

Title

PUBLIC SAFETY CODE

_____ [name of tribe]

_____, Alaska

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CHAPTER 1

GENERAL PROVISIONS

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Section 1. Purpose and Enforcement Area

The purpose of this Title is to provide a safe and peaceful environment for the people of _____ and for the overall well-being of the _____ Tribe. It is the intention that anyone who disturbs the health, safety, and welfare of the Village be brought before the _____ Tribal Court for violations of the provisions in this Title. The provisions of this Title shall be enforced within a 10-mile radius of the _____ Tribal Office.

Section 2. Interpretation and Application of this Title

- A. Civil in Nature:** The provisions in this Title shall be interpreted as civil in nature, and civil penalties applied.
- B. Apply to All Persons:** The provisions of this Title apply to all persons who reside in or who enter into the Village of _____.
- C. Apply Equally:** The provisions of this Title shall be applied equally to all persons who reside in or who enter into the Village of _____.

Section 3. Bringing Cases to the _____ Tribal Court

Cases may be brought before the _____ Tribal Court through Citations, Petitions, and Referrals.

- A. Citations:** Cases may be cited to the _____ Tribal Court by any Officer of the _____ Department of Public Safety as provided in Chapter 2 of this Title.
- B. Petition:** Any person may Petition to Use the _____ Tribal Court for a violation that they have knowledge of. The Petition shall demonstrate that the person has sufficient knowledge and evidence that a violation occurred in order for the Court to consider holding a hearing on the case.
- C. Referrals:** Cases may begin through referrals from other Tribes or through the State of Alaska Department of Law, Division of Juvenile Justice, or Judicial System.

Section 4. Definitions

For the purposes of this Title, the following words and terms shall have these meanings:

Adult is a person who is 18 or older.

Assault is knowingly inflicting bodily injury upon another person, placing a person in reasonable fear of being physically injured, and/or unwanted physical contact.

Dangerous instrument means any anything that, under the circumstances in which it is used, attempted to be used, or threatened to be used, is capable of causing death or serious physical injury.

Deadly weapon means any firearm, or anything designed for and capable of causing death or serious physical injury, including, but not limited to, a knife, axe, club, metal knuckles, or an explosive.

Firearm means a weapon, including a pistol, revolver, rifle, or shotgun, whether loaded or unloaded, operable or inoperable, designed for discharging a shot capable of causing death or serious physical injury.

Harassment includes a course of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose to intimidate, torment, annoy, alarm, disturb, or puts a person in fear of their safety. It also includes credible threats made with the intent and apparent ability to carry out the threat.

Illegal drugs means controlled substances under State of Alaska law including drugs such as methamphetamines, heroin, cocaine, LSD, and psilocybin mushrooms. Also, prescription drugs that are used by someone other than the person for whom the drugs were prescribed, or are misused by the person to whom they are prescribed, are illegal drugs.

Juvenile is a person under the age of 18.

Knowingly a person acts 'knowingly' when they are aware of facts or circumstances with respect to conduct or to a circumstance involved in violating an offense described in this Title. A person who is intoxicated may not claim diminished responsibility for

knowing facts and circumstances with respect to conduct or to a circumstance involved in violating an offense described in this Title.

'Licensed Vehicle' means any vehicle for which the State of Alaska requires a license.

'Minor' is a person under the age of 18.

'Negligence' a person acts with 'negligence' when they fail to behave with the level of care that someone of ordinary discretion would have exercised under the same circumstances. It is a failure to take reasonable care to avoid causing injury or loss to another person or property.

'Probable cause' means that facts and circumstances within a person's knowledge would lead a reasonable person to believe that a suspect has committed, is committing, or is about to commit an offense.

'Providing' means giving, selling, supplying, bartering for, or in any manner furnishing a person with something.

'Public places' means places in _____ that are generally open and accessible to all people and includes all public buildings, roads, parks, and public land in the Village of _____.

'Recklessly' a person acts 'recklessly' when they deliberately and unjustifiably pursue a course of action while consciously disregarding any risks flowing from such action. A person who intoxicated may not claim diminished responsibility if they deliberately and unjustifiably pursue a course of action while disregarding any risks flowing from such action.

'Respondent' is a person against whom a Citation or Petition is filed.

'Village of _____' means the village site which includes tribal, public and private lands; tribal, public and private buildings; roads, trails, and airport; waterways, rivers, and lakes in and around the Village area. Everything within a 10-mile radius of the _____ Tribal Office.

'Vehicle' means any motorized or non-motorized means of transportation including automobiles, trucks, motorcycles, bikes, snowmachines, 4-wheelers and ATVs, boats, canoes, dog-sleds and construction equipment.

Section 6. Standard of Proof – Preponderance of the Evidence

In deciding guilt or innocence for violations of this Title, the _____ Tribal Court Judges shall use a '*preponderance of the evidence*' guideline, meaning that the evidence presented convinced the judges that the defendant was more likely than not to have committed the offense. The evidence provided reflects that the respondent committed the offense, and is of greater weight or more convincing than the evidence offered in opposition to it.

Section 7. Parental and Guardian Responsibilities in Juvenile Cases under the Public Safety Code

A. Appearance in Court: The Court may require parents or guardians to attend hearings involving their juvenile children. The Court may also request that parents or guardians leave the Courtroom to talk with a juvenile without them being present.

B. Fiduciary and Logistical Responsibility: The Court may Order parents or guardians to pay financial obligations incurred by a juvenile such as fines, restitution, counseling and treatment. The Court may Order parents or guardians to provide logistical support to their juvenile children in order to fulfil the sentencing requirements of the Court such as transportation.

C. Contempt of Court:

1. A juvenile may be found in Contempt of Court if they fail to complete the sentence Ordered by the Court

2. Parents or guardians may be found in Contempt of Court if they knowingly interfere with their juvenile child's completion of a sentence Ordered by the Court
3. Parents or guardians may be found in Contempt of Court if they fail to comply with the fiduciary or logistical responsibility listed in B of this Section.

Section 8. Victims' Rights

Any person who has been attacked, harmed, abused, or injured, or has suffered property damage or loss has rights as a victim, including:

1. The right to protection from the accused
2. The right to be notified of proceedings
3. The right to speak at proceedings
4. The right to restitution
5. The right to be treated with fairness and respect

Section 9. Severability

If any provision of this Title shall, in the future, be declared invalid by a court of competent jurisdiction, the invalid provision shall be severed and the remaining provisions shall continue in full force and effect.

Section 10. No Waiver of Sovereign Immunity

Nothing in this Title shall waive the sovereign immunity of the _____ Tribe or that of its governmental officers, employees or enterprises.

CHAPTER 2

ESTABLISHMENT OF THE _____ DEPARTMENT OF PUBLIC SAFETY

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Section 1. Purpose and Mission

There is a need for enforcement of the _____ Tribal Codes protecting the people, lands, and enterprises within the jurisdiction of the Native Village of _____. In order to fulfill this need, this Chapter hereby establishes the _____ Department of Public Safety, and its powers and duties. The _____ Department of Public Safety shall be organized and operated with the following mission:

1. Preserve peace, maintain order, and promote public safety
2. Treat all persons equally and with respect
3. Reasonable enforcement of the laws of the Tribe
4. Foster an environment of cooperation and trust within our community
5. Use planning to insure efficient and effective operations
6. Incorporate training as a regular part of the Department requirements

Section 2. Powers and Responsibilities of the Department of Public Safety

The _____ Department of Public Safety shall have the responsibility to protect and assist the people of _____ and the power to investigate and enforce _____ Tribal Codes, consistent with the purpose and mission of the Department.

Section 3. Department of Public Safety Officers

A. Officers of the Department: The _____ Department of Public Safety Officers may consist of Village Police Officers, Tribal Police Officers, and cross-deputized State Law Enforcement Officers. Before any officer of the Department may enforce _____ Codes they shall undergo standard officer applicant screening that may include, but is not limited to:

1. **Criminal Background Check:** Officers shall submit to a criminal background check. Officers cannot have been convicted of crimes as listed in the federal Indian Child Protection and Family Violence Prevention Act of 1990 as amended, listed in Title 3, Chapter 1 of the _____ Domestic Relations Code.

2. Impairments: Officers must take a medical exam that demonstrates that they are free from any physical, mental, visual, hearing, or emotional condition that could adversely impact their ability to serve as a law enforcement officer.

B. Training and Policing Standards: Officers shall meet training and policing standards as set by resolution of the _____ Tribal Council.

C. Authorization: _____ Department of Public Safety Officers shall be authorized to enforce _____ Tribal Law and/or cross-deputized to enforce _____ Tribal Law by tribal resolution.

D. Supervision: The supervisory chain of command for the Department shall be designated by Council resolution.

E. Duties: The duties of Tribal Law Enforcement Officers shall be to generally keep the peace and promote safety by patrolling, participating in search and rescue efforts, and enforcing the provisions of this Title.

Section 4. Citations

In carrying the duties to enforce the laws in this Title, the _____ Department of Public Safety shall follow the procedures outlined below in issuing Citations, unless the tribal code being enforced specifically provides for a different enforcement procedure.

A. Issuing Citations and Notifying the Court:

1. _____ Department of Public Safety Officers have the authority to issue a Citation if:

- a. The violation occurs in the presence of the Public Safety Officer;
- or

b. When the Officer has reasonable cause to believe an offense has been committed through investigation. The Officer shall issue Citations within 30 days from when the violation occurred.

2. The Officer shall give a copy of the Citation to the _____ Tribal Court as within 3 business days from issuing the Citation.

B. Content of Citations: The Citation shall include:

1. A statement listing the _____ Tribal Code that was violated with a brief description of the conduct of the Respondent which led to the violation

2. A statement that the Respondent must respond to the Citation by contacting the _____ Tribal Office within 30 days from the date of service of the Citation

3. That the Respondent must appear in the _____ Tribal Court for sentencing, or to contest the Citation

4. That failure of the Respondent to respond to a Citation or failure to appear in person or telephonically at a hearing of the _____ Tribal Court shall result in an adverse finding against the person

C. Serving Citations:

1. Officers, or servers designated by the _____ Tribal Court, may serve Citations on Respondents by personal service, or, by mailing the Citation by certified or registered mail, return receipt requested. Mailed Citations shall be addressed to the person at his or her mailing address if

known, or such other place which is believed to give the occupant or owner actual notice of the Citation.

2. Service is deemed given on the date a person was personally served or when the certified or registered mail is either delivered and a certified mail receipt is returned signed.
3. If a person cannot be found to give personal service, or if the certified mail receipt is returned unsigned, the Court may use and alternate service process. The process shall be a diligent inquiry, meaning that the Court tried hard to locate a person. The process may include, but is not limited to, questioning friends and family, questioning any employers, checking online social media, vehicle registrations, utility companies, checking state court records, checking jail facilities. If the Respondent is still not located after a diligent inquiry, the Court may hold a hearing on the case 30 days after the close of the diligent inquiry.

D. Citations as Final Determinations: A Citation represents an official determination that an offense has been committed. The determination is final unless the person wishes to contest it in the _____ Tribal Court.

Section 5. Investigations

_____ Department of Public Safety Officers are authorized to investigate offenses through interviews and evidence collection within the purpose and mission of the _____ Department of Public Safety and the _____ Public Safety Code.

A. Personal Identification: A person who is reasonably suspected of committing an offence and is stopped by an Officer is required to identify his or herself by

providing the Officer his or her name, place of residence, and date of birth. If requested by the Officer, the person shall also produce an identification card, such as a driver's license, State Id card, or tribal card. If the person is unable or unwilling to identify his or herself, the Officer may detain the person until a positive identification has been made.

B. Search: Officers may search a person or area and seize evidence if it is in plain sight, or at the scene of an incident in order to protect the safety of persons at the scene. Officers shall otherwise not search persons or buildings for evidence without consent, or, without a search warrant issued by the _____ Tribal Court as described in Chapter 3 of this Title.

C. Seizing and Confiscating Evidence: Law enforcement officers are authorized to seize and confiscate materials used in violations of this Title as specified in B of this Section. Such materials shall be considered evidence and shall be properly recorded and secured in tribal facilities pending return, disposition, or disposal, as appropriate, upon resolution of any Citation.

Section 6. Appear in the _____ Tribal Court for Citations

All Citations issued shall require a Respondent to appear, telephonically or in person, in the _____ Tribal Court for sentencing or to contest the Citation if they so choose.

A. Sentencing Hearing: If the person does not wish to contest the Citation, the Court may hold a sentencing circle or hearing and sentence the person according to the sentencing guidance of Chapter 4 of this Title.

B. Contest the Citation: If the person wishes to contest the Citation, the _____ Tribal Court shall hold a hearing to determine guilt or innocence.

C. Court Procedures: For all hearings held in enforcing this Title, the _____ Tribal Court shall follow provisions of this Title, and guidance provided the _____ *Judicial Code, Chapter 2*, _____ *Court General Procedures*.

SAMPLE

CHAPTER 3

SEARCH WARRANTS

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Section 1. Search Warrants and the Indian Civil Rights Act

The _____ Tribal Court shall comply with the Indian Civil Rights Act (25 U.S.C. Sec. 1301 – 03) in requiring tribal *Search Warrants* when necessary to search property or persons in search of evidence.

Section 2. Procedures for Issuing Search Warrants

A. Affidavit Supporting Search Warrant Application:

1. Officers of the _____ Department of Public Safety seeking a *Search Warrant* shall complete a written *Affidavit Supporting a Search Warrant Application*.
2. The Affidavit shall describe in detail the facts and circumstances describing why a *Search Warrant* is needed.
3. *Affidavit Supporting Search Warrant Application* forms may be obtained from the Clerk of the _____ Tribal Court.

B. Application for Tribal Search Warrants:

1. Officers of the _____ Department of Public Safety seeking a *Search Warrant* shall submit an *Application for Tribal Search Warrant* to the _____ Tribal Court Clerk or First Chief along with the *Affidavit Supporting a Search Warrant Application*.
2. The *Application* shall state specific buildings, locations, vehicles, and persons to be searched and the items to be searched for.
3. The *Application* shall state the general hours the search may be conducted.
4. The Officer shall swear that there is probable cause to issue a *Search Warrant* as justified in the supporting *Affidavit*.
5. Application forms may be obtained from the Clerk of the _____ Tribal Court.

C. Issuing Search Warrants:

1. Upon receipt of an *Affidavit* and *Application* for a *Search Warrant*, the Clerk or Chief shall contact at least two judges of the _____ Tribal Court to review the documents.
2. The Judges must be convinced that the Officer applying for the *Search Warrant* has “probable cause” to search, meaning that facts and circumstances described on the forms would lead a reasonable person to believe that a suspect has committed, is committing, or is about to commit an offense.
3. If they are so convinced, at least 2 _____ Tribal Court Judges shall sign the *Search Warrant*.
4. *Search* warrants shall specifically state the person to be searched, vehicles and specific property to be searched, items to be searched for, and the general hours the search may take place.

CHAPTER 4

SENTENCING GUIDELINES AND OPTIONS

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Section 1. Sentencing Guidelines

The _____ Tribal Court, either through a panel of Judges or through a Justice Circle, has the authority to Order sentences for violations of the provisions of this Public Safety Code for those who do not contest, or upon a guilty finding under the standard of a 'preponderance of evidence' for those who do contest. In ordering sentences, the Court shall adhere to the following guidelines:

- A. Restorative Justice:** The Court shall conduct hearings and Order sentences under that are designed to protect victims first, and that are restorative in nature. Generally, the intention should be to:

1. Hold Respondents to be accountable for what they did
2. Encourage Respondents to acknowledge the impact their choices have on others
3. To acknowledge harm done to victims and recognize their needs
4. To begin the process of repairing relationships in the community
5. To develop appropriate sentencing recommendations for Respondents to make positive behavior change and to make better choices
6. To restore community confidence in Respondent, and provide the Respondent with a good path forward

B. Sentence Equally: Even though sentences may be adjusted to fit individual circumstances, the _____ Tribal Court shall strive to Order equitable sentences for offenses committed. The Court should refer to prior cases to assist in ordering equitable sentences.

Section 2. Options for Sentences

Unless the _____ Tribal Code or _____ Tribal Court Fee Schedule sets a specific penalty for a particular civil violation, the _____ Tribal Court Judges, either by themselves or through a Justice Circle, shall determine the specific Orders for a particular case. The Judges may choose from, but not limited to, the following options:

A. Fines: Fines for violation of the _____ Public Safety Code shall not exceed \$5,000 or equivalent work sentence. Fines may increase for successive violations of the same ordinance. The Court may garnish wages, permanent fund or dividend checks, or confiscate property in the case of unpaid fines. Fines shall go through the Tribe's general funds and into a fund designated for the _____ Tribal Court.

B. Community Service: Community work service should be tailored to fit the particular individuals and circumstances. Judges may Order a certain number of community service hours, but should specify what type of work a Respondent must do.

1. Work sentences may include cutting wood, hauling water, cleaning, or other chores for people in need of assistance in the village, the church, community hall, or tribal buildings. Sentences may include working in the school, building maintenance or repair, hauling and pumping fuel, cleaning up trash in the Village, or other types of community work. Community service sentences shall benefit the needy, the village residents as a whole, the Elders, the victim of an offense, the church, or the youth.
2. The _____ Tribal Court shall not Order work sentences that only benefit themselves personally or other tribal government officials. Work sentences shall not displace persons employed in the Village or employment opportunities.
3. Work sentences shall be completed within 60 days unless otherwise directed by the Court.
4. Community work shall an amount per hour towards fines and fees as posted in the Court fees and fine schedule. Persons have the option of work sentences instead of paying fines or fees only if the Court specifically permits it.

C. Impounding Vehicles: The _____ Tribal Government may impound vehicles as defined in Chapter 1, Section 4 of this Title, that are used in driving while intoxicated, reckless driving, or for contempt of court.

1. To get a vehicle out of impound, the owner shall pay a fee according to the fee schedule set by the _____ Tribal Court which shall increase with each time a person's vehicle is impounded. Except in cases of vehicle theft, the owner is responsible for the impound fee even if the owner was not involved with the civil violation. If the vehicle is one that requires a driver's license, the owner shall provide proof of insurance and a current Alaska driver's license to retrieve the vehicle out of impound.
2. The _____ Tribal Government is not liable for any damages to vehicles while they are impounded.
3. Further guidelines for vehicles impounded for driving while intoxicated are provided in Chapter 5, Alcohol Regulation, of this Title.

D. Removal from the Village: An Order of temporary or permanent removal from _____ may be used to protect the Village and/or Village residents from physical harm, or for repeat Respondents who bootleg alcohol or sell illegal drugs. The length of time a person is removed shall be determined by the severity of the case or upon the completion of assessments and treatments. Persons who are removed may have conditions placed upon their return such as not to consume alcohol, or not to possess a firearm.

E. Treatment: The Tribal Court may Order assessments for drug and alcohol abuse, and/or mental health and may require that the recommendations of the assessments be completed. The Court may Order other types of treatment such as Anger Management. The Court shall consider the cost to the person and possible waiting periods for getting into treatment programs.

- F. Counseling:** The Judges of the _____ Tribal Court may counsel persons brought before them in a helpful spirit. The _____ Tribal Court may bring Elders or any other appropriate persons into the _____ Courtroom to counsel people. The Judges may order counseling by behavioral health aides or other professional counselors. The Judges may also order peer counselling or counseling by specified Elders.
- G. Restitution:** The Tribal Court may Order a Respondent to make restitution to his or her victims. Restitution may be in the form of payment of money, replacing and/or repairing property, and apologies. Restitution payment shall go through the _____ Court Clerk. Non-monetary restitution shall be supervised by a person as designated by the _____ Tribal Court.
- H. Tribal Probation:** The Court may Order a period of tribal probation within which the Respondents must check in on a regular basis with specified tribal staff, refrain from drinking alcohol or using illegal drugs, and other conditions such as mandatory attendance at school if the person is of school age.
- I. Traditional Activities:** The _____ Tribal Court may Order a person who violated the _____ Public Safety Code to participate in seasonally appropriate traditional activities such as fish camps, trapping, hunting, culture camps, and other tribally sponsored or approved traditional activities.
- J. Other Restorative Justice Sentence:** The _____ Tribal Court may create any reasonable and equitable sentence that is intended to be restorative, and fitting to the offense committed, that will provide accountability for the Respondent, and restitution and healing to the victim, Respondent, and community of _____.

CHAPTER 5

ALCOHOL REGULATION

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Section 1. Purpose and Jurisdiction

A. Purpose: Alcohol abuse and damaging health effects and negative social behaviors that sometimes happen as a result, are among the most serious health and safety hazards for our people. The purpose of this Chapter is to protect the health, safety and welfare of the _____ Tribe, Village of _____, and the future generations by regulating alcohol in the Village of _____.

B. Jurisdiction: The provisions of this Chapter shall be enforced within a 10-mile radius of the _____ Tribal Office.

Section 2. Definitions

‘Alcohol, Intoxicating Beverages, or Liquor’ means a spirituous, vinous, malt, or other fermented or distilled liquid, whatever the origin, that is intended for human consumption as a beverage, and, that contains one-half of one percent or more of alcohol by volume.

‘Driving While Intoxicated’ A person is considered driving while intoxicated if they meet the definition of ‘intoxicated’ in this Chapter and/or if within four hours of driving, the person has a blood alcohol level of 0.08% or more, or, the person has 0.08 grams or more of alcohol per 210 liters in his or her breath.

‘Intoxicated or drunk’ A person is considered intoxicated if he or she is under the influence of alcohol, drugs or another controlled substance to such a degree that their mental or physical functioning is substantially impaired and who exhibits those plain and easily observed outward manifestations of behavior commonly known to be produced by the overconsumption of alcoholic beverages. Such manifestations include, but are not limited to, slurred speech, visible lack of body control, bloodshot – watery eyes, and an odor of alcohol.

Section 3. Bootlegging Prohibited

- A. Bootlegging:** No person or persons shall sell alcohol, or barter with alcohol in exchange for goods in the Village of _____.
- B. Presumption of Sale:** Any person or persons who possess, transports, or sends more than 10 ½ liters of distilled spirits, 24 liters or more of wine, or 12 gallons or more of malt beverages creates a presumption that the person intended that the alcoholic beverages would be for sale.

Section 4. Minors Consuming, Possessing, or Under the Influence of Alcohol

Persons under 21 shall not consume, possess, buy, sell, dispense, or be under the influence of alcohol within the Village of _____.

Section 5. Providing Alcohol to Persons under 21 Prohibited

No person shall provide alcohol to persons under the age of 21, or assist in providing alcohol to persons under 21, within the Village of _____.

Section 6. Intoxication in Public Places Prohibited

Public intoxication in the Village of _____ shall be prohibited. Any person who appears to be intoxicated in a public place in _____ may be taken to his or her home or to a secured place until they are no longer a danger to themselves or to others, and shall be cited to appear before the _____ Tribal Court.

Section 7. Driving While Intoxicated (DWI) Prohibited

- A. DWI:** No person shall drive any motorized vehicle or boat while intoxicated within the Village of _____. A person is considered driving while intoxicated if they fall under the definitions provided in Section 2 of this Chapter.

- B. Sentencing Options:** Persons who drive while intoxicated within the Village of _____ shall be subject to the full range of Sentencing Options provided in Chapter 4 of this Title, including but not limited to: fines, community service, vehicle impoundment, alcohol and drug assessments, prohibited from driving in _____, and/or removal from _____.

C. Alaska Driver's License: When driving a vehicle that requires a driver's license, persons who do not have an Alaska Driver's License and drive while intoxicated shall be required to get an Alaska Driver's License before they may again drive in the Village of _____.

D. Vehicle Impoundment for Driving under the Influence of Alcohol: A vehicle that is used in driving while intoxicated is subject to impound for an amount of time as specified by the _____ Tribal Court.

1. Getting a Vehicle out of Impound when owned by the Respondent: If the Respondent owns the vehicle that was used while driving while intoxicated, the defendant shall pay a fee according to the fee schedule set by the _____ Tribal Court. If the vehicle is a vehicle that requires a driver's license to drive, the Respondent shall provide proof of insurance and a current Alaska Driver's License to retrieve the vehicle out of impound.

2. Getting a Vehicle out of Impound when not owned by the Respondent: Except in cases of vehicle theft, the owner is responsible for the impound fee even if the owner was not involved with the civil violation of DWI. The Court shall also order that the owner not allow the Respondent to drive the vehicle for a specified length of time. If the vehicle requires a driver's license to drive, the owner shall provide proof of insurance and a current Alaska Driver's License to retrieve the vehicle out of impound. Such vehicles shall not be released without proof of insurance and an Alaska Driver's License.

3. Liability: The _____ Tribal Government shall not be liable for any damages to vehicles while they are impounded.

CHAPTER 6

ILLEGAL DRUG REGULATION

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Section 1. Purpose and Definition

The use of illegal drugs and abuse of prescription drugs are among the highest threats to the health, welfare, safety, and future of our people. It is the intention of the _____ Tribal Government to prohibit illegal drugs from coming into the Village of _____, and to temporarily or permanently remove drug dealers when necessary to protect the health, safety, and welfare of the _____ people.

It is also our intention to support treatment and counseling for tribal members who are addicted to illegal drugs and/or abuse prescription medication. As provided in Chapter 1, Section 4 of this Title, illegal drugs are *'controlled substances under State of Alaska law including drugs such as methamphetamines, heroin, cocaine, LSD, and psilocybin mushrooms. Also, prescription drugs that are used by someone other than the person for whom the drugs were prescribed, or are misused by the person to whom they are prescribed, are illegal drugs.'*

Section 2. Importation of Illegal Drugs Prohibited

No person may knowingly send, transport, or bring illegal drugs to the Village of _____. No person may assist in sending, transporting, or bringing illegal drugs to the Village of _____.

Section 3. Sale, Gifting, or Bartering of Illegal Drugs

No person shall sell, gift, or barter with illegal drugs in exchange for goods or services, in the Village of _____.

Section 4. Manufacturing of Illegal Drugs Prohibited

No person may manufacture or assist in manufacturing, by any methods, illegal drugs in the Village of _____.

Section 5. Possession of Illegal Drugs Prohibited

No person may possess illegal drugs in the Village of _____.

Section 6. Under the Influence of Illegal Drugs Prohibited

No person may be under the influence of illegal drugs in the Village of _____.

CHAPTER 7

MARIJUANA REGULATION

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Section 1. Marijuana Licenses

No licenses, State or otherwise, for the sale, use, or production of marijuana or products containing marijuana shall be issued within the Village of _____ without the express permission of the _____ Tribal Council through a resolution of the Council.

Section 2. Sale of Marijuana Prohibited

No person or persons shall sell marijuana or products containing marijuana, or barter with marijuana or products containing marijuana in exchange for goods or services, in the Village of _____ without a license issued by the State of Alaska.

Section 3. Smoking Marijuana in Public Places Prohibited

Smoking marijuana in public places in the Village of _____ shall be prohibited.

Section 4. Marijuana use under the age of 21 Prohibited

Use in any form of marijuana for persons under 21 is prohibited.

Section 5. Providing marijuana to persons under 21 Prohibited

Providing marijuana in any form to persons under 21 in the Village of _____ is prohibited.

SAMPLE

CHAPTER 8

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Section 1: Purpose

Smoking and other tobacco use is a major health hazard to the people of _____. The chemicals and poisons in cigarettes and tobacco products can cause emphysema, bronchitis, heart disease, heart attacks, stroke, and cancer. One in two smokers dies prematurely from smoking. Lung cancer accounts for 22% of cancer deaths, and it is the most common type of cancer. One in four people that develop cancer, get lung cancer. It is in the best interest of the _____ Tribe and tribal members to regulate the use of tobacco and tobacco products in the Village of _____.

Section 2: Definition of Smoking

Smoking includes the use of cigarettes, pipes, vaping, and any other tobacco products which produce smoke.

Section 3: Restricted Smoking Areas

Smoking shall be prohibited in public buildings in the Village of _____. If smoking is prohibited at the entrance of public tribal buildings, there shall be signs posted saying how far away from the entrance a person must be in order to smoke.

Section 4: Possessing and/or Consuming Tobacco Products under 19

Persons under 19 shall not possess or use tobacco or tobacco products, including chew, snuff and vaping products.

Section 5: Providing Tobacco and Tobacco Products to Minors

Providing tobacco or tobacco products to persons under 19 is prohibited.

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Section 1. Use of Firearms

As defined in Chapter 1, Section 4 of this Title, 'firearm' means *'a weapon, including a pistol, revolver, rifle, or shotgun, whether loaded or unloaded, operable or inoperable, designed for discharging a shot capable of causing death or serious physical injury.'*

A. Reckless Use of Firearms: No person shall discharge a firearm in a reckless manner by firing wildly without regard for the safety and welfare of the people, property, animals or buildings in the Village of _____.

B. Handling Firearms while Under the Influence: No person shall handle, use, or carry any firearm while under the influence of alcohol or illegal drugs within the Village of _____.

Section 3. Sentencing for Firearms Violations

Sentences imposed by the _____ Tribal Court for violations of the provisions of this Chapter shall reflect the circumstances surrounding the situation.

CHAPTER 10

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Section 1. Purpose

The purpose of this Chapter is to provide for the safety and welfare of the people and public and private property in the Village of _____.

Section 2. Speed Limits

Vehicles on all roads, trails and paths within the Village of _____ shall not exceed a speed as posted by the _____ Tribal Government.

Section 3. Safety Equipment and Licenses

All vehicles operated within the Village of _____ shall be equipped with the following in good working order: Headlights, taillights, brakes, and steering system. All operators of vehicles which require a valid driver's license, including heavy equipment, shall have a valid driver's license or off system license issued by the State of Alaska or other state of the Union.

Section 4. Age Limit for Driving Land and Water Vehicles

The age limits for driving vehicles that require a state license shall comply with the State of Alaska requirements.

Section 5. Dangerous or Reckless Driving

No person shall operate any land or water vehicle in the Village of _____ in a dangerous or reckless manner or with excessive speed that is a threat to the safety of Village residents. No person shall operate a land or water vehicle in while under the influence of alcohol or illegal drugs as described in Chapter 5, Section 7, of this Title.

Section 6. Enforcement of Vehicular Violations

The Alaska State Troopers shall investigate any deaths or serious injury involving surface or water vehicles within area used by the Tribe. All other complaints shall be filed with the _____ Tribal Court, and handled as a civil matter. Vehicles involved in violations of this Chapter may be subject to impound.

CHAPTER 11
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C. Disposal of Vehicles, Appliances, or Other Large Materials 35

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Section 1. Regulation of Littering, Dumping, and Refuse Disposal

In order to keep the Village of _____ clean, safe, and healthy, the _____ Tribal Government shall enforce the following:

- A. Littering:** Disposing of any litter, rubbish, or garbage anywhere in the Village of _____ except in the designated solid waste disposal site, is prohibited.
- B. Dumping of Trash:** Dumping trash anywhere except in the designated solid waste disposal site is prohibited.
- C. Disposal of Vehicles, Appliances, or Other Large Materials:** Disposing of vehicles, appliances, or other large items other than in the designated areas within the _____ solid waste disposal site is prohibited.
- D. Disposal by Burning and Burn Barrels:** The use of individual burn barrels and burning as a means of disposal may be regulated by the _____ Tribal

Council. Regulation may include what materials may not be burned, location of burn barrels in relation to buildings and property, and to prohibit burning during high fire hazard conditions.

Section 2. Hazardous Properties

Property, buildings, and/or belongings on such property that fall into a condition that endangers the safety, health, comfort, or property of _____ Village residents is prohibited.

Section 3. Sentencing for Violations of this Chapter

- A. Section 1:** The _____ Tribal Court may impose fines and community service for violations of Section 1 of this Chapter to be adjusted to the facts and circumstances surrounding the manner in which provisions of Section 1 were violated.
- B. Section 2:** The _____ Tribal Court may impose fines and require the owner of hazardous properties to remedy the problem and to pay restitution if anyone is harmed by the conditions on the property. If the Council conducts a thorough investigation and has determined that a property is abandoned and no owner can be identified, the Council has the responsibility to remedy the problem.

CHAPTER 12
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Section 1. Purpose

The purpose of this Chapter is to protect the health, safety, and well-being of the people of _____ and for the humane care of domestic animals within the Village of _____.

Section 2. Enforcement

The provisions of this Chapter shall be enforced by the _____ Tribal Court. The Court may use an officer of the _____ Department of Public Safety to conduct investigations, and to deliver warnings, summons and Citations.

Section 3. Animal Owner Responsibility

- A. Basic Care:** Owners/caretakers of domestic animals have the responsibility to care for their animals by giving sufficient food and shelter for the animal, protection from the weather, veterinary care when needed to prevent suffering, and to provide humane care and treatment.
- B. Keep on Property or Under Control:** Owners/caretakers have the responsibility to keep their animals on their property or under their immediate control, meaning on a leash for dogs, when off their property.
- C. Keep from Disturbing the Peace:** Owners/caretakers have the responsibility to keep their animals from disturbing the health, safety, and welfare of the residents of _____.
- D. Complaints and Petitions:** Complaints regarding this Section may be made to the _____ Department of Public Safety for investigation. Petitions may be filed with the Tribal Court for investigation as the Court directs. If sufficient evidence of breaching owner responsibilities are apparent, animal owners and/or caretakers, may be sited into the _____ Tribal Court to address the situation.

Section 4. Cruelty to Animals Prohibited

- A. No person in the Village of _____ shall purposely or knowingly:
1. Beat, torture or abuse an animal
 2. Fail to provide necessary food, care, or shelter for an animal in one's custody
 3. Abandon an animal in one's custody
 4. Transport or confine an animal in a inhumane manner
- B. Respondents of this Section may be cited into the _____ Tribal Court by the _____ Department of Public Safety, or anyone with sufficient information can Petition the _____ Tribal Court.

Section 5. Dog Control

- A. **Loose Dogs:** Dogs may not run loose in the Village of _____. Dog owners shall be given up to 2 written warnings that are personally delivered or delivered by certified mail, return receipt requested, about their dogs running loose in the Village. The Council shall have the option to destroy dogs upon the 3rd documented violation.
- B. **Abandoned Dogs:** If no owner can be determined by a thorough investigation, abandoned dogs may be destroyed or taken to the nearest animal shelter.
- C. **Aggressive Dogs:**

1. Dog owners of aggressive and potentially vicious dogs are responsible for controlling them and shall post their property accordingly with signs such as 'beware of dog' or 'no trespassing'.
2. Dog owners shall be held liable for injuries to any person or other animal, and, any property damage their dog may cause.
3. Owners of dogs that have caused significant injuries to persons or other dogs shall be given the choice to remove the dog from the Village or to have the dog destroyed. If the owner refuses, the Council may destroy the dog.

D. Destroying Dogs: Destroying dogs shall be done by such humane procedures as is practicable under the circumstances.

E. Dog Yards and Waste:

1. Dog yards shall be maintained in a manner that protects the health and safety of _____ residents. Dog waste shall not be allowed to reach a level that is a threat to the health and safety of _____ residents, and shall be removed and disposed of in the landfill, or other environmentally safe location for disposal.
2. Dog yard owners may be required to properly fence in their dog yards if the Council determines by a majority vote that the yard contains aggressive dogs which might bite or attack a child or other person walking through them.

Section 6. Dog Bites and Rabies

- A. Confining Dogs that Bite a Person:** Any dog that bites an individual shall be confined by its owner for 10 days and watched for signs of rabies even if the dog has a documented, current rabies vaccination.
- B. Animals Suspected of Being Rabid:** Any animal suspected of being rabid that is not privately owned shall be destroyed and the head sent to the state virology lab for analysis. Any privately owned animal that is suspected of being rabid may be destroyed at the discretion of the Tribal Council. If the animal is not destroyed, it shall be quarantined in a secure manner at the expense of the owner for at least 10 days and Council through the _____ Department of Public Safety, determines that the animal is rabies free.
- C. Notify Alaska State Troopers:** In any case where an animal is rabid or suspected of being rabid, the Council shall immediately notify the Alaska State Troopers.

CHAPTER 13

JUVENILE CURFEW AND TRUANCY REGULATION

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Section 1. Purpose

The purpose this Juvenile Curfew and Truancy Chapter is to provide for the care, protection, and wholesome mental and physical development of the children of _____. For the purposes of this Chapter, juveniles are all persons under 18.

Section 2. Curfew Hours and Exceptions

- A. Curfew Hours during the School Year:** A village curfew for juveniles shall be in effect during the school year starting at the hour of 9:00 p.m. for kids through the 8th grade, and 10:00 p.m. for high school kids, from Sunday through Thursday of the week. Curfew for Friday and Saturday for all kids shall be 12:00 midnight during the school year.

- B. Curfew Hours during the Summer Months:** A village curfew will be in effect for all juveniles starting at 12:00 midnight and ending at 6:00 a.m. during the summer months.

C. Exceptions to Curfew:

1. When a juvenile is going to or returning from approved employment, hunting, fishing, trapping, or other activities that are conducted outside the Village.
2. When a juvenile is going to or returning from a recognized village activity such as church activities, village dances, potlatches, or meetings.
3. When a child is physically with a parent or guardian.

Section 3. Enforcement of Curfew Violations

The curfew shall be enforced by the _____ Department of Public Safety, provided that the Tribal Council may additionally designate itself or other adult tribal members to issue curfew Citations. If a person other than the _____ Department of Public Safety issues a curfew Citation, a copy shall be given to the Department as well as to the _____ Tribal Court. A report on all curfew violations shall be made to the Tribal Court for the record.

- 1st violation : Kids shall be sent home and a report made to the Tribal Court.
- 2nd violation : Kids shall be escorted home and the incident reported to parents or guardians and to the Tribal Court.
- 3rd violation : Kids shall appear before the Tribal Court with their parents or legal guardians, unless the Court request that the parents or legal guardians not be present. Tribal Court shall consider the parent' or guardians' responsibility or lack of it when issuing a sentence for curfew violation.

Section 4. Truancy

A student in the _____ School under the age of 17, who misses more than 3 unexcused days per semester shall be considered truant and may be referred to the _____ Tribal Court by Petition or by Citation. The Court shall hold a hearing with the student and available parents or guardians to determine what action or sentence will be most appropriate to benefit the student.

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Section 1. Harassment Prohibited

As described in Chapter 1, Section 4 of this Title, harassment includes ‘a course of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose to intimidate, torment, annoy, alarm, disturb, or puts a person in fear of their safety. It also includes credible threats made with the intent and apparent ability to carry out the threat.’

- A. Persons within the Village of _____:** Persons are prohibited from harassing any person within the Village of _____.
- B. _____ Tribal Officials:** Persons are prohibited from harassing Council members or Court Judges for performance of official duties, or the property or family of Council members or Judges.
- C. Employees:** Persons are prohibited from harassing _____ employees who work on either a full-time or part-time basis. Harassment of employees by other employees shall be covered in the _____ Personnel Policy.

Section 2. Bullying Prohibited

Bullying is an intentional and deliberate misuse of power in a relationship through repeated verbal, physical, and/or social behavior that intends to cause physical, social and/or psychological harm. It can involve a person or a group of persons misusing their physical or social power, or perceived power, over one or more persons who feel unable to stop it from happening. Bullying can happen in person or online through digital social media.

Section 3. Sentencing for Harassment and Bullying

Sentences imposed by the _____ Tribal Court for harassment or bullying shall reflect the circumstances surrounding the harassment or bullying situation.

CHAPTER 12

ASSAULT PROHIBITED

Section 1. Assault Prohibited

As defined in Chapter 1, Section 4 of this Title, assault is '*knowingly inflicting bodily injury upon another person or placing a person in reasonable fear of being physically injured.*' Assaults shall be prohibited.

Section 2. Domestic Assault

Assaults shall be considered 'domestic assaults' when the persons involved fit the definition of domestic violence as described in the _____ Domestic Relations Code. The _____ Tribal Court may hear cases involving domestic assaults under this Title, and/or may issue civil domestic violence protective orders under the provisions of the _____ Domestic Relations Code.

Section 3. Enforcement of Assault Violations

Victims of assault cases shall have the option of pursuing the case in Tribal or State Court. Cases of major assaults where substantial physical injury has occurred, and/or deadly weapons or dangerous instruments are used, shall be referred to the Alaska State Troopers and a report made to the _____ Tribal Court.

CHAPTER 16

DISORDERLY CONDUCT PROHIBITED

Section 1. Disorderly Conduct Prohibited

Individuals are prohibited, in either a public or private place, from engaging in violent, abusive, indecent, profane, unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance in the Village of _____.

Disorderly conduct includes 'disturbing the peace' which means that no person shall make or cause to be made any loud, disturbing, or unnecessary sounds or noises or engage in other acts or omissions that disturb the peace and may reasonably be cause to annoy or disturb persons or an assembly of persons in the Village of _____.

Disorderly Conduct includes failure to obey or comply with a lawful order of an Officer of the _____ Department of Public Safety.

Section 2. Sentencing for Disorderly Conduct

Sentences imposed by the _____ Tribal Court for disorderly conduct shall reflect the circumstances surrounding the situation.

CHAPTER 17

TRESPASS PROHIBITED

Section 1. Trespass

No person shall enter or remain in a location where he or she is not authorized to be or have permission to be within the Village of _____. Trespass can include, but not limited to:

- A. Entry into another person's property or home without invite and refusal to leave immediately upon request of the owner or occupant thereof
- B. Entry in a building or part thereof that is not open to the public
- C. Entry into land, property, or the Village of _____ from which a person has been prohibited from entering or removed

Section 2. Sentencing for Trespass

Sentences imposed by the _____ Tribal Court for trespassing shall reflect the circumstances surrounding the trespass as well as any damage caused thereby.

CHAPTER 18

VANDALISM AND DISTRUCTION OF PROPERTY PROHIBITED

Section 1. Vandalism and Destruction of Property Prohibited

Knowingly defacing, marring, injuring, breaking, destroying, or otherwise damaging tribal, private, or public property in the Village of _____ is prohibited. Property includes, but is not limited to, physical structures such as signs, buildings, roads, trails, camps, playgrounds, bridges, utilities, and personal property such as vehicles and personal belongings.

Section 2. Damage to Vegetation

No person shall destroy, remove, or cut down trees and vegetation on public, private, or another person's, property without permission of the owner.

Section 3. Sentencing for Vandalism

Sentences imposed by the _____ Tribal Court for vandalism shall reflect the cost of the damage done, circumstances surrounding the vandalism, and restitution.

CHAPTER 19

THEFT PROHIBITED

Section 1. Theft Prohibited

Knowingly taking the property of another person or entity in the Village of _____ without the owner's consent, and with intent to steal or deprive the rightful owner of possession, is prohibited.

Section 2. Sentencing for Theft

Sentences imposed by the _____ Tribal Court for theft shall reflect the worth of the item or items taken, the circumstances surrounding the theft, and restitution.