QUAPAW NATION

P.O. Box 765
Quapaw, OK 74363-0765

RESOLUTION NO. 010423-A

A RESOLUTION DESIGNATING THE QUAPAW NATION REPRESENTATIVES TO THE NATIONAL INDIAN GAMING ASSOCIATION (NIGA)

WHEREAS, the Quapaw Nation is a federally recognized Indian tribe (the "Nation" or the "Tribe" or "Tribal") and is governed by the Resolution Authorizing the Quapaw Nation Business Committee to Speak and Act on Behalf of the Quapaw Nation of Indians, known as the "Governing Resolution" adopted by the Quapaw Indian Council on August 19, 1956, and approved by the Commissioner of Indian Affairs on September 20, 1957;

WHEREAS, the Quapaw Nation asserts its jurisdiction to the fullest extent recognized by law over the lands within the original Quapaw Reservation, as established as a homeland for the Quapaw Nation by the Treaty of May 13, 1833;

WHEREAS, the Governing Resolution delegates authority to the Quapaw Nation Business Committee to speak and act on behalf of the Quapaw Nation;

WHEREAS, the Quapaw Nation Business Committee is thus empowered and obligated to transact Tribal Business and otherwise speak or act on behalf of the Nation in all matters;

WHEREAS, the Quapaw Nation Business Committee is entrusted and obligated to transact the Nation's business, including, but not limited to, the Quapaw Nation economic development, the establishment of Quapaw Nation enterprises, enacting resolutions, laws, and policies for the best interest of the Quapaw Nation; and

WHEREAS, the Quapaw Nation Business Committee wishes to join the National Indian Gaming Association (NIGA) for the year 2023; and

WHEREAS, NIGA is an inter-tribal association of federally recognized Tribes, communities, rancherias, colonies, pueblos, bands, nations, or other federally recognized Tribal groups or communities of Indians ("Tribe" herein); and

WHEREAS, the primary purposes of NIGA are:

1. To promote, protect, and preserve the general welfare and interest of Indian gaming tribes through the development of sound policies and practices with respect to the conduct of gaming activities in Indian Country;
2. To assist in the dissemination of information to the Indian gaming community, federal government, and the general public on issues related to the conduct of gaming in Indian Country;
3. To preserve and protect the integrity of gaming in Indian Country;
4. To maintain, protect, and advocate Indian Tribal sovereignty; and

WHEREAS, the Quapaw Nation meets all the requirements for Tribal Membership pursuant to Part 5, "Classes Qualifications, and Rights of Membership," of the NIGA By-Laws; and
THEREFORE, BE IT RESOLVED, the Quapaw Nation authorizes the payment of dues for the NIGA Tribal Membership of $25,000, and Quapaw Nation appoints the following delegate and alternate delegate as the Nation's representatives to NIGA;

Delegate: Joseph Byrd

Alternate: Mike Shawnee

THEREFORE, BE IT RESOLVED, the above appointment will remain effective for 2023 or until replaced by the Nation governing body.

CERTIFICATION

The foregoing Resolution of the Quapaw Nation was presented and duly adopted through an electronic poll of the Quapaw Nation Business Committee on January 4, 2023, with a vote reflecting 6 yes, 0 no, 0 abstaining, 1 vacant, and 0 absent.

Joseph Byrd, Chairman
Quapaw Nation Business Committee

Wena Kathryn Supernaw, Secretary-Treasurer
Quapaw Nation Business Committee
RESOLUTION NO. 010423-B

A RESOLUTION AUTHORIZING THE SALE OF THE QUAPAW NATION’S
RESTRICTED INTEREST IN CHAT IN THE BIRD DOG CHAT PILE LOCATED
UNDER THE JURISDICTION OF THE QUAPAW NATION

WHEREAS, the Quapaw Nation is a federally recognized Indian tribe (the “Nation” or the
“Tribe” or “Tribal”) and is governed by the Resolution Authorizing the Quapaw Nation Business
Committee to Speak and Act on Behalf of the Quapaw Nation of Indians, known as the “Governing
Resolution” adopted by the Quapaw Indian Council on August 19, 1956, and approved by the
Commissioner of Indian Affairs on September 20, 1957;

WHEREAS, the Quapaw Nation asserts its jurisdiction to the fullest extent recognized by law over
the lands within the original Quapaw Reservation, as established as a homeland for the Quapaw
Nation by the Treaty of May 13, 1833;

WHEREAS, the Governing Resolution delegates authority to the Quapaw Nation Business
Committee to speak and act on behalf of the Quapaw Nation;

WHEREAS, the Quapaw Nation Business Committee is thus empowered and obligated to transact
Tribal Businesses and otherwise speak or act on behalf of the Nation in all matters;

WHEREAS, the Quapaw Nation Business Committee is entrusted and obligated to transact the
Nation’s business, including, but not limited to, adopting laws related to gaming, Quapaw Nation
economic development, the establishment of Quapaw Nation enterprises, enacting resolutions,
laws, and policies for the best interest of the Quapaw Nation; and

WHEREAS, the Quapaw Nation’s Business Committee supports the sale of the Nation’s
interest in restricted chat to ____________________________ in the amount of
per ton in the Bird Dog Chat Pile located on the below
portion of the _____________________________. The Nation further agrees to grant access to the
site to EPA and its contractors to remove said interest in chat and further understands that the
Nation’s proportionate share will be paid upfront in the amount of _____________________________. Said land is described
as:

THEREFORE BE IT RESOLVED by the Business Committee of the Quapaw Nation that the
Nation’s Chairperson or an authorized representative of the Quapaw Nation is hereby authorized
to execute this consent given for chat sale and access over the Nation’s interest in chat and
property.
THEREFORE BE IT FINALLY RESOLVED that the Quapaw Nation requests that the Secretary of the Interior or an authorized representative approve said chat sale of the

CERTIFICATION

The foregoing Resolution of the Quapaw Nation was presented and duly adopted through a regular meeting of the Quapaw Nation Business Committee on January 4, 2023, with a vote reflecting 6 yes, 0 no, 0 abstaining, 1 vacant, and 0 absent.

Joseph Byrd, Chairman
Quapaw Nation Business Committee

Callie Bowden, Vice-Chair
Quapaw Nation Business Committee
RESOLUTION NO. 010423-C

A RESOLUTION TO AUTHORIZING THE USE OF TRUST/RESTRICTED LAND LOCATED UNDER THE JURISDICTION OF THE QUAPAW NATION FOR FARMING AND GRAZING AND TO AUTHORIZE THE EXECUTION OF THE LEASE ON BEHALF OF THE QUAPAW NATION

WHEREAS, the Quapaw Nation is a federally recognized Indian tribe (the "Nation" or the "Tribe" or "Tribal") and is governed by the Resolution Authorizing the Quapaw Nation Business Committee to Speak and Act on Behalf of the Quapaw Nation of Indians, known as the "Governing Resolution" adopted by the Quapaw Indian Council on August 19, 1956, and approved by the Commissioner of Indian Affairs on September 20, 1957;

WHEREAS, the Quapaw Nation asserts its jurisdiction to the fullest extent recognized by law over the lands within the original Quapaw Reservation, as established as a homeland for the Quapaw Nation by the Treaty of May 13, 1833;

WHEREAS, the Governing Resolution delegates authority to the Quapaw Nation Business Committee to speak and act on behalf of the Quapaw Nation;

WHEREAS, the Quapaw Nation Business Committee is thus empowered and obligated to transact Tribal Business and otherwise speak or act on behalf of the Nation in all matters;

WHEREAS, the Quapaw Nation Business Committee is entrusted and obligated to transact the Nation's business, including, but not limited to, the Quapaw Nation economic development, the establishment of Quapaw Nation enterprises, enacting resolutions, laws, and policies for the best interest of the Quapaw Nation; and

WHEREAS, the Quapaw Nation Business Committee supports the agriculture lease to for the use of the Tribe's The annual rental amount of , as stated on the lease, will be divided amongst the individual restricted/trust landowners based on their proportionate share of beneficial ownership. Said land is described as:

NOW THEREFORE BE IT RESOLVED, by the Business Committee of the Quapaw Nation, that the Tribal Chairperson or an authorized representative of the Quapaw Nation is hereby authorized to execute a lease for a Farming and Grazing and to promote tribal self-determination and such other uses as may be determined including commercial operations acceptable to the lessor.
THEREFORE, BE IT FURTHER RESOLVED that the Quapaw Nation request that the Secretary of the Interior or an authorized representative approve said lease on the allotment of

CERTIFICATION

The foregoing Resolution of the Quapaw Nation was presented and duly adopted through an electronic poll of the Quapaw Nation Business Committee on January 4, 2023, with a vote reflecting 6 yes, 0 no, 0 abstaining, 1 vacant, and 0 absent.

Joseph Byrd, Chairman  
Quapaw Nation Business Committee

Callie Bowden, Vice-Chair  
Quapaw Nation Business Committee
RESOLUTION NO. 011323-A

A RESOLUTION AUTHORIZING JOSEPH T. BYRD, CALLIE BOWDEN, WENA KATHRYN SUPERNAW, AND ERIC J. BOHN AS AUTHORIZED SIGNATORIES ON ALL INVESTMENT ACCOUNTS OF THE QUAPAW NATION

WHEREAS, the Quapaw Nation is a federally recognized Indian tribe (the "Nation" or the "Tribe" or "Tribal") and is governed by the Resolution Authorizing the Quapaw Nation Business Committee to Speak and Act on Behalf of the Quapaw Nation of Indians, known as the "Governing Resolution" adopted by the Quapaw Indian Council on August 19, 1956, and approved by the Commissioner of Indian Affairs on September 20, 1957;

WHEREAS, the Quapaw Nation asserts its jurisdiction to the fullest extent recognized by law over the lands within the original Quapaw Reservation, as established as a homeland for the Quapaw Nation by the Treaty of May 13, 1833;

WHEREAS, the Governing Resolution delegates authority to the Quapaw Nation Business Committee to speak and act on behalf of the Quapaw Nation;

WHEREAS, the Quapaw Nation Business Committee is thus empowered and obligated to transact Tribal Business, including regulating and providing oversight of Tribal Subdivisions and Authorities, and otherwise speak or act on behalf of the Nation in all matters;

WHEREAS, the Quapaw Nation Business Committee is entrusted and obligated to transact the Nation's business, including, but not limited to, the Quapaw Nation economic development, the establishment of Quapaw Nation enterprises, enacting resolutions, laws, and policies for the best interest of the Quapaw Nation; and

THEREFORE BE IT RESOLVED that the Quapaw Nation Business Committee does hereby authorize Joseph T. Byrd, Callie Bowden, Wena Kathryn Supernaw, and Eric J. Bohn as authorized signatories on all investment accounts of the Quapaw Nation.

CERTIFICATION

The foregoing Resolution of the Quapaw Nation was presented and duly adopted through a regular meeting of the Quapaw Nation Business Committee on January 13, 2023, with a vote reflecting 6 yes, 0 no, 0 abstaining, 1 vacant, and 0 absent.

__________________________                        ____________________________
Joseph Byrd, Chairman              Wena Kathryn Supernaw, Secretary-Treasurer
Quapaw Nation Business Committee            Quapaw Nation Business Committee
RESOLUTION NO. 011323-B

A RESOLUTION AUTHORIZING THE APPOINTMENT OF PUBLIC DEFENDER CANDANCE BREWSTER-GAYOSO

WHEREAS, the Quapaw Nation is a federally recognized Indian tribe (the "Nation" or the "Tribe" or "Tribal") and is governed by the Resolution Authorizing the Quapaw Nation Business Committee to Speak and Act on Behalf of the Quapaw Nation of Indians, known as the "Governing Resolution" adopted by the Quapaw Indian Council on August 19, 1956, and approved by the Commissioner of Indian Affairs on September 20, 1957;

WHEREAS, the Quapaw Nation asserts its jurisdiction to the fullest extent recognized by law over the lands within the original Quapaw Reservation, as established as a homeland for the Quapaw Nation by the Treaty of May 13, 1833;

WHEREAS, the Governing Resolution delegates authority to the Quapaw Nation Business Committee to speak and act on behalf of the Quapaw Nation;

WHEREAS, the Quapaw Nation Business Committee is thus empowered and obligated to transact Tribal Business and otherwise speak or act on behalf of the Nation in all matters;

WHEREAS, the Quapaw Nation Business Committee is entrusted and obligated to transact the Nation’s business, including appointing, confirming, and removal the officers of the Nation’s Courts and Justice System;

THEREFORE BE IT RESOLVED that the Quapaw Nation Business Committee hereby appoints Candance Brewster-Gayoso as Public Defender in the Quapaw Nation Courts to start her term of office upon taking their oath of office.

THEREFORE BE IT FURTHER RESOLVED that upon taking office, Candance Brewster- Gayoso is hereby empowered to perform the duties of her office and otherwise conduct business in the Quapaw Nation's Courts.

CERTIFICATION

The foregoing Resolution of the Quapaw Nation was presented and duly adopted through a regular meeting of the Quapaw Nation Business Committee on January 13, 2023, with a vote reflecting 5 yes, 0 no, 1 abstaining, 1 vacant, and 0 absent.

Joseph Byrd, Chairman
Quapaw Nation Business Committee

Callie Bowden, Vice-Chair
Quapaw Nation Business Committee
RESOLUTION NO. 011823-A

A RESOLUTION AUTHORIZING THE APPOINTMENT OF
PUBLIC DEFENDERS JEREMY BENNETT AND KEN GALLON

WHEREAS, the Quapaw Nation is a federally recognized Indian tribe (the "Nation" or the "Tribal" or "Tribe") and is governed by the Resolution Authorizing the Quapaw Nation Business Committee to Speak and Act on Behalf of the Quapaw Nation of Indians, known as the "Governing Resolution" adopted by the Quapaw Indian Council on August 19, 1956, and approved by the Commissioner of Indian Affairs on September 20, 1957;

WHEREAS, the Quapaw Nation asserts its jurisdiction to the fullest extent recognized by law over the lands within the original Quapaw Reservation, as established as a homeland for the Quapaw Nation by the Treaty of May 13, 1833;

WHEREAS, the Governing Resolution delegates authority to the Quapaw Nation Business Committee to speak and act on behalf of the Quapaw Nation;

WHEREAS, the Quapaw Nation Business Committee is thus empowered and obligated to transact Tribal Business and otherwise speak or act on behalf of the Nation in all matters;

WHEREAS, the Quapaw Nation Business Committee is entrusted and obligated to transact the Nation's business, including appointing, confirming, and removal the officers of the Nation's Courts and Justice System.

THEREFORE BE IT RESOLVED that the Quapaw Nation Business Committee hereby appoints Jeremy Bennett and Ken Gallon as Public Defenders in the Quapaw Nation Courts to start their term of office upon taking their oath of office.

THEREFORE BE IT FURTHER RESOLVED that upon taking office, Mr. Bennett and Mr. Gallon are hereby empowered to perform the duties of their office and otherwise conduct business in the Quapaw Nation's Courts.

CERTIFICATION

The foregoing Resolution of the Quapaw Nation was presented and duly adopted through a regular meeting of the Quapaw Nation Business Committee on January 18, 2023, with a vote reflecting 4 yes, 0 no, 1 abstention, 2 vacant, and 0 absent.

Joseph Byrd, Chairman
Quapaw Nation Business Committee

Callie Bowden, Vice-Chair
Quapaw Nation Business Committee
RESOLUTION NO. 012123-A

A RESOLUTION TO RECORD THE DECISIONS AND COMMENCEMENT OF THE 20 HOMES (30 HOME INFRASTRUCTURE) ON THE RAY PROPERTY

WHEREAS, the Quapaw Nation is a federally recognized Indian tribe (the "Nation" or the "Tribe" or "Tribal") and is governed by the Resolution Authorizing the Quapaw Nation Business Committee to Speak and Act on Behalf of the Quapaw Nation of Indians, known as the "Governing Resolution" adopted by the Quapaw Indian Council on August 19, 1956, and approved by the Commissioner of Indian Affairs on September 20, 1957;

WHEREAS, the Quapaw Nation asserts its jurisdiction to the fullest extent recognized by law over the lands within the original Quapaw Reservation, as established as a homeland for the Quapaw Nation by the Treaty of May 13, 1833;

WHEREAS, the Governing Resolution delegates authority to the Quapaw Nation Business Committee to speak and act on behalf of the Quapaw Nation;

WHEREAS, the Quapaw Nation Business Committee is thus empowered and obligated to transact Tribal Businesses and otherwise speak or act on behalf of the Nation in all matters;

WHEREAS, the Quapaw Nation Business Committee is entrusted and obligated to transact the Nation’s business, including, but not limited to, adopting laws related to gaming, Quapaw Nation economic development, the establishment of Quapaw Nation enterprises, enacting resolutions, laws, and policies for the best interest of the Quapaw Nation; and

THEREFORE BE IT RESOLVED by the Business Committee of the Quapaw Nation to record the decisions and commencement of the 20 homes (30 home infrastructure)

CERTIFICATION

The foregoing Resolution of the Quapaw Nation was presented and duly adopted through a regular meeting of the Quapaw Nation Business Committee on January 21, 2023, with a vote reflecting 5 yes, 0 no, 0 abstaining, 2 vacant, and 0 absent.

Joseph Byrd, Chairman
Quapaw Nation Business Committee

Wena Kathryn Supernaw
Secretary-Treasurer
Quapaw Nation Business Committee
Resolution No. 012123-B

A RESOLUTION ENACTING THE QUAPAW NATION CRIMINAL CODE

WHEREAS, the Quapaw Nation is a federally recognized Indian tribe (the "Nation" or the "Tribe" or "Tribal") and is governed by the Resolution Authorizing the Quapaw Tribal Business Committee to Speak and Act in Behalf of the Quapaw Tribe of Indians-known as the "Governing Resolution" adopted by the Quapaw Indian Council on August 19, 1956, and approved by the Commissioner of Indian Affairs on September 20, 1957;

WHEREAS, the Quapaw Nation asserts Tribal governmental jurisdiction to the fullest extent recognized by law over the lands within the original Quapaw Reservation, as established as a homeland for the Quapaw Nation by the Treaty of May 13, 1833;

WHEREAS, the Governing Resolution delegates authority to the Quapaw Nation Business Committee to speak and act on the behalf of the Quapaw Nation;

WHEREAS, the Quapaw Nation Business Committee is thus empowered and obligated to transact Tribal business, including enacting resolutions, laws and policies for the best interest of the Quapaw Nation;

WHEREAS, the Quapaw Nation Business Committee find it is in the best interest of the Quapaw Nation to enact the proposed Quapaw Nation Criminal Code; and,

WHEREAS, the Business Committee desires to enact the Quapaw Nation Criminal Code effective on the date of this Resolution.

NOW, THEREFORE BE IT RESOLVED THAT, by the Business Committee of the Nation that the proposed Quapaw Nation Criminal Code is hereby enacted as follows:
QUAPAW NATION CRIMINAL CODE

TITLE 11: CRIMINAL OFFENSES___________________________________________ 6

CHAPTER 1: INTRODUCTION AND DEFINITIONS ___________________________ 6
§1 Short Title ___________________________________________________________ 6
§2 General History _______________________________________________________ 6
§3 Interim Law Superseded ______________________________________________ 7
§4 Renunciation of Oklahoma Criminal Law __________________________________ 7
§5 Construction and Application ____________________________________________ 7
§6 Authorized Sanctions __________________________________________________ 8
§7 Punishment of Crimes __________________________________________________ 8
§8 Definitions __________________________________________________________ 8
§9 Crimes Classified ____________________________________________________ 12
§10 Definition of Felony __________________________________________________ 12
§11 Definition of Misdemeanor ____________________________________________ 12

CHAPTER 2: CRIMES AGAINST PUBLIC HEALTH AND SAFETY _____________ 12
§12 Carrying a Dangerous Weapon __________________________________________ 12
§13 Disorderly Conduct ___________________________________________________ 13
§14 False Alarms _________________________________________________________ 13
§15 Rioting; Failure to Disperse ____________________________________________ 14
§16 Public Nuisance _____________________________________________________ 14
§17 Littering and Dumping ________________________________________________ 14
§18 Burn Ban Violation ___________________________________________________ 15
§19 Terrorism ____________________________________________________________ 15
§20 Tampering with Firearm Identification Numbers ____________________________ 16
§21 Unlawful Transportation of Hazardous Waste ______________________________ 16
§22 Failure to Stop After an Accident ________________________________________ 17
§23 Fires Left Unattended or Unextinguished ________________________________ 17
§24 Possession of a Firearm After Former Conviction of a Felony _________________ 17
§25 Possession of a Firearm During Commission of a Felony _____________________ 18
§26 Impaired Driving Violations ____________________________________________ 18

CHAPTER 3: CRIMES AGAINST PUBLIC JUSTICE _________________________ 20
§27 Resisting Arrest ______________________________________________________ 20
§28 Obstructing Justice ___________________________________________________ 20
§29 Eluding ______________________________________________________________ 21
§30 Escape From Detention or Custody ______________________________________ 22
§31 False Report _________________________________________________________ 22
§32 Interference with Emergency Telephone Call ______________________________ 22
§33 Bail Jumping _________________________________________________________ 22
§34 Unlawful Flight to Avoid Judicial Process __________________________________ 23
§35 Witness Tampering ____________________________________________________ 23
§36 Perjury ______________________________________________________________ 24
<table>
<thead>
<tr>
<th>Chapter</th>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>§37</td>
<td>Abuse of Office</td>
<td>24</td>
</tr>
<tr>
<td></td>
<td>§38</td>
<td>Contempt</td>
<td>25</td>
</tr>
<tr>
<td></td>
<td>§39</td>
<td>False Arrest</td>
<td>25</td>
</tr>
<tr>
<td></td>
<td>§40</td>
<td>Interference with Process Server</td>
<td>25</td>
</tr>
<tr>
<td></td>
<td>§41</td>
<td>Resistance to Extradition Agent</td>
<td>26</td>
</tr>
<tr>
<td></td>
<td>§42</td>
<td>Providing Contraband</td>
<td>26</td>
</tr>
<tr>
<td></td>
<td>§43</td>
<td>Possessing Contraband</td>
<td>26</td>
</tr>
<tr>
<td></td>
<td>§44</td>
<td>Unlawful Return of Banished Persons</td>
<td>26</td>
</tr>
<tr>
<td></td>
<td>§45</td>
<td>Unlawful Use of License or Identification Card</td>
<td>27</td>
</tr>
<tr>
<td>4</td>
<td>§46</td>
<td>Interference of Tribal Government Operation</td>
<td>28</td>
</tr>
<tr>
<td></td>
<td>§47</td>
<td>Improper Influence in Official Matters</td>
<td>28</td>
</tr>
<tr>
<td></td>
<td>§48</td>
<td>Refusal to Surrender Books to Successor</td>
<td>29</td>
</tr>
<tr>
<td></td>
<td>§49</td>
<td>Disrupting Tribal Operations</td>
<td>29</td>
</tr>
<tr>
<td></td>
<td>§50</td>
<td>Preventing or Disturbing Governmental Proceedings</td>
<td>29</td>
</tr>
<tr>
<td></td>
<td>§51</td>
<td>Retaliation for Past Official Action</td>
<td>30</td>
</tr>
<tr>
<td></td>
<td>§52</td>
<td>Destruction or Falsification of Records</td>
<td>30</td>
</tr>
<tr>
<td></td>
<td>§53</td>
<td>Misconduct in Executing a Search Warrant</td>
<td>30</td>
</tr>
<tr>
<td></td>
<td>§54</td>
<td>Impersonating a Public Servant</td>
<td>31</td>
</tr>
<tr>
<td></td>
<td>§55</td>
<td>Interfering with Tax Collections</td>
<td>31</td>
</tr>
<tr>
<td></td>
<td>§56</td>
<td>Improper Gifts to Tribal Official or Employees</td>
<td>31</td>
</tr>
<tr>
<td></td>
<td>§57</td>
<td>Gratuity or Reward for Appointment</td>
<td>32</td>
</tr>
<tr>
<td></td>
<td>§58</td>
<td>Misusing Public Money</td>
<td>32</td>
</tr>
<tr>
<td></td>
<td>§59</td>
<td>Personal Interest of Official in Transaction</td>
<td>33</td>
</tr>
<tr>
<td></td>
<td>§60</td>
<td>Compensation for Past Official Behavior</td>
<td>34</td>
</tr>
<tr>
<td></td>
<td>§61</td>
<td>Offenses by Officers and Employees</td>
<td>34</td>
</tr>
<tr>
<td></td>
<td>§62</td>
<td>Official Unlawful Action</td>
<td>35</td>
</tr>
<tr>
<td></td>
<td>§63</td>
<td>Undue Influence</td>
<td>35</td>
</tr>
<tr>
<td></td>
<td>§64</td>
<td>Attempt to Interfere with Administration of Law</td>
<td>36</td>
</tr>
<tr>
<td></td>
<td>§65</td>
<td>Fraudulent Alteration of Bill or Resolution</td>
<td>36</td>
</tr>
<tr>
<td></td>
<td>§66</td>
<td>Doing Business Without a License</td>
<td>36</td>
</tr>
<tr>
<td></td>
<td>§67</td>
<td>Violation of Gaming Law</td>
<td>36</td>
</tr>
<tr>
<td></td>
<td>§68</td>
<td>Tampering with Public Property</td>
<td>37</td>
</tr>
<tr>
<td></td>
<td>§69</td>
<td>Injuring Public Property</td>
<td>37</td>
</tr>
<tr>
<td></td>
<td>§70</td>
<td>Fraud in Obtaining Tribal Services or Employment</td>
<td>38</td>
</tr>
<tr>
<td>5</td>
<td>§71</td>
<td>Possession of a Controlled Dangerous Substance</td>
<td>38</td>
</tr>
<tr>
<td></td>
<td>§72</td>
<td>Trafficking in Controlled Substances</td>
<td>39</td>
</tr>
<tr>
<td></td>
<td>§73</td>
<td>Paint Sniffing and Huffing</td>
<td>40</td>
</tr>
<tr>
<td></td>
<td>§74</td>
<td>Providing Intoxicating Beverage/Controlled Dangerous Substance to Minor</td>
<td>40</td>
</tr>
<tr>
<td></td>
<td>§75</td>
<td>Public Intoxication</td>
<td>41</td>
</tr>
<tr>
<td></td>
<td>§76</td>
<td>Open Container</td>
<td>41</td>
</tr>
<tr>
<td></td>
<td>§77</td>
<td>Possession or Sale of Drug Related Paraphernalia</td>
<td>41</td>
</tr>
<tr>
<td>Chapter</td>
<td>Section</td>
<td>Title</td>
<td>Page</td>
</tr>
<tr>
<td>---------</td>
<td>---------</td>
<td>----------------------------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>6</td>
<td>§78</td>
<td>Providing Tobacco to an Underaged Person</td>
<td>42</td>
</tr>
<tr>
<td></td>
<td>§79</td>
<td>Sales of Alcohol or Tobacco Without Tribal Authority</td>
<td>43</td>
</tr>
<tr>
<td></td>
<td>§80</td>
<td>Possession of a Controlled Substance by an Underaged Person</td>
<td>43</td>
</tr>
<tr>
<td></td>
<td>§81</td>
<td>Hosting Events with Minors and Controlled Substances</td>
<td>43</td>
</tr>
<tr>
<td>6</td>
<td>§82</td>
<td>Breaking and Entering</td>
<td>44</td>
</tr>
<tr>
<td></td>
<td>§83</td>
<td>Criminal Mischief</td>
<td>44</td>
</tr>
<tr>
<td></td>
<td>§84</td>
<td>Trespass</td>
<td>45</td>
</tr>
<tr>
<td></td>
<td>§85</td>
<td>Deceptive Business Practices</td>
<td>46</td>
</tr>
<tr>
<td></td>
<td>§86</td>
<td>Theft</td>
<td>46</td>
</tr>
<tr>
<td></td>
<td>§87</td>
<td>Receiving Stolen Property</td>
<td>47</td>
</tr>
<tr>
<td></td>
<td>§88</td>
<td>Unauthorized Use of Automobiles and Other Vehicles</td>
<td>47</td>
</tr>
<tr>
<td></td>
<td>§89</td>
<td>Unlawful Dealing with Property by a Fiduciary</td>
<td>48</td>
</tr>
<tr>
<td></td>
<td>§90</td>
<td>Arson II</td>
<td>48</td>
</tr>
<tr>
<td></td>
<td>§91</td>
<td>Arson III</td>
<td>48</td>
</tr>
<tr>
<td></td>
<td>§92</td>
<td>Tampering with Court Property</td>
<td>49</td>
</tr>
<tr>
<td>7</td>
<td>§93</td>
<td>Attempt to Commit Murder or Manslaughter</td>
<td>49</td>
</tr>
<tr>
<td></td>
<td>§94</td>
<td>Assault</td>
<td>49</td>
</tr>
<tr>
<td></td>
<td>§95</td>
<td>Battery</td>
<td>49</td>
</tr>
<tr>
<td></td>
<td>§96</td>
<td>Aggravated Battery</td>
<td>49</td>
</tr>
<tr>
<td></td>
<td>§97</td>
<td>Protected Status Battery</td>
<td>50</td>
</tr>
<tr>
<td></td>
<td>§98</td>
<td>Harassment</td>
<td>50</td>
</tr>
<tr>
<td></td>
<td>§99</td>
<td>Aiding Suicide</td>
<td>51</td>
</tr>
<tr>
<td></td>
<td>§100</td>
<td>Feloniously Pointing a Weapon/Firearm</td>
<td>51</td>
</tr>
<tr>
<td></td>
<td>§101</td>
<td>Reckless Conduct with a Weapon/Firearm</td>
<td>51</td>
</tr>
<tr>
<td></td>
<td>§102</td>
<td>Violation of Privacy</td>
<td>51</td>
</tr>
<tr>
<td></td>
<td>§103</td>
<td>Loitering to Watch Occupants</td>
<td>52</td>
</tr>
<tr>
<td></td>
<td>§104</td>
<td>Recklessly Endangering Another Person</td>
<td>53</td>
</tr>
<tr>
<td></td>
<td>§105</td>
<td>False Imprisonment</td>
<td>53</td>
</tr>
<tr>
<td></td>
<td>§106</td>
<td>Threatening Acts of Violence</td>
<td>53</td>
</tr>
<tr>
<td>8</td>
<td>§107</td>
<td>Sex Absent Affirmative Consent</td>
<td>53</td>
</tr>
<tr>
<td></td>
<td>§108</td>
<td>Prostitution or Solicitation</td>
<td>54</td>
</tr>
<tr>
<td></td>
<td>§109</td>
<td>Spreading Venereal Disease</td>
<td>55</td>
</tr>
<tr>
<td></td>
<td>§110</td>
<td>Spreading a Dangerous Disease</td>
<td>56</td>
</tr>
<tr>
<td></td>
<td>§111</td>
<td>Lewd or Indecent Proposals or Act to a Child Under Age 16</td>
<td>56</td>
</tr>
<tr>
<td></td>
<td>§112</td>
<td>Indecent Exposure</td>
<td>57</td>
</tr>
<tr>
<td></td>
<td>§113</td>
<td>Failure to Register as a Sex Offender</td>
<td>57</td>
</tr>
<tr>
<td>9</td>
<td>§114</td>
<td>Aiding in a Crime</td>
<td>57</td>
</tr>
<tr>
<td></td>
<td>§115</td>
<td>Criminal Conspiracy</td>
<td>57</td>
</tr>
</tbody>
</table>
§116 Solicitation ........................................................................................................ 58
§117 Attempt to Commit a Crime .............................................................................. 58
§118 Criminal Coercion ............................................................................................. 58
§119 Embezzlement .................................................................................................... 59
§120 Fraud ..................................................................................................................... 59
§121 Forgery .................................................................................................................. 59
§122 Extortion ................................................................................................................. 60
§123 Blackmail ................................................................................................................. 60
§124 Tampering with Records ...................................................................................... 61
§125 Bad Checks .............................................................................................................. 61
§126 Identity Theft ........................................................................................................... 62
§127 Unauthorized Use of Credit Cards ........................................................................ 62
§128 Defrauding Secured Creditors ............................................................................ 63
§129 Theft of Services .................................................................................................... 63
§130 Bribery ....................................................................................................................... 63
§131 Bill Skipping ........................................................................................................... 64
§132 Making a False Credit Report .............................................................................. 64
§133 Attempt to Interfere with Administration of Laws ........................................... 65
§134 Desecration ............................................................................................................. 65
§135 Abusing a Corpse ................................................................................................. 66
§136 Illegal Poaching ..................................................................................................... 66
§137 Cruelty to Animals ............................................................................................... 66

CHAPTER 10: CRIMES INVOLVING CHILDREN ..................................................... 67
§138 Child Neglect ........................................................................................................ 67
§139 Neglect of Child on Probation .......................................................................... 67
§140 Interference with Custody .................................................................................... 68
§141 Persistent Non-Support of Spouse, Child, or Dependent ................................... 68
§142 Leaving a Child Unattended ............................................................................... 68
§143 Child Stealing ........................................................................................................ 69
§144 Truancy .................................................................................................................... 69
§145 Allowing or Encouraging Criminal Conduct ..................................................... 70
§146 Commission of a Crime in the Presence of a Minor .......................................... 70
§147 Failure of Parental Responsibility ...................................................................... 70
§148 Failure to Report Child Abuse ............................................................................ 70
§149 Contributing to the Delinquency of a Minor ....................................................... 72
§150 Child Trafficking .................................................................................................. 73
§151 Child Pornography ............................................................................................... 74

CHAPTER 11: CRIMES INVOLVING ELDERS ......................................................... 74
§152 Abuse of an Elder ................................................................................................. 74
§153 Exploitation of Elderly or Disabled Adult .......................................................... 75

CHAPTER 12: CRIMES BY NON-INDIANS ............................................................ 75
§154 Right to Impose Civil Penalties .......................................................................... 75
§155 Right to Exclude or Banishment ......................................................................... 75
§156 Violation of Right to Exclude 76
§157 Violence Against Women Act Reauthorization Act of 2022 Fully Enforced 76

CHAPTER 13: DOMESTIC VIOLENCE PREVENTION 77
§158 General Provision 77
§159 Domestic Violence 77
§160 Domestic Violence with a Dangerous Weapon 77
§161 Domestic Violence Against a Pregnant Woman 78
§162 Domestic Violence in the Presence of a Minor 78
§163 Domestic Violence by Strangulation 79
§164 Dating Violence 79
§165 Sexual Assault or Violence 79
§166 Sex Trafficking 80
§167 Stalking 80
§168 Violation of Protective Order 81
§169 Assault of a He-Tah 82
§170 Automatic Protective Order and/or Detention 82

CHAPTER 14: MAJOR CRIMES 83
§171 General Provision 83
§172 Murder 83
§173 Manslaughter 83
§174 Kidnapping and Abduction 84
§175 Maiming 84
§176 Rape and Sexual Abuse 85
§177 Sexual Abuse of a Minor 85
§178 Sexual Abuse of a Ward 86
§179 Incest 86
§180 Aggravated Assault 86
§181 Arson I 87
§182 Burglary 87
§183 Robbery 88
§184 Child Abuse or Endangerment 88

TITLE 11: CRIMINAL OFFENSES

CHAPTER 1: INTRODUCTION AND DEFINITIONS

§1 Short Title

This code shall be known as the Quapaw Nation Criminal Code.

§2 General History
Recognizing the sovereign right to and the necessity of a forum to provide for the fair administration of justice, the Quapaw Tribal Business Committee established the Tribal Courts of the Quapaw Nation (O-Gah-Pah) on February 21, 2009, by Resolution No. 022109-D.

§3 Interim Law Superseded

This Title supersedes all interim laws that the Quapaw Tribal Business Committee has instructed the Quapaw Tribal Courts to apply (Part 11 of the Code of Federal Regulations Subpart D) for criminal offenses under Resolution No. 022109-D. Part 11 of the Code of Federal Regulations Subpart D no longer applies to criminal offenses within Quapaw tribal jurisdiction. This Title revokes and replaces the Quapaw Nation Law and Order Code.

§4 Renunciation of Oklahoma Criminal Law

This Title renounces and revokes any prior incorporation of the criminal laws of the State of Oklahoma; nonetheless, it is the policy of the Nation to presume He-Tah may detain individuals for violations of criminal laws of the State of Oklahoma where they have a reasonable belief that an individual is (1) subject to the criminal jurisdiction of the State of Oklahoma, (2) subject to federal prosecution due to a violation of a criminal law of the State of Oklahoma or otherwise guilty of committing a federal crime based on the same general conduct at issue, or (3) otherwise guilty of committing a Quapaw Nation crime based on the same general conduct at issue.

§5 Construction and Application

A. The Quapaw Nation intends that this Code explicitly defines criminal offenses to provide for the welfare and safety of Quapaw citizens and visitors to Quapaw Nation. Following the traditions of the Quapaw Nation, this Code is intended to promote behavior through teaching, service, and only if required, punishment.

B. The Courts of the Quapaw Nation must always liberally construe this Code so as to carefully safeguard the rights of the accused.

C. In applying this Code to the facts of each criminal case, the Quapaw Nation Courts shall take into account Quapaw traditions and customs concerning interpretation and implementation of the Code.
D. For repeat offenders, the Quapaw Nation Court may impose increasingly harsh punishments, if an increase in punishment is just and proper, according to the Court.

§6 Authorized Sanctions

Upon conviction in Quapaw Nation Court, the Court may then impose upon any person such requirements and measures as the Court deems just and proper, which would serve the interests of the Nation, the parties, and the pursuit of justice. The orders of the Court may include, but may not be limited to: restoration, restitution, banishment, community service, rehabilitation, treatment, counseling, education, supervised release, probation, protection, fees, costs, seizure, forfeiture, exclusion, incarceration, and/or dismissal.

§7 Punishment of Crimes

As provided for by the Indian Civil Rights Act, 25 U.S.C.§§ 1301-1304, the Court may not impose for conviction of any one (1) offense any penalty or punishment greater than imprisonment for a term of one (1) year or a fine of Twenty Five Hundred Dollars ($2,500.00) or both; except that the Court may subject a defendant to a term of imprisonment greater than one (1) year, but not to exceed three (3) years for any one (1) offense, or a fine greater than Five Thousand Dollars ($5,000.00) but not to exceed Fifteen Thousand Dollars ($15,000.00), or both, if the defendant is a person accused of a criminal offense who (a) has been previously convicted of the same or comparable offense by any jurisdiction in the United States; or (b) is being prosecuted for an offense comparable to an offense that would be punishable by more than one (1) year of imprisonment if prosecuted by the United States or any of the states. Every offense declared to be a crime is punishable by the maximum punishment provided for above, unless otherwise stated in the specific section.

§8 Definitions

A. The definitions in this section apply only to crimes committed under this Title 11, unless specifically adopted by reference in another Code. A definition within a specific provision of this Title 11 will take precedence over any general definition provided in this section.

1. “Banishment” means punishment by exclusion from Quapaw Nation reservation boundaries, with special permission from the Court or the Quapaw Nation Business Committee to attend General Council and/or the annual pow-wow. Banishment by the Court may be appealed to the Quapaw Nation Supreme Court at any time after the Banishment is
imposed. Banishment may include (at the Court's discretion) all or any of the following: (1) suspension of Tribal benefits available to Quapaw Nation members; (2) suspension of voting rights available to Quapaw Nation members; and (3) exclusion from all property owned by the Quapaw Nation in fee, trust, or restricted status, but does not include restricted property owned by individual Quapaw Nation members. A Quapaw Nation member may not be excluded from a funeral service on the grounds of the tribal complex.

2. “Bribe” means any money, goods, right in action, property, thing of value, or advantage, present or prospective, or any promise or undertaking, asked, given, or accepted, with a corrupt intent to unlawfully influence the person to whom it is given, in their action, vote, or opinion, in any public or official capacity.

3. “Child” and/or “minor” means any person under eighteen (18) years of age unless the offense contains a different definition, in which case the definition in the offense will control.

4. “Controlled dangerous substance” means any/all substances listed in 21 U.S.C. § 812 (2006), which explicitly establishes five schedules of controlled substances and specifically contains lists of controlled substances and are updated and republished on a semiannual basis by the federal government, or as defined by other federal law, unless:
   a. The United States Controlled Substances Act (21 U.S.C. § 951-971) or listed Drug Enforcement Agency regulations (21 C.F.R. § 1308.21-1308.35) specifically authorize possession of the substance; or
   b. An Indian person is using, possessing, or transporting peyote for bona fide traditional ceremonial purposes in connection with the practice of a traditional Indian religion, as is protected by the federal government in 42 U.S.C. § 1996a.

5. “Court(s)” or “Tribal Courts” means the Courts of the Quapaw Nation established via Quapaw Nation law and/or Business Committee Resolution.

6. “Corruptly” imports a wrongful design to acquire some pecuniary or other advantage to the person guilty of the act or omission referred to.

7. “Firearm” means (a) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (b) the frame or receiver of any such weapon; (c) any firearm muffler or firearm silencer; or (d) any destructive device. Such term does not include an antique firearm. 18 U.S.C. § 921(a)(3).
8. “He-Tah” means any officer of the Quapaw Nation’s Marshals Service or any other tribal, state or federal law enforcement officer acting under:
   a. A cross-deputization agreement with the Quapaw Nation or in response to a request from any officer of the Tribal Marshal’s office, or
   b. An emergency request by the Quapaw Nation Marshal Service.

9. “Indian” (Zh-ani-nika-shiga) means a person who is or qualifies to be a member of a federally recognized Indian tribe.

10. “Indian country,” “Indian lands” and “Quapaw Indian Country” means all territory described as Indian country or subject to the jurisdiction of the Quapaw Nation, including lands defined at 18 U.S.C. § 1151 or 25 U.S.C. § 2710, and any located within the original boundaries of the Quapaw Indian Territory established by the Treaty with the Quapaw, May 13, 1833, 7 Stat. 424, including, without limitation:
a. All dependent Indian communities, irrespective of the tribe, which may have any ownership interest;
b. All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. For the purpose of enforcement of this Code, extinguishment of the Indian title shall mean the extinguishment of all aspects of the trust title held by the United States for the Indian beneficiaries or the removal of all restrictions imposed upon alienation by the United States to protect the Indian beneficiaries. If any interest in the land, whether surface, mineral, water, or otherwise is held in trust or restricted status, the land will be deemed to be Indian Country;
c. All land and waters held in trust by the federal government for or on behalf of the Quapaw Nation;
d. All land and waters owned by the Quapaw Nation, its agencies or political subdivisions or business entities, in process to achieve trust status under the federal government;
e. All land however acquired or owned by Quapaw Nation, its agencies or political subdivisions, its members and business entities subjected to restriction against alienation by the United States; and
f. All land however acquired and owned by Quapaw Nation, its agencies or political subdivisions and business entities and not currently in process to achieve trust status under the Federal Government.
g. The term “land” includes all water, property, airspace, surface rights, subsurface rights, natural resources, and any interests therein, notwithstanding the issuance of any patent or right-of-way in fee or otherwise, held by the governments of the United States or the Nation existing or in the future.

11. “Judge” means any Magistrate, Judge, or Justice of the Courts of Quapaw Nation Courts.
12. “Knowingly” imports only a knowledge that the facts exist which bring the act or omission within the provisions of this Code. It does not require any knowledge of the unlawfulness of such act or omission.
13. “Malice” and “Maliciously” import a wish to vex, annoy, or injure another person, established either by proof or presumption of law.
14. “Negligent,” “negligence,” “neglect,” and “negligently” mean a want of such attention to the nature or probable consequences of the act or omission as a prudent person ordinarily bestows in acting in their own concerns.
15. “Public” means affecting or likely to affect people in a place to which the public has access including highways, or any neighborhood within Quapaw Nation reservation boundaries.

16. “Person” means any natural person or corporate entity.

17. “Nation” or “Quapaw Nation” means the Quapaw Nation (O-Gah-Pah).

18. “Willfully” when applied to the intent with which an act is done or omitted, means a purpose or willingness to commit the act or the omission referred to. It does not require any intent to violate law, or to acquire any advantage.

§9 Crimes Classified

Crimes committed within Quapaw Nation reservation boundaries are classified as felonies or misdemeanors.

§10 Definition of Felony

“Felony” means an offense punishable by a minimum term of imprisonment greater than one (1) year and a maximum term of imprisonment of three (3) years.

A. In felony cases, the Court may order any or all of the following: community service, training, counseling, restitution, probation, imprisonment, or temporary or permanent banishment from Quapaw Nation reservation boundaries, or temporary or permanent suspension of tribal benefits and enrollment, etc.

§11 Definition of Misdemeanor

“Misdemeanor” means an offense that is not a felony and is punishable by a maximum term of imprisonment of one (1) year.

A. In misdemeanor cases, the Court may order any or all of the following: community service, training, counseling, restitution, probation, imprisonment, or temporary or permanent suspension of tribal benefits and enrollment.

CHAPTER 2: CRIMES AGAINST PUBLIC HEALTH AND SAFETY

§12 Carrying a Dangerous Weapon

A. It shall be unlawful to go about in public armed with a dangerous weapon upon one’s person unless he or she is authorized to do so by the Quapaw Nation Business Committee or is authorized by state and/or federal open and concealed carry laws.
1. Regardless of state and/or federal law, it shall be a violation of this section for any person to carry firearms, of any kind, into or onto the immediate property of any/all Quapaw Nation buildings.

B. For the purpose of this section, “dangerous weapon” means any item that in the manner of its use, or intended use, is capable of causing death or serious bodily injury. In determining whether an item, object, or thing not commonly known as a dangerous weapon, is a dangerous weapon, the character of the instrument, object, thing, or the character of the wound produced, if any, and the manner in which the instrument, item, or thing was used shall be determinative.

C. Carrying a Dangerous Weapon shall be punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), or by a term of imprisonment not to exceed three (3) years, or both.

§13 Disorderly Conduct

A. A person commits disorderly conduct when, with intent to cause public alarm, nuisance, jeopardy or violence, or knowingly or recklessly creating a risk thereof, such person commits any of the following prohibited acts:

1. Engages in fighting or threatening, or in violent behavior;
2. Uses language, an utterance, or gesture, or engages in a display or act that is obscene, physically threatening or menacing, or done in a manner that is likely to inflict injury or incite an immediate breach of the peace;
3. Makes noise that is unreasonable, considering the nature and purpose of the actor's conduct, location, time of day or night, and other factors that would govern the conduct of a reasonably prudent person under the circumstances; or,
4. Creates or maintains a hazardous or physically offensive condition.

B. Disorderly conduct shall be punishable by a fine not to exceed two thousand five hundred dollars ($2,500.00), or by a term of imprisonment not to exceed three (3) months, or both.

§14 False Alarms

A. No person shall call for emergency services for the purpose of making a knowingly false alarm or complaint or reporting knowingly false information which could result in the dispatch of emergency services from any public agency.
B. False alarms shall be punishable by a fine not to exceed five hundred dollars ($500.00), or by a term of imprisonment not to exceed three (3) months, or both.

§15 Rioting; Failure to Disperse

A. It shall be unlawful:
   1. To engage in the use of force or violence, or any threat to use force or violence if accompanied by immediate power of execution, by three or more persons acting together and without authority of law; or
   2. For every person remaining present at the place of any riot after the same has been lawfully warned to disperse, except public officers and persons assisting them in attempting to disperse the same.

B. Rioting and/or failing to disperse shall be punishable by a fine not to exceed two thousand five hundred dollars ($2,500.00), or by a term of imprisonment not to exceed one (1) year, or both.

§16 Public Nuisance

A. It shall be unlawful to permit one’s property to fall into a condition that could injure or endanger the safety, health, comfort, or property of his or her neighbor, offend public decency; or interfere with access to or use of a public park, stream, lake, road, highway, or pow-wow ground.

B. Public Nuisance shall be punishable by a fine not to exceed one thousand dollars ($1,000.00), or by a term of imprisonment not to exceed three (3) months, or both.

§17 Littering and Dumping

A. Any person who deposits upon Tribal public property or any other area that is not owned or controlled by that person in Indian Country, or within one hundred (100) yards of a highway or road, any objects or substances that impair the appearance of, detract from the cleanliness, decrease property values, interfere with the use or enjoyment of property or interfere with wildlife or water cleanliness is guilty of littering and dumping.

B. If the above act is performed from inside a vehicle, the operator of the vehicle is responsible for the act unless another person in the vehicle admits to the act or is identified as committing the act.
C. Under this section a solid waste disposal facility properly permitted by the appropriate Tribal authorities may deposit solid waste within one hundred (100) yards or a highway or road and shall be exempt.

D. Littering and Dumping shall be punishable by a fine not to exceed two thousand five hundred dollars ($2,500.00), or by a term of imprisonment not to exceed six (6) months, or both.

§18 Burn Ban Violation

A. Any person who starts an outdoor fire or discards any object that could reasonably start a fire such as, but not limited to, a lit cigarette, firework, or hot ashes during a burn ban is guilty of a burn ban violation; provided that, “outdoor fire” does not include fires in manufactured grills or used in religious ceremonies.

B. A burn ban may be enacted by the Business Committee, the Director of Public Safety, and/or the Fire Chief in such a manner to ensure reasonable notice to the public. Nothing in this subsection prohibits the Business Committee or Fire Department from establishing policies and/or protocols for the declaration of a burn ban, including but not limited to incorporation of burn bans issued by the State of Kansas, the State of Oklahoma or the United States Federal Government.

C. A Burn Ban Violation shall be punishable by a fine not to exceed two thousand five hundred dollars ($2,500.00), or by a term of imprisonment not to exceed six (6) months, or both.

§19 Terrorism

A. It shall be unlawful to perform any act intended to create property damage, inflict personal injury, or cause fear designed to coerce a civilian population or government into granting political or economic demands whether that act succeeds in damage or not.

B. Peaceful picketing, boycotts, and other nonviolent actions are not terrorist activities.

C. Terrorism shall be punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), or by a term of imprisonment not to exceed three (3) years, or both.
1. The Court may order any or all of the following: community service, training, or temporary or permanent Banishment from Quapaw Indian Country.

§20 Tampering with Firearm Identification Numbers

A. It shall be unlawful for any person to knowingly or intentionally remove, alter, or obliterate the serial number or other permanent identification marking on tangible personal property or for any person to knowingly or intentionally possess, sell, or offer for sale tangible property when the actor knows that the serial number or other permanent identification marking has been removed, altered, or obliterated.

B. Tampering with Firearm Identification Numbers shall be punishable by a fine not to exceed two thousand five hundred dollars ($2,500.00), or by a term of imprisonment not to exceed one (1) year, or both.

§21 Unlawful Transportation of Hazardous Waste

A. It shall be unlawful for any person to knowingly and willfully transport or cause the transportation of hazardous waste within Quapaw Nation reservation boundaries without a proper manifest and/or without proper licensing.

B. For the purpose of this section, the term “Hazardous waste” means:

1. A solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed; as is defined in the federal Resource Conservation and Recovery Act, Title 42 U.S.C. § 6901 et seq., and regulations adopted pursuant thereto; and

2. Waste that is ignitable, corrosive, reactive or toxic as determined by testing for the characteristics of ignitability, corrosivity, reactivity or toxicity as provided for in 40 Code of Federal Regulations § 261.21 through 261.24.

3. Exemptions: salt water, mineral brines, waste oil, and other deleterious substances produced from or obtained or used in connection with the drilling, development, producing, and processing of oil and gas, and only that it is hauled pursuant to agreements and operations approved
C. Unlawful Transportation of Hazardous Waste shall be punishable by a fine not to exceed two thousand five hundred dollars ($2,500.00), or by a term of imprisonment not to exceed one (1) year, or both.

§22 Failure to Stop After an Accident

A. Any person who willfully or maliciously fails to immediately stop his or her vehicle after being involved in an accident, resulting in damage to another person’s property or another person, and remain at the scene of the accident until there has been an exchange of valid information with the other driver or He-Tah, is guilty of Failure to Stop After an Accident.

B. Failure to Stop After an Accident shall be punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), or by a term of imprisonment not to exceed three (3) years, or both, for any accident resulting in injury or death. All other accidents shall be punishable by a fine not to exceed two thousand five hundred dollars ($2,500.00), or by a term of imprisonment not to exceed one (1) year, or both.

§23 Fires Left Unattended or Unextinguished

A. Any person who, having kindled or caused to be kindled, a fire on lands within Quapaw Nation reservation boundaries and leaves said fire to burn without completely extinguishing the same, leaves said fire unattended, or permits or suffers said fire to burn or spread beyond control, shall be guilty of fires left unattended or unextinguished.

B. Fires Left Unattended or Unextinguished shall be punishable by a fine not to exceed two thousand five hundred dollars ($2,500.00), a term of imprisonment not to exceed one (1) year, or both.

§24 Possession of a Firearm After Former Conviction of a Felony

A. It shall be unlawful for any person convicted of any felony in any court of competent jurisdiction to have in his or her possession any firearm or imitation firearm, or any air-powered weapon capable of discharging a projectile.

B. Possession of a Firearm After Former Conviction of a Felony shall be punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), a term of imprisonment not to exceed three (3) years, or both.
1. Upon conviction, any firearm alleged to have been possessed by the accused shall be forfeited to the Quapaw Nation.

§25 Possession of a Firearm During Commission of a Felony

A. Any person who, while committing or attempting to commit a crime under this Code which is categorized as a felony according to Quapaw Nation law, possesses a firearm in such commission or attempt, shall be guilty of a felony for possessing such weapon or device, which shall be a separate offense from the felony committed or attempted.

B. Possession of a Firearm During Commission of a Felony shall be punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), a term of imprisonment not to exceed three (3) years, or both.

§26 Impaired Driving Violations

A. Impaired Driving Violations include Actual Physical Control, Driving Under the Influence, Aggravated Driving Under the Influence, and Driving Under the Influence Resulting in an Accident as described in this section.

B. Actual Physical Control:
   1. Any person with actual physical control of any motor vehicle when that person as a blood alcohol content is 0.08 or more is guilty of Actual Physical Control.
   2. Actual Physical Control shall be punishable by a fine not to exceed one thousand five hundred dollars ($1,500.00) or by a term of imprisonment not to exceed six (6) months, or both.

C. Driving Under the Influence:
   1. Any person who operates any motor vehicle when (a) the person as a blood alcohol content is 0.08 or more, or (b) the person’s judgement or physical ability to drive is impaired by any other substance, is guilty of Driving Under the Influence.
   2. Driving Under the Influence shall be punishable by a fine not to exceed two thousand five hundred dollars ($2,500.00) or by a term of imprisonment not to exceed one (1) year, or both.

D. Aggravated Driving Under the Influence:
1. Any person who operates any motor vehicle when that person (a) has a
blood alcohol content is 0.15 or more, or (b) is unable control normal bodily
functions, including but not limited to an inability to stay awake, involuntary urination, vomiting, during operation of the motor vehicle due
to any substance, is guilty of Aggravated Driving Under the Influence.

2. Driving Under the Influence shall be punishable by a fine not to exceed two
thousand five hundred dollars ($2,500.00) or by a term of imprisonment not
to exceed one (1) year, or both

E. Anyone found guilty of an Impaired Driving Violation under this Code shall be
required to have participate in a victim impact panel, drug and alcohol
assessment, and alcohol and druse substance abuse courses as established by
the Court.

F. Any person who operates or is in actual physical control of a motor vehicle
within the jurisdiction of the Quapaw Nation shall be deemed to consent to any
appropriate chemical test of that person’s blood, breath, or urine for the purpose
of determining the presence of any substance that might impair that person’s
ability to drive or operate a motor vehicle.

1. The chemical test may be administered at the direction of a He-Tah
when the He-Tah has reasonable grounds to believe that such person
was operating or in actual physical control of a motor vehicle while
under the influence.

a. Reasonable grounds to believe such person was operating or was in
actual physical control of a motor vehicle must be based on a totality
of circumstances and may include evidence of: traffic violations,
clues in standard field sobriety tests (SFST’s), red or bloodshot eyes,
slurred speech, etc.

2. Refusal to Submit to Test.

a. If a conscious person under arrest refuses to submit to testing of
his or her blood, breath or urine for the purpose of determining
the alcohol concentration or any intoxicating substance thereof,
none shall be given, unless the investigating officer has probable
cause to believe that the person under arrest, while intoxicated,
has operated the motor vehicle in a manner as to have cause the
death or serious physical injury of any other person.
b. Upon refusal of such person as defined in paragraph (a) above, the He-Tah shall submit a sworn report to the appropriate governing body which regulates driving privileges where the person is alleged to have operated a motor vehicle in violation of this Section stating that the He-Tah has reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle upon the public roads regulated by said governing body while under the influence of alcohol or any other intoxicating substance, and refused to submit to the test or tests. Such report may be on a form provided by said governing body for the purpose of notice of refusal to submit to tests.

G. Any person who has previously been convicted of an offense covered as an Impaired Driving Violation, or any analogous provision in a court of competent jurisdiction, and who subsequently commits a subsequent Impaired Driving Violation under this Title shall be punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), or by a term of imprisonment not to exceed three (3) years, or both.

CHAPTER 3: CRIMES AGAINST PUBLIC JUSTICE

§27 Resisting Arrest

A. Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any He-Tah’s arrest or detention of any person for the purpose of preventing an arrest or detention is guilty of Resisting Arrest.

B. Resisting Arrest shall be punishable by a fine not to exceed two thousand five hundred dollars ($2,500.00), or by a term of imprisonment not to exceed six (6) months, or both.

§28 Obstructing Justice

A. Any person who hinders the apprehension, prosecution, conviction, or punishment of an individual for the commission of an offense, including, but not limited to:

1. Harboring or concealing another; or

2. Providing or aiding in providing a weapon, transportation, disguise, or other means of avoiding apprehension, or effecting escape; or
3. Failing to obey, or interfering with, the reasonable command or direction of any He-Tah or emergency responder, given in good faith in pursuit of their official duties; or

4. Warning another person of impending discovery or apprehension, except if such warning is given in an attempt to get the other person to comply with the law; or

5. Volunteering false information to a He-Tah for the purpose of preventing the apprehension of an individual; or

6. Obstructing by force, threat, bribery or deception anyone from performing an act which might aid in the discovery, apprehension, prosecution or conviction of another person, is guilty of obstructing justice.

B. Obstructing Justice shall be punishable by a fine not to exceed two thousand five hundred dollars ($2,500.00), or by a term of imprisonment not to exceed six (6) months, or both.

§29 Eluding

A. It shall be unlawful for any person who has received a visual or audible signal, which may include a red light and/or a siren from a He-Tah driving a motor vehicle, non-motored vehicle, on foot or horse showing the same to be an official He-Tah, police, sheriff, highway patrol or state game ranger directing the person to bring the vehicle or their person to a stop, and who willfully increases their speed, the speed of their vehicle, or extinguishes the lights of the vehicle, in an attempt to evade or escape such He-Tah, or willfully attempts in any other manner to elude the He-Tah, or who does elude such He-Tah, is guilty of eluding.

B. Eluding shall be punishable by a fine not to exceed two thousand five hundred dollars ($2,500.00), or a term of imprisonment not to exceed one (1) year, or both. Any person who violates Subsection A of this section in such manner as to endanger any other person shall be deemed guilty of a felony punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), a term of imprisonment not to exceed three (3) years, or both.
§30 Escape From Detention or Custody

A. It shall be unlawful to:
   1. Remove oneself from official detention or custody or fail to return to official detention following temporary leave granted for a specific purpose or period; or
   2. Aid a person in escaping official detention or custody.

B. Escape From Detention or Custody shall be punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), or by a term of imprisonment not to exceed three (3) years, or both.

§31 False Report

A. Any person who knowingly gives false information to any He-Tah with the purpose of implicating another person in an alleged crime, is guilty of false report.

B. False Report shall be punishable by a fine not to exceed five thousand dollars ($2,500.00), or by a term of imprisonment not to exceed one (1) year, or both.

§32 Interference with Emergency Telephone Call

A. Any person who intentionally interrupts, disrupts, impedes or interferes with an emergency telephone call or intentionally prevents or hinders another person from placing an emergency telephone call, is guilty of interference with emergency telephone call.

B. Interference with Emergency Telephone Call shall be punishable by a fine not to exceed two thousand five hundred dollars ($2,500.00), or by a term of imprisonment not to exceed one (1) year, or both.

§33 Bail Jumping

A. Any person who fails to appear, without just cause, after being released on bail or on the person’s own recognizance by court order, or other lawful authority upon condition that the person subsequently appear on a charge of an offense, is guilty of bail jumping.

B. Bail jumping shall be punishable by a fine not to exceed two thousand five hundred dollars ($2,500.00), or by a term of imprisonment not to exceed six (6) months, or both.
§34 Unlawful Flight to Avoid Judicial Process

A. Any person who knowingly and voluntarily leaves Quapaw Nation reservation boundaries for the purpose of avoiding arrest, prosecution, or other judicial processes, is guilty of unlawful flight to avoid judicial process.

B. Unlawful Flight to Avoid Judicial Process shall be punishable by a fine not to exceed two thousand five hundred dollars ($2,500.00), or by a term of imprisonment not to exceed six (6) months, or both.

§35 Witness Tampering

A. It shall be unlawful to:
   1. Attempt to cause or cause a witness or informant to:
      a. testify or provide the court with false information; or
      b. withhold any testimony, information, document, thing or physical item; or
      c. elude any legal process summoning the person to supply evidence; or
      d. miss or cause any delay in attending a proceeding or investigation to which the witness or informant has been legally summoned or previously volunteered to attend; or
      e. prevent the communication by any person to a He-Tah or Tribal Judge of information relating to the commission, or possible commission, of an offense or a violation of conditions of probation, parole, or release pending judicial proceedings.

B. Witness Tampering shall be punishable by a fine not to exceed ten thousand dollars ($10,000.00), or by a term of imprisonment not to exceed two (2) years, or both.

§35 Evidence Tampering

A. It shall be unlawful, while believing that an official proceeding or investigation is pending, instituted, or about to be instituted, to:
1. alter, destroy, conceal, or remove any record, document or physical item with purpose to impair its truth or availability in such official court proceeding or investigation by He-Tah; or

2. make, present, or use any record, document, thing or physical item knowing it to be false and with the purpose to mislead any investigator who is or may be engaged in such proceeding or investigation.

B. Evidence Tampering shall be punishable by a fine not to exceed ten thousand dollars ($10,000.00), or by a term of imprisonment not to exceed two (2) years, or both.

§36 Perjury

A. Whoever, in a trial, hearing, investigation, deposition, certification or declaration, in which the making or subscribing of a statement is required or authorized by law, makes or subscribes a statement under oath, affirmation or other legally binding assertion that the statement is true, when in fact the witness or declarant does not believe that the statement is true or knows that it is not true or intends thereby to avoid or obstruct the ascertainment of the truth, is guilty of perjury.

1. It shall be a defense to the charge of perjury as defined in this section that the statement is true.

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

§37 Abuse of Office

A. It shall be unlawful for a person acting, or purporting to act, in an official capacity or taking advantage of such actual or purported capacity to:

1. Subject another to arrest, detention, search, seizure, harassment, mistreatment, dispossession, assessment, lien, or other infringement of personal or property rights; or

2. Deny or impede another in the exercise or enjoyment of any right, privilege, power, or immunity.
3. Order or influence any employee of Quapaw Nation to take official action for the sole purpose of benefitting, personally, said officer as opposed to an official action with the purpose of professional duty.

B. Abuse of Office shall be punishable by a fine not to exceed two thousand five hundred dollars ($2,500.00), or by term of imprisonment not to exceed one (1) year, or both.

§38 Contempt

A. Any person who is willfully disobedient of any process or order lawfully issued or made by the court, is guilty of contempt.

B. This section does not apply to a failure to appear as a party in a civil action where default or similar remedy is available to the other party.

C. Contempt shall be punishable by a fine not to exceed two thousand five hundred dollars ($2,500.00), or by a term of imprisonment not to exceed six (6) months, or both.

§39 False Arrest

A. Any public officer or person pretending to be a public officer who, under the pretense of any process or legal authority, arrests or detains any person against that person’s will, except where such person reasonably believes they are authorized by law to do so, is guilty of false arrest.

B. False Arrest shall be punishable by a fine not to exceed one thousand dollars ($1,000.00), or by a term of imprisonment not to exceed six (6) months, or both.

§40 Interference with Process Server

A. Any person who knowingly and willfully obstructs, resists, assaults, injures, threatens, harasses, or opposes any duly authorized person, in serving, or attempting to serve or execute, any legal or judicial writ, order, warrant, or process of any Court of Quapaw Nation, or tribal judge, is guilty of interference with process server.
B. Interference with Process Server shall be punishable by a fine not to exceed one thousand dollars ($1,000.00), or by a fine of imprisonment not to exceed six (6) months, or both.

§41 Resistance to Extradition Agent

A. Any person who knowingly and willfully obstructs, resists, or opposes an extradition agent of any federal, tribal, state, or local government in the execution of their duties, is guilty of resistance to extradition agent.

B. Resistance to Extradition Agent shall be punishable by a fine not to exceed one thousand dollars ($1,000.00), or by a term of imprisonment not to exceed six (6) months, or both.

§42 Providing Contraband

A. Any person who provides any person in official detention with alcoholic beverages, drugs, weapons, implements of escape, or any other item or substance which the actor knows is improper or unlawful for the detainee to possess, is guilty of providing contraband.

B. Providing Contraband shall be punishable by a fine not to exceed ten thousand dollars ($10,000.00), or by a term of imprisonment not to exceed two (2) years, or both.

§43 Possessing Contraband

A. Any person in official custody who possesses any alcoholic beverage, drugs, weapons, implements of escape, or any other item or substance which the actor knows is improper or unlawful for the detainee to possess, is guilty of possessing contraband.

B. Possessing Contraband shall be punishable by a fine not to exceed five thousand dollars ($5,000.00), or by a term of imprisonment not to exceed one (1) year, or both.

§44 Unlawful Return of Banished Persons

A. It shall be unlawful for any person who is under a sentence of banishment to:
1. Physically return to the territorial jurisdiction of Quapaw Nation except while actually traveling upon a public highway, or as allowed by law, or

2. To apply for or attempt to claim any right, privilege or immunity by virtue of membership in Quapaw Nation except as provided by law.

B. Unlawful Return of Banished Persons shall be punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), or by term of imprisonment not to exceed three (3) years, or both.

§45 Unlawful Use of License or Identification Card

A. It shall be unlawful to:

1. display, cause, possess, or permit to be displayed a license or identification card issued to oneself which bears any altered information; or

2. fail to or refuse to surrender upon its lawful demand any license or identification card which has been suspended, revoked, or canceled; or

3. lend one’s own license or identification card to any other person or knowingly permit the use thereof by another; or

4. display, cause to be displayed, or knowingly possess any license or identification card bearing a fictitious or forged name or signature; or

5. display, cause to be displayed, or knowingly possess any license or identification card bearing the photograph of any person, other than the person named thereon as licensee; or

6. display or represent as one’s own, any license or identification card not issued to them, for the purpose of committing fraud in any commercial transaction or to mislead a He-Tah in the performance of his duties; or
7. use a false or fictitious name in any application for license or identification card, or to knowingly make a false statement, or to knowingly conceal a material fact, or otherwise commit fraud in any such application; or

8. alter or deface a license or identification card in any manner; or

9. permit any unlawful use of a license or identification card issued to oneself.

B. For the purpose of this section, “license” includes a motor vehicle license plate or tag.

C. Unlawful Use of License or Identification Card shall be punishable by a fine not to exceed ten thousand dollars ($10,000.00), or by a term of imprisonment not to exceed two (2) years, or both.

CHAPTER 4: CRIMES AFFECTING TRIBAL GOVERNMENT

§46 Interference of Tribal Government Operation

A. Any person who interferes or attempts to interfere with any Tribal officer, agent, or employee engaged in the performance of official duties, is guilty of interference of tribal government operation.

B. Interference of Tribal Government Operation shall be punishable by a fine not to exceed one thousand dollars ($1,000.00), or by a term of imprisonment not to exceed six (6) months, or both.

§47 Improper Influence in Official Matters

A. It shall be unlawful to do any of the following to a public servant, official, or voter:

1. Threaten harm with the intent to influence their decision, opinion, recommendation, vote, or other exercise of discretion in a judicial, legislative, or administrative hearing; or

2. Prevent or attempt to prevent them in any manner, such as physical force or interference, fraud, intimidation, or threat, from performing any
official act, function or power or duty imposed upon such person by law; or

3. Communicate privately with any person who has, or will have, official discretion in a judicial or administrative proceeding in an attempt to influence the outcome of a particular issue, which is not authorized by law.

B. Improper Influence in Official Matters shall be punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), or by a term of imprisonment not to exceed three (3) years, or both.

1. The Court may order any or all of the following: community service, training, or temporary suspension or tribal benefits.

§48 Refusal to Surrender Books to Successor

A. It shall be unlawful for any member of the Quapaw Trial Business Committee, other governmental authority, business entity, or committee to refuse to surrender any books or papers, digital or physical, pertaining to the member’s office to their successor who has been duly elected or appointed under Quapaw law and has demanded the surrender of the books and papers of such office.

B. Refusal to Surrender Books to Successor shall be punishable by a fine not to exceed two thousand five hundred dollars ($2,500.00), or by a term of imprisonment not to exceed six (6) months, or both.

§49 Disrupting Tribal Operations

A. Any person who willfully interferes, prevents, or disrupts, by force, fraud, or other means, the performance of any operation, meeting, or duty of the Quapaw Business Committee, Tribal Government, any Tribal Agency, committee, or employee, is guilty of disrupting tribal operations.

B. Disrupting Tribal Operations shall be punishable by a fine not to exceed two thousand five hundred dollars ($2,500.00), or by a term of imprisonment not to exceed six (6) months, or both.

§50 Preventing or Disturbing Governmental Proceedings
A. It shall be unlawful to willfully prevent, disturb, disrupt, or interfere with any meeting or proceeding of the Quapaw Tribal Government by:

1. Engaging in violent, tumultuous or threatening behavior;

2. Using threatening language or gestures;

3. Congregating with other persons and refusing to comply with a lawful order of the He-Tah to disperse.

B. Preventing or Disturbing Governmental Proceedings shall be punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), or by a term of imprisonment not to exceed three (3) years, or both.

§51 Retaliation for Past Official Action

A. Any person who harms another by any unlawful act in retaliation for anything lawfully done by said person in their capacity as a public servant, is guilty of retaliation for past official action.

B. Retaliation for Past Official Action shall be punishable by a fine not to exceed one thousand dollars ($1,000.00), or by a term of imprisonment not to exceed six (6) months, or both.

§52 Destruction or Falsification of Records

A. Any Tribal Marshal, Court Clerk, or other ministerial officer, or any of their subordinates, of Quapaw Nation who intentionally mutilates, destroys, conceals, erases, falsely changes, obliterates, or falsifies any record or document pertaining to the Tribal government, agency, business entity, committee, or the courts when the record or document should have been preserved in its original form, is guilty of destruction or falsification of records.

B. Destruction or Falsification of Records shall be punishable by a fine not to exceed one thousand dollars ($1,000.00), or by a term of imprisonment not to exceed six (6) months, or both.

§53 Misconduct in Executing a Search Warrant
A. Any He-Tah who willfully exceeds their authority when executing a search warrant, or exercises it with unnecessary severity, is guilty of misconduct in executing a search warrant.

B. Misconduct in Executing a Search Warrant shall be punishable by a fine not to exceed one thousand dollars ($1,000.00), or by a term of imprisonment not to exceed three (3) months, or both.

§54 Impersonating a Public Servant

A. Any person who shall without due authority exercise or attempt to exercise the functions of or hold himself or herself out to any one as a deputy sheriff, marshal, police officer, constable or peace officer shall, upon conviction, be guilty of impersonating a public servant; provided, however, this section shall not be so construed as to prevent private persons from making arrests for felonies or misdemeanors committed in his or her presence.

B. It shall be unlawful for any person to affix on his or her motor vehicle, either temporarily or permanently, any insignia typically used by a law enforcement agency. Any person who violates the provisions of this subsection shall, upon conviction, be guilty of impersonating a public servant. The provisions of this subsection shall not apply to vehicles of any fire department, fire patrol, law enforcement vehicles, ambulances, or other authorized emergency vehicles.

C. Impersonating a Public Servant shall be punishable by a fine not to exceed one thousand dollars ($1,000.00), or by a term of imprisonment not to exceed six (6) months, or both.

§55 Interfering with Tax Collections

A. Any person who willfully fails to pay, or attempts to or does evade, defeat or interfere, in any manner, with the collection of any tax or fee imposed by Quapaw Nation, or any of its agencies or business entities, is guilty of interfering with tax collection.

B. Interfering with Tax Collections shall be punishable by a fine not to exceed fifteen thousand dollars ($2,500.00), or by a term of imprisonment not to exceed one (1) year, or both.

§56 Improper Gifts to Tribal Official or Employees

A. Any person who knowingly confers or offers, or agrees to confer or offer, any benefit to a public servant with the intent to influence an exercise of their
discretion in an unlawful manner, or to undermine official impartiality, is guilty of improper gifts to tribal official or employees.

1. This section shall not apply to:

   a. Fees prescribed by law to be received by public servant, or benefit for which the recipient gives lawful consideration or to which they are otherwise entitled; or

   b. Gifts or other benefits conferred on account of kinship, traditional ceremonies, or other personal professional or business relationships independent of the official status of receiver; or

   c. Trivial benefits incidental to personal, professional or business contacts and involving no substantial risk of undermining official impartiality.

B. Improper Gifts to Tribal Official or Employees shall be punishable by a fine not to exceed two thousand five hundred dollars ($2,500.00), or by a term of imprisonment not to exceed six (6) months, or both.

§57 Gratuity or Reward for Appointment

A. It shall be unlawful to give, offer or agree to give, any gratuity or reward for consideration or appointment to any public office, Tribal position, or employment, or for any authority associated with any Tribal public office, employee or appointee.

B. It shall be unlawful to appoint, for any gratuity or reward, another person to a public office, Tribal position or employment.

C. Gratuity or Reward for Appointment shall be punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), or by a term of imprisonment not to exceed three (3) years, or both.

§58 Misusing Public Money

A. It shall be unlawful for a person charged with the receipt, safekeeping, transfer or disbursement of public monies, without lawful authority, to:

   1. Appropriate any portion of the public money for personal use or the use of another; or
2. Loan any portion of the public money; or
3. Fail to keep any portion of the public money in their possession until lawful disbursement or pay out according to law; or
4. Deposit the public money into an unauthorized bank or with an unauthorized person; or
5. Knowingly keep any false account, make a false entry, or an erasure in any account relating to public money; or
6. Fraudulently alter, falsify, conceal, or destroy any such account; or
7. Knowingly refuse or omit to pay over, on lawful demand by competent authority, any public money in their possession; or
8. Knowingly omit to transfer public money when required by proper authority; or
9. Unlawfully make a profit for themselves or another from public money; or
10. Fail to pay over to the proper account or authority any fines, forfeitures or fees received; or
11. Otherwise handle public money in a manner not authorized by law for their own benefit or the benefit of another; or
12. Handle public money in a reckless manner as a result of which a risk of loss of such money is significant.

B. For the purpose of this section, “public money” includes all money, bonds, and evidence of indebtedness or their equivalent, belonging to, or received or held by the Nation or any other government, or any account of money held by the Nation or government for a person or group.

C. Misusing Public Money shall be punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), or by a term of imprisonment not to exceed three (3) years, or both.

§59 Personal Interest of Official in Transaction

A. Any public official who, is authorized to sell or lease any property or make any contract in their official capacity, voluntarily becomes personally interested in such sale, lease or contract, directly or indirectly, is guilty of personal interest of official in transaction.
B. Personal Interest of Official in Transaction shall be punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), or by a term of imprisonment not to exceed three (3) years in prison, or both.

§60 Compensation for Past Official Behavior

A. Any person who solicits, accepts, or agrees to accept any financial benefit as compensation for having given a decision, opinion, recommendation, vote, or otherwise exercised a discretion favorable to another, is guilty of compensation for past official behavior.

B. Compensation for Past Official Behavior shall be punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), or by a term of imprisonment not to exceed three (3) years, or both.

§61 Offenses by Officers and Employees

A. Any officer or employee of the Quapaw Nation who, acting in connection with their office or employment:

1. knowingly demands other or greater sums than are authorized by law, or receives any fee, compensation, or reward, except as prescribed by law, for the performance of any duty; or
2. fails to perform any duties of their office or employment with the intent to defeat the application of any provision of Quapaw Nation law; or
3. conspires or colludes with any other person to defraud Quapaw Nation; or
4. knowingly makes any opportunity for any person to defraud Quapaw Nation; or
5. acts or fails to act with the intent to enable another person to defraud Quapaw Nation; or
6. makes or signs any fraudulent entry in any book, or makes or signs any fraudulent certificate, return, or statement; or
7. fails to report, in writing to the Chairman, any knowledge or information of a violation of any law by any person, or any fraud committed by any person against Quapaw Nation under any law; or
8. demands, accepts, or attempts to collect, directly or indirectly as payment or gifts, or otherwise, any sum of money or other thing of value for the compromise, adjustment, or settlement of any charge or complaint for any violation or alleged violation of law, except as
expressly authorized by law to do so, is guilty of offenses by officers and employees.

B. Offenses by Officers and Employees shall be punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), or by imprisonment not to exceed three (3) years, or by both.

§62 Official Unlawful Action

A. Any public servant, with the intent to materially benefit themselves or another, or to harm another, who:

1. knowingly commits an unauthorized act which purports to be an act of their office, or knowingly refrains from performing a non-discretionary duty imposed on them by law, or

2. acts knowing that official action is contemplated or in reliance on non-public information which they have acquired by virtue of their office or from another public servant, and they:

   a. acquire or divest themselves of a valuable interest in any property, transaction, or enterprise which may be affected by such action or information; or
   b. speculate or wager on the basis of such action or information, or knowingly aid another to do any of the foregoing, is guilty of official unlawful action.

B. Official Unlawful Action shall be punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), or by imprisonment not to exceed three (3) years, or both.

§63 Undue Influence

A. It shall be unlawful to solicit, receive, or agree to receive any financial benefit as consideration for exerting special unlawful influence upon an officer, judge, or employee of any Quapaw Nation government or business entity, in order to influence that Tribal officer, judge, or employee to violate the law or to exercise their discretion in a particular fashion.

B. Undue Influence shall be punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), or by imprisonment not to exceed three (3) years, or both.
§64  Attempt to Interfere with Administration of Law

A. Any person who:

1. corruptly, by force, or by threat of force (including any threatening letter or communication) attempt to intimidate or impede any officer or employee of Quapaw Nation, its agencies, business entities, or committees while acting in an official capacity, or by attempting to obstruct or impede the administration of any Quapaw Nation law or regulation; or

2. forcibly takes, causes to be taken, or attempts to take any property after lawful seizure under Quapaw Nation law or regulation, is guilty of attempt to interfere with administration of law.

B. Attempt to Interfere with Administration of Law shall be punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), or by imprisonment not to exceed three (3) years, or both.

§65  Fraudulent Alteration of Bill or Resolution

A. Any person who fraudulently alters the draft of any bill or resolution which has been presented to the Quapaw Nation Business Committee for vote with intent to procure passage in language different from that intended by the Quapaw Nation Business Committee, is guilty of fraudulent alteration of bill or resolution.

B. Fraudulent Alteration of Bill or Resolution shall be punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), or by imprisonment not to exceed three (3) years, or both.

§66  Doing Business Without a License

A. Any person who commences or conducts any business, trade, or profession without having the appropriate license, if required by Quapaw Nation law, is guilty of doing business without a license.

B. Doing Business Without a License shall be punishable by a fine not to exceed five hundred dollars ($500.00).

§67  Violation of Gaming Law
A. Any person who willfully violates any gaming law, rule, or regulation of the Quapaw Nation, is guilty of violation of gaming law.

B. Violation of Gaming Law shall be punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), or by imprisonment not to exceed three (3) years, or both.

§68 Tampering with Public Property

A. It shall be unlawful to:

1. Steal, deface, mutilate, alter, falsify, or remove, or permit another person to do so, all or part of any record, map, book, document, or thing placed or filed in any public office, or with any public officer; or

2. Knowingly injure, deface, or remove any signal, monument, or other marker placed or erected as part of an official survey of the Nation or federal government without authority to do so; or

3. Intentionally deface, remove, or destroy any document lawfully displayed per order of the Tribal government or court without authority to do so.

B. Tampering with Public Property shall be punishable by a fine not to exceed five hundred dollars ($500.00).

§69 Injuring Public Property

A. Any person who intentionally:

1. removes, injures, defaces, or destroys any building, structure, or any personal property belonging to or leased by a Tribal government or any other Tribal agency or business entity, or

2. removes, destroys, alters, tampers with, damages, or circumvents the operation of an electronic monitoring device that must be worn or used by that person or another person pursuant to a court order, is guilty of injuring public property.

B. For the purpose of this section:

1. “Electronic Monitoring Device” includes any device used to track the location of a person or otherwise ordered by the Court to ensure compliance with a legal obligation. Electronic Monitoring Device
includes but is not limited to ignition interlock systems, at-home alcohol or drug testing devices, and ankle monitors.

2. “Structure” includes, but is not limited to, any public or private roadway, highway, bridge, or other public building or structure.

3. “Personal Property” includes, but is not limited to, any equipment or device issued pursuant to a Court Order, such as ankle monitors, interlock milepost, guidepost, road or highway sign or marker, any equipment, machine, or furniture.

C. Injuring Public Property shall be punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), or a term of imprisonment not to exceed three (3) years, or both.

§70 Fraud in Obtaining Tribal Services or Employment

A. Any person who presents any false documentation or statement to the government, or any agency or business entity of Quapaw Nation, with the intent to obtain services, funds, or employment when it reasonably should have been known such documentation or statements were inaccurate, is guilty of fraud in obtaining tribal services or employment.

B. Fraud in Obtaining Tribal Services or Employment shall be punishable by a fine not to exceed two thousand five hundred dollars ($2,500.00), or by a term of imprisonment not to exceed six (6) months, or both.

CHAPTER 5: CRIMES INVOLVING TOBACCO, ALCOHOL & DRUGS

§71 Possession of a Controlled Dangerous Substance

A. Any person who knowingly or intentionally possesses any controlled substance listed in 21 U.S.C. § 812 or the precursors for such substance with the intent to manufacture unless specifically authorized, excluded or exempt by The Controlled Substances Act, Drug Enforcement Agency, 21 C.F.R. § 1308.21 through § 1308.35, or 42 U.S.C. § 1996a, is guilty of possession of a controlled substance.

B. Possession of a Controlled Substance shall be punishable by a fine not to exceed two thousand five hundred dollars ($2,500.00), or by a term of imprisonment not to exceed one (1) year, or both.

C. It shall not be a crime under this code for an individual to possess marijuana for medicinal purposes pursuant to a valid state-issued Medical Marijuana License.
§72 Trafficking in Controlled Substances

A. Possession of a Controlled Substance in the following amounts shall be considered Trafficking in Controlled Substances:

1. Fifteen (15) pounds or more of a mixture or substance containing a detectible amount of marijuana.
2. Eighteen (18) grams or more of a mixture or substance containing a detectible amount of cocaine, coca leaves or cocaine base.
3. Eight (8) grams or more of a mixture or substance containing a detectible amount of heroin.
4. Fifteen (15) grams or more of a mixture or substance containing a detectible amount of amphetamine or methamphetamine.
5. One (1) gram or more of a mixture or substance containing a detectible amount of lysergic acid diethylamide (LSD).
6. Fifteen (15) grams or more of a mixture or substance containing a detectible amount of phencyclidine (PCP).
7. Twenty (20) tablets or eight (8) grams of a mixture or substance containing a detectible amount of 3,4-Methylenedioxy methamphetamine.
8. Eight-Hundred (800) grams or more of a mixture containing a detectible amount of morphine.
9. Three-Hundred (300) grams or more of a mixture containing a detectible amount of oxycodone.
10. Three thousand seven hundred and fifty (3,750) grams or more of a mixture containing a detectible amount of hydrocodone.
11. Four hundred (400) grams or more of a mixture containing a detectible amount of benzodiazepine.
12. One (1) gram or more of a mixture containing fentanyl or carfentanil, or any fentanyl analogs or derivatives.

B. Unlawful Possession of a Controlled Substance with the intent to distribute or the distribution of Controlled Substances shall be considered Trafficking in Controlled Substances.

C. Trafficking in Controlled Substances shall be punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), a term of imprisonment not to exceed three (3) years, or both.
§73  **Paint Sniffing and Huffing**

A. Any person who:

1. intentionally smells or inhales the fumes of any chemical solvent to create an altered state of mind;
2. possesses, purchases, or attempts to possess or purchase any chemical solvent, for the purpose of inhaling to create an altered state of mind; or,
3. sells or otherwise provides or offers to sell or provide any chemical solvent knowing or believing that the purchaser or another person intends to use the solvent in violation of this section, is guilty of paint sniffing and huffing.

B. For the purpose of this section, a “chemical solvent” means any chemical substance where the inhalation of the fumes or vapors can cause intoxication, inebriation, excitement, stupefaction, or the dulling of the brain or nervous system. This does not include any anesthesia for medical or dental purposes. It does include, but is not limited to, any glue, gasoline, paint, hair spray, Lysol, or any other substance where the manufacturer places a warning concerning the effects of breathing the vapors of said substance on the packaging.

C. Paint Sniffing and Huffing shall be punishable by a fine not to exceed two thousand five hundred dollars ($2,500.00), or by a term of imprisonment not to exceed one (1) year, or both.

§74  **Providing Intoxicating Beverage/Controlled Dangerous Substance to Minor**

A. Any person who knowingly sells, furnishes, or gives any intoxicating beverage, drug, or other controlled substance to a person under twenty-one (21) years of age, is guilty of providing intoxicating beverages or controlled substances to a minor.

B. It shall not be considered an offense for providing a provision of an intoxicating beverage or controlled substance to a minor, with the permission of a parent or legal guardian, as part of a traditional, ceremonial, or religious custom generally accepted under Quapaw Nation culture.

C. Providing Intoxicating Beverages to a Minor shall be punishable by a fine not to exceed five hundred dollars ($500.00).
D. Providing Controlled Substances to a Minor shall be punishable by a fine not to exceed five thousand dollars ($5,000.00), or by a term of imprisonment not to exceed two (2) years, or both.

§75 Public Intoxication

A. Any person who is under the influence of an intoxicating beverage, drugs, intentionally concentrated fumes, or a controlled substance, to any degree, in a public place or in a private place where one unreasonably disturbs another person, is guilty of public intoxication.

B. Public Intoxication shall be punishable by a fine not to exceed five hundred dollars ($500.00), or by a term of imprisonment not to exceed three (3) months, or both.

§76 Open Container

A. It shall be unlawful to possess an open container containing beer, wine, or alcohol in a public place beyond the limits of an establishment licensed by the Nation.

B. It shall be unlawful for the owner, operator, manager, employee, or agent of any establishment licensed by the Nation for the sale of beer or alcohol to permit any person to exit the licensed premises with an open container contain beer, wine, or alcohol.

C. Open Container shall be punishable by a fine not to exceed five hundred dollars ($500.00), or by a term of imprisonment not to exceed three (3) months, or both.

§77 Possession or Sale of Drug Related Paraphernalia

A. It shall be unlawful to:

1. Use or possess drug paraphernalia, or to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of any criminal laws; or

2. Deliver, possess, or manufacture drug paraphernalia knowing it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of any criminal laws; or
introduce into the human body a controlled substance in violation of the
criminal laws.

B. For the purpose of this section, “drug paraphernalia” means all equipment,
products, and materials of any kind which are used or intended for use in
planting, propagating, cultivating, growing, harvesting, manufacturing,
compounding, converting, producing, processing, preparing, testing, analyzing,
packaging, repackaging, storing, containing, concealing, injecting, ingesting,
ininhaling, or otherwise introducing into the human body, a drug or other
controlled substance in violation of law.

C. In addition to all other logically relevant factors, the following are factors used
in determining whether an object is “drug paraphernalia”:

1. Statements concerning the use of an object by an owner or anyone in
control of the object;

2. The proximity of the object, in time and space, to a direct violation of
the criminal laws;

3. The proximity of the object to controlled dangerous substances;

4. The existence or any residue of controlled dangerous substance on the
object;

5. Instructions, oral, or written, provided with the object which either
states directly or implies that the object is to be used for the consumption
of controlled substances;

6. Descriptive material accompanying the object which explain or depict
its uses as an object for the consumption of controlled dangerous
substances;

7. The manner in which the object is displayed for sale;

8. Whether the owner, or anyone in control of the object, is a legitimate
supplier or like or related items to the community, such as a licensed
distributor or dealer of tobacco products;

9. The existence and scope of legitimate uses for the object in the
community.

D. Possession or Sale of Drug Related Paraphernalia shall be punishable by a fine
not to exceed two thousand five hundred dollars ($2,500.00), or by a term of
imprisonment not to exceed one (1) year, or both.

§78 Providing Tobacco to an Underaged Person
A. Any person who knowingly sells, furnishes, or gives any tobacco product to a person under twenty-one (21) years of age, is guilty of providing tobacco to an underaged person.

B. Provision of tobacco given to an underaged person with the permission of a parent or legal guardian as part of a traditional, ceremonial, or religious custom generally accepted under Quapaw culture shall be exempt and not considered a violation under this section.

C. Providing Tobacco to an Underaged Person shall be punishable by a fine not to exceed one thousand five hundred dollars ($1,500.00), or by a term of imprisonment not to exceed three (3) months, or both.

§79 Sales of Alcohol or Tobacco Without Tribal Authority

A. Any person who sells any beverage or product containing alcohol for ingestion by persons or sells any tobacco product without lawful authority from Quapaw Nation, while within Quapaw Nation reservation boundaries, is guilty of sales of alcohol or tobacco without tribal authority.

B. Sales of Alcohol or Tobacco Without Tribal Authority shall be punishable by a fine not to exceed one thousand five hundred dollars ($1,500.00).

§80 Possession of a Controlled Substance by an Underaged Person

A. Any person less than twenty-one (21) years of age who possesses any beverage containing alcohol or any drug, including tobacco, or any mind-altering controlled substance under this Title, is guilty of Possession of a Controlled Substance by an Underaged Person.

B. Possession of a Controlled Substance by an Underaged Person shall be punishable by a fine not to exceed two hundred and fifty dollars ($250.00), or community service, training, or counseling.

§81 Hosting Events with Minors and Controlled Substances

A. It shall be unlawful to control a premises and knowingly host, permit, or allow a gathering to take place at said premises where at least one minor uses, possesses, or consumes an alcoholic beverage, drug, or other intoxicating substance; or

B. Fail to take all reasonable steps to prevent the consumption of an alcoholic beverage, drug, or other intoxicating substance by a minor at such gathering.
C. For the purpose of this section, “reasonable steps” includes, but is not limited to, controlling access to alcoholic beverages at the gathering, controlling the quantity of alcoholic beverages present at the gathering, verifying the age of persons attending the gathering by inspecting drivers’ licenses or other government issued identification cards, and supervising the activities of minors at the gathering.

D. This section shall not prohibit any family gathering in the confines of the family home from providing alcohol to immediate family members under the supervision of parents and guardians. However, if a minor leaves such a family gathering and is intoxicated in public, then this section will apply to the providers of said alcohol. This section shall not apply to any premises licensed by the Nation to dispense alcoholic beverages.

E. Hosting Events with Minors and Controlled Substances shall be punishable by a fine not to exceed one thousand five hundred dollars ($1,500.00), community service, training, forfeiture of any beverages or products and the raw materials for such, or temporary suspension of tribal benefits.

CHAPTER 6: CRIMES INVOLVING PROPERTY

§82 Breaking and Entering

A. Any person who enters the dwelling, building, or other structure belonging to another person or entity without the consent of the owner, is guilty of breaking and entering.

B. Breaking and Entering shall be punishable by a fine not to exceed two thousand five hundred dollars ($2,500.00), or by a term of imprisonment not to exceed one (1) year, or both.

§83 Criminal Mischief

A. It shall be unlawful to:

1. damage tangible property of another person purposely, recklessly, or by negligence; or

2. purposely or recklessly tamper with tangible property of another so as to endanger a person or property; or

3. purposely or recklessly cause another to suffer monetary loss by deception or threat.
B. Criminal Mischief shall be punishable by a fine not to exceed one thousand dollars ($1,000.00), or by a term of imprisonment not to exceed one (1) year, or both.

§84 Trespass

A. Any person who knowingly enters, or remains in any building or structure, or on the property of another when not licensed or privileged to do so, which includes but is not limited to:

1. Recreational or other activities in areas such as the chat piles which are clearly posted as no trespassing areas; or
2. Cutting down or destroying any kind of wood or timber on the lands of another; or driving or riding through, into, or across any cultivated hedge, tree row, grove of ornamental trees, or orchard of fruit trees, or in any other manner injuring the same; or
3. Carrying away any kind of wood, timber or any crop that has been cut down and is lying on such lands; or
4. Maliciously severing from another’s property any produce or anything attached thereto; or
5. Digging, taking, or carrying away any earth, chat, soil, or stone from any public or private property without the license of the owner or legal occupant; or
6. Entering upon the premises or property of a childcare shelter or facility without permission, is guilty of trespass.

B. For the purpose of this section, “not licensed” includes, but is not limited to, when a person was put on notice by:

1. Personal communication by the owner or someone having authority to act for the owner; or
2. Fencing, or other enclosures obviously designed to exclude intruders, or
3. Posting of signs restricting unauthorized entry or prohibiting entry, reasonably designed to come to the attention of intruders.

C. Trespass shall be punishable by a fine not to exceed two thousand five hundred dollars ($2,500.00), or by a term of imprisonment not to exceed one (1) year, or both.
§85  Deceptive Business Practices

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

1. use or possess a false weight, measure, or any other device for falsely determining or recording any quality or quantity; or
2. sell, offer, deliver, or expose for sale less than the represented quality or quantity of any commodity or service; or
3. take or attempt to take more than the represented quantity of any commodity or service when, as the buyer, they furnish the weight or measure; or
4. sell, offer, or expose for sale adulterated or mislabeled commodities; or
   a. “adulterated” means varying from the standard or truth or disclose in labeling prescribed by law or commercial usage.
   b. “mislabeled” means varying from the standard of truth or disclosure in labeling prescribed by law or commercial usage.
5. make a substantial false or misleading statement in any advertisement addressed to the public or substantial segment thereof for the purpose of promoting the purchase or sale of property or services; or
6. make a false or misleading written statement for the purpose of obtaining property or credit; or
7. make a false or misleading written statement for the purpose of promoting the sales of securities, or omits information required by law to be disclosed in written documents relating securities.

B. It is an affirmative defense to deceptive business practice that the defendant’s conduct was not knowingly or recklessly deceptive.

C. Deceptive Business Practices shall be punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), or by a term of imprisonment not to exceed three (3) years, or both.

§86  Theft

A. Any person who:

1. takes, shoplifts, possesses, or exercises unlawful control over another person’s movable property, without permission of the owner, with the purpose to deprive the owner of that property; or
2. fails to return or deliver property mistakenly given or found when reasonably the proper owner could have been determined, is guilty of theft.

B. Theft of property valued at one thousand dollars ($1,000.00) or greater shall be punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), or by a term of imprisonment not to exceed three (3) years, or both.

C. Theft of property valued at less than one thousand dollars ($1,000.00) shall be punishable by a fine not to exceed two thousand five hundred dollars ($2,500.00), or by a term of imprisonment not to exceed one (1) year, or both.

§87 Receiving Stolen Property

A. Any person who purposely receives, retains, purchases, conceals or disposes of movable property of another person or business entity knowing or believing that the property has been, or probably was, stolen or otherwise illegally obtained from its true owner, unless the property is received, retained, purchased, or concealed with the purpose to restore it to the owner, is guilty of receiving stolen property.

B. Receiving Stolen Property valued at one thousand dollars ($1,000.00) or greater shall be punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), or by a term of imprisonment not to exceed three (3) years, or both.

C. Receiving Stolen Property valued at less than one thousand dollars ($1,000.00) shall be punishable by a fine not to exceed two thousand five hundred dollars ($2,500.00), or by a term of imprisonment not to exceed one (1) year, or both.

§88 Unauthorized Use of Automobiles and Other Vehicles

A. It shall be unlawful to operate another person’s automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle without the consent of the owner.

B. It is an affirmative defense to prosecution under this section that the actor reasonably believed that the owner would have consented to the operation had they known of it.

C. Unauthorized Use of Automobiles and Other Vehicles shall be punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), or by a term of imprisonment not to exceed three (3) years, or both.
§89 Unlawful Dealing with Property by a Fiduciary

A. It shall be unlawful to knowingly deal with a person’s property in a fiduciary capacity, or property of Quapaw Nation government, its agencies, its business entities, or its financial institutions, in a manner which violates that fiduciary duty, or which involves a substantial risk or loss to the owner or to a person whose benefit the property was entrusted.

B. For the purpose of this section, “fiduciary” includes, but is not limited to, a trustee, guardian, executor, administrator, receiver, or any person carrying on fiduciary functions on behalf of a corporation or other organization which is a fiduciary.

C. Unlawful Dealing with Property by a Fiduciary shall be punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), or by a term of imprisonment not to exceed three (3) years, or both.

§90 Arson II

A. Any person who knowingly, recklessly, carelessly, or negligently, without regard for the consequences, starts a fire or creates an explosion which:

1. destroys or damages any property of another; or
2. endangers human life or safety, is guilty of Arson II.

B. Arson II shall be punishable by a fine not to exceed two thousand five hundred dollars ($2,500.00), or by a term of imprisonment not to exceed six (6) months, or both

Cross Reference: See Chapter 14, Section 167 for Arson I

§91 Arson III

A. Any person who intentionally or inadvertently starts a fire, even for a legal purpose, and fails to either:

1. take reasonable measure to put out or control the fire; or
2. give a prompt alarm, if the fire is spreading in such a manner that the fire might endanger the life or property of another, is guilty of Arson III.
B. Arson III shall be punishable by a fine not to exceed one thousand dollars ($1,000.00), or by a term of imprisonment not to exceed one (1) month, or both.

§92 Tampering with Court Property

CHAPTER 7: CRIMES OF AN INTERPERSONAL NATURE

§93 Attempt to Commit Murder or Manslaughter

A. Any person who takes, or fails to take, actions that would have reasonably resulted in the charge of murder or manslaughter had a person died, is guilty of attempt to commit murder or manslaughter.

B. Attempt to Commit Murder or Manslaughter shall be punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), or by a term of imprisonment not to exceed three (3) years, or both.

§94 Assault

A. Any person who commits an unlawful attempt, or offer, with force or violence to do a corporal hurt to another, is guilty of assault.

B. Assault shall be punishable by a fine not to exceed five thousand dollars ($5,000.00), or by a term of imprisonment not to exceed one (1) year, or both.

§95 Battery

A. Any person who applies an unlawful use of force or violence to another person, is guilty of battery.

B. Battery shall be punishable by a fine not to exceed five thousand dollars ($5,000.00), or by a term of imprisonment not to exceed one (1) year, or both.

§96 Aggravated Battery

A. A battery becomes aggravated when great bodily injury is inflicted upon the person assaulted or when committed by a person of robust health or strength upon one who is aged, decrepit, or incapacitated.

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

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

§97 Protected Status Battery

A. Any person who commits battery against:
   1. Law enforcement officials, referees or umpires, teachers or school officials, during performance of or in relation to their duties;
   2. A child under fifteen (15) years of age;
   3. A person sixty-five (65) years of age or older;
   4. An incapacitated person;
   5. A pregnant woman; or
   6. Any person because of that person’s race, religion, ancestry, national origin, sexual orientation or disability, is guilty of protected status battery.

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

§98 Harassment

A. It shall be unlawful, with the purpose to annoy or alarm another, to:
   1. make electronic communication, (including, but not limited to, telephone calls, texts, instant messaging, messaging through social media, or email) serving no legitimate purpose, or with intent to terrify, intimidate, annoy or alarm, or to threaten to inflict injury or physical harm to any person or property, or
   2. insult, taunt, or challenge another in a manner likely to provoke violent or a disorderly response; or
   3. make repeated communications anonymously, at extremely inconvenient hours, or in offensively coarse language; or
   4. subject another to an offensive touching; or
   5. engage in any other course of alarming conduct serving no legitimate purpose.
B. A first conviction of harassment shall be punishable by a fine not to exceed five thousand dollars ($5,000.00), or by a term of imprisonment not to exceed one (1) year, or both, for the first offense.

C. Any subsequent conviction of harassment shall be punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), or by a term of imprisonment not to exceed three (3) years, or both, for a second or subsequent offense.

§99 Aiding Suicide

A. Any person who intentionally causes a suicide by force, duress, or deception, is guilty of causing a suicide.

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

§100 Feloniously Pointing a Weapon/Firearm

A. Any person who recklessly, or with disregard for public safety, commits an act with a weapon or firearm, including but not limited to, firing into the air, firing near large crowds, or recklessly brandishing a weapon, is guilty of feloniously pointing a weapon/firearm.

B. Feloniously Pointing a Weapon/Firearm is punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), or by a term of imprisonment not to exceed three (3) years, or both.

§101 Reckless Conduct with a Weapon/Firearm

A. Any person who points any pistol, rifle, shotgun, or any other deadly weapon, whether loaded or not, at any other person, is guilty of reckless conduct with a weapon/firearm.

B. Actions taken in self-defense will not constitute an offense under this section.

C. Reckless Conduct with a Weapon/Firearm is punishable by a fine not to exceed five thousand dollars ($5,000.00), or by a term of imprisonment not to exceed six (6) months, or both.

§102 Violation of Privacy

A. It shall be unlawful, except as authorized by law, to:
1. trespass on property with intent to eavesdrop or conduct other surveillance in a private place; or

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

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

4. divulge, without the consent of the sender or receiver, the existence or contents of any message received privately if the actor knows the message was illegally intercepted.

B. For the purpose of this section:

1. “Eavesdrop” means to overhear, record, amplify, or transmit any part of an oral or written communication of others without the consent of at least one party thereto.

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

C. Violation of Privacy shall be punishable by a fine not to exceed two thousand five hundred dollars ($2,500.00), or by a term of imprisonment not to exceed one (1) year, or both.

§103 Loitering to Watch Occupants

A. Any person who hides, waits, or otherwise loiters in the vicinity of a private home, apartment building, any other place of residence, or in the vicinity of any locker room, dressing room, restroom, or any other place where a person has a right to a reasonable expectation of privacy, with the unlawful and willful intent to watch, gaze, or look upon any person in a clandestine manner, is guilty of loitering to watch occupants.
B. For purpose of this section, “loitering” includes the use of photographic, electronic, or video equipment in a clandestine manner or the publication or distribution of any image obtained from such an act.

C. Loitering to Watch Occupants shall be punishable by a fine not to exceed ten thousand dollars ($10,000.00), or by a term of imprisonment not to exceed two (2) years, or both.

§104 Recklessly Endangering Another Person

A. It shall be unlawful to recklessly engage in conduct which places or may place another person in danger of death or serious bodily injury.

B. Recklessness and danger of death shall be presumed where a person knowingly points a firearm at or in the direction of another person, whether or not the actor believed the firearm to be loaded.

C. Recklessly Endangering Another Person shall be punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), or by a term of imprisonment not to exceed three (3) years, or both.

§105 False Imprisonment

A. Any person who knowingly and wrongfully restrains another so as to interfere substantially with their liberty, is guilty of false imprisonment.

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

§106 Threatening Acts of Violence

A. Any person who shall threaten to perform an act of violence involving or intended to involve serious bodily harm or death to another person shall be guilty of threatening acts of violence.

B. Threatening Acts of Violence shall be punishable by a fine not to exceed two thousand five hundred dollars ($2,500.00), or by a term of imprisonment not to exceed one (1) year, or both.

CHAPTER 8: CRIMES OF A SEXUAL NATURE

§107 Sex Absent Affirmative Consent
A. It shall be unlawful to commit any act of sexual intercourse involving vaginal, anal, or oral penetration with another person under any of the following circumstances:

1. When the person is under sixteen (16) years of age, but over the age of fourteen (14) where the perpetrator is more than four (4) years older than the victim;

2. Where the other person is incapable through a mental condition of giving legal consent;

3. Where the other person is intoxicated by a chemical substance administered by, or with the knowledge of the actor, as means of forcing the person to submit;

4. Where the other person has not provided affirmative consent to sexual intercourse. Affirmative consent means a knowing, voluntary, mutual decision to engage in sexual activity. Silence or lack of resistance does not demonstrate consent.

B. Sex Absent Affirmative Consent shall be punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), or by a term of imprisonment not to exceed three (3) years, or both.

§108 Prostitution or Solicitation

A. Any person who:

1. Receives or agrees to receive monetary or other consideration in exchange for sex; or

2. Knowingly maintains, rents, or leases any house, room or other place for the purpose of prostitution; or

3. Loiters in or within the view of a public place for the purpose of being hired to engage in sexual activity; or

4. Pays, offers, or agrees to pay another person a fee for the purpose of engaging in an act of sexual activity; or

5. Enters or remains in a house of prostitution for the purpose of engaging in sexual activity; or

6. Owns, controls, manages, supervises, or otherwise keeps a house of prostitution or a prostitution business; or

7. Solicits a person to patronize a prostitute; or

8. Procures or attempts to procure a prostitute for another person; or
9. Leases or otherwise permits a place controlled by the actor to be used for prostitution or the promotion of prostitution; or
10. Procures an inmate for a house of prostitution; or
11. Encourages, induces, or otherwise purposely causes another to become or remain a prostitute; or
12. Transports a person with a purpose to promote that person engaging in prostitution or procuring or paying for transportation with that purpose; or
13. Shares in the proceeds of a prostitute pursuant to an understanding that one is to share therein, unless one is the child or legal dependent of a prostitute, is guilty of prostitution or solicitation.

B. For the purpose of this section:

1. “Sexual activity” means intercourse or any sexual act involving the genitals or one person and the hand, mouth, or anus of another person, regardless of the sex of either person.
2. “House of prostitution” means a place where prostitution, or promotion of prostitution, is regularly carried on by one or more persons under the control, management, or supervision of another. In proving this definition, the following is admissible as evidence: its general reputation; the reputation of the persons who reside in or frequent the place; the frequency, timing, and duration of visits by non-residents.
3. “Inmate” means a person who engages in prostitution in or through the agency of a house of prostitution.
4. “Public place” means any place to which the public has access.

C. Testimony of a person against his or her spouse is admissible to prove this offense.

D. Prostitution or Solicitation shall be punishable by a fine not to exceed two thousand five hundred dollars ($2,500.00), or by a term of imprisonment not to exceed one (1) year, or both.

§109 Spreading Venereal Disease

A. It shall be unlawful to infect another person with venereal disease, if one knows or has reason to believe they are infected with a venereal disease.
B. Spreading Venereal Disease shall be punishable by a fine not to exceed one thousand five hundred dollars ($1,500.00), or by a term of imprisonment not to exceed two (2) years, or both.

§110 Spreading a Dangerous Disease

A. It shall be unlawful to intentionally or recklessly infect another with a disease associated with a known risk of paralysis or death, when the person knows or has reason to believe they are infected with said disease and knows or should know of the risk of the disease, is guilty of spreading a dangerous disease.

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

§111 Lewd or Indecent Proposals or Act to a Child Under Age 16

A. It shall be unlawful to knowingly and intentionally:

1. Make any oral, written, electronic, or computer-generated lewd or indecent proposal to any child under sixteen (16) years of age, including to have unlawful sexual relations or sexual intercourse with any person; or

2. Look upon, touch, maul, or feel the body or private parts of any child under sixteen (16) years of age in any lewd or lascivious manner by any acts against public decency and morality, as defined by law, or in any manner relating to sexual matters or sexual interest; or

3. Ask, invite, entice, or persuade any child under sixteen (16) years of age to go alone with any person to a secluded, remote, or secret place, with the unlawful and willful intent and purpose to commit any crime against public decency and morality, as defined by law, with the child; or

4. In a lewd and lascivious manner and for the purpose of sexual gratification, urinate or defecate upon a child under sixteen (16) years of age or ejaculate upon or in the presence of a child, or force or require a child to look upon the body or private parts of another person or upon sexual act performed in the presence of the child, or force or require a child to touch or feel the body or private parts of said child or another person.
B. Lewd or Indecent Proposals or Act to a Child Under Age 16 shall be punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), or by a term of imprisonment not to exceed three (3) years, or both.

§112  **Indecent Exposure**

A. Any person who purposefully and lewdly exposes one’s person or genitals in any public place, or in any place where other persons are present is guilty of indecent exposure.

B. Indecent Exposure shall be punishable by a fine not to exceed one thousand dollars ($1,000.00), or by a term of imprisonment not to exceed three (3) months, or both.

§113  **Failure to Register as a Sex Offender**

A. Any person that has been convicted in any jurisdiction and declared to be a sex offender by a court or other body of competent jurisdiction, and fails to register with the designated authorities as required by the Quapaw Nation Sex Offender Registration Notification Act within the tribal jurisdiction, is guilty of failure to register as a sex offender.

B. Failure to Register as a Sex Offender shall be punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), or by a term of imprisonment not to exceed three (3) years, or both.

**CHAPTER 9: CRIMES OF AN ETHICAL NATURE**

§114  **Aiding in a Crime**

A. Any person who aids another in actually committing any crime listed in this Code, is guilty of aiding in a crime.

B. Aiding in a Crime may be punishable equal to any punishment listed for the crime in which the person aids another person.

§115  **Criminal Conspiracy**

A. Any person who, within Quapaw Nation jurisdiction, agrees with one or more persons to engage in, or cause the performance of, conduct with the intent to commit any offense punishable by Tribal, Federal, or state laws that are applicable to the jurisdiction in which the conduct is agreed to be performed,
and any one person commits an overt act in pursuance of the conspiracy, is
guilty of criminal conspiracy.

B. Criminal Conspiracy may be punishable by the same punishment as the
completed offense.

§116 Solicitation

A. Any person who, within Quapaw Nation jurisdiction, entices, advises, incites,
orders, or otherwise encourages another to commit any offense, with the intent
that such other person actually commits an offense punishable under the laws
of the jurisdiction where the conduct was to be performed, is guilty of
solicitation.

B. Solicitation shall be punishable by a fine not to exceed fifteen thousand dollars
($15,000.00), or by a term of imprisonment not to exceed three (3) years, or
both, for any offense solicited listed as a Major Crime in this Code.

C. Any other offense solicited in this Code shall be punishable by a fine not to
exceed two thousand five hundred dollars ($2,500.00), or by a term of
imprisonment not to exceed one (1) year, or both.

§117 Attempt to Commit a Crime

A. Any person who attempts, but fails to commit a crime listed in this Code is
guilty of Attempt to Commit a Crime.

B. Attempt to Commit a Crime shall be punishable by a fine not to exceed fifteen
thousand dollars ($15,000.00), by a term of imprisonment not to exceed three
(3) years, or both, for any offense attempted listed as a Major Crime in this
Title.

C. Any other offense attempted shall be punishable by a fine not to exceed two
thousand five hundred dollars ($2,500.00), by a term of imprisonment not to
exceed one (1) year, or both.

§118 Criminal Coercion

A. Any person, with purpose to unlawfully restrict another’s freedom of action to
their detriment, threatens to:

1. commit any criminal offense; or
2. accuse anyone of a criminal offense; or
3. expose any secret tending to subject any person to hatred, contempt, or ridicule, or to impair his credit or business reputation; or
4. unlawfully take or withhold action as an official, or
5. cause an official to take or withhold action, is guilty of criminal coercion.

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

§119 Embezzlement

A. Any person who has lawful custody of property that is not their own, and appropriates any of said property for their own use or the use of another, with the intent to deprive the owner of such property, is guilty of embezzlement.

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

§120 Fraud

A. Any person who willfully misrepresents, deceives, falsely interprets, uses false weights or measures, uses false recordings, or causes another to execute any instrument affecting or likely to affect property, and obtains money, other property, or advantage, is guilty of fraud.

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

§121 Forgery

A. Any person who, knowingly or with purpose to defraud or injure another, makes a false writing, or alters, makes, completes, authenticates, issues or transfers any writing of another without their authority, or utters any writing which they know to be forged in any manner above, is guilty of forgery.

B. For the purpose of this section, “writing” includes, but is not limited to, printing or any other method of recording information, money, coins, tokens, stamps,
seals, credit cards, badges, trademarks, and other symbols of value, right, privilege, or identification.

C. Forgery shall be punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), or by a term of imprisonment not to exceed three (3) years, or both.

§122 Extortion

A. Any person who:
   1. willfully takes, receives, obtains, or controls, or attempts to control, the use, or disposition of money, property, or any item of value of another person with that person’s consent; and
   2. that person’s consent is induced by a wrongful use of force or fear, or under color of a governmental right, is guilty of extortion.

B. Fear that constitutes extortion, may be induced by a threat, either:
   1. To do an unlawful injury to the person or property of the person threatened or any member of their family; or
   2. To accuse them or any member of their family, of any crime; or
   3. To expose, or impute to them, or any member of their family, any deformity or disgrace; or
   4. To expose any personal information or secret that is not public knowledge tending to expose any person to hatred, contempt, or ridicule, or to impair his business or reputation, except by institution of legal proceedings to recover the debt demanded or proper reports to bona fide credit agencies; or
   5. To unlawfully take or withhold official action.

C. Extortion shall be punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), or by a term of imprisonment not to exceed three (3) years, or both.

§123 Blackmail

A. Any person who verbally, or by written or printed communication, and with the intent to extort or gain any type of value from another or to compel another to do an act against their will:
1. Accuses or threatens to accuse any person of a crime or conduct which would tend to degrade and disgrace the person accused; or

2. Exposes or threatens to expose any fact, report, or information concerning any person which would in any way subject such person to the ridicule or contempt of society, coupled with the threat that such accusation or exposure will be communicated to a third person or persons unless the person threatened or some other person pays or delivers to the accuser or some other person any items of value or commits some act against the person’s will, is guilty of blackmail.

B. Blackmail shall be punishable by a fine not to exceed two thousand five hundred dollars ($2,500.00), or by a term of imprisonment not to exceed one (1) year, or both.

1. The Court may order any or all of the following: community service, training, or temporary or permanent banishment from Quapaw Indian Country.

§124 Tampering with Records

A. Any person who falsifies, destroys, removes, or conceals any writing or record, knowing they do not have the privilege to do so and with the purpose to deceive or injure anyone or to conceal any wrongdoing, is guilty of tampering with records.

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

§125 Bad Checks

A. Any person who issues or passes a check for the payment of money, knowing that such check will not be honored by the bank, is guilty of bad checks.

B. For the purpose of this section, the person is presumed to know that the check or order would not be paid, if:

1. The person had no account with the bank at the time the check was issued; or

2. The bank refused payment for lack of funds and the person failed to make good within ten (10) days after receiving notice of that refusal.
C. Bad Checks shall be punishable by a fine not to exceed five hundred dollars ($500.00), or by a term of imprisonment not to exceed one (1) month, or both.

§126 Identity Theft

A. Any person who:

1. willfully and with fraudulent intent obtains the name, address, social security number, date of birth, place of business, or employment, debit, credit, or account numbers, driver license number, or any other personal identifying information of another person, living or dead, with the intent to use, sell, or allow any other person to use or sell such personal identifying information to obtain or attempt to obtain money, credit, goods, property, or service in the name of the other person without the consent of that person; or

2. with fraudulent intent, uses the personal identity of another person, living or dead, or any information relating to the personal identity of another person, living or dead, to obtain or attempt to obtain credit or anything of value; or

3. with fraudulent intent lends, sells, or otherwise offers the use of such person’s own name, address, social security number, date of birth, or any other personal identifying information or document to any other person with the intent to allow such other person to use the personal identifying information or document to obtain or attempt to obtain any identifying document in the name of such other person; or

4. willfully creates, modifies, alters, or changes any personal identifying information of another person with fraudulent intent to obtain money, credit, goods, property, service, or any benefit or thing of value; or

5. controls, uses, wastes, hinders, or encumbers another person’s credit, accounts, goods, property, title, interests, benefits, or entitlements without the consent of that person, is guilty of identity theft.

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

§127 Unauthorized Use of Credit Cards

A. Any person who uses a credit card for the purpose of obtaining property or services with the knowledge that:

1. the card is stolen or forged; or
2. the card has been revoked or cancelled; or
3. for any other reason, the person’s use of the card is unauthorized by the issuer, is guilty of unauthorized use of credit cards.

B. Unauthorized Use of Credit Cards shall be punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), or by a term of imprisonment not to exceed three (3) years, or both.

§128 Defrauding Secured Creditors

A. Any person who, with the intent to defeat or obstruct the operation of any law relating to administration of property for the benefit of creditors:

1. destroys, conceals, encumbers, transfers, or otherwise deals with property subject to a security interest with purpose to hinder that interest; or

2. knowingly falsifies any writing or record relating to the property; or

3. knowingly misrepresents or refuses to disclose to any person entitled to administered property for the benefit of creditors, the existence, amount, or location of the property, or any other information which the actor could be legally required to furnish in relation to such administration, is guilty of defrauding secured creditors.

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

§129 Theft of Services

A. Any person who obtains services, known to be available only for compensation, by deception, threat, force, or any other means with the intent to avoid due payment for such services, is guilty of theft of services.

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

§130 Bribery
A. Any person who offers, confers, or agrees to confer upon another, or solicits, accepts or agrees to accept from another:

1. Any monetary benefit as consideration for the recipient’s decision, opinion, recommendation, vote, or other exercise of discretion as a public servant or Tribal employee, or voter; or

2. Any benefit as consideration for a violation of known legal duty as a servant or Tribal employee, is guilty of bribery.

B. It is not a defense against prosecution under this section that the person whom the actor sought to influence was not qualified to act in the desired way, whether because they had not yet assumed office, lacked jurisdiction, or for any other reason.

C. Bribery shall be punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), or by a term of imprisonment not to exceed three (3) years, or both.

§131 Bill Skipping

A. Any person who obtains food, lodging, services, or other accommodations at any casino, hotel, inn, restaurant, boarding house, rooming house, motel, or auto camp, with the intent to defraud the owner or keeper for such services, is guilty of bill skipping.

B. This section does not apply where there has been an agreement in writing for a delay in payment.

C. For the purpose of this section, “intent to defraud” includes, but is not limited to:

1. obtaining services by false pretense;

2. using a check for payment knowing that such check will be refused by the financial institution to whom it is presented;

3. leaving any location listed in this section, or that which requires payment, without payment or offering to pay;

4. surreptitiously removing or attempting to remove one’s baggage; or

5. registering under a fictitious name.

D. Bill Skipping shall be punishable by a fine not to exceed one thousand dollars ($1,000.00), or by a term of imprisonment not to exceed three (3) months, or both.

§132 Making a False Credit Report
A. Any person who knowingly makes a materially false or misleading statement to obtain property or credit for oneself or another, or to keep some other person from obtaining credit, is guilty of making a false credit report.

B. Making a False Credit Report shall be punishable by a fine not to exceed five hundred dollars ($500.00), or by a term of imprisonment not to exceed six (6) months, or both.

§133 Attempt to Interfere with Administration of Laws

A. Any person who:

1. corruptly or by force or threat of force, including any threatening letter or communication, endeavors to intimidate or impede any Tribal officer or Tribal employee acting in an official capacity; or

2. corruptly or by force or threat of force, including any threatening letter or communication, obstructs or impedes or endeavors to obstruct or impede, the due administration of any Tribal law or regulation; or

3. attempts, causes to be or forcibly rescues, in any manner, any property after seizure under Tribal law or regulation, is guilty of attempt to interfere with administration of laws.

B. Attempt to Interfere with Administration of Laws is punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), or by a term of imprisonment not to exceed three (3) years, or both.

§134 Desecration

A. Any person who willfully with malicious intent removes, or in any other way desecrates any tomb, monument, or gravestone, or other structure or public monument placed in any cemetery, private or traditional burying ground or other sacred place, or any fence, railing, or other work for the protection or ornamentation of any such place of burial or other sacred place, is guilty of desecration.

B. For purposes of this section, “desecrate” means to deface, damage, pollute, destroy, take or otherwise physically mistreat in a way that the actor knows, or believes will outrage, the sensibilities of persons likely to observe or discover his action.

C. Desecration shall be punishable by a fine not to exceed one thousand five hundred dollars ($1,500.00), or by a term of imprisonment not to exceed two (2) years, or both.
§135   **Abusing a Corpse**

A. Any person who purposely and unlawfully removes, conceals, dissects, or destroys a corpse or any part of a corpse or disinters a corpse that has been buried or otherwise interred, is guilty of abusing a corpse.

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

§136   **Illegal Poaching**

A. Any person who purposely or recklessly kills any wildlife within the Quapaw Reservation without lawful authorization from the Nation is guilty of illegal poaching.

B. For purpose of this section, “wildlife” refers to non-domesticated animals that freely transgress the Quapaw Reservation.

C. A person shall not be guilty of illegal poaching if the wildlife is killed and collected on private property owned by said person or with permission of the private property owner; provided that, no device, tool, mechanism, feed, or other thing is utilized to purposefully lure wildlife to that private property.

D. A person charged with illegal poaching may be permitted to assert and prove an affirmative defense of “traditional use” to the charge of illegal poaching if the killing and collection are part of a traditional, ceremonial, or religious custom generally accepted under Quapaw Nation culture.

E. Illegal Poaching shall be punishable by a fine not to exceed one thousand five hundred dollars ($1,500.00), or by a term of imprisonment not to exceed two (2) years, or both.

§137   **Cruelty to Animals**

A. Any person who purposely or recklessly:

1. subjects any animal in their custody to cruel neglect; or
2. subjects any animal to cruel mistreatment or abuse; or
3. abandons an animal for which they have accepted responsibility; or
4. has sex with an animal; or
5. kills or injures any animal belonging to another without legal privilege or consent of the owner unless to end the immediate suffering of the animal; or
6. kills or injures any animal in their custody without legal privilege or to end the immediate suffering of the animal; or
7. causes one animal to fight another, is guilty of cruelty to animals,

B. For purpose of this section, “cruel neglect,” cruel mistreatment,” or “abuse” includes, but is not limited to, over working, torturing, beating, injuring, maiming, mutilating, or depriving any animal of necessary food, water, or shelter.

C. Cruelty to Animals shall be punishable by a fine not to exceed one thousand five hundred dollars ($1,500.00), or by a term of imprisonment not to exceed two (2) years, or both.

CHAPTER 10: CRIMES INVOLVING CHILDREN

§138 Child Neglect

A. Any person who is a parent, legal guardian, or other person supervising the welfare of a child under eighteen (18) years old, and knowingly or negligently endangers the child’s welfare by violating a duty of care, protection, support, or neglects to send the child to school, is guilty of child neglect.

B. Child Neglect shall be punishable by a fine not to exceed five thousand dollars ($15,000.00), or by a term of imprisonment not to exceed three (3) years, or both.

§139 Neglect of Child on Probation

A. Any person who:
   1. is a parent, guardian, custodian, stepparent, or other adult person living in the home of a minor; and
   2. the minor has been adjudged delinquent, in need of supervision, or deprived by a court of competent jurisdiction, and such court has issued an order for care or probation; and
   3. said person fails or refuses to give such a minor proper care and guidance or fails or refuses to comply with the court order for care or probation, is guilty of neglect of child on probation.
B. Neglect of Child on Probation shall be punishable by a fine not to exceed one thousand dollars ($1,000.00), or by a term of imprisonment not to exceed three (3) months, or both.

§140 Interference with Custody

A. Any person who knowingly or recklessly:
   1. takes or entices any child under the age of eighteen (18) years old from the custody of that child’s parent, guardian, or other lawful custodian, when that person has no privilege to do so; or
   2. takes or entices any committed person away from lawful custody when that person does not have the privilege to do so, is guilty of interference with custody.

B. For purpose of this section, “committed person” means any person committed under judicial warrant, any orphan, neglected or delinquent child, mentally challenged person, or other dependent or incompetent person entrusted to another’s custody by or through a recognized social agency or by authority of the law.

C. Interference with Custody shall be punishable by a fine not to exceed one thousand dollars ($1,000.00), or by a term of imprisonment not to exceed six (6) months, or both.

§141 Persistent Non-Support of Spouse, Child, or Dependent

A. Any person who persistently fails to provide support which they can provide, and which that person knows they are legally obligated to provide to a spouse, child, or other dependent, is guilty of persistent non-support.

B. Persistent Non-Support shall be punishable by a fine not to exceed one thousand five hundred dollars ($1,500.00), or by a term of imprisonment not to exceed two (2) years, or both.

§142 Leaving a Child Unattended

A. Any person who leaves any child under the age of twelve (12) years old unattended in any residence, building, motor vehicle, or other vehicle parked on any avenue, street, alley, or public place, unless such child is within the custody and care of a person over the age of sixteen (16) years old, is guilty of leaving a child unattended.
B. Leaving a Child Unattended is punishable by a fine not to exceed five hundred dollars ($500.00), or by a term of imprisonment not to exceed three (3) months, or both.

§143 Child Stealing

A. Any person who leads, takes, entices, or detains a child with the intent to detain and conceal the child from the person having legal custody of the child, is guilty of child stealing.

B. Child Stealing is punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), or by a term of imprisonment not to exceed three (3) years, or both.

§144 Truancy

A. Any person who:

1. is a parent or legal guardian of a minor who is over the age of six (6) years and under the age of eighteen (18) years and neglects or refuses to cause or compel such a minor to attend and comply with the rules of a public, private, or other school of the parent’s or legal guardian’s choosing; or

2. is a minor who is over the age of five (5) years and who has not finished four years of high school work and neglects or refuses to attend and comply with the rules of some public, private, or other school or receive an education by other means for the full term the schools of district in which the minor resides are in session, is guilty of truancy.

B. This section shall not apply if any such minor is:

1. prevented from attending school because of mental or physical disability, as determined by the board of education of the district, upon a certificate of the school physician or public health physician, or, if no such physician is available, a duly licensed and practicing physician; or

2. excused from attending school, by the principal of the school in which the minor is enrolled, at the request of the parent or legal guardian of the minor; or

3. observing religious holy days or traditional ceremonies generally accepted within Quapaw customs including the actual religious holy days or ceremonies and any required travel time.
C. Truancy shall be punishable by a fine not to exceed five hundred dollars ($500.00), or by a term of imprisonment not to exceed three (3) months, or both.

§145 Allowing or Encouraging Criminal Conduct

A. Any person who aids, abets, encourages, or by omission of a duty, encourages or assists a minor under eighteen (18) years of age to commit any municipal, state, tribal, or federal offense, is guilty of allowing or encouraging criminal conduct.

B. This offense explicitly includes the recruitment of any minor into a gang or other organization that promotes activity contrary to the law of any jurisdiction.

C. Allowing or Encouraging Criminal Conduct shall be punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), or by a term of imprisonment not to exceed three (3) years, or both.

§146 Commission of a Crime in the Presence of a Minor

A. Any person who commits any municipal, state, tribal, or federal offense in the presence of any minor under eighteen (18) years of age, is guilty of commission of a crime in the presence of a minor.

B. Commission of a Crime in the Presence of a Minor is punishable by a fine not to exceed fifteen thousand dollars ($1,000.00), or by a term of imprisonment not to exceed one (1) year, or both.

§147 Failure of Parental Responsibility

A. Any parent or guardian who fails to make all good faith efforts to control a minor who is under their supervision and, after notification of a prior offense, of a law or ordinance of any jurisdiction committed by said minor, fails to prevent the minor from committing another offense within one year of the date the minor committed the first offense, is guilty of failure of parental responsibility.

B. Failure of Parental Responsibility shall be punishable by any or all of the following: a fine not to exceed five hundred dollars ($500.00), community service, training, or counseling.

§148 Failure to Report Child Abuse

A. It shall be unlawful for:
1. Any person who is a:
   a. health care worker of any type including, but not limited to, physician, surgeon, dentist, podiatrist, chiropractor, nurse, dental hygienist, optometrist, medical examiner, emergency medical technician, paramedic, or health care provider; or
   b. education worker of any type including, but not limited to, teacher, school counselor, instructional aide, teacher’s aide, teacher’s assistant, or bus driver, employed by any tribal, federal, or state, public or private school; or
   c. child care worker of any type including, but not limited to, head start teachers, public assistance workers, workers in a group home, residential or day care facility, or social worker; or
   d. counselor of any type including, but not limited to, psychiatrist, psychologist, or psychological assistant, licensed or unlicensed marriage, family or child counselor, or person employed in the mental health profession; or
   e. He-Tah of any type, probation officer, worker in a juvenile rehabilitation or detention facility, or employee in a public agency who is responsible for enforcing statute and judicial orders; and

2. knows, or has reasonable suspicion, that a child was abused in Quapaw Indian Country, or actions are being taken, or are going to be taken, that would reasonably be expected to result in abuse of a child in Quapaw Indian Country; and

3. fails to immediately report such knowledge or suspicion to the local child protective agency or local law enforcement agency, is guilty of failure to report child abuse.

B. For the purpose of this section:

1. “Abuse” includes, but is not limited to, any case in which a child is dead or exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling, and such condition is not justifiably explained or may not be the product of an accidental occurrence; and any case in which a child is subjected to sexual assault, sexual molestation, sexual exploitation, sexual contact, or prostitution.

2. “Child” means a person who is not married and has not attained 18 years of age.
3. “Local child protective agency” means the agency of the federal government, state, or of an Indian tribe that has the primary responsibility for child protection on any Indian reservation or within any community in Indian Country.

4. “Local law enforcement agency” means the federal, tribal, or state law enforcement agency that has the primary responsibility for the investigation of an instance of alleged child abuse within the portion of Indian Country involved.

C. Any person making a required report under this section which is based upon their reasonable belief and which is made in good faith shall be immune from civil or criminal liability for making that report.

D. Failure to Report Child Abuse shall be punishable by a fine not to exceed five thousand dollars ($1,000.00), or by a term of imprisonment not to exceed one (1) year, or both.

§149 Contributing to the Delinquency of a Minor

A. Any person eighteen (18) years of age or older who:
   1. knowingly or recklessly sells, gives to, or otherwise makes available beer, liquor, wine, or other alcoholic beverages to any person under the age of twenty-one (21) years; or
   2. knowingly or recklessly, by act or omission, encourages, causes or contributes to the delinquency or unlawful conduct of a minor under eighteen (18) years of age; or
   3. knowingly or recklessly sells or gives or otherwise makes available any tobacco product to any person under the age of twenty-one (21) years; or
   4. knowingly or willfully causes, aids, abets, or encourages a minor to be, to remain, or to become a delinquent child or a runaway child, except as otherwise specifically provided by law or with a compelling reason; or
   5. knowingly and willfully causes, aids, abets, or encourages a minor to commit or participate in committing an act that would be a criminal offense if committed by an adult. Violation of this subparagraph shall be punishable by the maximum penalty allowed for conviction of the offense or offenses which the person caused, aided, abetted, or encouraged the minor to commit or participate in committing, is guilty of contributing to the delinquency of a minor.
B. For the purpose of this section:

1. “Minor” means any person who is not married and has not attained eighteen (18) years of age.

2. “Runaway child” means an unemancipated minor who is voluntarily absent from the home without a compelling reason, without the consent of a custodial parent or other custodial adult and without the parent or other custodial adult’s knowledge as to the child’s whereabouts.

3. “Compelling reason” means imminent danger from incest, a life-threatening situation, or equally traumatizing circumstance. A person aiding a runaway child based upon a reasonable belief that the child is in physical, mental, or emotional danger and with notice to the Social Services Department or a local law enforcement agency of the location of the child within twelve (12) hours of aiding the child shall not be subject to prosecution under this section.

C. Contributing to the Delinquency of a Minor shall be punishable by a fine not to exceed two thousand five hundred dollars ($2,500.00), or by a term of imprisonment not to exceed one (1) year, or both.

§150 Child Trafficking

A. Any person who:

1. accepts any compensation, in money, property, or other thing of value, at any time, from a person or persons adopting a child, for services of any kind performed or rendered in connection with such adoption; or

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

3. offers to place, or advertises to place, a child for adoption or for care in a foster home, as an inducement to any woman to enter an institution or home or other place for maternity care or for the delivery of a child, is guilty of child trafficking.

B. For purpose of this section, “child” means an unmarried or unemancipated person under the age of eighteen (18) years of age.

C. This section does not apply to attorneys or advocates licensed by the Tribal Courts and receiving reasonable fees for legal services actually rendered in the course of lawful adoption proceedings or to any bona fide social worker or
government employee receiving their normal salary and making such placements as part of their official duties.

D. Child Trafficking shall be punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), or by a term of imprisonment not to exceed three (3) years, or both.

§151 Child Pornography

A. Any person who:
   1. Writes, composes, prints, photographs, designs, copies, draws, engraves, paints, molds, cuts, creates any electronic recording, game or video, or otherwise prepares, publishes, sells, distributes, keeps for sale, knowingly downloads on a computer, or exhibits or otherwise makes available any child pornography; or
   2. Buys, procures, or possesses child pornography; or

B. For the purpose of this section: “child pornography” includes, but is not limited to, any film, motion picture, videotape, photograph, negative, undeveloped film, slide, photographic product, reproduction of a photographic product, magnetic disk memory, magnetic tape memory, any other type of electronic media play or performance wherein a minor under the age of eighteen (18) years is engaged in any act of sexual intercourse, any lewd exhibition of the uncovered genitals in the context of masturbation or other sexual conduct, or where the lewd exhibition of the uncovered genitals has the purpose of sexual stimulation of the viewer, or where a person under the age of eighteen (18) years observes such acts or exhibitions.

C. Child Pornography shall be punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), or by a term of imprisonment not to exceed three (3) years, or both.

CHAPTER 11: CRIMES INVOLVING ELDERS

§152 Abuse of an Elder

A. Any person who knowingly causes or permits physical or verbal abuse, financial neglect, neglect, sexual abuse, or exploits any person entrusted to their care in a nursing facility or other setting, is guilty of abuse of an elder.
B. Abuse of an Elder shall be punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), or by a term of imprisonment not to exceed three (3) years, or both.

§153 Exploitation of Elderly or Disabled Adult

A. Any person who knowingly, by deception or intimidation, obtains, uses, or endeavors to obtain or use, an elderly person’s or disabled adult’s funds, assets, or property with the intent to temporarily or permanently deprived the elderly person or disabled adult of the use, benefit, or possession of the funds, assets, or property, or to benefit someone other than the elderly person or disabled adult, is guilty of exploitation of elderly or disabled adult.

B. For purpose of this section:
   1. “Elderly person” means any person sixty-five (65) years of age or older;
   2. “Disabled adult” means any person that due to a temporary or permanent mental condition cannot make a clear judgement typical of an adult in a similar situation.

C. Exploitation of Elderly or Disabled Adult shall be punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), or by a term of imprisonment not to exceed three (3) years, or both.

CHAPTER 12: CRIMES BY NON-INDIANS

§154 Right to Impose Civil Penalties

For a Non-Indian that commits any crime under this Title 11, the Quapaw Courts will consider such an action as voiding the visitor status of the Non-Indian in Quapaw Indian Country and will impose penalties for trespassing on the property of the Nation and may impose civil fines for such trespass against the Non-Indian proximate to the fines that could have been imposed for a criminal offense under this Title 11.

§155 Right to Exclude or Banishment

A. For a Non-Indian that commits any crime under this Title 11, the Quapaw Courts may utilize its sovereign right to exclude any non-member of the Nation from Quapaw Indian Country. In seeking to exclude a Non-Indian from Quapaw Indian Country, the Tribal Prosecutor will bring an action to exclude for reason of the crime committed. Such an action to exclude will utilize the same processes and definitions as if the Non-Indian was being tried for that
crime, however, the penalty imposed under this provision will be an exclusion from Quapaw Indian Country for the time set forth by the Tribal Court.

B. In order to best promote the general welfare and safety of the people of the Nation and visitors to its Indian Country, the Nation intends to fully use this recognized right to exclude and to fully exercise its treaty rights to request federal assistance in enforcing this right to exclude per Article II of the 1833 Quapaw Treaty which requires the United States to protect the Quapaw "in their new residence, against all interruption or disturbance from any other tribe or nation of Indians or from any person or persons whatever." Treaty with the Quapaw, 1833, Article II (Kappler, 1904, vol. 2, p. 395, 7 Stat. 424).

§156 Violation of Right to Exclude

Should any Non-Indian violate an Order of Exclusion and Banishment from Quapaw Indian Country, the Tribal Prosecutor will work with federal authorities to seek the maximum punishment under federal law and under Quapaw treaty rights which require the federal government to protect the Quapaw people "in their new residence, against all interruption or disturbance from any other tribe or nation of Indians or from any person or persons whatever." Treaty with the Quapaw, 1833, Article II. (Kappler, 281904, vol. 2, p. 395, 7 Stat. 424).

§157 Violence Against Women Act Reauthorization Act of 2022 Fully Enforced

A. Any person who commits any crime authorized or reauthorized within the Violence Against Women Act Reauthorization Act of 2022 (“VAWA”), H.R. 2471, Div. W, Pub. L. 117-103 (Mar. 15, 2022) (a “VAWA Covered Crime”), may be charged and sentenced in the Court of the Quapaw Nation up to the maximum fine and/or term of imprisonment authorized under VAWA.

B. Unless the punishment listed in this subsection B for any VAWA Covered Crime exceeds a more specific maximum fine and/or term of imprisoner established within this Code or federal law, any person guilty of committing a VAWA Covered Crime shall be punishable up to the limit by a fine not to exceed fifteen thousand dollars ($15,000.00), or by a term of imprisonment not to exceed three (3) years, or both.

C. It is the policy of the Quapaw Nation to make the protection of its people the utmost priority which mandates the enforcement of VAWA to the full extent possible within the Quapaw Nation Reservation. No law of the Quapaw Nation shall be construed to limit the jurisdiction granted to the Quapaw Nation courts or crimes recognized as enforceable against Non-Indians.
D. Any person detained by the Quapaw Nation for allegedly committing a VAWA Covered Crime shall have the right to file a federal habeas corpus petition within the United States District Court for the Northern District of Oklahoma (or another federal court with competent jurisdiction) and shall be provided notice of said right in compliance with VAWA.

CHAPTER 13: DOMESTIC VIOLENCE PREVENTION

§158 General Provision

A. The purpose of this Chapter is to clarify that domestic violence is a separate and distinct category of crime which the Quapaw Nation addresses seriously. Certain crimes found in this Chapter can be found in the Violence Against Women Act, 25 USC §1304. Definitions for this Chapter shall reflect those located in Quapaw Nation Domestic Violence Prevention Code Chapter 1, Section 2, or as stated in the individual section.

B. See The Quapaw Nation Domestic Violence Prevention Code for Victim Protective Orders and other procedures.

§159 Domestic Violence

A. Any person who inflicts physical harm, bodily injury, an unwanted sexual act, or inflicts the fear of imminent physical harm, bodily injury, or unwanted sexual act on a domestic partner, family member, or household member, is guilty of domestic violence.

B. Domestic Violence shall be punishable by a fine not to exceed five thousand dollars ($5,000.00), or by a term of imprisonment not to exceed one (1) year, or both, for the first offense.

C. Domestic Violence shall be punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), or by a term of imprisonment not to exceed three (3) years, or both, for a second or subsequent offense.

D. Any person who commits domestic violence which results in great bodily injury to the victim, shall be punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), or by a term of imprisonment not to exceed three (3) years, or both.

§160 Domestic Violence with a Dangerous Weapon
A. Any person who commits domestic violence, with intent to do bodily harm and without justifiable or excusable cause, with any sharp or dangerous weapon, is guilty of domestic violence with a dangerous weapon.

B. Any person who, without such cause, shoots a domestic partner, family member, or household member by means of any deadly weapon that is likely to produce death, is guilty of domestic violence with a dangerous weapon.

C. Domestic Violence with a Dangerous Weapon shall be punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), or by a term of imprisonment not to exceed three (3) years, or both.

§161 Domestic Violence Against a Pregnant Woman

A. Any person who commits domestic violence against a pregnant woman with knowledge of the pregnancy, is guilty of domestic violence against a pregnant woman.

B. Domestic Violence Against a Pregnant Woman shall be punishable by a fine not to exceed five thousand dollars ($5,000.00), or by a term of imprisonment not to exceed one (1) year, or both, for the first offense.

C. Domestic Violence Against a Pregnant Woman shall be punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), or by a term of imprisonment not to exceed three (3) years, or both, for a second or subsequent offense.

D. Any person convicted of domestic violence against a pregnant woman with knowledge of the pregnancy and a miscarriage occurs or injury to the unborn child, shall be punishable by a fine not to exceed fifteen thousand dollars ($15,000), or by a term of imprisonment not to exceed three (3) years, or both.

§162 Domestic Violence in the Presence of a Minor

A. Any person who commits domestic violence in the presence of a minor, is guilty of domestic violence in the presence of a minor.

B. Domestic Violence in the Presence of a Minor shall be punishable by a fine not to exceed five thousand dollars ($5,000.00), or by a term of imprisonment not to exceed one (1) year, or both, for the first offense.
C. Domestic Violence in the Presence of a Minor shall be punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), or by a term of imprisonment not to exceed three (3) years, or both, for a second or subsequent offense.

§163 Domestic Violence by Strangulation

A. Any person who commits an act with intent to cause great bodily harm by strangulation or attempted strangulation against a current or former domestic partner, family member, household member, is guilty of domestic violence by strangulation.

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

§164 Dating Violence

A. Any person who inflicts physical harm, bodily injury, an unwanted sexual act, or inflicts the fear of imminent physical harm, bodily injury, or unwanted sexual act on a person whom they are in a dating relationship, is guilty of dating violence.

B. Dating Violence shall be punishable by a fine not to exceed five thousand dollars ($5,000.00), or by a term of imprisonment not to exceed one (1) year, or both, for the first offense.

C. Dating Violence shall be punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), or by a term of imprisonment not to exceed three (3) years, or both, for a second or subsequent offense.

§165 Sexual Assault or Violence

A. It shall be unlawful to have sexual contact or a sexual act with another person:

1. Without their affirmative consent; or
2. With knowledge that the conduct is offensive to the other person; or
3. With knowledge that the other person suffers from a mental condition which renders such person incapable of appraising the nature of their conduct; or
4. With knowledge that the other person is unaware that a sexual act is being committed; or
5. After having substantially impaired the other person’s power to appraise or control their conduct by administering or employing, without the other’s knowledge, drugs, intoxicants, or other means for the purpose of preventing resistance; or

6. If that person is less than fourteen (14) years old regardless of consent; or

7. If that person is less than sixteen (16) years old and the actor is at least four (4) years older; or

8. If that person is less than twenty-one (21) years old and the actor is their parent, guardian, or otherwise responsible for general supervision of their welfare, regardless of consent; or

9. If that person is in custody of the law or detained in a hospital, detention center, or other institution and the actor has supervisory or disciplinary authority over them regardless of consent.

B. For the purpose of this section, “sexual contact” means any touching of the sexual, or other intimate, parts of another person, including any parts that are considered sexual to the victim, or otherwise taking liberties with another for the purpose of arousing or gratifying sexual desire of either party, or for the purpose of abusing, humiliating, harassing, or degrading the other person.

C. Sexual Assault or Violence shall be punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), or by a term of imprisonment not to exceed three (3) years, or both.

§166 Sex Trafficking

A. Any person who compels, recruits, harbors, transports, obtains, patronizes, or solicits a person for the purpose of a commercial sex act, in which the commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age, where force, fraud, or coercion is not necessary, is guilty of sex trafficking.

B. “Commercial sex act” means any sex act, on account of which anything of value is given, attempted to be given, planned to be given to, or received by any person.

C. Sex Trafficking shall be punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), or by a term of imprisonment not to exceed three (3) years, or both.

§167 Stalking
A. Any person who willfully, maliciously, and repeatedly follows or harasses another person in a manner that:

1. would cause a reasonable person or a member of the immediate family of that person to feel frightened, intimidated, threatened, harassed, or molested; and

2. actually causes the person being followed or harassed to feel terrorized, frightened, intimidated, threatened, harassed, or molested, is guilty of stalking.

B. The following create a presumption of a violation of this section:

1. If there is a permanent or temporary restraining order, a protective order, an emergency ex parte protective order, or an injunction in effect prohibiting the behavior, and the actor violating the provision has actual notice of issuance of such order or injunction; or

2. The actor is on probation or parole, a condition of which prohibits the behavior described in this section against the same party or under the conditions of a community or alternative punishment; or

3. The actor, within ten (10) years preceding a violation of this section, had completed the sentence for a conviction of a crime involving the use or threat of violence against the same party, or against any member of the immediate family of such party.

C. Stalking shall be punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), or by a term of imprisonment not to exceed three (3) years, or both.

§168 Violation of Protective Order

A. Any person who commits an act that occurs within Quapaw Nation Indian Country that violates the portion of a protective order that prohibits or provides protection against violent or threatening acts, harassment against, sexual violence against, contact or communication with, or physical proximity to, another person, is guilty of violation of protective order.

B. Violation of Protective Order shall be punishable by a fine not to exceed five thousand dollars ($5,000.00), or by a term of imprisonment not to exceed one (1) year, or both, for the first offense.
C. Violation of Protective Order shall be punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), or by a term of imprisonment not to exceed three (3) years, or both, for a second or subsequent offense.

§169 Assault of a He-Tah

A. Any person who uses, attempts to use, or threatens to use physical force against a He-Tah or an individual authorized to act for, or on behalf of, the Quapaw Nation or serving the Quapaw Nation during, or because of, the performance or duties of that individual in:

1. preventing, detecting, investigating, making arrests relating to, making apprehensions for, or prosecuting a covered crime;
2. adjudicating, participating in the adjudication of, or supporting the adjudication of a covered crime;
3. detaining, providing supervision for, or providing services for persons charged with a covered crime; or
4. incarcerating, supervising, providing treatment for, providing rehabilitation services for, or providing reentry services for persons convicted of a covered crime, is guilty of assault of a He-Tah.

B. Assault of a He-Tah shall be punishable by a fine not to exceed five thousand dollars ($5,000.00), or by a term of imprisonment not to exceed one (1) year or both.

§170 Automatic Protective Order and/or Detention

A. When a Quapaw Nation Judge is unavailable to issue an arrest warrant and/or protective order prior to an arrest and an arrest is made for a violation of this Chapter, the alleged suspect (1) shall not make any contact with any alleged victims unless and until permitted by Court Order, and (2) may be placed on an automatic forty-eight (48) hour detention hold if the He-Tah have a reasonable belief that the alleged suspect is a threat to themself or others.

B. In addition to any other notice requirements, the He-Tah shall provide the alleged suspect subject to this Section with notice of this provision prior to release or initiating the automatic forty-eight (48) hour detention, whichever occurs first.

C. Any person who has been provided notice as provided in subsection B and then violates the no contact provision provided in subsection A shall be guilty of violating § 166, Violation of Protective Order as stated therein, regardless of
the fact this automatic order comes from the Quapaw Nation Business Committee instead of the Quapaw Nation District Court.

CHAPTER 14: MAJOR CRIMES

§171 General Provision

The crimes found in this section are categorized under 18 U.S.C. § 1153 which extends federal jurisdiction into Indian Country for Indian-on-Indian violations of those crimes listed and referred to as “major crimes.”

§172 Murder

A. Any person who purposely or knowingly causes the death of another person with malice aforethought, is guilty of murder.

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

C. Cross Reference: Charge under Major Crimes Act would be pursuant to 18 U.S.C. § 1111

§173 Manslaughter

A. Any person who causes the death of another person without malice, is guilty of manslaughter.

B. An offense under this section includes, but is not limited to:
   1. Causing the death of a person which results from the commission of any offense under Title 11.
   2. Recklessly or negligently causing the death of a person with disregard of the possible consequence of one’s conduct.
   3. Causing the death of a person by operating a motor vehicle in a reckless, negligent, or careless manner, or while under the influence of an alcoholic beverage, intoxicating liquor, a controlled substance, or any drug, to a degree which renders the person incapable of safely driving a vehicle.
   4. A blood alcohol content in excess of .10 shall create a rebuttable presumption that the person was under the influence of an alcoholic beverage.
5. For purposes of this section, “motor vehicle” is any self-propelled vehicle and includes, but is not limited to, any automobile, truck, van, motorcycle, train, engine, watercraft, aircraft, or snowmobile.

C. Manslaughter shall be punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), or by a term of imprisonment not to exceed three (3) years, or both.

D. Cross Reference: Charge under Major Crimes Act would be pursuant to 18 U.S.C § 1112.

§174 Kidnapping and Abduction

A. Any person who unlawfully removes a person from that person’s place of residence or business, or a substantial distance from the vicinity where that person was found, or unlawfully confines any person for a substantial period of time in a place of isolation with any of the following purposes:

1. to hold for ransom or reward, or as a shield or hostage; or
2. to facilitate the commission of any crime or flight thereafter; or
3. to inflict bodily injury or to terrorize or frighten the person or another person; or
4. to prevent or interfere with the person’s performance of any governmental function, is guilty of kidnapping and abduction.

B. For the purpose of this section, “unlawfully remove” and “unlawfully confine,” if either is accomplished by force, threat, or deception, or in the case of a person under the age of fourteen (14), or incompetent, if it is accomplished without the consent of a parent, guardian, or other person responsible for general supervision of the person’s welfare.

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

D. Cross Reference: Charge under Major Crimes Act would be pursuant to 18 U.S.C § 1201.

§175 Maiming
A. Any person who commits any action, with the intent to torture, maim, or disfigure, that causes the permanent disfiguring damage to face, eyes, tongue, limbs or sexual organs of a person, is guilty of maiming.

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

C. Cross Reference: Charge under Major Crimes Act would be pursuant to 18 U.S.C § 114.

§176 Rape and Sexual Abuse

A. Any person who:

1. causes another person to engage in a sexual act by threatening or placing that other person in fear of death, serious bodily injury to the person or another person, or kidnapping; or

2. engages in a sexual act with another person if that other person is:

   a. incapable of appraising the nature of the conduct; or

   b. physically incapably of declining participation in, or communicating unwillingness to engage in, that sexual act; or

3. engages in a sexual act with a person less than fourteen (14) years old; or

4. Engages in a sexual act with another person when that person has not provided affirmative consent to the sexual act is guilty of rape and sexual abuse.

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

C. Cross Reference: Charge under Major Crimes Act would be pursuant to 18 U.S.C § 2241 and § 2242.

§177 Sexual Abuse of a Minor

A. Any person who knowingly engages or attempts to engage in a sexual act with another person who:

1. has not attained the age of sixteen (16) years; and
2. is at least four years younger than the person so engaging, is guilty of sexual abuse of a minor.

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

C. Cross Reference: Charge under Major Crimes Act would be pursuant to 18 U.S.C § 2243.

§178 Sexual Abuse of a Ward

A. Any person who knowingly engages or attempts to engage in a sexual act with another person who is:
   1. in official detention; and
   2. under custodial, supervisory, or disciplinary authority of the person so engaging, is guilty of sexual abuse of a ward.

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

C. Cross Reference: Charge under Major Crimes Act would be pursuant to 18 U.S.C § 2243.

§179 Incest

A. Any person who knowingly marries or cohabitates as husband and wife or has sexual intercourse with that person’s daughter, son, granddaughter, grandson, mother, father, grandmother, grandfather, brother, sister, half-brother, half-sister, uncle, aunt, nephew, niece, or first cousin, is guilty of incest.

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

C. Cross Reference: No federal statute exists for this offense, therefore the federal government utilizes the Law of Oklahoma, Oklahoma Statutes Title 21, Section 885.

§180 Aggravated Assault

A. Any person who commits:
   1. assault with intent to murder;
2. assault with intent to commit any felony,
3. assault with a dangerous weapon, with intent to do bodily harm,
4. assault resulting in serious bodily injury,
5. assault resulting in substantial bodily injury to a spouse or intimate partner, a dating partner, or an individual who has not yet attained the age of 16 years,
6. assault of a spouse, intimate partner, or dating partner by strangling, suffocating, or attempting to strangle or suffocate, is guilty of aggravated assault.

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

C. Cross Reference: Charge under Major Crimes Act would be pursuant to 18 U.S.C § 113.

§181 Arson I

A. Any person who willfully and maliciously starts a fire or creates an explosion with the purpose of:
1. destroying or damaging any property of another; or
2. destroying or damaging any property to collect insurance for a loss whether owned by the person or another, is guilty of Arson I.

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

C. Cross Reference: Charge under Major Crimes Act would be pursuant to 18 U.S.C § 81. See Chapter 6, Section 90 and 91 for Arson II and III

§182 Burglary

A. Any person is guilty of burglary if he or she willfully uses any type of force to enter any structure, dwelling, tent, vehicle, or vessel, with an intent to steal or commit any crime listed in this Title,

B. Burglary shall be punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), or by a term of imprisonment not to exceed three (3) years, or both
C. Cross Reference: No federal statute exists for this offense, therefore the federal government utilizes the Law of Oklahoma

§183 Robbery

A. Any person who by force and violence, or by intimidation, takes or attempts to take from another person anything of value.

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

C. Cross Reference: Charge under Major Crimes Act would be pursuant to 18 U.S.C § 2111.

§184 Child Abuse or Endangerment

A. Any parent, guardian, custodian, or other person who has custody or control over a child, who knowingly:
   1. permits physical, mental, or sexual abuse of a child; or
   2. permits a child to be present at a location where a controlled substance is being manufactured or attempted to be manufactured; or
   3. permits or participates in the physical or mental abuse of a child, is guilty of child abuse or endangerment.

B. This section does not prohibit any parent, guardian, foster parent, or other person responsible for a child’s health or welfare from using reasonable, ordinary force as means of discipline if disciplinary action does not cause unreasonable harm or injury to the child.

C. It shall be an affirmative defense to this section if the person had a reasonable apprehension that any action to stop the abuse would result in substantial bodily harm to the person or the child.

D. This section shall not apply to any parent, guardian, or other person having custody or control of a child for the sole reason that the person in good faith selects and depends upon spiritual means or prayer for the treatment or cure of disease or remedial care for such child.

E. Child Abuse or Endangerment shall be punishable by a fine not to exceed fifteen thousand dollars ($15,000.00), or by a term of imprisonment not to exceed three (3) years, or both.
CERTIFICATION

The foregoing Resolution of the Quapaw Nation was presented and duly adopted through a regular meeting of the Quapaw Nation Business Committee on January 21, 2023, with a vote reflecting 5 yes, 0 no, 0 abstaining, 2 vacant, and 0 absent.

Joseph Byrd, Chairman
Quapaw Nation Business Committee

Wena Kathryn Supernaw, Secretary-Treasurer
Quapaw Nation Business Committee
RESOLUTION NO. 013021-A

A RESOLUTION IN SUPPORT OF THE RURAL UTILITIES SERVICE – DISTANCE LEARNING AND TELEMEDICINE GRANT (RUS-DLT) APPLICATION

WHEREAS, the Quapaw Nation is a federally recognized Indian tribe (the "Nation" or the "Tribe" or "Tribal") and is governed by the Resolution Authorizing the Quapaw Nation Business Committee to Speak and Act on Behalf of the Quapaw Nation of Indians, known as the "Governing Resolution" adopted by the Quapaw Indian Council on August 19, 1956, and approved by the Commissioner of Indian Affairs on September 20, 1957;

WHEREAS, the Quapaw Nation asserts its jurisdiction to the fullest extent recognized by law over the lands within the original Quapaw Reservation, as established as a homeland for the Quapaw Nation by the Treaty of May 13, 1833;

WHEREAS, the Governing Resolution delegates authority to the Quapaw Nation Business Committee to speak and act on behalf of the Quapaw Nation;

WHEREAS, the Quapaw Nation Business Committee is thus empowered and obligated to transact Tribal Business and otherwise speak or act on behalf of the Nation in all matters;

WHEREAS, the Quapaw Nation Business Committee is entrusted and obligated to transact the Nation's business, including, but not limited to, the Quapaw Nation economic development, the establishment of Quapaw Nation enterprises, enacting resolutions, laws, and policies for the best interest of the Quapaw Nation; and

WHEREAS, the Quapaw Nation will significantly benefit from the technology and healthcare resources this project will fund.

WHEREAS, this will assist in bringing technology into our facilities which will benefit our community by bringing access to healthcare and education/training resources that are not currently readily and locally available.

THEREFORE BE IT RESOLVED, the Quapaw Nation is fully supporting the Rural Utilities Service – Distance Learning and Telemedicine Grant (RUS-DLT) application Dr. Jacob and the Oklahoma Joint reconstruction Institute are submitting on behalf of the consortium project.

CERTIFICATION

The foregoing Resolution of the Quapaw Nation was presented and duly adopted through an electronic poll of the Quapaw Nation Business Committee on January 30, 2022, with a vote reflecting 4 yes, 0 no, 1 abstaining, and 0 absent.

Joseph Byrd, Chairman
Quapaw Nation Business Committee

Wena Kathryn Supernaw, Secretary-Treasurer
Quapaw Nation Business Committee