

**CHAPTER 12 - OFFENSES INVOLVING CONDUCT**

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**Section 12-1 Disorderly Conduct**

12-1.01 Disorderly Conduct.

- (a) A person commits the offense of Disorderly Conduct by:
- (1) Fighting, challenging another person to fight, or engaging in other violent behavior in a public place;
  - (2) Disrupting any public place or religious assembly by unreasonable noise or act, abusive language to any person present, or creation of an offensive or physically hazardous condition;
  - (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) Appearing in any public place or upon any public road, 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.
- (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 sentenced to confinement for a maximum period of one (1) year, pay a maximum fine of not more than \$5000.00, or both.
  - (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.

### 12-2.01 Maintaining a Public Nuisance.

- (a) A person commits the crime of Maintaining a Public Nuisance when, 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 sentenced to confinement for a maximum period of one (1) year, pay a fine of not more than \$5000.00, or both.
- (b) The Tribal Court, at the discretion of the Judge, may 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. A violation of such order or orders shall itself constitute an offense 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; Amended 11/07/18, Resolu. 2019-047.

## **Section 12-3 Unlawful Assembly**

### 12-3.01 Unlawful Assembly.

- (a) Whenever 3 or more persons:
  - (1) Assemble with the intent:
    - (A) to commit any unlawful act by force; or
    - (B) to carry out any purpose in such manner as to disturb the public peace; or
  - (2) Being assembled, shall attempt to threaten any act which creates a present danger or imminent violence, breach of the peace, or injury to persons or property, or the commission of any unlawful act by force, such assembly is unlawful, and every person participating therein by his presence, aid or instigation, shall be deemed guilty of an offense and, upon conviction, shall be sentenced to a period of confinement not to exceed 90 days or to pay a fine not to exceed \$300, or both jail sentence and fine, and costs.
- (b) Every person who shall remain present at the place of an unlawful assembly after having been warned to disburse by a Court or Indian Police, unless such person is a Tribal official or is acting to assist such official at his request, to disburse the assembly to protect persons and property, or to arrest offenders, shall be deemed guilty of an offense and, upon conviction, shall be sentenced to confinement for a period not to exceed 10 days, or to pay a fine not to exceed \$450, or both jail sentence and fine, and costs.

## **Section 12-4 False Alarm**

12-4.01 False Alarms. Any person who shall knowingly cause the transmission of any false emergency alarm to, or within, any individual, agency or organization impressed with the duty of dealing with emergencies involving danger to life and property 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 ordered to pay a fine of not to exceed \$100, or both jail sentence and fine, and costs.

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

### **Section 12-5 Weapons Discharge**

12-5.01 Weapons Discharge. Any person who shall willfully discharge any firearm or other deadly weapon, or throw any deadly missile in a public place, or in any place where any person might be endangered thereby, although no injury results, 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 ordered to pay a fine of not to exceed \$100, or both jail sentence and fine, and costs.

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

### **Section 12-6 Concealed Weapons**

12-6.01 Concealed Weapons. Any person who shall go about in a public place armed with a deadly weapon concealed upon his person, or, with any firearm if the person is a non-member of the Tribe and not a resident of the Spokane Reservation, unless he shall have a permit signed by a Judge of the Spokane Tribal Court, shall be deemed guilty of an offense and 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; and the weapon so carried may be confiscated and disposed of by order of the Spokane Tribal Court.

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

### **Section 12-7 Possession of Deadly and Dangerous Weapons**

12-7.01 Possession of Deadly and Dangerous Weapons.

(a) Any person other than authorized law enforcement personnel who shall enter the Tribal premises known as the Spokane Tribal Fairgrounds during the annual Tribal Fair carrying on his person or on or in his vehicle any firearm or other dangerous weapon shall be deemed guilty of an offense and 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; and the weapons so carried may be confiscated and disposed of by order of the Spokane Tribal Court.

(b) A "dangerous weapon" is any firearm, dagger, numchuck, sword, brass knuckles, knife or other cutting or stabbing instrument, club or any other weapon capable of producing serious bodily harm.

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

### **Section 12-8 Aiding and Abetting in the Commission of an Offense**

12-8.01 Aiding and Abetting in the Commission of an Offense.

(a) A person is guilty of a crime as a principal whether that person is present or absent at the commission of the crime, if he assists in such crime or he directly or indirectly hires, commands, or otherwise procures another to commit a crime.

(b) In order for a person to aid or abet by his presence, he must be ready to assist or assist the perpetrator of the crime by his presence.

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

### **Section 12-9 Disturbing the Peace**

### 12-9.01 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 be 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.

Adopted 11/07/18, Resolu. 2019-047; **Struck down by the Spokane Tribal Court as unconstitutional and a violation of the due process clause of the Fourteenth Amendment on September 7, 2021 in Case No. 2021-0104-DV.**