

Title 19 – Game and Fish Management

Chapter 7. Administration and Enforcement

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Sec. 701. Commission may prescribe regulations.

(a) The Commission, will prescribe regulations establishing permit fees, season, limits, and such other conditions to the Tribal permit as it may deem appropriate.

(b) All regulations issued by the Tribes pursuant to this Section shall be published in the official newspapers of the area affected by the regulations. No order or regulation shall take effect until after such publication is released.

(c) All regulations issued under this Section will have the force of law. Any person violating a provision of such regulation shall be subject to the provisions of Section 702.

Sec. 702. Violations of the Chapter.

(a) Penalties applicable to Indians. Any Indian found guilty of violating any applicable provision of this Chapter, the regulations issued pursuant thereto, or the conditions of the permit, for which another penalty is not specifically provided, shall be guilty of a Class A misdemeanor, and in addition, at the discretion of the Court, the Court may suspend the privilege to hunt, fish or trap within the Reservation for period to be fixed by the Court.

(b) Penalties applicable to Non- Indians. Any non-Indian hunting, fishing or trapping who violates any applicable provision of this Code, the regulations issued pursuant thereto, or the conditions of the permit, for which another penalty is not specifically provided, shall be subject to a civil fine up to five hundred dollars (\$500.00). In addition, the non-Indian violator may be delivered to the custody of the Federal or State law enforcement officers, or reported to such officers for prosecution under applicable Federal or State law, as the case may be. In either case, all fish and game in custody or possession shall be taken by the arresting officer and preserved as evidence, and in addition, may, at the discretion of the Tribal Court, have the privilege to hunt, fish or trap on trust lands within the Reservation suspended for period to be fixed by the Court.

(c) Upon suspension of hunting and fishing provisions, the Court shall take any hunting or

fishing permit held by the defendant and forward it, together with a certified copy of the suspension, to the Commission. Upon expiration of the suspension, the Commission shall return the defendant's permit if it is still valid. No person shall attempt to purchase a hunting or fishing permit while his or her privilege to hunt or fish is suspended.

Sec. 703. Confiscation of fish, game and firearms.

Game and fish wardens shall confiscate all wild birds, wild animals or fish or any part thereof taken, killed, possessed or transported contrary to this Chapter. They shall also confiscate all dogs, guns, seines, nets, lights, or other implements unlawfully used, in pursuing, taking, or attempting to take, concealing, or disposing of wild birds, wild animals, or fish, or parts thereof.

Sec. 704. Unlawful game or fish mixed with legal.

If two (2) or more animals, birds, or fish, or parts thereof are packed, stored, or contained in the same shipment, bag, or other container, and one (1) has been taken in violation of this Title, the entire contents shall be confiscated.

Sec. 705. Confiscated property may be sold.

A court having jurisdiction over the matter may order the sale of birds, animals, or fish, or any part thereof, or other property which has been confiscated. This order may be enforced only after a hearing and proper notice to the owner and the finding of the Court that the property:

(a) Was taken, filled, possessed, or was being transported contrary to this Chapter by the person from whom it was confiscated,

(b) Was being used in violation of this Chapter at the time it was confiscated, or

(c) Had been used in violation of this Chapter within six (6) months previous to the time it was confiscated.

Sec. 706. Proceeds from sale of confiscated property.

All confiscated property ordered to be sold shall be sold by the Commission, for the highest price obtainable. A bill of sale will be given to each purchaser on forms prepared by the Commission. All proceeds after sale expenses shall be collected by the Commission and deposited to the properly established Tribal Fish and Game Fund.

Sec. 707. Perishable confiscated property.

Perishable property confiscated pursuant to this Chapter may be sold without Court Order by the officer making the confiscation, under the supervision of the Commission. The proceeds of such a sale will be deposited in the Tribal Court to await disposition by the Court.

(THIS TITLE IS AMENDED AS PER RESOLUTION NO. 1364-88-9, DATED 09/23/88.)