

**WARM SPRINGS TRIBAL CODE**

**CHAPTER 305**

**CRIMES**

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# WARM SPRINGS TRIBAL CODE

## CHAPTER 305

### CRIMES

#### I. DEFINITIONS

##### 305.001 Definitions.

- (1) “Abetting” means to encourage, incite or set another on to commit a crime. To command, procure, counsel or induce another to commit a crime.
- (2) “Aiding” means helping or assisting; supplementing the efforts of another.
- (3) “Arrest” means to place a person under actual or constructive restraint or to take a person into custody for the purpose of charging him with an offense.
- (4) “Contraband” means property, the possession of which is forbidden by law including that defined in WSTC 202.010(13).
- (5) “Dangerous or Narcotic Drugs” means a drug or its immediate precursor classified in schedules I through V under the Federal Controlled Substances Act, 21 USC §§ 811 to 812.
- (6) “Dangerous Weapon” means any object, instrument or article which is used in a manner likely or intended to cause death or serious bodily injury to another.
- (7) “Evidence” means any species of proof, legally presented at the trial of any issue, by the act of the parties and through the medium of witnesses, records, documents or concrete objects for the purpose of inducing belief in the minds of the court or jury as to their contention.
- (8) “Fruits of a Crime” means the object or objects for which a crime was committed.
- (9) “Instrumentalities of Crime” means objects used in the commission of a crime.
- (10) “Intentional” means willful.
- (11) “Lawful” means legal; warranted or authorized by law.
- (12) “Possess” means to have physical possession or otherwise to exercise dominion or control over property.
- (13) “Reckless” means careless, needless, inattentive; indifferent to consequences.

- (14) “Riot” means any use of force or violence or any threat to use force or violence if accompanied by immediate power of execution by three or more Indians acting together and without authority of law is a riot.
- (15) “Serious Physical Injury” means physical injury which creates a substantial risk of death or which causes serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.
- (16) “Utter” means to issue, deliver, publish, circulate, disseminate, transfer or tender a written instrument to another.
- (17) “Willful” means intentional, designed, knowingly and purposely.

**305.002 Attempt.** Any Indian who intentionally engages in conduct which constitutes a substantial step toward commission of a crime shall be deemed guilty of attempt.

## **II. CRIMES AGAINST PERSONS**

**305.105 Abduction.** Any Indian who shall willfully take away or detain another person against his will or without the consent of the parent or other person having lawful care or charge of him shall be deemed guilty of abduction.

**305.110 Assault.** Any Indian who shall attempt or threaten bodily harm to another person through unlawful force or violence, and who has the present capability to carry out his threat or use unlawful force or violence against the person threatened, shall be deemed guilty of assault.

**305.115 Assault and Battery.** Any Indian who shall willfully strike another person or otherwise inflict bodily injury, or who shall by offering violence cause another to harm himself shall be deemed guilty of assault and battery.

### **305.135 Child Abuse**

- (1) For purposes of this section, child abuse shall be defined as any physical injury to a child which has been caused by other than accidental means, including any injury which appears to be at variance with the explanation given of the injury; or, neglect which threatens the health, safety and welfare of a child or which leads to physical or mental harm.
- (2) For the purposes of this section the foregoing definition shall not include the good faith treatment of a child by spiritual means in accordance with the tenants and practices of traditional Indian religion or good faith parental, teacher or custodial discipline.
- (3) Any Indian who shall abuse a child as defined in this section shall be deemed guilty of child abuse.

**305.140 Child Abuse, Obligation to Report**

- (1) Any person whether private citizen, private official, or public official who has reasonable grounds to believe that a child with whom he has contact has suffered abuse, or that any adult with whom he has contact has abused a child shall report such information to the Warm Springs Tribal Police Department or to the Warm Springs Juvenile Department forthwith.
- (2) Nothing in the foregoing section shall affect the privilege usually afforded communications between psychiatrist, psychologists or attorneys and their clients or clergymen and their parishioners. All other privileges shall not be grounds for excluding evidence regarding child abuse or the cause thereof.
- (3) Any person submitting a report in good faith as required in paragraph (1) above, and who has reasonable grounds for making thereof, shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making or content of such report. Any such participant shall have the same immunity with respect to participating in any judicial proceeding resulting from such report.
- (4) Violation of this section shall be punishable by a fine not to exceed \$500.00.

**305.145 Contributing to the Delinquency of a Minor.** Any Indian who aids, causes or permits a child under eighteen (18) years of age to do any act prohibited by law shall be deemed guilty of contributing to the delinquency of a minor.

**305.150 Extortion.** Any Indian who shall willfully, by making false charges against another person or by any other means whatsoever, extort or attempt to extort any money, goods, property, or anything else in value, shall be deemed guilty of extortion.

**305.155 Forgery.** Any Indian who shall, with intent to defraud, falsely sign, execute or alter any written instrument, or utter or publish knowingly any false or altered written instrument shall be deemed guilty of forgery.

**305.160 Fraud.** Any Indian who shall be willful misrepresentation or deceit, or by false interpreting, or by the use of false weights or measures obtain any money or other property, shall be deemed guilty of fraud.

**305.165 Negligent Wounding.** Any Indian who, as a result of his failure to use ordinary care under the circumstances, wounds any other person with a bullet or shot from any firearm or with an arrow from any bow or with a knife or other instrument, shall be deemed guilty of negligent wounding.

**305.170 Negotiating a Bad Check.**

- (1) Any Indian who makes, draws or utters a check or similar sight order for the payment of money, knowing that it will not be honored by the drawee, shall be deemed guilty of negotiating a bad check.
- (2) For purposes of this section, unless the check or order is postdated, it is prima facie evidence of knowledge that the check or order would not be honored if:
  - (a) The drawer has no account with the drawee at the time the check or order is drawn or uttered; or
  - (b) Payment is refused by the drawee for lack of funds, upon presentation and the drawer fails to make good within thirty (30) days after the date of utterance, and the drawer fails to make good within ten (10) days after receiving notice of refusal.

**305.175 Recklessly Endangering.** Any Indian who recklessly engages in conduct which creates a substantial risk of serious physical injury to another person shall be deemed guilty of recklessly endangering.

### III. CRIMES AGAINST PROPERTY

**305.205 Arson.** Any Indian who willfully, recklessly, maliciously or wantonly sets fire to or burns or causes to be burned, or who willfully and maliciously or wantonly aides, counsels, or procures the burning of another's property or his own to fraudulently obtain insurance proceeds of any class or character shall be deemed guilty of arson.

**305.210 Breaking and Entering.** Any Indian who, without lawful permission or authority, breaks and enters any building, booth, tent, vehicle, boat or other structure shall be deemed guilty of breaking and entering.

**305.215 Embezzlement.** Any Indian who shall, having lawful custody of property not his own, appropriate the same to his own use with intent to deprive the owner thereof, shall be deemed guilty of embezzlement.

**305.220 Injury to Public Property.** Any Indian who shall, without proper authority, use or willfully injure any public property of the Tribes or the United States Government shall be deemed guilty of injury to public property.

**305.225 Malicious Mischief.** Any Indian who shall intentionally or recklessly disturb, injure or destroy any livestock or other domestic animal or other property belonging to another shall be deemed guilty of malicious mischief.

**305.230 Receiving Stolen Property.** Any Indian who shall receive or conceal or aid in concealing or receiving any property, knowing the same to be embezzled, or obtained by theft, shall be deemed guilty of receiving stolen property.

**305.235 Theft.**

- (1) Any Indian who, with intent to deprive another of property or to appropriate property to himself or to a third person:
  - (a) Takes, appropriates, obtains or withholds such property from any owner thereof, or
  - (b) Comes into the control of property of another that he knows or has good reason to know has been lost, mislaid or delivered under a mistake as to the nature or amount of the property or to the identity of the recipient, commits theft if, with the intent to deprive the owner thereof, he fails to take reasonable measures to restore the property to the owner, or
  - (c) Unlawfully sells, trades or disposes of property lawfully obtained but belonging to another person commits the crime of theft.
- (2) For the purposes of this section, property shall be defined as including any goods or services.

**305.240 Trespass.** Any Indian, including tribal members, who enters or remains unlawfully in or upon the property of another or upon tribal land declared closed by the Tribal Council shall be deemed guilty of trespass.

#### IV. SEX CRIMES

**305.305 Adultery.** Any Indian who shall have sexual intercourse with another person, either of such persons being married to a third person, shall be deemed guilty of adultery.

**305.310 Carnal Knowledge.** Every male Indian who shall have sexual intercourse with any female child under the age of sixteen (16), not his wife, and every female Indian who shall have sexual intercourse with a male child under the age of sixteen (16) years, not her husband, shall be guilty of carnal knowledge.

**305.315 Fornication.** Any unmarried Indian who shall have sexual intercourse with another unmarried person shall be guilty of fornication.

**305.325 Illicit Cohabitation.** Any Indian who shall live or cohabit with another as man and wife not then and there being married shall be deemed guilty of illicit cohabitation.

**305.330 Prostitution.** Any Indian who shall practice prostitution or who shall knowingly keep, maintain, rent or lease, any house, room or tent, or other place for the purpose of prostitution shall be deemed guilty of prostitution.

**305.335 Rape.<sup>1</sup>**

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<sup>1</sup> WSTC 305. 335 was amended by Tribal Council Resolution No. 6951, adopted July 17, 1985.

- (1) Any Indian who willfully and knowingly has sexual intercourse with a female or male without the other person's consent, or assists another in the same, shall be deemed guilty of rape.
- (2) A person is considered incapable of consenting to sexual intercourse if she or he is:
  - (a) mentally defective; or
  - (b) mentally incapacitated; or
  - (c) physically helpless; or
  - (d) is threatened with the use of force or violence.
- (3) As used in WSTC 305.335:
  - (a) "mentally defective" means that a person suffers from a mental disease or defect that renders the person incapable of appraising the nature of her or his conduct.
  - (b) "mentally incapacitated" means that a person is rendered incapable of appraising or controlling her or his conduct at the time of the alleged offense because of a controlled or other intoxicating substance administered to the person without her or his consent, or because of any other act committed upon the person without her or his consent.
  - (c) "physically helpless" means that a person is unconscious or for any other reason is physically unable to communicate unwillingness to act.

**305.340 Unnatural Sex Acts.** Any Indian who commits sodomy or a crime against nature, or any act or practice of sexual perversity, either with mankind or beast, or sustains osculatory relations with the private parts of any person or permits such relations to be sustained with his private parts, shall be deemed guilty of unnatural sex acts.

**305.345 Sexual Abuse.<sup>2</sup>**

- (1) Any Indian who subjects another person to sexual contact shall be deemed guilty of sexual abuse if:
  - (a) the victim does not consent to the sexual contact; or
  - (b) the victim is incapable of consent by reason of being under twelve years of age, mentally defective, mentally incapacitated, physically helpless, or threatened with the use of force or violence.

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<sup>2</sup> WSTC 305.345 was added to Chapter 305 by Tribal Council Resolution No. 8699, adopted July 19, 1993.

- (2) As used in WSTC 305.345:
- (a) “mentally defective,” “mentally incapacitated,” and “physically helpless” have the same meaning as defined in WSTC 305.335.
  - (b) “sexual contact” means any touching of the sexual or other intimate parts of a person or causing such person to touch the sexual or intimate parts of the actor or other person for the purpose of arousing or gratifying the sexual desire of either party or a third party. “Touching” as used in this definition includes the use of a foreign object.

## V. CRIMES AGAINST PUBLIC PEACE AND ORDER

**305.403 Aiding or Abetting an Offender or Concealing a Fugitive.** Any Indian who shall aid or abet any person in the commission of any offense under this chapter or who shall knowingly harbor or conceal any person being sought for a violation of this code, shall be deemed guilty of aiding or abetting an offender or concealing a fugitive.

**305.409 Bribery, Failure to Report.**

- (1) Any Indian who shall give or offer to give money, property, or services, or anything else of value to another person with current intent to influence another in the discharge of his public duties or conduct, and any Indian who shall accept, solicit or attempt to solicit any bribe, as above defined, shall be deemed guilty of bribery.
- (2) Any Indian who knows or has reasonable grounds to believe that a bribe had been offered, made or accepted shall report such facts forthwith to the Warm Springs Tribal Police. Violation of this section shall subject the offender to a fine not to exceed \$500.00.

**305.412 Carrying Concealed Weapons.**

- (1) For purposes of this section, a dangerous weapon shall be any revolver, pistol or other firearm, whether loaded or unloaded, nay knife, other than an ordinary pocket knife, or any dirk, dagger, sling shot, metal knuckles, explosive or incendiary devices, or any instrument by the use of which injury could be inflicted upon the person or property of any other person.
- (2) Any Indian who shall go about in public places armed with a dangerous weapon concealed upon his person or concealed within his vehicle unless he shall have a permit signed by a Judge of the Tribal Court and countersigned by the Superintendent of the Reservation, shall be deemed guilty of carrying a concealed weapon.

**305.415 Carrying Weapons, When Prohibited.**

- (1) Notwithstanding the provisions of WSTC 305.412 any Indian other than a duly authorized law enforcement officer who carries any dangerous weapon as defined in WSTC 305.412(1), whether concealed or openly, in any public building, office, store, school or at any public gathering shall be deemed guilty of unlawfully carrying a weapon.
- (2) Any Indian who carries or possesses a firearm while under the influence of intoxicants shall be deemed guilty of unlawfully carrying or possessing a firearm.

**305.418 Child Neglect.** Any Indian parent or other Indian having legal obligation for the care, custody or control of any child or children of minor age, who engages in conduct defined as neglect in the Warm Springs Juvenile Code, WSTC Chapter 360.110(11), shall be deemed guilty of child neglect and may be liable for all or part of the support cost if it is necessary to place such child or children in temporary foster care. In the event that such child or children shall do or cause damage to another person or property, the parent or person having legal obligation for the child or children may be fully liable for all damages caused.

**305.424 Cruelty to Animals.**

- (1) Any Indian commits the crime of cruelty to animals if, except as otherwise authorized by law, he intentionally or recklessly:
  - (a) Subjects any animal under human custody or control to cruel mistreatment, or;
  - (b) Subjects any animal under his custody or control to cruel neglect, or;
  - (c) Kills without legal privilege any animal under the custody or control of another;
  - (d) As used in this section, animals includes birds.

**305.427 Custodial Interference.** Any Indian who, knowing or having reason to know that he has no legal right to do so, takes, entices or keeps a person from his lawful custodian shall be deemed guilty of custodial interference.

**305.430 Discharge of Weapons.**

- (1) Any Indian, other than an authorized peace officer in the conduct of his duties, who shall fire or discharge any gun or other weapon, including spring or air actuated guns or weapons which propel a projectile by use of a bow or sling, explosives, or jet or rocket propulsion within or adjacent to any residential or community area on the Reservation shall be deemed guilty of unlawfully discharging a weapon.
- (2) It shall be unlawful for any Indian, other than an authorized peace officer in the conduct of his duties, to discharge a weapon from, at or across a public highway.

**305.433 Disorderly Conduct.** An Indian commits the crime of disorderly conduct if he causes public inconvenience, annoyance or alarm or recklessly creates a risk thereof by:

- (1) Engaging in fighting or in violent, tumultuous or threatening behavior; or
- (2) Makes unreasonable noise; or
- (3) Disturbs any lawful assembly or persons without lawful authority; or
- (4) Obstructs vehicular or pedestrian traffic on a public way; or
- (5) Congregates with other persons in a public place and refuses to comply with a lawful order of the police to disperse; or
- (6) Initiates or circulates a report knowing it to be false, concerning an alleged or impending fire, explosion, crime, catastrophe or other emergency; or
- (7) Creates a hazardous or physically offensive condition by any act which he is not licensed or privileged to do; or
- (8) Appears in a public place in an intoxicated condition; or
- (9) Engages in any other act of public indecency or immorality.

**305.436 Escape.**

- (1) Any Indian who, being in lawful custody, for any offense who shall escape or attempt to escape or who shall permit or assist or attempt to permit or assist another person to escape from lawful custody shall be deemed guilty of an escape.
- (2) For purposes of this section, custody shall be defined as the imposition of actual or constructive restraint by a law enforcement officer pursuant to an arrest or court order.

**305.439 Failure to Send Children to School.** Except as provided in WSTC 360.500, any Indian who shall, without good cause, neglect or refuse to send his or her children or any children under 18 years of age under his care, who have not completed the twelfth grade, to school shall be deemed guilty of failure to send children to school.

**305.442 Failure to Support a Dependent Person.** any Indian who shall for any reason, refuse or neglect to furnish food, shelter, or care of any minor dependents, including any dependent children born out of wedlock, or any Indian who has the capacity but fails to furnish food, shelter or care for dependent elders, shall be deemed guilty of failure to support a dependent person.

**305.445 False Identification.** Any Indian who gives or offers false identification or who represents themselves to be another when asked by a law enforcement office for identification shall be deemed guilty of offering false identification.

**305.448 False Imprisonment.** Any Indian who shall willfully and knowingly make or cause to be made, the unlawful arrest, detention or imprisonment of another person shall be deemed guilty of false imprisonment.

**305.451 Gambling.** Any Indian who shall gamble or participate in any gambling activity, other than traditional Indian games, or during traditional Indian ceremonies, or gaming as authorized by the Class II and Class III Gaming Ordinance, WSTC Chapter 260, for money or other value, shall be deemed guilty of unlawful gambling. Class I gambling as defined by the Indian Gaming Regulatory Act, P. L. 100-447, 25 USC §2703, is not prohibited by this section.

**305.454 Initiating a False Report.** Any Indian who knowingly initiates a false alarm or report which is transmitted to a fire department, law enforcement agency or other organization that deals with emergencies involving danger to life or property shall be deemed guilty of initiating a false report.

**305.460 Littering.** Any Indian who throws, dumps, places or deposits, upon the lands of another, or upon any public road, highway, street or any other area within the Reservation, without the consent of the owner, any garbage, debris, junk, carcasses, trash, refuse or any other substance of any nature whatsoever which would mar the appearance or detract from the cleanliness of the area, shall be deemed guilty of littering. The Court shall have the authority to order the defendant to clean up the area littered.

**305.463 Maintaining a Public Nuisance.** Any Indian who shall act in a manner, or permit his property to fail into such condition as to injure or endanger the safety, health, comfort, or property of his neighbors, shall be deemed guilty of maintaining a public nuisance, and may be required to remove such nuisance when so ordered by the Court.

**305.466 Narcotics, Dangerous Drugs, Hallucinogens and Deliriant.**

- (1) Any Indian who shall knowingly use or transport, or cause to be used or transported, buy, sell, possess, cultivate or trade, any narcotic or dangerous drug, except as prescribed by a physician, any hallucinogen or deliriant, including paint, glue or any other like substance, for the purposes of smoking, ingesting, injecting or inhaling, shall be deemed guilty of an offense.
- (2) Any Indian adult, parent or guardian who either aids, causes or permits a minor child to obtain, possess or use any narcotic, dangerous drug, hallucinogen, deliriant, or prescription drug not specifically prescribed for said minor by a physician, shall be deemed guilty of Contributing to the Delinquency of a Minor in accordance with WSTC 305.145.

**305.467 Drug Paraphernalia.** Any Indian who sells, transfers, or offers to sell or transfer any drug paraphernalia including marijuana and hash pipes, bong, roach holders and any containers and devices commonly used in connection with or which show observable signs of use in connection with the consumption or processing of any narcotic, dangerous drug, hallucinogen or deliriant on the Warm Springs Reservation shall be deemed guilty of a violation of this section. Any such drug paraphernalia found on the Reservation shall be immediately seized by

tribal law enforcement authorities without compensation to its owner and shall be held by the tribal police department until it is no longer needed as evidence or other lawful purposes, at which time it shall be destroyed or otherwise disposed of as ordered by the Tribal Court in accordance with WSTC 200.750.

**305.469 Obstructing Justice.** Any Indian who intentionally obstructs, impairs or hinders the administration of law or other governmental function by means of intimidation, force, physical interference, misinformation or otherwise shall be deemed guilty of obstructing justice.

**305.472 Perjury.** Any Indian who shall willfully and deliberately, in any judicial proceeding in any Tribal Court, falsely swear or interpret, or shall make a sworn statement or affidavit knowing the same to be untrue, or shall induce or procure another person to do so, shall be deemed guilty of perjury.

**305.475 Refusing to Aid an Officer.** Any Indian who unreasonably refuses or fails to assist in effecting an authorized arrest or preventing another from committing a crime upon command for assistance made by a person known by him to be a law enforcement officer, commits the crime of refusing to aid an officer.

**305.478 Resisting Arrest.** Any Indian who shall willfully and knowingly, by force or violence, resist or assist another person to resist a lawful arrest commits the crime of resisting arrest.

**305.481 Riot, Unlawful Assembly.**

- (1) It shall be unlawful for any Indian to participate in a riot. A riot is defined as any use of force or violence or any threat to use force or violence if accompanied by immediate power of execution by three or more Indians acting together without lawful authority.
- (2) Whenever three or more Indians assemble with intent or with means and in preparation to do an unlawful act or whenever such persons assemble without lawful authority in such a manner that is likely to disturb the peace or excite public alarm they shall be deemed guilty of unlawful assembly.
- (3) Whenever any number of Indians, armed or unarmed, are unlawfully assembled, any police officer of the Confederated Tribes shall, in the name of the Tribe, command such Indians, by going among them or otherwise, to disperse immediately. If such Indians do not disperse they shall be arrested for unlawful assembly.
- (4) Any police officer may command the aid of a sufficient number of Indians to aid in the dispersal of an unlawful assembly. Any Indian so commanded who fails or refuses without justification to aid the police shall be deemed guilty of an offense.
- (5) Whenever a police officer authorized to command the dispersal of an unlawful assembly finds, or has reason to anticipate that resistance will be made to such

command, he may command as many Indians as he may deem necessary to assist him in overcoming such resistance and, if necessary, in the seizing, arresting, confining and charging the resisters and those who aid and abet them.

**305.484 Throwing Away Lighted Material.** Any Indian who shall at any time throw away any lighted tobacco, cigars, cigarettes, matches or other lighted materials from any vehicle or in any place other than a safe receptacle, or without lawful authority, leave any open fire unattended shall be deemed guilty of an offense.

**305.487 Unlawful Meetings, Parades or Gatherings.** No procession or parade, except a funeral procession, shall occupy, march or proceed within the Warm Springs Reservation, and no open air public meetings or gathering shall be permitted upon any part of the Warm Springs Reservation except in accordance with a permit issued by the Tribal Council. Such permit may be granted where it is found that such parade, procession, open air meeting or gathering is not to be held for any unlawful purpose and will not in any manner tend to a breach of peace, cause damage, or unreasonably interfere with the use of the Reservation by others or with the peace and quiet of the inhabitants of the Warm Springs Reservation.

Any Indian who violates this section shall be deemed guilty of an offense.

**305.490 Violation of an Approved Tribal Ordinance.** Any Indian who violates an Ordinance designated to preserve the peace and welfare of the Tribes, which was promulgated by the Tribal Council and approved by the Secretary of the Interior, shall be deemed guilty of an offense and upon conviction thereof shall be sentenced as provided in the Ordinance.

**305.493 Wounds, Reporting Required.** Any physician, intern, resident, nurse, or medic, having reasonable cause to suspect that person brought to him or coming before him for examination, care or treatment has an injury caused by a knife, gun, pistol or other deadly weapon by other than accidental means shall report such injury by telephone immediately to the warm Springs Tribal Police and as soon thereafter as possible submit a report in writing.

## VI. PENALTIES

**305.505 Forfeiture.** In any case where contraband, fruits of a crime or instrumentalities of crime have been seized the Warm Springs Tribal Court may order the forfeiture of such property. Any property forfeited shall be sold, destroyed or assigned to a branch of tribal government as directed by court order.

**305.493 Wounds, Reporting Required.** Any physician, intern, resident, nurse, or medic, having reasonable cause to suspect that person brought to him or coming before him for examination, care or treatment has an injury caused by a knife, gun, pistol or other deadly weapon by other than accidental means shall report such injury by telephone immediately to the Warm Springs Tribal Police and as soon thereafter as possible submit a report in writing.

## VII. PENALTIES

**305.505 Forfeiture.** In any case where contraband, fruits or a crime or instrumentalities of crime have been seized the Warm Springs Tribal Court may order the forfeiture of such property. Any property forfeited shall be sold, destroyed or assigned to a branch of tribal government as directed by court order.

**305.510 Restitution.** In addition to any sentence or fine resulting from a conviction of the provisions of this chapter the Warm Springs Tribal Court may also order a defendant in any case to make restitution or pay damages to the victim of the crime.

**305.515 Sentences and Fines.**<sup>3</sup> Any Indian found guilty of violating any of the provisions of this chapter or of a criminal violation set forth in any other chapter of the Warm Springs Tribal Code may be punished by imprisonment for a term not to exceed one year or by imposition of a fine not to exceed \$5,000,000, or both, unless a lesser penalty is provided.

**305.520 Violations by Non-Indians.** Any non-Indian who violates the provisions of this chapter while within the boundaries of the Warm Springs Indian Reservation shall be subject to arrest for violation of state laws, expulsion by court order from the Reservation, or civil penalties otherwise authorized by the Warm Springs Tribal Code.

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<sup>3</sup> WSTC 305.515 was amended by Tribal Council Resolution No. 7537 approved February 12, 1988.