

CHAPTER 9 - OFFENSES INVOLVING CHILDREN

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Section 9-1 Desertion and Non-Support of Children

9-1.01 Desertion and Non-Support of Children.

(a) Any person who shall desert, and without lawful excuse, refuse or neglect to provide for the support or maintenance of a child of such person, including an illegitimate child of such person adjudicated to be the parent thereof, or children in the lawful custody of such person shall be deemed guilty of an offense and upon conviction shall be sentenced to a period of confinement in the Tribal jail not to exceed 90 days or ordered to pay a fine of not to exceed \$300, or both jail sentence and fine, and costs.

(b) In the event a fine shall be utilized for the maintenance, care and support of such child under the direction and supervision of the Tribal Judge.

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

Section 9-2 Return of Offenders to Other Requesting Courts

9-2.01 Return of Offenders to Other Requesting Courts. Upon the formal request of any other duly authorized Tribal, State or Federal Court, to return to the jurisdiction of that Court a person by it convicted of failure to support dependent persons, the Court shall cause that person, if within its jurisdiction, to be apprehended, and, if it determines that probable cause exists supporting the charges, shall cause said person to be delivered to the authorities of the requesting Court.

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

Section 9-3 Contributing to the Delinquency of a Child

9-3.01 Contributing to the Delinquency of a Child. Any person over the age of 17 years who shall willfully by any act or omission encourage, cause or contribute to the delinquency of a child as defined by this Code shall be 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 fine of not to exceed \$300 or both the jail sentence and fine, and costs.

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

Section 9-4 Failure to Send Children to School

9-4.01 Failure to Send Children to School. Any person who, without good cause, neglect or refuses to send his children, or children in his lawful custody, who have not reached age 16, or completed the 8th grade, whichever is first, to school, shall be 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 fine of not to exceed \$300 or both the jail sentence and fine, and costs.

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

Section 9-5 Child Abuse

9-5.01 Child Abuse. Any person who shall willfully and maliciously commit acts of violence and abuse upon any child as defined by this Code shall be deemed guilty of an offense and upon conviction shall be sentenced to a period of confinement in the Tribal jail not to exceed 6 months or ordered to pay a fine of \$500 or both the jail sentence and fine, and costs.

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

Section 9-6 Child Molestation

9-6.01 Deleted.

Legislative History-Readopted 8/01/06, Resolu. 2006-524; Amended 11/2/2010, Resolu.2011-069

Section 9-7 Carnal Knowledge

9-7.01 Deleted.

Legislative History-Readopted 8/01/06, Resolu. 2006-524; Amended 11/2/2010, Resolu.2011-069

Section 9-8 Curfew

9-8.01 Curfew. Any person who shall, without good cause, allow his children or any children in his custody and care who are under the age of 14 years to be on the streets, highways or other public places within the Spokane Reservation between the hours of 11:00 p.m. and 6:00 a.m., or if they be over the age of 14 years but under the age of 16 years, between the hours of 12:00 midnight and 6:00 a.m., or if they be over the age of 16 years but under the age of 18 years between the hours of 1:00 a.m. and 6:00 a.m. inclusive, on any day preceding a school day, 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 the jail sentence and fine, and costs; *provided, that* this section shall not apply to children who are accompanied by a parent or in circumstances where such child is involved in a school function or Tribal ceremonial function.

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

Section 9-9 Abandoned Ice Boxes or Other Containers Accessible to Children

9-9.01 Abandoned Ice Boxes or Other Containers Accessible to Children. Any person who abandons or discards, in any place accessible to children, refrigerator, ice box, ice chest, or other container of a capacity of 1-1/2 cubic feet or more, which has an attached lid or door which may be opened or fastened shut by means of an attached latch, or who, being the owner, lessee, or manager of a premises knowingly permits such abandoned containers, not in active use, to remain there shall be deemed guilty of an offense and upon conviction thereof shall be sentenced to a period of confinement in the Tribal jail not to exceed 30 days or ordered to pay a fine of not to exceed \$100 or both jail sentence and fine, and costs.

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

Section 9-10 Purchase, Possession, Consumption and Misrepresentation

9-10-01 Purchase, Possession, Consumption, and Misrepresentation.

- (a) It shall be unlawful for any person under age 21 to purchase, attempt to purchase, possess or control, consume, or exhibit the effects of having consumed alcohol or liquor on the Spokane Reservation.
- (b) It shall be unlawful for any person to represent them self as being 21 in order to attempt to purchase alcohol or liquor at any business on the Spokane Reservation.
- (c) Any person who violates this provision may be sentenced to up to 90 days in jail and/or a fine up to \$1,000.
- (d) The Court shall order any person convicted under this provision to:
 - (1) serve a mandatory minimum of 5 days on house arrest, or in confinement, for the first offense, with a mandatory minimum fine of \$150;
 - (2) serve a minimum of 5 days in confinement, with an increased fine of \$250, for each additional offense, to a maximum of 30 days confinement and a fine of \$1,000;
 - (3) obtain an alcohol and drug evaluation, and to comply with treatment requirements;
 - (4) comply with all conditions of probation, including completing community service requirements in place of fine payments.
- (e) The Court shall order custodial parents or legal guardians of persons, under the age of 18, who are convicted under this section to reimburse the Spokane Tribe for all costs of confinement.

Legislative History-Amended 01/05/09, Resolu. 2009-101; Amended 8/11/00, Resolu. 2000-328; Readopted 8/01/06, Resolu. 2006-524.

9-10.02 Providing Alcohol to a Minor or Allowing a Minor to Consume Alcohol

- (a) Except as provided in subsection (e) of this section, any person over the age of 18 who knowingly provides or furnishes alcohol or liquor to a person under age 21, or who knowingly permits a person under age 21 to consume alcohol or liquor shall be guilty of an offense.
- (b) The Court may order any person age 18 and over who is convicted under this section to serve not more than 180 days in confinement and/or to pay a fine of \$1,000, with a minimum sentence of 5 days confinement, and a \$150 fine per minor furnished or permitted to consume alcohol.
- (c) The Court may order any person under age 18 who is convicted under this section to serve not more than 90 days in confinement and/or to pay a fine of \$1,000, with a minimum sentence of 5 days confinement and a \$150 fine per minor furnished or permitted to consume alcohol.
- (d) The minimum sentence in subsections (b) and (c) must be served in confinement, with work or labor credit permitted. The fines may be worked off by performing community services.
- (e) It shall be a defense to the crime of providing alcohol to a minor that the alcohol was provided as follows:
 - (1) by a parent or other person as part of a religious practice; or
 - (2) by a physician or doctor as a part of a medical procedure;

and if the amount provided is minimal and the minor is not then allowed to enter any public place or vehicle unescorted by a parent or guardian.

Legislative History-Amended 01/05/09, Resolu. 2009-101; Amended 8/30/99, Resolu. 1999-349; Readopted 8/01/06, Resolu. 2006-524.

9-10.03 Deleted

Legislative History-Amended 01/05/09, Resolu. 2009-101; Amended 8/11/00, Resolu. 2000-328; Readopted 8/01/06, Resolu. 2006-524

9-10.05 Mandatory Sentence and Fine. Deleted

Legislative History-Deleted 01/05/09, Resolu. 2009-101; Readopted 8/01/06, Resolu. 2006-524.