

## Section 12-1 Disorderly Conduct

### 12-1.01 Disorderly Conduct.

(a) Any person commits the offense of Disorderly Conduct by: who shall

- (1) engage in fighting, challenging another person to fight, or engaging in other violent behavior in a public place; or who shall be
- (2) Disruptive of any public place or religious assembly by ; or who, because of unreasonable noise or act, abusive language to any person present, or because of his creation of an offensive or physically hazardous condition, disrupts any public or religious assembly;
- (3) Intentionally makes any open and obscene exposure of his or her person or the person of another knowing that such conduct is likely to cause reasonable affront or alarm. The act of breastfeeding or expressing breast milk is not indecent exposure; or
- (4) Displaying a firearm or other deadly weapon in a public place in a manner calculated to alarm; or
- (5) or who shall Appear in any public place or upon upon any public road, or street or property, while drunk, intoxicated, or under the influence of controlled substances or drugs, to the degree that the person may endanger themselves or others. or in any or upon any public place or conveyance, in an indecent, drunken, or maudlin manner

(b) Penalties.

- (1) A person who is convicted of Disorderly Conduct pursuant to 12-1.01(a)(1) through 12-1.01(a)(4) shall be deemed guilty of an offense; and upon conviction thereof shall be sentenced to a period of confinement for a maximum period of one (1) year, not to exceed 30 days, or ordered to pay a maximum fine not toof not more than \$5000.00, or both exceed \$100, or both jail sentence and fine, and costs.
- (2) A person who is convicted of Disorderly Conduct pursuant to 12-1.01(a)(5) shall be sentenced to confinement for a maximum period of one (1) year, pay a maximum fine of not more than \$5000.00, or both, provided that there shall be a mandatory minimum of two (2) days of confinement, a \$100.00 fine, and the person shall obtain a drug and/or alcohol evaluation and follow all treatment recommendations. The minimum sentence is mandatory and may not be suspended or reduced.

## Section 12-X Disturbing the Peace

### 12-X.XX Disturbing the Peace

- (a) Any person commits the offense of Disturbing the Peace when the person, by loud or unusual noise or disruptive act or behavior, endangers or disturbs the peace, tranquility, health, or welfare of any neighborhood, residential building, business, person, or natural wildlife community.
- (b) Penalties.
- (1) A person who is convicted of Disturbing the Peace shall sentenced to confinement for a maximum period of one (1) year, pay a maximum fine of \$5000.00, or both.
- (2) Where a person convicted of Disturbing the Peace has a diagnosed mental health issue, the Court shall impose a sentence which addresses any treatment concerns.

## Section 12-2 Maintaining a Public Nuisance

### 12-2.01 Maintaining a Public Nuisance.

- (a) Any person commits the crime of Maintaining a Public Nuisance when ~~who~~, through his personal conduct, or who permits his property to deteriorate into such a condition as to injure or endanger the safety, health, comfort or property of his neighbor or who shall conduct or hold any public dance, games or contests and allow such activities to become of such a condition as to injure or endanger the safety, health, morals, comfort or property of the public in general.
- (b) Penalties. A person who is convicted of Maintaining a Public Nuisance ~~shall be deemed guilty of an offense and upon conviction thereof~~, shall be sentenced to ~~a period of~~ confinement ~~for a maximum period of one (1) year, not to exceed 60 days or ordered to~~ pay a fine of not ~~to exceed~~ more than \$2000.00, or both. ~~jail sentence and fine and costs,~~ ~~or,~~
- (b) The Tribal Court, at the discretion of the ~~trial~~ Judge, may ~~be~~ order any person found guilty of the crime of Maintaining a Public Nuisance to abate or correct the nuisance or offensive condition of his property. ~~and A~~ violation of such order or orders shall itself constitute an offense punishable by identical penalties of Disobedience to Lawful Orders of Court pursuant to Section 14-7.01.

Legislative History-Adopted 07/05/06, Resolu. 2006-478; Readopted 8/01/06, Resolu. 2006-524.

## Section 10-8 Criminal Trespass to Land

### 10-8.01 Criminal Trespass to Land.

- ~~—~~(a) Any person commits the crime of Criminal Trespass to Land if he or she ~~who~~ unlawfully enters or remains upon ~~any~~ the land or ~~any part thereof~~ of another ~~,~~ after receiving, ~~immediately prior to such entry,~~ notice from the owner or occupant to depart.

~~(b) Penalties. A person who is convicted of Criminal Trespass to Land, shall be guilty of an offense and shall be sentenced to confinement for a maximum period of confinement not to exceed of one (1) year, 10 days or ordered to pay a fine of not to exceed more than \$51000.00, or both jail sentence and fine, and costs.~~

~~(cb) A person shall have received notice from the owner or occupant within the meaning of this section if he has been notified personally, either orally or in writing, or by a conspicuous and clearly visible if a printed or written notice forbidding such entry has been conspicuously posted or exhibited at the main entrance to such land or the forbidden part thereof.~~

(c) In cases involving immediate danger to life, health, morals or property of the Tribe, or any Tribal members, and where delay would result in irreparable damage, a Judge of the Spokane Tribal Court may order a law enforcement officer to remove bodily a person or persons not entitled to be on such property.

Readopted 8/01/06, Resolu. 2006-524.

## Section 10-9 Criminal Trespass to Buildings

### 10-9.01 Criminal Trespass to Buildings.

(a) ~~Any person commits the crime of Criminal Trespass to Buildings if the person who shall unlawfully enters or secretly remains in any building, structure, dwelling house, or the premises of another person, without the authorization or, without the permission of the owner or other persons entitled to be in possession, and under circumstances not amounting to burglary, or any person who enters and upon demand refuses to leave.~~

~~(b) Penalties. A person who is convicted of Criminal Trespass to Buildings er, shall be guilty of an offense and upon conviction thereof shall be sentenced to a period of confinement for a maximum period of one (1) year, not to exceed 6 months or ordered to pay a fine of not to exceed more than \$5000.00, or both the jail sentence and fine, plus costs.~~

~~(cb) For purpose of this section, a dwelling house of another is defined to include as well as any the house, any building, or other structure which may be used for the protection of persons, animals, or property regardless of whether said structures are actually inhabited or not. Such structures to include tepees, tents, trailers, camping devices, animal caches and including any structure erected for ceremonial or display purposes.~~

(de) In cases involving immediate danger to life, health, morals or property of the Tribe, or any Tribal members, and where delay would result in irreparable damage, a Judge of the Spokane Tribal Court may order a law enforcement officer to remove bodily a person or persons not entitled to be on such property.

Readopted 8/01/06, Resolu. 2006-524.