

Title 7 – Criminal Offenses
Chapter 3. Crimes Against Property
(AMENDED AS PER RESOLUTION NO.
890-96-5, DATED 05/13/96.)
Subchapter B. Burglary and Related Offenses

Sec. 310. Burglary.

A person who enters a building or occupied structure, or separately secured or occupied portion thereof, with intent to commit a crime therein is guilty of burglary, unless the premises are at the time open to the public or the defendant is licensed or privileged to enter.

Burglary is a felony.

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Sec. 311. Criminal trespass.

Whoever knowing that he/she is not licensed or privileged to do so:

(a) Enters or surreptitiously remains in any building or occupied structure, or separately secured or occupied portion thereof; or

(b) Enters or remains in any place as to which notice against trespass is given by:

(1) Actual communication to the defendant;

(2) Posting in a manner reasonably likely to come to the attention of intruders; or

(3) Fencing or other enclosure manifestly designed to exclude intruders; or

(c) Intentionally allows livestock to occupy or graze on the lands of another person is guilty of criminal trespass.

Criminal trespass is a Class A misdemeanor if the defendant enters or remains in any building or occupied structure, and otherwise is a Class B misdemeanor.

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Sec. 312. Criminal damage; aggravated.

(a) A person who commits the following is guilty of aggravated criminal damage:

(1) Defacing, damaging, or in any way changing the appearance of any tribal governmental building or tribally owned building.

(2) Defacing, damaging, or in any way changing the appearance of any tribal structure, sacred site, holy grounds and any other property, or place used for worship or any religious purpose; or

(3) Defacing or damaging any building, structure or place used as a school or as an educational facility; or

(4) Defacing, damaging, or tampering with any cemetery, mortuary, or personal property of the cemetery or mortuary or other facility used for the purpose of burial or memorializing the dead.

(b) A person convicted of aggravated criminal damage must be ordered to make restitution in an amount and manner to be set by the Court. The Court shall determine the manner and amount of restitution after full consideration of the convicted person's ability to pay the restitution. Upon good cause shown by the convicted person, the Court may modify any previous order specifying the amount and manner of restitution. Full payment of the amount of restitution ordered must be made prior to the release of the Tribes' jurisdiction over the convicted person.

Violation of this section is a felony.

(RESOLUTION NO. 1451-2010-12, DATED 12/13/2010.)

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Sec. 313-319. Reserved.