article 3, Section C)

Code Reference	Offense Description	1st Violation	2nd/Subsequent
Art. 3, §C(1)(a)	Restraint of Pets	$50-/$250-	$500-/$1000-
Art. 3, §C(1)(c)	Animal Neighborhood Disturbance	$50-/$250-	$500-/$000-

Code Reference	Offense Description	1st Violation	2nd/Subsequent
Art. 3, §C(1)(d)	Injury to Another Animal	$50-/$250-	$500-/$1000-
Art. 3, §C(1)(d)	Injury to Persons		
Art. 3, §C(1)(h)	Cruelty to Animals	$250-/$1000-	$500-/$1000-
Art. 3, §C(3)	Hunting		

ARTICLE 3 – OFFENSES AGAINST A PERSON

(Peace and Security Code, Article 3, Section C)

Code Reference	Offense Description	1st Violation	2nd/Subsequent
Art. 3, §D(1)	Assault/Battery	$250-	$500-/$1000-
Art. 3, §D(1)(a)	Bodily Injury	$500-/$1000-	$1000-/$2000-
Art. 3, §D(2)	Stalking, Harassment, or Cyber-Harassment	$250-/$1000-	$1000-/$2000-

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ARTICLE 3 – OFFENSES AGAINST MINORS

(Peace and Security Code, Article 3, Section D)

Code Reference	Offense Description	1st Violation	2nd/Subsequent
Art. 3, §D(3)(a)	Neglect or Insufficient Supervision of a Minor	$250-/$1000-	$2000-/$5000-
Art. 3, §D(3)(b)	Contributing to the Delinquency of a Minor	$500-	$1000-/$2000-
Art. 3, §D(3)(c)-(d)	Curfew Violations Involving a Minor	$250-	$500-/$1000
Art. 3, §D(3)(e	Truancy / Failure to Ensure School Attendance	Pursuant to Custom and Tradition	Pursuant to Custom and Tradition

Code Reference	Offense Description	1st Violation	2nd/Subsequent
Art. 3, §D(3)(f)	Unauthorized Absence from Home	Pursuant to Custom and Tradition	Pursuant to Custom and Tradition

ARTICLE 3 – DRUG AND ALCOHOL OFFENSES

(Peace and Security Code, Article 3, Section E)

Code Reference	Offense Description	1st Violation	2nd/Subsequent
Art. 3, §F(1)& (5)	Public/Chemical Intoxication	$500-	$1000-/$2000-
Art. 3, §F(2) –(3)	Possession of Controlled Substances	$500-	$1000-/$2000-
Art. 3, F(6)	Refusal of Chemical Testing	$500-	$1000-/$2000-

ARTICLE 3 – HEALTH, SAFETY, AND TRAFFIC OFFENSES

(Peace and Security Code, Article 3, Section F)

Code Reference	Offense Description	1st Violation	2nd/Subsequent
Art. 3, §G(2)	Unlawful Dumping Activities		
Art. 3, §G(3)	Usage of Solid Waste Transfer Station		
Art. 3, §G(4)	Open Burning of Solid Waste		
Art. 3, §G(5)	Contamination of Water and/or Food		
Art. 3, §H	Unsafe or Reckless Driving	$500-	$1000-/$2000-
Art. 3, §H(1)	Licensing Requirements	$150-	$200-/$300-
Art. 3, §H(2)	Speeding or Traffic Control Violations	$150-/$500	$300-/$500-
Art. 3, §H(3)	Parking/Road Violations	$100-	$200-/$300-
Art. 3, §H(4)	Unlawful Abandonment of a Vehicle	$250-	$500-/$1000-

Code Reference	Offense Description	1st Violation	2nd/Subsequent
Art. 3, §H(5)	Unlawful Operation of a Motor Vehicle		
Art. 3, §H(4)	OHV Operation Violations	$250-	$500-/$1000-
Art. 3, §H(6)	Driving Under the Influence	$1000-	$2000-/$5000-

ARTICLE 4 – ADMINISTRATIVE AND ENFORCEMENT FEES

(Peace and Security Code, Article 4)

Fee Type	Description	Amount
Late Payment Fee	Failure to Timely Pay Fine	$50-

ARTICLE 5 – ADOPTION AND AMENDMENT

The Tribal Council may amend this Schedule by resolution without amendment to the underlying Peace and Security Code. The Schedule shall be reviewed at least once every five (5) years. In no event shall more than five (5) years elapse without review and amendment by the Tribal Council.

IIPAY NATION OF SANTA YSABEL
Tribal Council Office
Chairman Kevin Osuna
P.O. Box 130
Santa Ysabel, CA 92070
(760) 765-0845

TCR #2026-12

Adopting the Iipay Nation of Santa Ysabel Peace and Security Code

6/16/2026

WHEREAS, the Iipay Nation of Santa Ysabel ("the Nation") is a federally recognized Tribe with approximately 15,000 acres of trust land ("the Reservation") spread between three parcels located in North San Diego County; and

WHEREAS, the Tribal Council has been charged by the Constitution to regulate and govern assert sovereignty and jurisdiction over all lands within the Territory of the Nation; and

WHEREAS, the Tribal Council shall oversee the establishment of governmental departments and offices; and

WHEREAS, the Tribal Council has the power to make laws necessary and proper for the good of the Nation; and

WHEREAS, the Nation has a fundamental interest in maintaining peace, safety, and order within its Territory and protecting the health and welfare of its members, residents, and visitors; and

WHEREAS, the Tribal Council has determined that a comprehensive Peace and Security Code is necessary to establish standards of conduct, define offenses, and provide procedures for enforcement and adjudication within the Nation's Territory; and

WHEREAS, the Tribal Council further finds that the adoption of the Peace and Security Code strengthens the Nation's sovereignty and provides a framework for fair, consistent, and culturally appropriate administration of justice; and

WHEREAS, the Tribal Council recognizes that a Schedule of Fines and Penalties is necessary to implement the Peace and Security Code and may be revised or updated from time to time by the Tribal Council.

THEREFORE, BE IT RESOLVED, the Tribal Council hereby adopts the Iipay Nation of Santa Ysabel Peace and Security Code; and

THEREFORE, BE IT FURTHER RESOLVED, the Tribal Council adopts and may from time to time revise or update a Schedule of Fines and Penalties applicable to violations of the Code without the need to amend the Code itself.

CERTIFICATION

This is to certify that the foregoing resolution was passed at a duly called meeting of the Iipay Nation of Santa Ysabel Tribal Council on the 16th day of June, 2026 at which a quorum was present with 5 voting for, 0 opposing, and 0 abstaining.

Kevin Osuna, Chairman — June 16, 2026 (Date)

Silva French, Secretary — June 16, 2026 (Date)