

CHAPTER 10 - OFFENSES AGAINST PROPERTY

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Section 10-1 Petty Theft

10-1.01 Petty Theft. Any person who shall take personal property of another person having a value of less than \$100, with intent to steal, shall be deemed guilty of petty theft, and upon conviction thereof shall be sentenced to a period of confinement not to exceed 60 days or ordered to pay a fine of, not to exceed \$200, or both jail sentence and fine, and costs.

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

10-1.02 Grand Theft. Any person who shall take personal property of another person having a value of more than \$100, with intent to steal, shall be deemed guilty of grand theft and upon conviction thereof shall be sentenced to a period of confinement not to exceed 6 months or ordered to pay a fine of not to exceed \$500, or both jail sentence and fine, and costs.

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

10-1.03 Burglary.

- (a) Any person, with intent to commit a crime against a person or property therein, who enters or remains unlawfully in a building other than a vehicle shall be guilty of burglary.
- (b) Every person who is convicted of burglary shall be punished by confinement for not less than 4 days nor more than 6 months and ordered to pay a fine of not less than \$100 nor more than \$500.
- (c) On a second or subsequent conviction of burglary within a two-year period, such person shall be sentenced to a period of confinement of not less than 30 days nor more than 6 months and ordered to pay a fine of not less than \$250 nor more than \$500.
- (d) In any prosecution for burglary, any person who enters or remains unlawfully in a building may be inferred to have acted with intent to commit a crime against a person or property therein, unless such entering or remaining shall be explained by

evidence satisfactory to the trier of fact to have been made without such criminal intent.

(e) Every person who in the commission of a burglary shall commit any other crime may be punished therefore as well as for the burglary and may be prosecuted for each crime separately.

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

Section 10-2 Embezzlement

10-2.01 Embezzlement. Any person 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 and upon conviction thereof shall be sentenced to a period of confinement not to exceed 6 months or ordered to pay a fine of not to exceed \$500, or both jail sentence and fine, and costs.

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

Section 10-3 Fraud

10-3.01 Fraud. Any person who shall by 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 and upon conviction thereof shall be sentenced to a period of confinement not to exceed 6 months or ordered to pay a fine of \$500, or both jail sentence and fine, and costs.

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

Section 10-4 Forgery

10-4.01 Forgery. Any person who shall, with intent to defraud, falsely sign, execute, or alter any written instrument shall be deemed guilty of forgery and upon conviction thereof shall be sentenced to a period of confinement not to exceed 6 months or ordered to pay a fine of \$500, or both jail sentence and fine, and costs.

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

Section 10-5 Extortion

10-5.01 Extortion. Any person who shall willfully by threatened use of unlawful force or by making false charges against another person or by threat to expose any secret, or to expose or impute to any person any deformity or disgrace or by any other means whatsoever, extort or attempt to extort money, goods, property, or anything else of value, shall be guilty of an offense and upon conviction thereof shall be sentenced to a period of confinement not to exceed 6 months or ordered to pay a fine of not to exceed \$500, or both jail sentence and fine, and costs.

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

Section 10-6 Receiving Stolen Property

10-6.01 Receiving Stolen Property. Any person who shall receive, conceal or possess or aid in receiving, concealing or possessing of any property which he knows to be stolen, embezzled, or obtained by fraud, false pretenses, death, robbery or burglary shall be guilty of an offense and upon conviction thereof shall be sentenced to a period of confinement not to exceed 6 months or ordered to pay a fine of not to exceed \$500, or both jail sentence and fine, and costs.

Section 10-7 Malicious Destruction of Property

10-7.01 Malicious Destruction of Property.

- (a) Any person who shall maliciously disturb, deface, injure or destroy any tangible property not belonging to him shall be deemed guilty of an offense and upon conviction shall be sentenced to a period of confinement not to exceed 90 days or ordered to pay a fine of not to exceed \$300, with a mandatory minimum fine, however, of \$100, or both jail sentence and fine, and costs.
- (b) The parent or parents of a minor child under the age of 18 years who is living with the parents or parents and who shall willfully or maliciously destroy property, real or personal or mixed, shall be liable to the owner of such property in a civil action in Tribal Court for damages in an amount not to exceed \$1,000.
- (c) This section shall in no way limit the amount of recovery against the parent or parents for their own negligence.
- (d) The Spokane Tribe will pay a reward of \$150 to anyone providing information leading to the arrest and conviction of any person or persons responsible for breaking and entering, theft or destruction of any property whatsoever belonging to the Tribe.

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

Section 10-8 Criminal Trespass to Land

10-8.01 Criminal Trespass to Land.

- (a) A person commits the crime of Criminal Trespass to Land if he or she unlawfully enters or remains upon any land of another after receiving notice from the owner or occupant to depart.
- (b) Penalties. A person who is convicted of Criminal Trespass to Land shall be sentenced to confinement for a maximum period of one (1) year, pay a fine of not more than \$5000.00, or both.
- (c) 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 notice forbidding such entry posted or exhibited at the main entrance to such land or the forbidden part thereof.
- (d) 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; Amended 11/07/18, Resolu. 2019-047.

Section 10-9 Criminal Trespass to Buildings

10-9.01 Criminal Trespass to Buildings.

- (a) A person commits the crime of Criminal Trespass to Buildings if the person unlawfully enters or remains in any building, structure, dwelling house, or the premises of another person, without the authorization or permission of the owner or other persons entitled to be in possession, and under circumstances not amounting to burglary.
- (b) Penalties. A person who is convicted of Criminal Trespass to Buildings shall be sentenced to confinement for a maximum period of one (1) year, pay a fine of not more than \$5000.00, or both.
- (c) For purpose of this section, a dwelling house of another includes any house, 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 include tepees, tents, trailers, camping devices, animal caches and any structure erected for ceremonial or display purposes.
- (d) 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; Amended 11/07/18, Resolu. 2019-047.

Section 10-10 Fence Destruction

10-10.01 Fence Destruction. Any person who shall willfully destroy, or in any manner render ineffective, a fence belonging to another person or the Spokane Tribe shall be guilty of an offense and upon conviction shall be sentenced to a period of confinement not to exceed 60 days or ordered to pay a fine of not to exceed \$200, or both jail sentence and fine, and costs, including restitution for any property damaged by said act.

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

Section 10-11 Destruction to Signs

10-11.01 Destruction of Signs. Any person who shall maliciously pull down or deface any sign of the Spokane Tribe, state, federal government or any advertisement authorized by law shall be guilty of an offense and upon conviction thereof shall be sentenced to a period of confinement not to exceed 30 days or ordered to pay a fine of not to exceed \$100 or both jail sentence and fine, and costs, and may be required to make restitution for damage caused by such acts.

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

Section 10-12 Disposing of Property of an Estate

10-12.01 Disposing of Property of an Estate. Any person who, without proper authorization, sells, exchanges, or otherwise disposes of any property of an estate before the heirs have been designated through court action or otherwise shall be deemed guilty of an offense and upon conviction thereof shall be sentenced to a period of confinement not to exceed 90 days or ordered to pay a fine of not to exceed \$300, or both jail sentence and fine, and costs, and may be ordered to make restitution of such property or the proceeds thereof to the proper parties.

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

Section 10-13 Unauthorized Use of Property

10-13.01 Unauthorized Use of Property. Any person who shall use, without proper authorization, any personal property not belonging to him, including automobiles, and other propelled vehicles, shall be deemed guilty of an offense and upon conviction thereof shall be sentenced to a period of confinement not to exceed 90 days or ordered to pay a fine of not to exceed \$300, or both jail sentence and fine, and costs, and such individual may be ordered to make restitution for any damage caused by said act.

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

Section 10-14 Failure to Report or Control Fire

10-14.01 Failure to Report or Control Fire. Any person, knowing that a fire is endangering life or property, who fails to take prompt and reasonable action to give a fire alarm to any individual, agency or organization having the duty to deal with such emergency or fails to take reasonable measures to put out or control the fire when there is no significant danger to himself, shall be deemed guilty of an offense and, upon conviction thereof, shall be sentenced to a period of confinement not to exceed 30 days or to pay a fine of not more than \$150, or both jail sentence and fine, and costs.

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

Section 10-15 Throwing Away Burning Materials-Starting Prohibited Fires-Permitting Fire to Spread

10-15.01 Throwing Away Burning Materials-Starting Prohibited Fires-Permitting Fire to Spread. Any person who shall:

- (a) Throw away any lighted or burning tobacco, cigarettes, matches, or other lighted materials,
- (b) Kindle or start a fire on land owned or controlled by him, or who permits or allows other persons to do so, when such a fire is prohibited by this Code,
- (c) Kindle or cause any fire to be kindled other than in a building within a receptacle designed for such fire, and building within a receptacle designed for such fire, and leave said fire without totally extinguishing the same or permit said fire to burn or spread beyond his control, shall be deemed guilty of an offense and, upon conviction thereof, shall be sentenced to a period of confinement not to exceed 5 days, or to pay a fine not to exceed \$25, or both fine and costs.

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

Section 10-16 Closed Season - Starting Fire Without Permit

10-16.01 Closed Season-Starting Fire Without Permit.

- (a) No person shall kindle or cause or permit any fire to be kindled on the Spokane Reservation, at any place, other than in a building within a receptacle designed for such fire or burning material, during any period in which the Superintendent of the Spokane Agency shall have prohibited such fires without first obtaining a written permit to do so from the Superintendent.
- (b) The permittee shall comply with all of the terms and conditions of such permit.
- (c) Any person violating this section shall, upon conviction, be sentenced to confinement not to exceed 30 days or to pay a fine not to exceed \$250, or both jail sentence and fine, and costs.

(d) Each day's burning in violation of this section shall be considered a separate offense.

(e) The parent or parents of a minor child under the age of 18 years who is living with the parent or parents and who shall willfully or maliciously start any fire in violation of this section shall be liable to the property owner in a civil action in Tribal Court for damages in an amount not to exceed \$1,000.

(f) This section shall in no way limit the amount of recovery against the parent or parents for their own negligence.

(g) The Spokane Tribe will pay a reward of \$150 to anyone providing information leading to the arrest and conviction of any person or persons responsible for starting a fire on Tribal property in violation of this section.

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

Section 10-17 Setting Fire to Wooded Area

10-17.01 Setting Fire to Wooded Areas. Any person who shall willfully set on fire any wooded or grassland area of the Spokane Reservation shall be deemed guilty of an offense and upon conviction thereof shall be sentenced to a period of confinement not to exceed 6 months or ordered to pay a fine of not to exceed \$500 or both jail sentence and fine, and costs; provided, that this section shall not apply to those persons who have obtained a Tribal burning permit and have demonstrated efforts on their part of maintaining control of said fire.

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