

(2) Sentence. A person convicted of malicious criminal prosecution may be sentenced to imprisonment not to exceed three (3) months, or a fine not to exceed Two Thousand Dollars (\$2,000.00), or both.

71.1105 Obstruction of Justice.

(1) A person commits the offense of obstruction of justice, if he knowingly uses intimidation or physical force, threatens, corruptly persuades or attempts to do so, or engages in misleading conduct toward another person, with intent to:

(a) influence the testimony of any person in an official proceedings; or

(b) cause or induce any person to:

(i) withhold testimony, or withhold a record, document or other object, from an official proceeding; or

(ii) alter, destroy, mutilate, or conceal an object with intent to impair the object's integrity or availability for use in an official proceeding; or

(iii) evade legal process summoning that person to appear as a witness, or to produce a record, document or other object, in an official proceeding; or

(iv) be absent from an official proceeding to which such person has been summoned by legal process; or

(c) hinder, delay or prevent the communication to a law enforcement officer or judge of information relating to the commission or possible commission of a tribal or federal offense or a violation of conditions of probation, parole or release pending judicial proceedings.

(2) A tribal law enforcement officer commits the offense of obstruction of justice if he or she:

(a) commits any of the acts set forth in sub. (10); or

(b) without official reason for doing so, obstructs, impedes, hinders, or interferes with any investigation or other official activity of the tribal public safety department, or of another law enforcement agency acting lawfully with respect to a

matter arising within the Tribe's jurisdiction as provided in Subchapter III.

(3) Sentence. A person convicted of obstruction of justice may be sentenced to imprisonment for a period of up to one (1) year, or a fine not to exceed Five Thousand Dollars (\$5,000.00), or both.

71.1106 Obstructing Performance of Police Duties.

(1) Offense. A person commits the offense of obstructing the performance of police duties, if he willfully prevents or attempts to prevent a police officer or other duly authorized law enforcement officer from effecting an arrest or otherwise discharging the duties of his office by any of the following:

(a) creating or appearing to create a risk of bodily harm to the officer or any other person; or

(b) employing means or threatening to employ means which would justify or require force on the part of the officer to overcome them; or

(c) escaping, attempting to escape, or assisting or attempting to assist another to escape from custody of the officer.

(2) Sentence. A person convicted of obstructing police duties may be sentenced to imprisonment for a period not to exceed one (1) year, or a fine not to exceed Five Thousand Dollars (\$5,000.00), or both.

71.1107 Refusing, Omitting and Delaying to Arrest.

(1) Offense. Tribal law enforcement officers commit the offense of refusing, omitting and delaying to arrest, if any officer authorized to serve process, who shall wilfully and corruptly refuse to execute any lawful process to him directed, and requiring him to apprehend or confine any person convicted or charged with an offense, or who shall willfully and corruptly omit or delay to execute such process, whereby such person shall escape and go at large.

(2) Sentence. A person convicted of refusing, omitting and delaying to arrest may be sentenced to imprisonment for a period not to exceed one (1) year, or a fine not to exceed Five Thousand Dollars (\$5,000.00), or both.

71.1108 Concealing or Harboring One Who has Escaped.

(1) Offense. A person commits the offense of concealing or harboring one who has escaped, if he knowingly or wilfully conceals or harbors for purpose of concealment, any person mentioned in this Chapter, who has escaped or is escaping from lawful custody.

(2) Sentence. A person convicted of concealing or harboring one who has escaped may be sentenced to imprisonment for a period not to exceed one (1) year, or a fine not to exceed Five Thousand Dollars (\$5,000.00), or both.

71.1109 Filing Fictitious Reports.

(1) Offense. A person commits the offense of filing fictitious report, if he wilfully and knowingly makes to any tribal law enforcement officer a fictitious report of the commission of any crime knowing the same to be false

(2) Sentence. A person convicted of filing fictitious report may be sentenced to imprisonment for a period not to exceed one (1) year, or a fine not to exceed Five Thousand Dollars (\$5,000.00), or both.

71.1110 Preventing the Use of a Telephone in an Emergency.

(1) Offense. A person commits the offense of Preventing the Use of a Telephone in an Emergency if he engages in any of the following conduct:

(a) knowingly refuses to yield or surrender the use of a telephone line to another person to report a fire or summon police or medical or other aid in case of emergency; or

(b) intentionally prevents or interferes with the use of a telephone by another person in an emergency situation.

(2) Sentence. A person convicted of Preventing the Use of a Telephone in an Emergency may be sentenced to imprisonment for a period not to exceed six (6) months, or a fine not to exceed Two Thousand Dollars (\$2,000.00), or both.

SUBCHAPTER XII: RIOT AND RELATED OFFENSES

71.1201 Causing or Maintaining a Public Nuisance.

(1) Offense. A person commits the offense of causing or maintaining a public nuisance, if he uses, permits to be used or allows to be in such condition any real or personal property under his control so as to damage, injure or endanger the health, safety or property of another person or the public.

(2) Sentence.

(a) A person convicted of causing or maintaining a public nuisance may be sentenced to imprisonment for a period not to exceed three (3) months, or a fine not to exceed One Thousand Dollars (\$1,000.00), or both.

(b) In addition to, or in lieu of, the sentence provided in sub. (a), the court may order the person to abate or eliminate the nuisance. Such an order to abate or eliminate the nuisance shall include the identification of the nuisance and the period of time in which it must be abated or eliminated.

71.1202 Disorderly Conduct.

(1) Offense. A person commits the offense of disorderly conduct, if the person intentionally, knowingly or recklessly:

(a) uses abusive, indecent, profane, or vulgar language in a public or private place which by its very utterance tends to incite violence, unlawful conduct, or a breach of the peace by others; or

(b) makes an offensive gesture or display in a public or private place which by its very nature tends to incite violence, unlawful conduct, or a breach of the peace by others; or

(c) abuses or threatens a person in a public or private place in a manner calculated to place the threatened person in fear of bodily harm; or

(d) makes unreasonable noise in a public place, or on or near private property that he has no right to occupy; or

(e) fights with another in a public or private place; or

(f) displays a deadly weapon in a public or private place in a manner calculated to alarm; or

(g) discharges a firearm in a public or private place; or

(h) disrupts any lawful public or religious meeting or assembly; or

(i) lies or sleeps on any public street, alley or private property that he has no right to occupy; or

(j) urinates or defecates in any public place, except where an approved sanitary facility is provided, or in public view; **or**

(k) obstructs any highway or other public passage, whether alone or with others; or

(l) refuses to obey a reasonable request issued by a person the actor knows to be or is informed is a law enforcement officer, a fireman, or a person with authority to control the use of the premises in order to prevent obstruction of a highway or other public passage or in order to maintain public safety by dispersing those gathered in dangerous proximity to a fire or other hazard.

(2) Sentence. A person convicted of disorderly conduct may be sentenced to imprisonment for a period not to exceed three (3) months, or a fine not to exceed Two Thousand Dollars (\$2,000.00), or both.

(3) Comment.

(a) As used in subsections 1(k) and 1(l), “obstructs” means render impassable without unreasonable inconvenience or hazard.

(b) No person shall be deemed guilty of an offense under subsection 1(k) solely because of a gathering of persons to hear him speak or otherwise communicate, or solely because of being a member of such a gathering.

(c) For purposes of subsection 1(l), an order to move, addressed to a person whose speech or other lawful behavior attracts an obstructing audience, shall not be deemed reasonable if the obstruction can be readily remedied by police control of the size or location of the gathering.

71.1203 Riot.

(1) Offense. A person commits the offense of rioting, if he engages in a riot.

- (2) Sentence. A person convicted of riot may be sentenced to imprisonment for a period not to exceed one (1) year, or a fine not to exceed Five Thousand Dollars (\$5,000.00), or both.

71.1204 Inciting a Riot.

- (1) Offense. A person commits the offense of inciting a riot, if the person:

(a) incites or urges a person to participate or engage in a current or potential riot; or

(b) gives commands, instructions, or signals to other persons in furtherance of a riot; or

(c) knowingly supplies a weapon or destructive device for use in a riot; or

(d) teaches another to prepare or use a weapon or destructive device with intent that it be used in a riot.

- (2) Sentence. A person convicted of inciting a riot may be sentenced to imprisonment for a period not to exceed one (1) year, or a fine not to exceed Five Thousand Dollars (\$5,000.00), or both.

71.1205 Disobedience of Public Safety Orders Under Riot Conditions.

(1) Offense. A person commits the offense of disobedience of a public safety order under riot conditions, if during a riot, or when one is impending, he intentionally disobeys a reasonable public safety order to move, disperse, or refrain from specified activities in the immediate vicinity of the riot.

(2) Sentence. A person convicted of disobedience of a public safety order during riot conditions may be sentenced to imprisonment for a period not to exceed one (1) month, or a fine not to exceed One Thousand Dollars (\$1,000.00), or both.

71.1206 Obstructing Highway or Other Passageway.

(1) Offense. A person commits the offense of obstructing a highway or other passageway, if he intentionally, knowingly or recklessly:

(a) obstructs a highway, street, sidewalk, railway, waterway, building entrance, elevator, aisle, stairway or hallway to which the public or a substantial group of the public has access; or any other place used for the passage of persons, vehicles, or conveyances, whether the obstruction arises from his acts alone or from

his acts and the acts of others; or

(b) disobeys a reasonable request or order to move issued by a police officer, fireman, or a person with authority to control the use of the premises, to prevent obstruction of a highway or passageway, or to maintain public safety by disturbing those gathered in dangerous proximity to a fire, riot or other hazard.

(2) Sentence. A person convicted of obstructing a highway or other passageway may be sentenced to imprisonment for a period not to exceed one (1) month, or a fine not to exceed One Thousand Dollars (\$1,000.00), or both.

71.1207 Transmitting False Alarms.

(1) Offense. A person commits the offense of transmitting false alarms, if he knowingly transmits or causes to be transmitted a false message, report or signal of fire or other emergency to or within any organization dealing with emergencies involving danger to life or property.

(2) Sentence.

(a) Except as provided in sub. (b), a person convicted of transmitting a false alarm may be sentenced to imprisonment for a period not to exceed three (3) months, or a fine not to exceed One Thousand Dollars (\$1,000.00), or both.

(b) If the false alarm results directly or indirectly in injury to person or property, the person guilty of the offense may be sentenced to imprisonment for a period not to exceed six (6) months, or a fine not to exceed Two Thousand Dollars (\$2,000.00), or both.

71.1208 Trespass or Interference in Public Buildings.

(1) Offense.

(a) A person commits the offense of trespass or interference in public buildings, if he so conducts himself at or in any public building or facility owned or controlled by the Tribe or any other governmental entity, so as to willfully deny to any public official, public employee, or member of the public the lawful rights of such person to enter, to use the facilities of, or to leave any such public building or facility.

(b) It shall also be an offense under this section for any person:

(i) at or in any such public building or facility to willfully impede any public official or employee in the lawful performance of duties or activities through the use of restraint, abduction, coercion, intimidation, or by force and violence or threat thereof; or

(ii) to willfully refuse or fail to leave any such public building or facility upon being requested to do so by the chief administrative officer, or his designee, charged with maintaining order in such public building or facility, of such person has committed, is committing, threatens to commit, or incites others to commit any act which does, or would if completed, disrupt, impair, interfere with, or obstruct the lawful missions, processes, procedures, or functions being carried on in such building or facility; or

(iii) at any meeting or session conducted by any judicial, legislative, or administrative body or official at, or in, any public building or facility, to willfully impede, disrupt, or hinder the normal proceedings of such meeting or session by any act of intrusion into the chamber or other areas designated for the use of the body or official conducting such meeting or session, or to commit any act designated to intimidate, coerce, or hinder any member of such body or official engaged in the performance of duties at such meeting or session.

(2) Sentence. A person convicted of trespass or interference in public buildings may be sentenced to imprisonment for a period not to exceed three (3) months, or a fine not to exceed Two Thousand Dollars (\$2,000.00), or both.

71.1209 Soliciting Without a License.

(1) Offense. A person commits the offense of soliciting without a license, if he begs or solicits gifts or donations of money or property door to door or by telephone, or on the streets, sidewalks or other public places, without a license issued by the Tribal Board of Directors, or its duly authorized agency or representative.

(2) Sentence. A person convicted of soliciting without a license may be sentenced to imprisonment for a period not to exceed one (1) month, or a fine not to exceed One Thousand Dollars (\$1,000.00), or both.

SUBCHAPTER XIII: WEAPONS AND RELATED OFFENSES

71.1301 Carrying a Concealed Weapon.

(1) Offense. A person commits the offense of carrying a concealed weapon, if he knowingly carries concealed on or about his person a dangerous weapon unless he is lawfully authorized to carry such weapon.

(2) Sentence. A person convicted of carrying a concealed weapon may be sentenced to imprisonment for a period not to exceed one (1) year, or a fine not to exceed Five Thousand Dollars (\$5,000.00), or both.

(3) Comment. It shall be an affirmative defense that the accused was in his own dwelling, or place of business, owned or operated by him, or on property owned or under his control at the time of the act of carrying.

71.1302 Unlawful Use of a Weapon.

(1) Offense. A person commits the offense of unlawful use of a weapon, if:

(a) he discharges a firearm in the proximity of a building or vehicle so as to knowingly or recklessly endanger a person or property; or

(b) he carries a firearm while intoxicated; or

(c) he handles or uses a firearm or other weapon so as to knowingly or recklessly endanger the safety of another; or

(d) carries a firearm or other weapon with unlawful intent.

(2) Sentence. A person convicted of unlawful use of a weapon may be sentenced to imprisonment for a period not to exceed one (1) year, or a fine not to exceed Five Thousand Dollars (\$5,000.00), or both.

71.1303 Dangerous Use of Explosives.

(1) Offense. A person commits the offense of dangerous use of explosives, if with the intent to injure, intimidate or terrify another, or to damage another's property, he maliciously explodes, attempts to explode or places any explosive anywhere within the territorial jurisdiction of the Tribe.

(2) Sentence.

(a) A person convicted of dangerous use of explosives may be sentenced to imprisonment for a period not to exceed one (1) year, or a fine not to exceed Five Thousand Dollars (\$5,000.00), or both.

(b) In addition to, or in lieu of, the punishment provided in sub. (a), the Tribal Court may order the offender to pay to the injured party the costs of any property damaged by his actions.

71.1304 Negligent Use of Explosives.

(1) Offense. A person commits the offense of negligent use of explosives, if he negligently explodes, attempts to explode or places any explosive in such a manner as to result in injury to another or to the property of another, or by such action that increases the probability to such injury.

(2) Sentence.

(a) A person convicted of negligent use of explosives may be sentenced to imprisonment for a period not to exceed six (6) months, or a fine not to exceed Five Thousand Dollars (\$5,000.00), or both.

(b) In addition to, in lieu of, the punishment provided in sub. (a), the Court may order the offender to pay to the injured party the costs of any property damaged by his actions.

SUBCHAPTER XIV: OFFENSES AGAINST THE FAMILY

71.1401 Bigamy.

(1) Offense. A person commits the offense of bigamy, if knowing or having reasonable cause to know that he is then married, he marries another person, or he marries another person knowing or having reasonable cause to know that such person is then married to a third person.

(2) Sentence. A person convicted of bigamy may be sentenced to imprisonment for a period not to exceed six (6) months, or a fine not to exceed Two Thousand Dollars (\$2,000.00), or both.

71.1402 Child Abuse.

(1) Offense. A person commits the offense of child abuse, if he knowingly, intentionally, or negligently, and without justification, causes or permits a person under the age of eighteen (18) years to be:

- (a) placed in a situation that may endanger its life or health; or
- (b) exposed to the inclemency of the weather; or
- (c) abandoned, tortured, cruelly confined or cruelly punished; or
- (d) deprived of necessary food, clothing or shelter.

(2) Sentence. A person convicted of child abuse may be sentenced to imprisonment for a period not to exceed one (1) year, or a fine not to exceed Five Thousand Dollars (\$5,000.00), or both.

71.1403 Incest.

(1) Offense. A person commits the offense of incest, if he knowingly marries or has sexual intercourse with an ancestor or descendant, a brother or sister or the whole or half blood, or an uncle, aunt, nephew, or niece of the whole blood.

(2) Sentence. A person convicted of incest may be sentenced to imprisonment for a period of not to exceed six (6) months, or a fine not to exceed Two Thousand Dollars (\$2,000.00), or both.

71.1404 Domestic Abuse.

(1) Offense. A person commits the offense of domestic abuse, if he intentionally, knowingly or recklessly causes a person's adult family member or household member, a former spouse, an individual with whom the person has a child in common, or an individual with whom the person has had a dating relationship, any of the following:

- (a) physical pain or illness; or
- (b) intentional impairment of physical condition; or
- (c) a threat to engage in any of the foregoing conduct.

(2) Sentence. A person convicted of domestic abuse may be sentenced to imprisonment for a period not to exceed one (1) year, or a fine not to exceed Five Thousand Dollars (\$5,000.00), or both.

71.1405 Contribute to Delinquency of a Minor.

A person commits the offense of contributing to the delinquency of a minor if he knowingly causes, encourages or assists a person under the age of eighteen (18) years to be a child offender, as defined in Tribal Code Chapter 36: Juvenile Code, and particularly '36.324.

SUBCHAPTER XV: ALCOHOL RELATED OFFENSES

71.1501 Delivery of Liquor to a Minor.

(1) Offense. A person commits the offense of delivery of liquor to a minor, if he sells, furnishes, procures for, or knowingly assists in the furnishing of any beer, wine, or intoxicating liquor to any person under the age of twenty-one (21) years.

(2) Sentence. A person convicted of delivery of liquor to a minor may be sentenced to imprisonment for a period not to exceed six (6) months, or a fine not to exceed Two Thousand Dollars (\$2,000.00), or both.

(3) For the purposes of this section, the terms "beer," and "wine," and "intoxicating liquor" shall have the meaning as defined in Tribal Code Chapter 41: Liquor Control Ordinance, and particularly '41.202(1), (13) and (7), respectively.

71.1502 Illegal Consumption of Liquor.

(1) Offense. A person commits the offense of illegal consumption of liquor, if he consumes any beer, wine or intoxicating liquor in any public place except on premises upon which there is lawful authority to sell such liquor by the drink for consumption on the premises.

(2) Sentence. A person convicted of illegal consumption of liquor may be sentenced to imprisonment for a period not to exceed one (1) month, or a fine not to exceed One Thousand Dollars (\$1,000.00), or both.

(3) Comment.

(a) Possession of a container of beer, wine or intoxicating liquor on which

the United States excise tax seal has been broken or removed, on from which the cap, cork or seal placed upon it by the manufacturer has been removed shall constitute a rebuttable presumption of consumption.

(b) For the purposes of this section, the terms "beer," and "wine," and "intoxicating liquor" shall have the meaning as defined in Tribal Code Chapter 41: Liquor Control Ordinance, and particularly '41.202(1), (13) and (7), respectively.

71.1503 Public Intoxication.

(1) Offense. A person commits the offense of public intoxication, if he appears in any public place manifestly under the influence of alcohol, narcotics or other drugs to the degree that he may endanger himself or another person or property.

(2) Sentence. A person convicted of public intoxication may be sentenced to imprisonment for a period not to exceed one (1) month, or a fine not to exceed One Thousand Dollars (\$1,000.00), or both.

71.1504 Under Age Possession of Liquor by a Minor.

(1) Offense. A person under the age of twenty-one (21) years commits the offense of under age possession of liquor, if he buys, receives, possesses or consumes, or attempts to buy, receive or possess any beer, wine or intoxicating liquor.

(2) A person convicted of under age possession of liquor may be confined in an appropriate facility for a period not to exceed one (1) month, or to pay a fine in an amount not to exceed Two Hundred Fifty Dollars (\$250.00), or both.

(3) For the purposes of this section, the terms "beer," and "wine," and "intoxicating liquor" shall have the meaning as defined in Tribal Code Chapter 41: Liquor Control Ordinance, and particularly '41.202(1), (13) and (7), respectively.

71.1505 Under Age Possession of Tobacco by a Minor.

(1) Offense. A person under the age of Eighteen (18) years commits the offense of under age possession of tobacco, if he buys, receives, possesses or consumes, or attempts to buy, receive or possess any tobacco containing product.

(2) A person convicted of under age possession of tobacco may be sentenced to the following:

(a) upon a first offense, one session of education, to include traditional use and commercial abuse education, one educational tobacco related assignment, and two hours volunteer work in the community; and

(b) upon a second offense, three weekly educational sessions of one hour each with a local youth education staff member; and

(c) upon a third offense, a minimum of eight hours volunteer work, not to exceed 24 hours; and

(d) upon a fourth and subsequent offense, confinement in an appropriate facility for a period not to exceed one (1) month, or to pay a fine in an amount not to exceed Two Hundred Fifty Dollars (\$250.00), or both.

(3) For the purposes of this section, the term “tobacco containing product” shall include, but not be limited to cigars, cigarettes, snuff, chewing tobacco, and the raw materials necessary to prepare these products.

(4) Affirmative Defense. Any person charged with under age possession of tobacco shall be relieved of all liability for the offense if he or she can demonstrate that the possession of the tobacco was done for religious or ceremonial purposes.

71.1506 Delivery of Tobacco to a Minor.

(1) Offense. A person commits the offense of delivery of tobacco to a minor, if he sells, furnishes, procures for, or knowingly assists in the furnishing of any tobacco containing product to any person under the age of eighteen (18) years.

(2) Sentence. A person convicted of delivery of tobacco to a minor may be sentenced to imprisonment for a period not to exceed six (6) months, or a fine not to exceed Two Thousand Dollars (\$2,000.00), or both.

(3) For the purposes of this section, the term “tobacco containing product” shall include, but not be limited to cigars, cigarettes, snuff, chewing tobacco, and the raw materials necessary to prepare these products.

(4) Affirmative Defense. Any person charged with delivery of tobacco to a minor shall be relieved of all liability for the offense if he or she can demonstrate that the delivery of the tobacco was done for religious or ceremonial purposes.

SUBCHAPTER XVI: CONTROLLED SUBSTANCE AND RELATED OFFENSES

71.1601 Furnishing of Marijuana.

(1) Offense. A person commits the offense of furnishing of marijuana, if he knowingly furnishes, sells, or trades in any way marijuana or any portion of the plant cannabis sativa L. or any substance containing it, or hashish.

(2) Sentence. A person convicted of the offense of furnishing marijuana may be sentenced to imprisonment for a period not to exceed six (6) months, or a fine not to exceed Two Thousand Dollars (\$2,000.00), or both.

71.1602 Possession or Furnishing of Narcotics.

(1) Offense. A person commits the offense of possession or furnishing of narcotics, if he knowingly possesses, manufactures, transports, sells, consumes, uses, cultivates or trades in any drug or other substances identified or defined as a "controlled substance" under the provisions of P.A. 1978, No. 368, of the State of Michigan, as amended to the date of the offense, except marijuana.

(2) Sentence. A person convicted of the offense of possession or furnishing of narcotics may be sentenced to imprisonment for a period not to exceed one (1) year, or a fine not to exceed Five Thousand Dollars (\$5,000.00), or both.

71.1603 Possession of Marijuana.

(1) Offense. A person commits the offense of possession of marijuana, if he knowingly possesses, manufactures, transports, consumes, uses, or cultivates marijuana or any portion of the plant cannabis sativa L. or any substance containing it; or hashish.

(2) Sentence. A person convicted of the offense of possession of marijuana may be sentenced to imprisonment for a period not to exceed three (3) months, or a fine not to exceed One Thousand Dollars (\$1,000.00), or both.

71.1604 Inhaling Toxic Vapors.

(1) Offense. A person commits the offense of inhaling toxic vapors, if he, for the purpose of becoming intoxicated or subjecting himself to the influence of them, willfully inhales the vapors or fumes of paint, gasoline, glue or any other substance producing intoxicating fumes or vapors.

(2) A person convicted of inhaling toxic vapors may be sentenced to imprisonment for a period not to exceed six (6) months, or a fine not to exceed Two Thousand Dollars (\$2,000.00), or both.

SUBCHAPTER XVII: ANIMAL CONTROL

71.1701 Cruelty to Animals.

(1) Offense. A person commits the offense of cruelty to animals, if except as otherwise authorized by law, he intentionally or recklessly:

- (a) subjects any animal to mistreatment; or
- (b) subjects any animal in his custody to neglect; or
- (c) abandons any animal; or
- (d) kills or injures any animal belonging to another.

(2) A person convicted of cruelty to animals may be sentenced to imprisonment for a period not to exceed three (3) months, or a fine not to exceed One Thousand Dollars (\$1,000.00), or both.

71.1702 Offense Concerning Dogs.

(1) Offense. A person commits an offense concerning dogs, if that person:

- (a) fails to restrain his dog at all times within a fenced area on a leash not less than twenty (20) feet in length; or
- (b) maintains a pit bull; or
- (c) maintains a dog which is known to be dangerous or has bitten or attacked a person.

(2) Sentence.

(a) A person convicted of an offense concerning dogs may be sentenced to imprisonment for a period not to exceed three (3) months, or a fine not to exceed Two Thousand Dollars (\$2,000.00), or both.

(b) In addition to the other penalties provided, the Tribal Court may order any dog involved in a violation hereof to be impounded, destroyed, subjected to testing or otherwise disposed of. In addition, tribal officers or other representatives are authorized to seize any dog involved in any violation of this section and to hold the dog pending hearing or release to its owner upon reasonable conditions.

SUBCHAPTER XVIII: SEX CRIMES

71.1801 Criminal Sexual Conduct – First Degree.

(1) Offense. A person is guilty of criminal sexual conduct in the first degree if he or she engages in sexual penetration with another person and if any of the following circumstances exists:

(a) That other person is under 13 years of age.

(b) That other person is at least 13 but less than 16 years of age and any of the following:

(i) The actor is a member of the same household as the victim.

(ii) The actor is related to the victim by blood or affinity to the fourth degree.

(iii) The actor is in a position of authority over the victim and used this authority to coerce the victim to submit.

(iv) The actor is a teacher, substitute teacher, or administrator of the public or nonpublic school in which that other person is enrolled.

(c) Sexual penetration occurs under circumstances involving the commission of any other crime which would be a felony if committed in the state of Michigan.

(d) The actor is aided or abetted by 1 or more other persons and either of the following circumstances exists:

(i) The actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless.

(ii) The actor uses force or coercion to accomplish the sexual penetration. Force or coercion includes, but is not limited to, any of the circumstances listed in subdivision (vi).

(e) The actor is armed with a weapon or any article used or fashioned in a manner to lead the victim to reasonably believe it to be a weapon.

(f) The actor causes personal injury to the victim and force or coercion is used to accomplish sexual penetration. Force or coercion includes, but is not limited to, any of the following circumstances:

(i) When the actor overcomes the victim through the actual application of physical force or physical violence.

(ii) When the actor coerces the victim to submit by threatening to use force or violence on the victim, and the victim believes that the actor has the present ability to execute these threats.

(iii) When the actor coerces the victim to submit by threatening to retaliate in the future against the victim, or any other person, and the victim believes that the actor has the ability to execute this threat. As used in this subdivision, "to retaliate" includes threats of physical punishment, kidnapping, or extortion.

(iv) When the actor engages in the medical treatment or examination of the victim in a manner or for purposes that are medically recognized as unethical or unacceptable.

(v) When the actor, through concealment or by the element of surprise, is able to overcome the victim.

(g) The actor causes personal injury to the victim, and the actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless.

(h) That other person is mentally incapable, mentally disabled, mentally incapacitated, or physically helpless, and any of the following:

(i) The actor is related to the victim by blood or affinity to the fourth degree.

(ii) The actor is in a position of authority over the victim and used this authority to coerce the victim to submit.

(2) Sentence. A person convicted of Criminal Sexual Conduct in the First Degree may be sentenced to imprisonment for a period not to exceed one (1) year, or a fine not to exceed Five Thousand Dollars (\$5,000.00), or both.

71.1802 Criminal Sexual Conduct – Second Degree.

(1) Offense. A person is guilty of criminal sexual conduct in the second degree if the person engages in sexual contact with another person and if any of the following circumstances exists:

(a) That other person is under 13 years of age.

(b) That other person is at least 13 but less than 16 years of age and any of the following:

(i) The actor is a member of the same household as the victim.

(ii) The actor is related by blood or affinity to the fourth degree to the victim.

(iii) The actor is in a position of authority over the victim and the actor used this authority to coerce the victim to submit.

(iv) The actor is a teacher, substitute teacher, or administrator of the public or nonpublic school in which that other person is enrolled.

(c) Sexual contact occurs under circumstances involving the commission of any other crime which would be a felony if committed in the state of Michigan.

(d) The actor is aided or abetted by 1 or more other persons and either of the following circumstances exists:

(i) The actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless.

(ii) The actor uses force or coercion to accomplish the sexual contact. Force or coercion includes, but is not limited to, any of the circumstances listed in section (1)(a)(vi) above.

(e) The actor is armed with a weapon, or any article used or fashioned in a manner to lead a person to reasonably believe it to be a weapon.

(f) The actor causes personal injury to the victim and force or coercion is used to accomplish the sexual contact. Force or coercion includes, but is not limited to, any of the circumstances listed in section (1)(a)(vi) above.

(g) The actor causes personal injury to the victim and the actor knows or has reason to know that the victim is mentally incapable, mentally

incapacitated, or physically helpless.

(h) That other person is mentally incapable, mentally disabled, mentally incapacitated, or physically helpless, and any of the following:

(i) The actor is related to the victim by blood or affinity to the fourth degree.

(ii) The actor is in a position of authority over the victim and used this authority to coerce the victim to submit.

(2) Sentence. A person convicted of Criminal Sexual Conduct in the Second Degree may be sentenced to imprisonment for a period not to exceed one (1) year, or a fine not to exceed Five Thousand Dollars (\$5,000.00), or both.

71.1803 Criminal Sexual Conduct – Third Degree.

(1) Offense. A person is guilty of criminal sexual conduct in the third degree if the person engages in sexual penetration with another person and if any of the following circumstances exist:

(a) That other person is at least 13 years of age and under 16 years of age.

(b) Force or coercion is used to accomplish the sexual penetration. Force or coercion includes but is not limited to any of the circumstances listed in section (1)(a)(vi) above.

(c) The actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless.

(d) That other person is related to the actor by blood or affinity to the third degree and the sexual penetration occurs under circumstances not otherwise prohibited by this chapter. It is an affirmative defense to a prosecution under this subdivision that the other person was in a position of authority over the defendant and used this authority to coerce the defendant to violate this subdivision. The defendant has the burden of proving this defense by a preponderance of the evidence. This subdivision does not apply if both persons are lawfully married to each other at the time of the alleged violation.

(e) That other person is at least 16 years of age but less than 18 years of age and a student at a public or nonpublic school, and the actor is a teacher, substitute teacher, or administrator of that public or nonpublic school. This subdivision does not apply if the other person is emancipated or if both persons are lawfully married to each other at the time of the alleged violation.

(2) Sentence. A person convicted of Criminal Sexual Conduct in the Third Degree may be sentenced to imprisonment for a period not to exceed one (1) year, or a fine not to exceed Five Thousand Dollars (\$5,000.00), or both.

71.1804 Criminal Sexual Conduct – Fourth Degree.

(1) Offense. A person is guilty of criminal sexual conduct in the fourth degree if he or she engages in sexual contact with another person and if any of the following circumstances exist:

(a) That other person is at least 13 years of age but less than 16 years of age, and the actor is 5 or more years older than that other person.

(b) Force or coercion is used to accomplish the sexual contact. Force or coercion includes, but is not limited to, any of the following circumstances:

(i) When the actor overcomes the victim through the actual application of physical force or physical violence.

(ii) When the actor coerces the victim to submit by threatening to use force or violence on the victim, and the victim believes that the actor has the present ability to execute that threat.

(iii) When the actor coerces the victim to submit by threatening to retaliate in the future against the victim, or any other person, and the victim believes that the actor has the ability to execute that threat. As used in this subparagraph, "to retaliate" includes threats of physical punishment, kidnapping, or extortion.

(iv) When the actor engages in the medical treatment or examination of the victim in a manner or for purposes which are medically recognized as unethical or unacceptable.

(v) When the actor achieves the sexual contact through concealment or by the element of surprise.

(c) The actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless.

(d) That other person is related to the actor by blood or affinity to the third degree and the sexual contact occurs under circumstances not otherwise

prohibited by this chapter. It is an affirmative defense to a prosecution under this subdivision that the other person was in a position of authority over the defendant and used this authority to coerce the defendant to violate this subdivision. The defendant has the burden of proving this defense by a preponderance of the evidence. This subdivision does not apply if both persons are lawfully married to each other at the time of the alleged violation.

(e) The actor is a mental health professional and the sexual contact occurs during or within 2 years after the period in which the victim is his or her client or patient and not his or her spouse. The consent of the victim is not a defense to a prosecution under this subdivision. A prosecution under this subsection shall not be used as evidence that the victim is mentally incompetent.

(f) That other person is at least 16 years of age but less than 18 years of age and a student at a public or nonpublic school, and the actor is a teacher, substitute teacher, or administrator of that public or nonpublic school. This subdivision does not apply if the other person is emancipated or if both persons are lawfully married to each other at the time of the alleged violation.

(2) Sentence. A person convicted of Criminal Sexual Conduct in the Fourth Degree may be sentenced to imprisonment for a period not to exceed one (1) year, or a fine not to exceed Five Thousand Dollars (\$5,000.00), or both.

71.1805 Indecent Exposure.

(1) Offense. A person commits the offense of indecent exposure, or he deliberately exposes the genital organs of a person to the view of another person or persons or exposes them under circumstances that the exposing person has reasonable cause to know that such exposure may be viewed by another person or persons, if in either event the exposing person knows or has reasonable cause to know the conduct may offend some person or persons viewing the same.

(2) Sentence. A person convicted of indecent exposure may be sentence to imprisonment for a period not to exceed three (3) months, or a fine not to exceed Two Thousand Dollars (\$2,000.00), or both.

71.1806 Prostitution.

(1) Offense. A person commits the offense of prostitution, if he performs, offers, or agrees to perform any act of sexual intercourse, or of deviate sexual contact (as defined in '71.1801) with any person not the spouse of the offended in exchange for money or any other

thing of consideration or value.

(2) A person convicted of prostitution may be sentenced to imprisonment for a period not to exceed six (6) months, or a fine not to exceed Three Thousand (\$3,000.00), or both.

71.1807 Solicitation for Prostitution.

(1) Offense. A person commits the offense of solicitation for prostitution if that person:

(a) solicits another for the purpose of prostitution; or

(b) arranges or offers to arrange a meeting; or

(c) knowingly grants or permits the use of a place over which the person has or exercises control for the purpose of prostitution; or

(d) knowingly lives on or is supported or maintained in whole or in part by money or other consideration or thing of value earned, received, procured, or realized by any person through prostitution; or

(e) by word, gesture or action, endeavors to further the practice of prostitution in any public place or within public view; or

(f) furnishes or makes available to another person any facility, knowing that the same is to be used for or in aid of prostitution, or who shall advertise in any manner that he furnishes or is willing to furnish or make available any such facility for such purpose.

(2) Sentence. A person convicted of soliciting for prostitution may be sentenced to imprisonment for a period not to exceed six (6) months, or a fine not to exceed Three Thousand Dollars (\$3,000.00), or both.

71.1808 Patronizing a Prostitute.

(1) Offense. A person commits the offense of patronizing a prostitute, if he engages in any act of sexual intercourse or of deviate sexual contact (as defined in '71.1801) with a prostitute.

(2) Sentence. A person convicted of patronizing a prostitute may be sentenced to imprisonment for a period not to exceed six (6) months, or a fine not to exceed Three Thousand Dollars (\$3,000.00), or both.

