

# Oneida Nation

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Oneida, WI 54155

## **BC Resolution # 09-16-21-A Revised Public Peace Law Citation Schedule**

- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Public Peace law ("the Law") was adopted by the Oneida Business Committee through resolution BC-09-08-21-A; and
- WHEREAS,** the purpose of the Law is to set forth community standards and expectations which preserve the peace, harmony, safety, health, and general welfare of individuals who live within the boundaries of the Reservation; and
- WHEREAS,** the Law prohibits any person from committing a civil infraction under this Law; and
- WHEREAS,** the Law sets forth various civil infractions including:
- Civil infractions against property;
  - Civil infractions against the peace;
  - Civil infractions against government;
  - Civil infractions against the person;
  - Civil infractions involving alcohol, tobacco, and drugs;
  - Civil Infractions affecting health and safety; and
- WHEREAS,** the Law provides that an individual who violates a provision of this Law by committing a civil infraction may be subject to the issuance of a citation by an Oneida Police Department officer; and
- WHEREAS,** any citation issued for a violation of this Law shall be processed in accordance with the procedure contained in the Nation's laws and policies governing citations; and
- WHEREAS,** the Trial Court is delegated jurisdiction over any action brought under this Law; and
- WHEREAS,** the Law delegates authority to the Oneida Business Committee to adopt through resolution a citation schedule which sets forth specific fine amounts for violations of this Law; and
- WHEREAS,** the Oneida Business Committee adopted resolution BC-09-08-21-B, *Public Peace Law Citation Schedule*, to set forth specific fine amounts for various violations of this Law; and
- WHEREAS,** the chart within resolution BC-09-08-21-B, *Public Peace Law Citation Schedule*, contained typographical errors; and

**WHEREAS,** the Oneida Business Committee is now seeking a revised resolution to be adopted to correct any typographical errors in the Public Peace Law Citation Schedule in an effort to avoid any confusion or error in the interpretation of this resolution; and

**NOW THEREFORE BE IT RESOLVED,** that this resolution revises and supersedes resolution BC-09-08-21-B, *Public Peace Law Citation Schedule*, and that the Oneida Business Committee hereby sets forth the following citation schedule to be used for violations of the Public Peace law:

<b>PUBLIC PEACE LAW CITATION SCHEDULE</b>					
<b>Violation</b>	<b>Reference</b>	<b>1<sup>st</sup> Offense</b>	<b>2<sup>nd</sup> Offense</b>	<b>3<sup>rd</sup> Offense or More</b>	<b>Mandatory Appearance Required?</b>
<i>Civil Infractions Against Property</i>					
Damage to Property	309.5-1	<i>Loss \$50 or less</i>			Yes
		\$50	\$150	\$200	
		<i>Loss more than \$50, less than \$250</i>			
		\$250	\$500	\$1000	
		<i>Loss \$250 or more</i>			
Reckless Damage or Destruction	309.5-2	<i>Loss \$50 or less</i>			Yes
		\$50	\$150	\$200	
		<i>Loss more than \$50, less than \$250</i>			
		\$250	\$500	\$1000	
		<i>Loss \$250 or more</i>			
Trespass	309.5-3	\$250	\$500	\$1000	Yes
Theft	309.5-4	<i>Theft \$50 or less</i>			Yes
		\$50	\$150	\$200	
		<i>Theft more than \$50, less than \$250</i>			
		\$250	\$500	\$1000	
		<i>Theft \$250 or more</i>			
Retail Theft	309.5-5	<i>Theft \$50 or less</i>			Yes, if value of retail theft more than \$50 in value. - No, if value of retail theft less than \$50 in value.
		\$50	\$150	\$200	
		<i>Theft more than \$50, less than \$250</i>			
		\$250	\$500	\$1000	
		<i>Theft \$250 or more</i>			
Loitering	309.5-6	\$100	\$200	\$300	No
Fraud	309.5-7	<i>Loss \$50 or less</i>			Yes
		\$50	\$150	\$200	
		<i>Loss more than \$50, less than \$250</i>			
		\$250	\$500	\$1000	
		<i>Loss \$250 or more</i>			
Negligent Handling of Burning Material	309.5-8	\$100	\$200	\$500	No

<i>Civil Infractions Against the Peace</i>					
Disorderly Conduct	309.6-1	\$250	\$500	\$1000	No for 1 <sup>st</sup> or 2 <sup>nd</sup> Offense – Yes for 3 <sup>rd</sup> Offense or More
Carrying a Prohibited Weapon	309.6-2	\$250	\$500	\$1000	No
Gang Related Activity	309.6-3	\$250	\$500	\$1000	No
Throwing or Shooting a Projectile	309.6-4	\$100	\$200	\$300	No
Obstructing Streets or Sidewalks	309.6-5	\$25	\$50	\$100	No
Nuisance	309.6-6	\$100	\$200	\$300	Yes
Maintaining a Chronic Nuisance House	309.6-7	\$250	\$500	\$1000	Yes
Interfering with Lawful Arrest or Resisting Arrest	309.6-8	\$250	\$500	\$1000	Yes
<i>Civil Infractions Against Government</i>					
Disrupting a Meeting or Government Function	309.7-1	\$100	\$250	\$500	No for 1 <sup>st</sup> Offense – Yes for 2 <sup>nd</sup> Offense or More
Breach of Confidentiality	309.7-2	\$100	\$250	\$500	No for 1 <sup>st</sup> Offense – Yes for 2 <sup>nd</sup> Offense or More
Threatening an Official	309.7-3	\$250	\$500	\$1000	Yes
<i>Civil Infractions Against the Person</i>					
Assault	309.8-1	\$250	\$500	\$1000	Yes
Harassment	309.8-2	\$100	\$300	\$500	Yes
Abuse of Individuals at Risk	309.8-3	\$500	\$750	\$1000	Yes
Truancy	309.8-4	\$50	\$75	\$100	Yes
<i>Civil Infractions Involving Alcohol, Tobacco, and Drugs</i>					
Public Intoxication	309.9-1	\$100	\$200	\$300	No
Unauthorized Alcohol Beverage	309.9-2	\$100	\$200	\$300	No
Underage Possession of Alcohol	309.9-3	\$100	\$200	\$300	Yes
Furnishing Alcohol Beverages to Minors	309.9-4	\$250	\$500	\$1000	Yes
Underage Possession of Tobacco	309.9-5	\$50	\$75	\$100	Yes
Furnishing Tobacco to Minors	309.9-6	\$150	\$300	\$500	Yes
Misrepresentation of Identification Card	309.9-7	\$100	\$200	\$300	Yes
Possession of Prohibited Drugs	309.9-8	\$250	\$500	\$1000	Yes
Manufacturing Prohibited Drugs	309.9-9	\$750	\$1000	\$2000	Yes
Maintaining a Drug House	309.9-10	\$750	\$1000	\$2000	Yes

<i>Civil Infractions Affecting Health and Safety</i>					
Littering	309.10-1	\$25	\$50	\$100	No
Unightly Areas	309.10-2	\$100	\$250	\$350	No for 1st or 2nd Offense – Yes for 3rd Offense or More
Depositing Human Waste	309.10-3	\$100	\$200	\$300	No
Exposure of a Communicable or Infectious Disease	309.10-4	\$500	\$750	\$1000	Yes

**BE IT FURTHER RESOLVED**, that in addition to the fines listed above, additional penalties issued by the Trial Court may include community service, participation in counseling or other programs, restitution, or any other penalty as deemed appropriate by the Trial Court as provided for by the Public Peace law.

**BE IT FURTHER RESOLVED**, in addition to the fine amount as provided in the citation schedule above, any citation issued for a violation of this Law shall also include court costs as assessed by the Oneida Nation Judiciary.

**BE IT FURTHER RESOLVED**, criminal charges and referrals may be appropriate in certain cases and are not prohibited.

**BE IT FURTHER RESOLVED**, the Oneida Police Department officer issuing the citation shall have the discretion to require a mandatory appearance of the offender at the Trial Court's citation pre-hearing for any violation of this Law if deemed appropriate.

**BE IT FURTHER RESOLVED**, the issuance of a citation to any offender who has not attained the age of eighteen (18) years shall require the mandatory appearance of the offender and their parent(s), guardian(s), or legal custodian(s) at the Trial Court's citation pre-hearing.

**BE IT FURTHER RESOLVED**, for any offender who has not attained the age of eighteen (18) years, a violation committed within twelve (12) months of a previous violation shall be considered a second or subsequent violation.

**BE IT FINALLY RESOLVED**, the Oneida Business Committee hereby adopts this resolution which shall become effective on September 22, 2021.

**CERTIFICATION**

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum; 7 members participated in an electronic vote (e-poll) which closed on the 16<sup>th</sup> day of September, 2021; that the forgoing resolution was duly adopted by a vote of 7 members for, 0 members against, and 0 members not voting\*; and that said resolution has not been rescinded or amended in any way. The results of the e-poll will be entered into the record at the next Oneida Business Committee scheduled on October 13, 2021.

  
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 Lisa Liggins, Secretary  
 Oneida Business Committee

\*According to the By-Laws, Article I, Section 1, the Chair votes "only in the case of a tie."