

**TITLE 4 – CRIMINAL CODE
CHAPTER 1 -- OFFENSES**

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**TITLE 4 – CRIMINAL CODE
CHAPTER 1 -- OFFENSES**

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SUBCHAPTER A GENERAL PROVISIONS

Section 10 Purpose (4 PYTC § 1-10) [RESERVED]

Section 20 Definitions (4 PYTC § 1-20)

- (A) "Accused" means a person who has been arrested for committing a criminal offense and who is held for an initial appearance or other proceeding before trial.
- (B) "Appellate proceeding" means a contested oral argument that is held in open court before the tribal court of appeals.
- (C) "Arrest" means the actual custodial restraint of a person or the person's submission to custody.
- (D) "Criminal offense" means conduct that gives a peace officer or prosecutor probable cause to believe that a crime involving physical injury or the threat of physical injury, a sexual offense or a crime against property has occurred.
- (E) "Criminal proceeding" means any hearing, argument or other matter that is scheduled by and held

before tribal court but does not include any deposition, lineup, proceeding or other matter that is not held in the presence of the court.

- (F) "Defendant" means a person or entity that is formally charged by complaint, indictment or information with committing a criminal offense.
- (G) "Physical Injury" means the impairment of physical condition and includes but shall not be limited to any skin bruising, bleeding, failure to thrive, malnutrition, burns, fracture or any bond, subdural hematoma, soft tissue swelling, injury to any internal organ or any physical condition which imperils a persons health or welfare.
- (H) "Serious Physical Injury" means physical injury which creates a reasonable risk of death, or which causes serious or permanent disfigurement, or serious impairment of health or loss or protracted impairment of the function of any bodily organ or limb.

Section 30 Jurisdiction (4 PYTC § 1-30) [RESERVED]

Section 40 Statute of Limitations (4 PYTC § 1-40)

No criminal prosecution shall be maintained under this chapter unless the action shall have been commenced within one year after the commission of the offense. The one year time limit does not include time spent outside of the jurisdiction of the Tribal Courts for the purpose of avoiding prosecution. The burden of proving the reason for absence from jurisdiction shall be upon the accused.

Section 41 Culpable Mental States; Definitions (4 PYTC § 1-41)

- (A) "Culpable Mental States" means intentionally, knowingly, recklessly or with criminal negligence as those terms are thusly defined:
 - (1) "Intentionally or with the intent to" means, with respect to a result or to confuct described by a statute defining an offense that a person's objective is to cause that result or to engage in that conduct.
 - (2) "Knowingly" means with respect to conduct or to a circumstance described by a statute defining an offense that a person is aware or believes that his or her conduct is of that nature or that the circumstances exists. It does not require any knowledge of the unlawfulness of the act or omission.
 - (3) "Recklessly" means with respect to a result or to a circumstance described bly a statute defining an offense that a person is aware of and consciously disregards a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such nature and degree that disregard of such risk constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation. A person who creates such a risk but is unaware of such risk solely by reason of voluntary intoxication also acts recklessly with respect to such risk.
 - (4) "Criminal negligence" means with respect to a result or to a circumstance described by a statute defining an offense that a person fails to perceive a substantial and unjustifiable risk that the result will occur or that the circumstances exist. The risk must be of such nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation.

Section 42 Responsibility (4 PYTC § 1-42)

Temporary intoxication resulting from the voluntary ingestion, consumption, inhalation or injection of alcohol, an illegal substance under subchapter H of this Chapter, or other psychoactive substance or the abuse of prescribed medication does not constitute insanity and is not a defense for any criminal; act or requisite state of mind.

SUBCHAPTER B CRIMES AGAINST CHILDREN AND ELDERS

Section 50 Abandonment of Child (4 PYTC § 1-50)

- (A) Any parent, guardian, or any person who has been entrusted with, or who has assumed the care of a child under the age of 18 years, who neglects or intentionally leaves such child without care or abandons him under any circumstances, whereby the child may suffer from neglect, or who shall neglect the child in any manner or who shall cause such child to be exposed to bodily injuries shall be deemed guilty of an offense.
- (B) A person who has been employed to provide care, or who has assumed a legal duty to provide care, or who has been appointed by a court to provide care to an incapacitated adult or elderly and who causes or permits the life of the adult or elderly to be endangered, his health to be injured or to be imperiled by neglect, is guilty of a criminal offense, punishable by imprisonment for a period not to exceed 365 days or a fine not to exceed \$5,000 or both.

Section 60 Abuse of a Minor (4 PYTC § 1-60)

Any parent(s), guardian or temporary custodian who has been entrusted with or who has assumed the care of a minor under the age of 18 years of age who abuses a minor as these terms are defined in the Juvenile Code, shall be deemed guilty of an offense.

Section 70 Care of Dependent Persons (4 PYTC § 1-70)

Any person who shall, because of intemperance, or of gambling or for any other reason, refuse or neglect to furnish food, shelter or care to those dependent upon him or her, including any children born out of wedlock, disabled adult or mentally incompetent adult, shall be deemed guilty of an offense.

Section 80 Contributing to the Delinquency of a Minor (4 PYTC § 1-80)

- (A) A person who by any act causes, encourages or contributes to the delinquency of a child, or who for any cause is responsible therefore may be found guilty of such offense.
- (B) The procedure and prosecution shall be the same as in other criminal cases.
- (C) When the charge concerns the delinquency of a child or children, the offense for convenience may be termed contributory delinquency.
- (D) In order to find a person guilty of violating the provisions of this section, it is not necessary to prove that the child has actually become delinquent if it appears from evidence that through any act, neglect or omission of duty or by any improper act or conduct on the part of such person, the delinquency of a child has been caused or encouraged.

Section 90 Custodial Interference (4 PYTC § 1-90)

A person commits custodial interference if, knowing or having reason to know that he or she has no legal right to do so, such person knowingly takes, entices or keeps from lawful custody any child less than 18 years of age or incompetent, entrusted by authority of law to the custody of another person or institution.

(A) If a child is born out of wedlock, the mother is the legal custodian of the child for the purposes of this section until paternity is established and custody is determined by a Court.

Section 100 Exploitation of Elderly (4 PYTC § 1-100)

Any person who uses the funds, benefits, or property of a person over the age of 55, for their personal benefit, profit or gain through illegal or improper utilization, is guilty of an offense.

Section 110 Furnishing of Tobacco to Minor; Minor Accepting or Receiving Tobacco (4 PYTC § 1-110)

Any person who knowingly sells, gives or furnishes cigars, cigarettes or cigarette papers, smoking or chewing tobacco, to anyone under the age of 21, and a person under the age of 21, who buys, or has in his possession or knowingly accepts or receives from any person, cigars, cigarettes or cigarette papers, smoking or chewing tobacco of any kind, is guilty of an offense.

Section 111 Dangerous Crimes against Children; Sentences; Definitions (4 PYTC § 1-111)

(A) "Dangerous crime against children" means any of the following committed against a minor under 15 years of age:

- (1) Second degree murder.
- (2) Aggravated assault resulting in serious physical injury or committed by the use of a deadly weapon or dangerous instrument.
- (3) Sexual assault.
- (4) Molestation of a child.
- (5) Sexual conduct with a minor.
- (6) Commercial sexual exploitation of a minor.
- (7) Sexual exploitation of a minor.
- (8) Child abuse as defined in 4 PYTC § 2-100.
- (9) Kidnapping.
- (10) Sexual abuse.
- (11) Taking a child for the purpose of prostitution.
- (12) Child prostitution.
- (13) Involving or using minors in drug offenses.

- (B) Classification
- (1) A dangerous crime against children is a class 1 major offense if it is a completed offense.
 - (2) A dangerous crime against children is a class 3 major offense if it is a preparatory offense.
- (C) Except as otherwise provided in this section, a person who is at least 18 years of age or who has been tried as an adult and who stands convicted of a dangerous crime against children shall be sentenced to a presumptive term of imprisonment for one year.
- (D) A person sentenced for a dangerous crime against children pursuant to this section is not eligible for suspension or commutation of sentence, probation, pardon, parole, work furlough or release from confinement until the sentence imposed by the Court has been served.
- (E) In addition to the term of imprisonment imposed pursuant to this section and notwithstanding any other law, the Court shall order that a person convicted of any dangerous crime against children be supervised on parole after release from confinement on such conditions as the Court deems appropriate.
- (F) The sentence imposed on a person by the Court for a dangerous crime against children shall be consecutive to any other sentence imposed on the person at any time.

SUBCHAPTER C CRIMES AGAINST PERSONS

Section 120 Abduction (4 PYTC § 1-120)

Any person who shall willfully take away or detain another person against his will or without consent of the parent, or other person having lawful care or charge of him or her shall be deemed guilty of abduction.

Section 130 Assault (4 PYTC § 1-130)

- (A) "Assault". A person commits assault by:
- (1) Intentionally, knowingly or recklessly causing any physical injury to another person, or
 - (2) Intentionally placing another person in reasonable apprehension of imminent physical injury; or
 - (3) Knowingly touching another person with the intent to injure, insult or provoke such person.
- (B) "Aggravated Assault". A person commits aggravated assault if such person commits assault under any of the following circumstances:
- (1) If such person causes serious physical injury to another.
 - (2) If such person uses a deadly weapon or dangerous instrument,
 - (3) If such person is 18 years of age or more and commits the assault upon a child the age of 15 years or under,
 - (4) If such person commits the assault while the victim is bound or otherwise physically restrained or while the victim's capacity to resist is substantially impaired."

Section 140 Assault & Battery on a Tribal Official (4 PYTC § 1-140)

- (A) Any person who shall
- (1) willfully strike any tribal official including police officers, or otherwise inflict bodily injury, or who shall by offering violence cause another to harm himself; or
 - (2) Willfully attempt to commit battery upon a tribal official or police officer by force or violence or any unlawful act, threat, or menacing conduct which causes the tribal official or police officer to reasonably believe that he/she is in danger of receiving an immediate battery, shall be guilty of an offense.
- (B) A Tribal Official shall be defined as any person who works for the Pascua Yaqui Tribe, including Tribal Council Members, employees of the Tribe and its various departments and enterprises while performing official duties, Tribal and BIA Police Officers, Tribal Security officers, Housing Authority personnel while performing official duties, and shall include personnel of outside police and fire agencies who are assisting Tribal officials in the performance of their duties.

Section 150 Battery (4 PYTC § 1-150)

- (A) Any person who shall willfully strike another person or otherwise inflict bodily injury, or who shall by offering violence cause another to harm him shall be deemed guilty of an offense.
- (B) Law Enforcement officers shall arrest the perpetrator in a domestic violence call when there is physical evidence of battery on the victim or the officer has reason to believe that physical battery has occurred.
- (C) A person who is convicted of a violation of battery arising from domestic violence between spouses or persons living together as husband and wife shall be sentenced to serve not less than five days in jail.
- (D) Aggravated battery: a person commits aggravated battery if such person commits battery under any of the following circumstances:
- (1) Uses a dangerous or deadly weapon;
 - (2) If such person is 18 years of age or older and commits the battery against a child under 15 years of age;
 - (3) If such person commits the battery while the victim is bound or otherwise physically restrained or while the victim's capacity to resist is substantially impaired.

Section 160 Mutilation or Disinterment of Dead Body (4 PYTC § 1-160)

Any person, who mutilates, disinters or removes the dead body or ashes of a human being from its sepulcher, without authority of law or order of court shall be guilty of an offense.

Section 170 Removal of Dead Body with Certain Intent (4 PYTC § 1-170)

An person who removes the dead body or any part of the dead body of a human being from its sepulcher, grave or other place where the dead body is buried, or from the place where the dead body is deposited

while awaiting burial with intent to sell or dissect the body without authority of law or order of the court shall be guilty of an offense.

Section 180 Endangerment (4 PYTC § 1-180)

- (A) A person who recklessly endangers another person with a substantial risk of imminent death or physical injury; or
- (B) Creates such a risk but is unaware of such risk solely by reason of voluntary intoxication shall be deemed guilty of an offense.

Section 190 False Arrest (4 PYTC § 1-190)

Any person who shall willfully and knowingly make or cause to be made the unlawful arrest, detention, or imprisonment of another person shall be deemed guilty of an offense.

Section 200 Kidnapping (4 PYTC § 1-200)

A person commits kidnapping by knowingly restraining another person with the intent to:

- (A) Hold the victim for ransom, as a shield or hostage.
- (B) Hold the victim for involuntary servitude.
- (C) Inflict death, physical injury or a sexual offense on the victim, or to otherwise aid in the commission of a felony.
- (D) Place the victim or a third person in reasonable apprehension of imminent physical injury to the victim or such third person.

Section 210 Giving Sexually Transmitted Disease to Another (4 PYTC § 1-210)

- (A) Any person who shall knowingly infect another person with a sexually transmitted disease shall be deemed guilty of an offense. In addition to any sentence imposed by the Court for a violation of this section, such person so convicted shall be ordered and compelled to have a medical examination and treatment for such disease until cured or under control.
- (B) The local Health Department shall conduct confidential notification of persons known to have been exposed to sexually transmitted diseases, and/or blood borne diseases, such as HIV and hepatitis.
- (C) It is not an act of unprofessional conduct for a physician to disclose the fact that their patient is infected with the human immune-deficiency virus, if the disclosure is limited to the patient's spouse or sex partner. This section does not impose a duty to disclose information, and a physician is not civilly liable for either disclosing or not disclosing information.

Section 220 Harassment (4 PYTC § 1-220)

- (A) A person commits harassment if, with intent to harass or with knowledge that the person is harassing another person, the person:
 - (1) Anonymously or otherwise contacts, communicates or causes a communication with another person by verbal, electronic, mechanical, telegraphic, telephonic or written means in a manner that harasses.
 - (2) Continues to follow another person in or about a public place for no legitimate purpose after being asked to desist.
 - (3) Repeatedly commits an act or acts that harass another person.
 - (4) Surveils or causes another person to surveil a person for no legitimate purpose.
 - (5) On more than one occasion makes a false report to a law enforcement, credit or social service agency.
 - (6) Interferes with the delivery of any public or regulated utility to a person.
- (B) This section does not apply to an otherwise lawful demonstration, assembly or picketing.
- (C) For the purposes of this section, "harassment" means conduct that is directed at a specific person and that would cause a reasonable person to be seriously alarmed, annoyed or harassed and the conduct in fact seriously alarms, annoys or harasses the person.
- (D) A person commits aggravated harassment if the person commits harassment as provided in section (A) and any of the following applies:
 - (1) A court has issued an order of protection or an injunction against harassment against the person and in favor of the victim of harassment and the order or injunction has been served and is still valid.
 - (2) The person has previously been convicted of an offense included in Chapter 3 of this Title.
 - (3) The victim of any previous offense shall be the same as in the present offense.

Section 230 Homicide (4 PYTC § 1-240)

Any person who purposely, knowingly, recklessly, or negligently causes the death of another human being shall be guilty of an offense.

Section 240 Unlawful Imprisonment (4 PYTC § 1-240)

A person commits unlawful imprisonment by knowingly restraining another person.

Section 245 Slander (4 PYTC § 1-245)

Any person who shall maliciously speak or utter a false tale or speak falsely, with the intent to hurt or injure the reputation or character of another person, shall be deemed guilty of an offense.

Section 250 Stalking (4 PYTC §1-250)

(A) A person commits stalking if the person intentionally or knowingly engages in a course of conduct that is directed toward another person and if that conduct either:

- (1) Would cause a reasonable person to fear for the person's safety or the safety of that person's immediate family member and that person in fact fears for their safety or the safety of that person's immediate family member.
- (2) Would cause a reasonable person to fear death of that person or that person's immediate family member and that person in fact fears death of that person or that person's immediate family member.

(B) For the purposes of this section:

- (1) "Course of conduct" means maintaining visual or physical proximity to a specific person or directing verbal, written or other threats, whether express or implied, to a specific person on two or more occasions over a period of time, however short, but does not include constitutionally protected activity.
- (2) "Immediate family member" means a spouse, parent, child or sibling or any other person who regularly resides in a person's household or resided in a person's household within the past six months.

Section 255 Threatening or Intimidating (4 PYTC § 1-255)

(A) Any person who, with the intent to scare or terrify, threatens or intimidates another person by word or conduct so as to cause physical injury to another person or serious damage to property of another person, or causes another person to reasonably believe that he/she is in danger of receiving physical injury or damage to property, shall be guilty of an offense.

(B) Any public official who shall threaten any member of the Judicial Branch or the Tribe's law enforcement program with dismissal or loss of position because such person refuses to accept a bribe or perform other illegal action shall be deemed guilty of an offense.

SUBCHAPTER D PROPERTY CRIMES

Section 260 Breaking and Entry (4 PYTC § 1-260)

Any person who shall willfully in any manner enter any dwelling, vehicle, watercraft, aircraft, or other structure, movable or immovable, without the consent of the owner or occupant shall be deemed guilty of an offense.

Section 270 Burglary (4 PYTC § 1-270)

Any person who shall knowingly in any manner enter any dwelling, vehicle, watercraft, or other structure, moveable or immovable, without the consent of the owner or occupant with the intent to commit another criminal offense defined under this Code, shall be guilty of an offense.

Section 280 Burning (4 PYTC § 1-280)

Any person who willfully and maliciously sets fire to or burns or causes to be burned, or who aids, counsels or procures the burning of any building, home, barn, corral, fence, or any structure of whatsoever class or character, whether the property of himself or of another, shall be deemed guilty of an offense.

Section 290 Cheats and Frauds (4 PYTC § 1-290)

Any person, with intent to cheat and defraud, obtains or attempts to obtain from any other person, money, property or a valuable thing, by means or by use of any false or bogus check or by any other printed, written or engraved instrument, or spurious coin or metal, or attempts to obtain money, property or valuable consideration by means or by use of any trick or deception, false or fraudulent representation, statement or pretense, or by any other means shall be deemed guilty of an offense.

Section 300 Disorderly Conduct (4 PYTC § 1-300)

A person commits disorderly conduct if, with the intent to disturb the peace or quiet of a neighborhood, family or person, or with knowledge of doing so, such person:

- (A) Engages in fighting, violent or seriously disruptive behavior.
- (B) Makes unreasonable noise.
- (C) Uses abusive or offensive language or gestures to any person present in a manner likely to provoke immediate physical retaliation by such person.
- (D) Recklessly handles, displays or discharges a deadly weapon or dangerous instrument.

Section 305 Cutting Fence (4 PYTC § 1-305)

Any Person who shall willfully cut the wire of a fence belonging to another person shall be deemed guilty of an offense.

Section 310 Cutting Timber without Permit (4 PYTC § 1-310)

Any person, who cuts, digs up or who is defacing vegetation, without authorization, shall be deemed guilty of an offense.

Section 320 Disposing of Property of an Estate (4 PYTC § 1-320)

Any person who without proper authority sells trades or otherwise disposes of any property of an estate before the determination of the heirs shall be guilty of an offense.

Section 330 Embezzlement (4 PYTC § 1-330)

Any person who shall, having lawful custody of property not his own, appropriate the same for his use with intent to deprive the owner thereof shall be deemed guilty of an offense

Section 340 Extortion (4 PYTC § 1-340)

Any person who shall willfully by making false charges against another person or by any other means whatsoever, extort or attempt to extort money, goods, property or anything else of value, shall be deemed guilty of extortion.

Section 350 Forgery (4 PYTC § 1-350)

Any person who shall, with intent to defraud, falsely sign, execute or alter any written instrument, shall be deemed guilty of forgery.

Section 360 Fraud (4 PYTC § 1-360)

Any person who shall by willful misrepresentations or deceit, or by false interpreting, or by the use of false weights and measures obtain money or other things of value shall be deemed guilty of an offense.

Section 370 Illegal Sale and Purchase of Trust Property (4 PYTC § 1-370)

Any person who sells or buys or in any way disposes of or acquires any trust or reimbursable property in violation of the government regulations shall be deemed guilty of an offense.

Section 380 Issuance of Fraudulent Checks (4 PYTC § 1-380)

Any person who shall intentionally, knowingly, and willfully issue in exchange for anything of value, with intent to defraud, check, draft, or order for payment of money upon any bank or other depository, knowing at the time of the issuing that the offender has insufficient funds in or credit with the bank of depository for payment of such check, draft, or order in full amount upon its presentation, shall be deemed guilty of an offense.

Section 390 Littering (4 PYTC § 1-390)

Any person who shall place any garbage, refuse, ashes, junk, glass, bottles, cans, or any other form of litter or debris on or near any public road, or upon any other public grounds or in or around any public waters of the Reservation shall be deemed guilty of an offense.

Section 400 Malicious Mischief (4 PYTC § 1-400)

Any person who shall maliciously disturb, injure or destroy any livestock or other domestic animal or other property shall be deemed guilty of malicious mischief.

Section 410 Trafficking in Stolen Property (4 PYTC § 1-410)

- (A) Any person who recklessly traffics in the property of another that has been stolen is guilty of trafficking in stolen property.
- (B) Any person who knowingly initiates, organizes, plans, finances, directs, manages or supervises the theft and trafficking in the property of another that has been stolen is guilty of trafficking in stolen property.
- (C) For purposes of this section:
 - (1) "Dealer in property" means any Person who buys and sells property as a business.

- (2) "Stolen property" means property that has been the subject of any unlawful taking.
 - (3) "Traffic" means to sell, transfer, distribute, dispense or otherwise dispose of stolen property to another person, or to buy, receive, possess or obtain control of stolen property, with intent to sell, transfer, distribute, dispense or otherwise dispose of to another person.
 - (4) "Recklessly" means, with respect to a result or to a circumstance described herein, that a person is aware of and consciously disregards a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such nature and degree that disregard of such risk constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation. A person who creates such a risk but is unaware of such risk solely by reason of voluntary intoxication also acts recklessly with respect to such risk.
- (D) Possession of altered property.
- (1) Any person who is a dealer in property and recklessly possesses property the permanent identifying features of which, including serial numbers or labels have been removed or in any fashion altered is guilty of an offense.
 - (2) It is a defense to a prosecution under this section that a person has lawfully obtained a special serial number pursuant to Arizona Revised Statutes § 28-320 or lawfully possesses the usual indicia of ownership in addition to mere possession or has obtained the consent of the manufacturer of the property.
- (E) Permissible Inferences. In an action for trafficking in stolen property:
- (1) Proof of possession of property recently stolen, unless satisfactorily explained, may give rise to an inference that the person in possession of the property was aware of the risk that it had been stolen or in some way participated in its theft.
 - (2) Proof of the purchase or sale of stolen property at a price substantially below its fair market value, unless satisfactorily explained, may give rise to an inference that the person buying or selling the property was aware of the risk that it had been stolen.
 - (3) Proof of the purchase or sale of stolen property by a dealer in property, out of the regular course of business, or without the usual indicia of ownership other than mere possession, unless satisfactorily explained, may give rise to an inference that the person buying or selling the property was aware of the risk that it had been stolen.

Section 420 Shoplifting (4 PYTC § 1-420)

- (A) A person who willfully takes possession of any goods offered for sale by any mercantile establishment, without the consent of the owner or manager, with the intent to convert such goods to his own use without paying for them is guilty of an offense.
- (B) A person who willfully conceals or attempts to conceal any goods offered for sale:
 - (1) On his person or among his belongings; or
 - (2) On the person, or among the belongings of another, is presumed to have taken possession of such goods with the intent to convert them as to his own use without paying for them.

- (C) A merchant or merchant's employee who has reasonable cause to believe that a person has willfully taken possession of goods with the intent to convert them without paying for them may detain and question the person in regard thereto in a reasonable manner and for a reasonable time.
- (D) If a merchant, or merchant's employee detains and questions a person pursuant to Subsection (C) of this section, and the person thereafter brings a civil or criminal action against the merchant or merchant's employee, based upon the detention and questioning, such reasonable cause shall be a defense to the action if the detention and questioning were performed in a reasonable manner and for a reasonable time.

Section 430 Tampering with Communications (4 PYTC § 1-430)

Any person who shall interfere with communications by displacing, removing, injuring or destroying any radio station, TV tower, antenna, cable, telephone, line, wire, pole, or conduit or shall cut, break, tap, or shall use any other means in destroying, interfering with, or preventing the operation of communications or shall assist in any of the foregoing conditions shall be deemed guilty of an offense.

Section 440 Criminal Trespass (4 PYTC § 1-440)

A person commits criminal trespass by:

- (A) Knowingly entering or remaining unlawfully on any real property after a reasonable request to leave by the owner or any other person having lawful control over such property, or reasonable notice prohibiting entry.
- (B) Entering any residential yard and, without lawful authority, looking into the residential structure thereon in reckless disregard of infringing on the inhabitant's right of privacy.

Section 450 Theft (4 PYTC § 1-450)

Any person who shall take property of another person without consent of the owner shall be deemed guilty of an offense.

Section 460 Trespass (4 PYTC § 1-460)

A person commits trespass by entering or remaining unlawfully on any real property, entering or remaining unlawfully in a residential structure or residential yard, or entering or remaining unlawfully in any non-residential structure or commercial yard, after a reasonable request to leave by the owner or any other person having lawful control over such property, or reasonable notice prohibit entry.

Section 470 Unauthorized Leasing (4 PYTC § 1-470)

Any person who leases his land allotment in violation of any Tribal leasing regulations shall be deemed guilty of an offense.

Section 480 Possession or Concealment Stolen Property (4 PYTC § 1-480)

Any person who shall knowingly possess, conceal or convert for his own use property which belongs to another and without the permission of the true owner, or property which he or she knows is stolen, shall be deemed guilty of an offense.

SUBCHAPTER E GUNS; EXPLOSIVES

Section 490 Carrying a Concealed or Deadly Weapon (4 PYTC § 1-490)

- (A) Any person who shall go about in public places armed with a dangerous or deadly weapon, concealed or unconcealed, shall be deemed guilty of an offense.
- (B) Any person who shall go about in any Tribal Enterprise or Other Enterprise, or the premises of such Tribal Enterprise or Other Enterprise, armed with a dangerous or deadly weapon, concealed or unconcealed, shall be deemed guilty of an offense.
- (C) "Deadly weapons" within the meaning of the foregoing shall be construed to mean any and all kinds and classes of offensive weapons, such as guns, pistols, revolvers, knives with blades over four inches in length, and any and all classes and kinds of weapons and instruments by whatever name called, designed to or intended and used for the purpose of inflicting a dangerous wound.
- (D) "Other Enterprise" means any retail, commercial, or entertainment facilities that may be operated on the Tribe's Reservation by any entity or individual other than the Tribe.
- (E) "Tribal Enterprise" means Casino del Sol, Casino of the Sun, the Anselmo Valencia Tori Amphitheater, the Chevron gas station, the Tribe's resort, conference center, parking structure, and warehouse facility, and any other retail, commercial, or entertainment facilities or venues that may be hereafter operated by the Tribe on the Tribe's Reservation.
- (F) Commissioned peace officers shall be exempt from this section 490.
- (G) Subsections (A) and (B) shall not apply to a weapon described in Section (C) if such weapon is possessed for the purposes of preparing for, conducting or participating in a training, exhibition, demonstration, contest or athletic event involving the use of such a weapon that is sanctioned by the Pascua Yaqui Police Department.

Section 500 Misconduct Involving Weapons; Defenses; Definitions (4 PYTC § 1-500)

In addition to the general offense of Carrying a Concealed or Deadly Weapon, there shall be the offense of Misconduct Involving Weapons as enumerated herein. A person commits the offense of Misconduct Involving Weapons by knowingly:

- (A) Carrying a deadly weapon except a pocket knife concealed or unconcealed on his person or within his immediate control in or on a means of transportation:
 - (1) In the furtherance of any of the following offenses:
 - (a) Abduction, Assault, Assault & Battery on a Tribal Officer, Battery, Endangerment, False Arrest, Kidnapping, Homicide, Stalking, Threatening or Intimidating, Breaking and Entry, Burglary, Disorderly Conduct, Criminal Trespass, Theft, Resisting Lawful Arrest, Rout, and the crimes enumerated in Subchapter H of this Chapter.
 - (2) When contacted by a law enforcement officer and failing to accurately answer the officer if the officer asks whether the person is carrying a concealed or deadly weapon; or
- (B) Carrying a deadly weapon except a pocket knife concealed on his person or concealed within his immediate control in or on a means of transportation if the person is under twenty-one years of age; or

- (C) Possessing a deadly weapon or prohibited weapon if such person is a prohibited possessor; or
- (D) Selling or transferring a deadly weapon to a prohibited possessor; or
- (E) Defacing a deadly weapon; or
- (F) Possessing a defaced deadly weapon knowing the deadly weapon was defaced; or
- (G) Using or possessing a deadly weapon during the commission of any offense included in Section 500 (A)(1)(a) above; or
- (H) Discharging a firearm at an occupied structure in order to assist, promote or further the interests of a criminal street gang, a criminal syndicate or a racketeering enterprise; or
- (I) Possessing a deadly weapon on school grounds; or
- (J) Supplying, selling or giving possession or control of a deadly weapon to another person if the person knows or has reason to know that the other person would use the firearm in the commission of any crime enumerated in Section 600 (A)(1)(a) of this Subchapter; or
- (K) Section 500, subsections F, G, and I shall not apply to:
 - (1) A peace officer or any person summoned by any peace officer to assist and while actually assisting in the performance of official duties; or
 - (2) A member of the military forces of the United States in the performance of official duties; or
 - (3) A warden, deputy warden, correctional officer, detention officer, court security personnel, or federal law enforcement agent in the performance of official duties.
- (L) If a law enforcement officer contacts a person who is in possession of a firearm, the law enforcement officer may take temporary custody of the firearm for the duration of that contact.
- (M) For the purposes of this section:
 - (1) “Contacted by a law enforcement officer” means a lawful traffic or criminal investigation, arrest or detention¹¹ or an investigatory stop by a law enforcement officer that is based on reasonable suspicion that an offense has been or is about to be committed.
 - (2) “School” means a public or nonpublic kindergarten program, charter school, common school or high school.
 - (3) “School grounds” means in, or on the grounds of, a school.
 - (4) “Deadly weapons” means any and all kinds and classes of offensive weapons, such as guns, pistols, revolvers, knives with blades over four inches in length, and any and all classes and kinds of weapons and instruments by whatever name called, designed to or intended and used for the purpose of inflicting a dangerous wound.
 - (5) “Deface” means to remove, alter or destroy the manufacturer’s serial number.

- (6) “Firearm” means any loaded or unloaded handgun, pistol, revolver, rifle shotgun or other weapon that will expel, is designed to expel or may readily be converted to expel a projectile by action of an explosive. Firearm does not include a firearm in permanently inoperable condition.
- (7) “Occupies Structure” means any building, object, vehicle, watercraft, aircraft or place with sides and a floor that is separately securable from any other structure attached to it, that is used for lodging, business, transportation, recreation or storage and in which one or more human beings either are or are likely to be present or so near as to be in equivalent danger at the time the discharge of a firearm occurs. Occupied structure includes any dwelling house, whether occupied, unoccupied or vacant.
- (8) “Prohibited Possessor” means any person:
 - (1) Who has been found to constitute a danger to self or to others or to be persistently or acutely disabled or gravely disabled pursuant to court order, and whose right to possess a firearm has not been restored.
 - (2) Who has been convicted within or without this Reservation of a felony or who has been adjudicated delinquent for a felony and whose civil right to possess or carry a firearm has not been restored in any jurisdiction.
 - (3) Who is at the time of possession serving a term of imprisonment in any correctional or detention facility.
 - (4) Who is at the time of possession serving a term of probation pursuant to a 1 conviction for a domestic violence offense as defined in Chapter 3 of this Title or for a domestic violence offense committed in another jurisdiction, or a felony offense, parole, community supervision, work furlough, home arrest or release on any other basis.

Section 510 Discharging Fireworks (4 PYTC § 1-510)

An person who shall discharge any fireworks of an explosive or burning nature in any public building, private building, or stockyard, without authorization, shall be guilty of an offense.

Section 520 Discharge of Firearms (4 PYTC § 1-520)

Any person who discharges a firearm, air-gun, slingshot, hunting bow, archery bow or other similar weapons, in or about a building, residence, store or other public or business house, thereby endangering the life or person of another, or disturbing the peace of the persons inside the buildings or injuring, destroying or damaging any property therein, or who discharges a firearm in an inhabited area in such a way as to place persons or property in the vicinity in danger shall be deemed guilty of an offense.

Section 530 Explosives (4 PYTC § 1-530)

A person is guilty of a misdemeanor who:

- (A) Maliciously deposits, or explodes, or who attempts to explode, at, in, under or near any train or car or any depot, stable, car-house, theater, schoolhouse, church dwelling house or other place where human beings usually inhabit, assemble, frequent or pass, any chemical compound or explosives, with intent to injure or destroy such buildings, vessel, boat or other structure, or with intent to injure, intimidate or terrify a human being, or by means of which a human being is injured or endangered.

- (B) Keeps or stores dynamite, gun cotton, nitroglycerine or gun powder in greater quantities than twenty-five pounds at one time, or blasting or gunpowder in greater quantities than fifty pounds at one time, in or upon any building or premises within a distance of one-half mile of the exterior limits of a city or town, except in vessels, railroad cars or vehicles receiving and keeping them in the course of and for the purpose of transportation alone.
- (C) Keeps or stores percussion caps, gunpowder or other blasting powder, within a distance of two hundred feet of a building or premises where hercules, dynamite, gun cotton, nitroglycerine or giant powder is kept or stored.
- (D) Knowingly sells or has in his possession dynamite, nitroglycerine or other highly explosive material, or fuse, or transports them from point to point within the reservation without having plainly marked, in large letters, in a conspicuous place on the box or package containing such explosive material, the name and explosive character thereof, and without having marked plainly upon the wrapper of each stick of dynamite or other explosive material the date of manufacture thereof.

SUBCHAPTER F CRIMES AGAINST THE PUBLIC

Section 540 Bribery (4 PYTC § 1-540)

Any person who shall give or offer to give any money, property or services, or anything else of value to another person with corrupt intent to influence another in the discharge of his public duties or conduct and any person who shall accept, solicit or attempt to solicit any bribe, as above defined, shall be deemed guilty of an offense.

Section 550 Cruelty to Animals (4 PYTC § 1-550)

Any person who shall torture or cruelly mistreat any animal by torturing, tormenting, depriving of necessary sustenance, cruelly beating, mutilating, cruelly killing, or overdriving any animal, unnecessarily failing to provide any animal with proper food or drink, or cruelly driving or working any animal when such animal is unfit for labor shall be deemed guilty of an offense.

Section 560 Destroying Evidence (4 PYTC § 1-560)

Any person who shall willfully and knowingly destroy any evidence that could be used in the trial of a case with the intent to prevent same from being used shall be guilty of an offense.

Section 570 Disobedience of Lawful Order of Court (4 PYTC § 1-570)

Any person who shall willfully disobey any order, subpoena, warrant or command duly issued, made or given by the Pascua Yaqui Tribal Court or any officer thereof shall be deemed guilty of an offense.

Section 580 Disorderly Conduct (4 PYTC § 1-580)

- (A) Any person who commits any of the following shall be guilty of an offense:
 - (1) Engages in fighting or provoking a fight in a public place; or
 - (2) Disturbs or annoys any public or religious assembly; or
 - (3) Causes any unreasonable noise in a public place; or
 - (4) Uses any obscene or offensive language or gestures in a public place; or

- (5) Engages in any other act of public indecency or immorality.
- (B) A public place shall mean any place which is regularly held open to the public for the use of the general public, is owned by the Tribe or Community, is a public street, or is not private property.

Section 581 Urinating and Defecating in Public (4 PYTC § 1-581)

A person commits urinating or defecating in public if he or she urinates or defecates in a public place or in any place exposed to public view, except an established lavatory or toilet.

Section 590 Dumping Trash on Tribal Property (4 PYTC § 1-590)

It shall be unlawful for any person to dump or leave trash or garbage on any Tribal property or along any Tribal highway in the reservation; provided that nothing herein shall be constructed as affecting authorized collections and dumping of such trash or garbage.

Section 600 Escape or Aiding a Fugitive (4 PYTC § 1-600)

- (A) Escape. Any person who, being in lawful custody for an offense, shall escape or attempt to escape from lawful custody shall be deemed guilty of an offense.
- (B) Aiding a Fugitive or Interfering with Lawful Arrest. Any person who shall purposely hide, conceal, or give misinformation as to a fugitive's whereabouts when a Warrant of Arrest has been issued or law officer(s) is (are) in legal pursuit shall be deemed guilty of an offense.

Section 610 False Alarms; Reporting (4 PYTC § 1-610)

- (A) Any person who shall give, signal or transmit or permit any other person to cause to be given, signaled, or transmitted in any manner any false alarms of fire, a crime, threat of a bomb or any other emergency which necessitates, but does not necessarily result in, an immediate response by the agency receiving the false alarm or report, shall be deemed guilty of an offense.
- (B) For the purposes of this section, false alarm or report shall be deemed and construed as being any act as follows:

The giving, signaling or transmission to any public fire station, police station or other emergency agency, or to any officer or employee thereof, whether by telephone, spoken word or otherwise, false information to the effect that there is a fire, or crime being committed or some other emergency at or near the place indicated by the person giving, signaling or transmitting such information.

Section 620 Impersonation of a Public Officer (4 PYTC § 1-620)

Any person who shall willfully and knowingly impersonate a police officer or any other public official or any official acting for the Tribal government, by using badges or any type of credentials, uniforms, decals, or any other means to exercise the function of any public officials or law enforcement officers, shall be deemed guilty of an offense.

Section 630 Injury to Public Property (4 PYTC § 1-630)

Any person who shall without proper authority use, injure, or misuse any public, Tribal, government or private property shall be deemed guilty of an offense. The property so injured or abused may be reimbursed after hearing to the injured party at the discretion of the Court.

Section 640 Liquor Violation (4 PYTC § 1-640)

- (A) It shall be unlawful for any person within the exterior boundaries of the Pascua Yaqui Reservation to sell, offer for sale, give or otherwise distribute beer, wine, liquor or other alcoholic beverages to any person under the age of 21 years, to any intoxicated person, or to any person at a time or under any circumstances not permitted under the laws of the State of Arizona or regulations of the Arizona Liquor Control Board.
- (B) It shall be unlawful for any minor child, or person under the age of 21 years of age to buy, sell, or otherwise distribute, consume or possess any alcoholic beverage within the exterior boundaries of the Pascua Yaqui Indian Reservation; any person who violates this provision shall be guilty of an offense.
- (C) It shall be unlawful for any person to consume any alcoholic beverage or possess a broken package of any alcoholic beverage in public place, thoroughfare or gathering place, including the Cultural Grounds, Potam Park, ball fields, Victor Flores Gymnasium, or Pascua Yaqui Education Center.
- (D) A public place shall mean any place which is regularly held open for the use of the general public, is owned by the Tribe or Community, is a public street, or is not private property.

Section 650 Maintaining a Public Nuisance (4 PYTC § 1-650)

Any person who shall act in such a manner, or shall permit his property to become dangerous or hazardous or impair the safety, health, or comfort of the public by the discarding of refuse or rubbish shall be deemed guilty of an offense and will be required to remove such nuisance when so ordered by the Court.

Section 660 Misuse of Welfare Funds, Commodities or Articles (4 PYTC § 1-660)

Any person who knowingly and willfully shall fail or neglect to properly expend funds awarded to him either for his or her welfare and relief, or who shall dispose of commodities or articles awarded to him or her for his individual use, shall be deemed guilty of an offense.

**Section 670 Negligent Handling of Campfire and or Negligent Starting of a Fire
(4 PYTC § 1-670)**

Any person who builds a campfire upon the lands of the Pascua Yaqui Reservation without clearing the ground immediately around it free from material which may carry fire, or who leaves thereon a campfire burning and unattended, or who permits a campfire to spread thereon, or who by throwing away a lighted cigar, cigarette or match or by use of firearms, or in any other manner starts a fire in the desert, or in any other area on the Pascua Yaqui Reservation and leaves the fire unquenched shall be deemed guilty of an offense.

Section 680 Officer Purloining Records (4 PYTC § 1-680)

Any person who shall willfully steal, embezzle, alter, corrupt, withdraw, falsify, or void any record, process, charter, gift, grant, conveyance, bond or contract, issue, forfeited recognizance of other forfeiture, or shall forge, deface, or falsify any document or instrument recorded, or any registry, acknowledgement or certificate, or shall alter, deface, or falsify any minute, document, book, or proceeding whatsoever, of or belonging to any public office within this Reservation shall be deemed guilty of an offense.

Section 690 Perjury (4 PYTC § 1-690)

Any person who shall willfully and deliberately, in any judicial proceedings in any court of the Pascua Yaqui Tribe falsely swear or interpret, or shall make a sworn statement or affidavit knowing the same to be untrue, or shall induce or procure another person to do so, shall be deemed guilty of perjury.

Section 700 Refusing to Aid an Officer (4 PYTC § 1-700)

Any person who shall neglect or refuse when called upon to do so, to aid or assist an officer of the Tribal Police, or other officer of the Bureau of Indian Affairs or other law enforcement officer whatsoever, to assist in the arrest of any person charged with or convicted of any offense or in securing such offender when apprehended or in conveying such offender to the nearest place of confinement shall be deemed guilty of an offense.

Section 710 Refusal to Obey a Lawful Order (4 PYTC § 1-710)

Any person who refuses to obey a lawful order of the police or fire department shall be guilty of an offense.

Section 720 Removal or Destruction of Antiquities (4 PYTC § 1-720)

Any person without proper authority who removes, excavates, injures, or destroys any historic or prehistoric ruin or monument or any object of antiquity is guilty of an offense.

Section 730 Resisting a Lawful Arrest (4 PYTC § 1-730)

Any person who shall willfully and knowingly by force or violence or means, resist or assist another to resist a lawful arrest shall be deemed guilty of an offense.

Section 740 Rout (4 PYTC § 1-740)

If two or more persons shall meet to do an unlawful act upon common cause of quarrel, and make advances towards it, they shall be guilty of an offense.

Section 750 Tribal Curfew (4 PYTC § 1-750)

- (A) The Tribal Curfew shall be 10:00 p.m. to 6:00 a.m. Sunday through Thursday and 12:00 a.m. (midnight) to 6:00 a.m. Friday and Saturday, and such curfew shall apply to all persons under 18 years of age in any public place, street thoroughfare, park or other community property. Any person who violates this section shall be deemed to have committed a status offense.
- (B) In addition, for a child who is suspended from school and is in public without adult supervision, the Tribal Curfew shall be between the hours of 7:30a.m. and 3:00p.m. weekdays.
- (C) The provisions of this section shall not apply to any juvenile who is participating in a cultural event or activity, or who is accompanied by a parent, guardian or custodian, or who is lawfully married, or who is on an emergency errand, or who is on reasonable, legitimate, or specific business or activity directed or permitted by his parent guardian or custodian.

Section 760 Unlawful Assembling (4 PYTC § 1-760)

Two or more persons who assemble for the purpose of disturbing the public peace, or committing any unlawful act, and do not disperse on being commanded to do so by a Tribal Judge, Tribal police officer, Tribal Chairman, or an y other law enforcement officer shall be deemed guilty of an offense.

Section 770 Wrecked, Junked or Unserviceable Vehicles (4 PYTC § 1-770)

It shall be unlawful for any person to store within the communities any wrecked, junked, or unserviceable vehicles or any unserviceable appliances or implements such as stoves, refrigerators, washing machines, or any other items discarded to disfigure the appearance of the premises. Whoever shall violate this section shall be deemed guilty of an offense

SUBCHAPTER H NARCOTICS; DRUG CRIMES

Section 780 Narcotics and Dangerous Drugs (4 PYTC § 1-780)

- (A) This Subchapter shall not apply to persons who possess, have under their control, use, transport, or carry narcotics pursuant to a prescription by a licensed physician, osteopath, dentist or veterinarian.
- (B) This Subchapter shall not apply to manufacturers, wholesalers, apothecaries, physicians, osteopaths, dentists, or veterinarians who have under their control, dispense, use, transport, sell, prepare for sale, furnish administer or offer to do the same, any drug related by this ordinance so long as such acts are done without violation of any law of the United States.
- (C) It shall be unlawful for any person to plant, cultivate, possess, have under their control, dispense, use, transport, carry, sell, give away, prepare for sale, furnish, administer, or offer to sell, furnish, administer or give away any narcotic, hallucinatory or other dangerous drug except as pursuant to this chapter.
- (D) It shall be unlawful for any person to inhale or sniff any substance for the purpose of becoming intoxicated.
- (E) Narcotics regulated by this chapter include but are not limited to opium and opiates, including but are not limited to heroin, methadone, morphine, and codeine, coca leaves and their derivatives, including but not limited to cocaine, and those narcotics listed in Schedules I, II, III, IV, V of 21 U.S.C. § 812.
- (F) Hallucinogens regulated by this chapter include, but are not limited to mescal buttons, peyote buttons, marijuana, Dimethyltryptamine (DMT), Lysergic acid diethylamide (LSD), 4-methyl-2, 5-dimethoxy-amphetamine (STP) and those hallucinogens listed in Schedules I, II, III, IV, V of 21 U.S.C. § 812.
- (G) Dangerous drugs regulated by this chapter include the drugs, and/or amounts of drugs prohibited in 21 U.S.C. § 812, not included with Section E and F of this chapter.
- (H) Any person who violates any section of this chapter within the boundaries of the Pascua Yaqui Reservation shall be sentenced to imprisonment for a period not to exceed one year or to pay a fine of not more than \$5,000, or both.
- (I) It shall be within the discretion of the Judge pronouncing sentence upon any violator of this chapter to order the violator confined in a hospital facility for care and treatment but that confinement shall not exceed six months.
- (J) If there is probable cause to believe that a non-member of the Pascua Yaqui community has violated a provision of this chapter, the Tribal Court shall have the option of retaining jurisdiction over that person or placing the non-member in the custody of the United States Marshall for

prosecution in the Federal Courts or to Pima County authorities or the State of Arizona law enforcement officials.

- (K) Any person who violates any section of this chapter and does so within 1000 feet of a school or other educational facility, or upon or within 1000 feet of a public park, cultural grounds, or at a cultural event, may be convicted of an aggravated offense, resulting in a longer sentence or larger fine than the same non-aggravated offense.

Section 790 Possession, Manufacture, Delivery and Advertisement Drug Paraphernalia; Definitions; Violation; Classification; Civil Forfeiture; Factors (4 PYTC § 1-790)

- (A) It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a drug in violation of this chapter.
- (B) It is unlawful for any person to deliver, possess with intent to deliver or manufacture with intent to deliver drug paraphernalia knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a drug in violation of this chapter.
- (C) It is unlawful for a person to place in a newspaper, magazine, handbill or other publication any advertisement knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.
- (D) All drug paraphernalia is subject to forfeiture as provided in this Code. The failure to charge or acquittal of an owner or anyone in control of drug paraphernalia in violation of this section does not prevent a finding that the object is intended for use or designed for use as drug paraphernalia.
- (E) In determining whether an object is drug paraphernalia, a court or other authority shall consider, in addition to all other logically relevant factors, the following:
 - (1) Statements by an owner or by anyone in control of the object concerning its use.
 - (2) Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any drug.
 - (3) The proximity of the object, in time and space, to a direct violation of this subchapter.
 - (4) The proximity of the object to drugs.
 - (5) The existence of any residue of drugs on the object.
 - (6) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to a person whom he knows, or should reasonably know, intends to use the object to facilitate a violation of this subchapter.
 - (7) Instructions, oral or written, provided with the object concerning its use.
 - (8) Descriptive materials accompanying the object which explain or depict its use.
 - (9) National and local advertising concerning its use.

- (10) The manner in which the object is displayed for sale.
 - (11) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products.
 - (12) Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise.
 - (13) The existence and scope of legitimate uses for the object in the community.
- (F) In this section, unless the context otherwise requires:
- (1) "Drug" means any narcotic drug, dangerous drug, marijuana or peyote.
 - (2) "Drug paraphernalia" means all equipment, products and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a drug in violation of this chapter. It includes:
 - (a) Kits used, intended for use or designed for use in planting, propagating, cultivating, growing or harvesting any species of plant which is a drug or from which a drug can be derived.
 - (b) Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing drugs.
 - (c) Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a drug.
 - (d) Testing equipment used, intended for use or designed for use in identifying or analyzing the strength, effectiveness or purity of drugs.
 - (e) Scales and balances used, intended for use or designed for use in weighing or measuring drugs.
 - (f) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use or designed for use in cutting drugs.
 - (g) Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana.
 - (h) Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding drugs.
 - (i) Capsules, balloons, envelopes or other containers used, intended for use or designed for use in packaging small quantities of drugs.
 - (j) Containers and other objects used, intended for use or designed for use in storing or concealing drugs.

- (k) Hypodermic syringes, needles and other objects used, intended for use or designed for use in parenterally injecting drugs into the human body.
- (l) Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:
 - (m) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls.
 - (ii) Water pipes.
 - (iii) Carburetion tubes and devices.
 - (iv) Smoking and carburetion masks.
 - (v) Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand.
 - (vi) Miniature cocaine spoons and cocaine vials.
 - (vii) Chamber pipes.
 - (viii) Carburetor pipes.
 - (ix) Electric pipes.
 - (x) Air-driven pipes.
 - (xi) Chillums.
 - (xii) Bonges.
 - (xiii) Ice pipes or chillers.

Section 800 Intoxication by Inhaling (4 PYTC § 1-800)

- (A) Any person who shall intentionally inhale, for the purpose of becoming intoxicated any gasoline, lighter fluid, glue, spray paint, paint thinner, or any similar product shall be deemed guilty of an offense.
- (B) Punishment for the first commission of the offense shall be a minimum of seven days in jail, not to exceed 30 days in jail, and such other conditions deemed appropriate by the Court including drug rehabilitation treatment, community service and a fine not to exceed \$500.
- (C) Punishment for a second conviction of this office within five years of the first shall be a minimum of 60 days in jail, drug rehabilitation treatment, community service and a fine not less than \$500 or more than \$1,000.
- (D) Any person punished under this section and ordered to pay a fine may reduce said fine at the rate of ten dollars for every day of community service performed with Court permission.

Section 810 Furnishing Drugs to Tribal Jail Inmates (4 PYTC § 1-810)

Any person who knowingly shall furnish or aid or assist in furnishing to any Tribal prisoner confined in Tribal jail and other confinement, or any place whatsoever, any morphine, cocaine, codeine, or other such habit forming or addicting drug or any other substance whose distribution and/or use is controlled by law or any intoxicating liquor, shall be deemed guilty of an offense.

Section 820 Seizure and Civil Forfeiture (4 PYTC § 1-820)

- (A) The interest of the legal owner or owners or record of any vehicle used to transport unlawfully a narcotic drug, or in which a narcotic drug is unlawfully kept, deposited or concealed, or in which a narcotic is unlawfully possessed by an occupant shall be forfeited to the Pascua Yaqui Tribe. Such forfeiture proceedings shall be civil in nature, and enforcement of any judgment pursuant to this section shall be enforceable by the Tribal Prosecutor as a civil judgment.
- (B) Any Police Officer making or attempting to make arrest for a violation of this section shall seize the vehicle used to transport unlawfully a narcotic drug, or in which a narcotic drug is unlawfully kept, deposited or concealed, or unlawfully possessed by an occupant, shall immediately deliver the vehicle to the Tribal Police to be held as evidence until forfeiture is declared or a release ordered.
- (C) A Peace Officer who seizes a vehicle under the provisions of this section shall file a report with the Prosecutor, who shall file a Notice of Seizure and Intention of Forfeiture proceedings with the Clerk of the Tribal Court and the clerk shall serve notice thereof on all owners or claimants of the vehicle, by one of the following methods.
 - (1) Upon an owner or claimant whose right, title or interest is of record in the Division of Motor Vehicles of the State in which the automobile is licensed, by mailing a copy of the notice by registered mail to the address on the records of the Division of Motor Vehicles of said state.
 - (2) Upon the owner or claimant whose name and address is unknown but who is believed to have an interest in the vehicle by publication in one issue of a newspaper of general circulation in Pima County, Arizona.
- (D) Within 20 days after the mailing or publication of a Notice of Seizure, as provided by Paragraph (C) of this section, the owner of the seized vehicle may file a verified answer to the allegation of the use of the vehicle contained in the Notice of Seizure and of the intended forfeiture proceedings. No extension of time shall be granted for the purpose of filing the answer.
- (E) If a verified answer to the notice given as prescribed by this article is not filed within 20 days after the mailing or publication thereof, the Court shall hear evidence upon the charge of unlawful use of the vehicle and upon motion shall order the vehicle forfeited to the Pascua Yaqui Tribe.
- (F) If a verified answer is filed, the forfeiture proceedings shall be set for hearing on a day not less than 30 days after the answer is filed. Notice of the hearing shall be given in the manner provided for service of the Notice of Seizure.
 - (1) At the hearing any owner or claimant who has a verified answer on file may show by competent evidence that the vehicle was not used to transport unlawfully narcotic drugs, or in which a narcotic drug was not unlawfully possessed by an occupant of the vehicle, or the vehicle was not used as a depository or place of concealment for narcotic drugs.

(2) A claimant of any right, title or interest in the vehicle may prove his lien, or conditional sales contract to be bona fide and that his right, title or interest was created after a reasonable investigation of the moral responsibility, character and reputation of the purchaser, and without knowledge that the vehicle was being used or was to be used for the purpose charged. No person who has the lien dependent upon possession for compensation to which he is legally entitled for making repairs or performing labor upon and furnishing supplies and materials for and for the storage, repairs and safekeeping of any vehicle and no person doing business under any law or state of the United States relating to banks, trust companies, building and loan associations, and loan companies, credit unions, or money lenders or entities engaged in the business of selling vehicles or purchasing conditional sales contracts on vehicles or purchasing conditional sales contracts on vehicles shall be required to prove that his right, title or interest was created after a reasonable investigation of the owner, purchase or person in possession of the vehicle when it was brought to the claimant.

(G) If proper proof is presented at the hearing, the Court shall order the vehicle released to the bona fide owner, lien holder, mortgagee or vendor.

(1) If the amount due a claimant is less than the value of the vehicle, it shall be sold at public auction by the Tribal Police after due and proper notice has been given.

(2) If no claimant exists and the confiscating agency wishes to retain the vehicle for its use, it may do so. If such vehicle is not to be retained, it shall be disposed of as provided in Subsection (1) of this paragraph.

Section 830 Seizure and Forfeiture of Personal Property; Forfeiture of the Right to Reside in Housing Authority or Tribal Housing (4 PYTC § 1-830)

(A) Personal property. The interest and/or ownership of the legal owner or owners of any personal property, including cash money, which is

(1) Used to promote, purchase, sell, produce, manufacture, process, store, conceal a narcotic or dangerous drug; or

(2) intended to further an illegal enterprise to promote, purchase, sell, produce, manufacture, process, store or conceal narcotic or dangerous drugs; or

(3) Traceable to the sale, purchase, production, manufacture, processing, storing or concealing of a narcotic or dangerous drug shall be seized and forfeited to the Tribe in the same manner as a vehicle.

(B) Tenancy. The tenancy or right thereto of any person in a HUD rental unit, Tribal rental home or Housing Authority rental shall be forfeited and the house or unit shall be reassigned if the tenant of a HUD rental unit, Tribal rental home, or Housing Authority rental uses same for transporting, keeping, depositing or concealing unlawfully or possessing unlawfully therein any narcotic or dangerous drug.

SUBCHAPTER I MISCELLANEOUS

Section 840 Aiding and Abetting (4 PYTC § 1-840)

Any person who:

- (A) Engages in conduct intended to aid another to commit an offense or aiding in the commission of any act, in furtherance of said offense, or;
- (B) Acts with knowledge that another person is committing or intends to commit an offense, knowingly provides such other person with means or opportunity for the commission of the offense, or;
- (C) Aids another person to escape or attempt to escape from lawful custody shall be deemed guilty of an offense.

Section 850 Attempt (4 PYTC § 1-850)

- (A) A person commits attempt if, acting with the kind of culpability otherwise required for commission of an offense, such person:
 - (1) Intentionally engages in conduct which would constitute an offense if the attendant circumstances were as such person believes them to be; or
 - (2) Intentionally does or omits to do anything which, under the circumstances as such person believes them to be, is any step in a course of conduct planned to culminate in commission of an offense; or
 - (3) Engages in conduct intended to aid another to commit an offense, although the offense is not committed or attempted by the other person, provided his conduct would establish his complicity under Section 840 if the offense were committed or attempted by the other person.
- (B) It is no defense that it was impossible for the person to aid the other party's commission of the offense, provided such person could have done so had the circumstances been as he believed them to be.

Section 855 Unlawful Conspiracy (4 PYTC § 1-855)

If two or more persons shall conspire either to commit an offense against the Tribe or to defraud the Tribe or any of its subsidiaries or enterprises in any manner or for any purpose, and one or more such persons do any act to effect the object of the conspiracy, each such person shall be guilty of offense.

Section 860 Adultery (4 PYTC § 1-860)

Any person who shall have had sexual intercourse with a person, either of such persons being married to a third person, shall be deemed guilty of adultery.

Section 870 Bigamy (4 PYTC § 1-870)

Any person who, being married, shall marry another person without having obtained a divorce, shall be deemed guilty of Bigamy. This section shall not apply to the remarriage of a person whose husband or

wife shall have been absent from such person for a period of three years or more, and shall not have been known, by such person, to have been living within that time, nor to any person whose former marriage shall have been declared void by any Court having competent jurisdiction.

Section 880 Prostitution (4 PYTC § 1-880)

- (A) A person who knowingly engages in prostitution is guilty of an offense.
- (B) A person who knowingly entices any other person into a house of prostitution, or elsewhere, for the purpose of prostitution with another person, is guilty of an offense.
- (C) A person who knowingly, by any false pretenses, false representations or other fraudulent means, procures any other person to engage in prostitution with another person, is guilty of an offense.
- (D) A person who knowingly receives money or other valuable thing, for, or on account of, procuring or placing in a house of prostitution, or elsewhere, any person for the purpose of prostitution, is guilty of an offense.
- (E) A person who knowingly receives money or other valuable thing from the earnings of a person engaged in prostitution is guilty of an offense.
- (F) A person who knowingly by force, fraud, intimidation or threats, causes his or her spouse to live in a house of prostitution or to lead a life of prostitution, is guilty of an offense.
- (G) A person who knowingly procures or solicits any minor for the purpose of Prostitution is guilty of an offense.
- (H) A person who knowingly detains any person in a house of prostitution because of a debt such person has contracted or is said to have contracted, is guilty of an offense.
- (I) A person who knowingly operates or maintains a house of prostitution or prostitution enterprise is guilty of an offense.
- (J) Sections B, C, and D of this Section shall not apply to a peace officer acting in the scope of duty or in conduct of an investigation.
- (K) Definitions. In this Section, unless the context otherwise requires:
 - (1) “House of prostitution” means any building, structure, vehicle, room, or place that is used for the purpose of prostitution, or where acts of prostitution occur.
 - (2) “Operate and maintain” means to organize, design, perpetuate or control. Operate and maintain includes providing financial support by paying utilities, rent, maintenance costs or advertising costs, supervising activities or work schedules, and directing or furthering the aims of the enterprise.
 - (3) “Prostitution” means engaging in or agreeing or offering to engage in sexual conduct under a fee arrangement with any person for money or any other valuable consideration.
 - (4) “Sexual Conduct” means “Oral Sexual Contact”, “Sexual Contact”, and “Sexual Intercourse” as defined at 4 PYTC § 2-10
 - (5) “Prostitution enterprise” means any corporation, partnership, association or other legal entity or any group of individuals associated in fact although not a legal entity engaged in providing prostitution services.”

DISPOSITION TABLE

Former Section	New Section	Former Section	New Section
		Sec. 3.46	Section 390
	Subchapter A	Sec. 3.47	Section 400
NEW	Section 10	Sec. 3.50	Section 410
Sec. 1.100	Section 20	Sec. 3.56	Section 420
NEW [Reserved]	Section 30	Sec. 3.62	Section 430
Sec. 1.28	Section 40	Sec. 3.63	Section 440
		NEW	Section 450
	Subchapter B	Sec. 3.64	Section 460
Sec. 3.1	Section 50	Sec. 3.66	Section 470
Sec. 3.3	Section 60	Sec. 3.67	Section 480
Sec. 3.13	Section 70	Sec. 3.77	Section 490
Sec. 3.16	Section 80		
NEW	Section 90		Subchapter E
Sec. 3.31	Section 100	Sec. 3.14	Section 500
Sec. 3.34	Section 110	Sec. 3.23	Section 510
Sec. 3.75	Section 120	Sec. 3.24	Section 520
Title 1, Ch. 4, Sec. 4.19	Section 130	Sec. 3.32	Section 530
	Subchapter C		Subchapter F
Sec. 3.2	Section 140	Sec. 3.11	Section 540
Sec. 3.6	Section 150	Sec. 3.17	Section 550
Sec. 3.7	Section 160	Sec. 3.20	Section 560
Sec. 3.8	Section 170	Sec. 3.25	Section 570
Sec. 3.21	Section 180	NEW	Section 571
Sec. 3.22	Section 190	Sec. 3.26	Section 580
Sec. 3.74	Section 200	Sec. 3.28	Section 590
Sec. 3.35	Section 210	Sec. 3.30	Section 600
	Section 220	Sec. 3.78	Section 610
Sec. 3.39	Section 230	Sec. 3.43	Section 620
NEW	Section 235	Sec. 3.44	Section 630
Sec. 3.40	Section 240		
	Section 245	Sec. 3.48	Section 640
Sec. 3.70	Section 250	Sec. 3.49	Section 650
NEW	Section 255	Sec. 3.51	Section 660
Sec. 3.72	Section 260		
		Sec. 3.52	Section 670
	Subchapter D	Sec. 3.53	Section 680
Sec. 3.10	Section 270	Sec. 3.54	Section 690
Sec. 3.73	Section 280	Sec. 3.57	Section 700
Sec. 3.12	Section 290	Sec. 3.58	Section 710
Sec. 3.15	Section 300	Sec. 3.59	Section 720
NEW	Section 305	Sec. 3.60	Section 730
Sec. 3.18	Section 310	Sec. 3.61	Section 740
Sec. 3.19	Section 320	Sec. 3.76	Section 750
Sec. 3.27	Section 330	Sec. 3.68	Section 760
Sec. 3.29	Section 340	Sec. 3.71	Section 770
Sec. 3.33	Section 350		
Sec. 3.36	Section 360		Subchapter H
Sec. 3.37	Section 370	Sec. 5.1	Section 780
Sec. 3.41	Section 380	Sec. 5.2	Section 790

Title 1, Ch. 3, Sec.3.45	Section 800
Title 1, Ch. 5, Sec. 5.3	Section 820
Sec. 5.4	Section 830
	Subchapter I
Sec. 3.4	Section 840
NEW	Section 845
Sec. 3.69	Section 850
Sec. 3.5	Section 860
Sec. 3.9	Section 870
Sec. 3.42	Section 880
Sec. 3.55	Section 890
DELETED	Section 900