



Peace and Security Ordinance

March 27, 2008

RINCON BAND OF LUISEÑO INDIANS

PEACE AND SECURITY ORDINANCE

PREAMBLE: The peace and security of all tribal members, guests and visitors of the Rincon Reservation, shall be preserved and protected by the Rincon Band of Luiseno Indians (“Band”). It is the policy of the Band that all persons on the Reservation are entitled to the peaceful and tranquil pursuit of their lifestyles. It is the further policy of the Band that Rincon Reservation persons are entitled to security against harassment, vandalism, disturbing the peace and other antisocial acts, both in public and in private.

I. JURISDICTION AND CONSTRUCTION

Section 1.1. Jurisdiction

The Rincon Tribal Court shall have jurisdiction over all cases arising under this Ordinance. The jurisdiction of the Tribal Court shall extend to all persons and lands within the exterior boundaries of the Rincon Reservation and is limited only by the Band’s Articles of Association, and applicable federal law.

Section 1.2. Liberal Construction

This Ordinance shall be liberally construed to give full effect to the objectives and purposes for which it was enacted. Furthermore, the Ordinance shall be interpreted and construed to:

- A. Preserve the peace, harmony, safety, health and general welfare of the people of the Band and those permitted to enter or reside on the Reservation;
- B. Ensure peace and order on the Rincon Reservation;
- C. Promote the welfare of the Band and its members;
- D. Safeguard individual rights and community standards;
- E. Secure rights and powers, which are inherent in the Band’s sovereign status;
- F. Exert jurisdiction over all matters essential to the Band’s self-determination and self-governance;

- G. Treat all parties fairly and without prejudice, protecting individual rights guaranteed by the Indian Civil Rights Act and by the traditions, customs and laws of the Band;
- H. Resolve disputes fairly and efficiently; and

II. Definitions

Section 2.1. Definitions

- A. “Business Committee” is the five (5) member committee established under section 3(a) of the Rincon Band’s Articles of Association. “Business Committee” shall be synonymous with “Tribal Council.”
- B. “Breach of the Peace” means conduct destroying or menacing public order and tranquility and may include acts of violence or acts or words likely to produce violence as well as acts or conduct that threaten the public peace.
- C. “Civil Infraction” means a violation of tribal law as set forth in this Ordinance.
- D. “Dangerous Weapon” means any weapon, devise, material or substance, whether animate or inanimate, which in the manner it is used or intended to be used is known to be capable of producing death or serious bodily injury (for example, clubs, brass knuckles).
- E. “Firearm” means any devise designed to be used as a weapon, from which is expelled through a barrel a projectile by the force of an explosion or other form of combustion.
- F. “General Council” means all adult voting members of the Band.
- G. “Motor Vehicle” or “Vehicle” shall include cars, any motorcycle, All Terrain Vehicle (ATV), trucks, pocket bike, motorized scooter, motorized skateboard, golf cart, motorized quad/tricycle, self-propelled wheelchair, electronic personal assistive mobility device, and all other forms of motorized transportation.
- H. “Probable Cause” means the existence of facts and circumstances within one’s knowledge and of which one has reasonably trustworthy information sufficient to warrant a person of reasonable caution to believe that an infraction has been committed.
- I. “Private Property” means any property owned in fee, individual land where title is held in the name of the United States in trust for the individual (allotments), and

for purposes of this Ordinance only tribal trust land issued to tribal members (assignments), or other tribally controlled lands not held in trust for the Band.

- J. “Reservation” means the Rincon Reservation as established under the laws of the United States and set forth in the Band’s Articles of Association and shall encompass all territory within the boundaries as now or hereafter prescribed or ascertained including fee patented lands, roads, water, bridges, lands and rights-of-way owned, used or claimed by any person.
- K. “Rincon Tribal Court” means the Intertribal Court of Southern California or other such court as may be designated by the Business Committee.
- L. “Tribally Approved Function” means a social, governmental, or cultural event that has been approved by the Business Committee.
- M. “Tribal Property” as used in this Ordinance means all property held by the United States government in trust for the Band.
- N. “Tribal Law Enforcement Officer” means a person designated by the Band to enforce this Ordinance and to act as a law enforcement officer for the Band.

III. VIOLATIONS

Chapter 1. Civil Infractions Against Property

Section 1.1. Definitions

For this Section, the following definitions will apply:

1. “Alter” means to change, modify, or vary in some degree; to change some of the elements, ingredients or details without substituting an entirely new thing or destroying the identity of the thing affected.
2. “Damage” means loss, injury, or deterioration to property causing it to decrease in strength, value, amount or quality.
3. “Destroy” means to ruin the structure, organic existence or condition of a thing or property, to demolish to injure or mutilate beyond possibility of use.
4. “Deface” means damage to monuments, buildings or other structures by changing the physical appearance.

5. “Financial loss” means a loss of money or of something by which money or of value may be acquired.
6. “Property” means:
 - a. Real property such as land or structures and building affixed to land and includes both tribal and private;
 - b. Personal property which is anything tangible or that can be severed from real property.

Section 1.2.

Malicious Mischief

1. A person commits the civil infraction of Malicious Mischief if he or she, without the effective consent of the owner:
 - a. Damages or destroys the property of the owner;
 - b. Tampers with property of the owner and causes financial loss or substantial inconvenience to the owner or a third person;
 - c. Makes markings, including, inscriptions, slogans, drawings, or painting on the property of the owner;
 - d. Alters, defaces or damages tribally owned property, which may include a monument, structure or facility, place of worship or burial ground or any other property of the Band; or
 - e. Aids, assists, commands, or counsels another to commit Malicious Mischief.

Section 1.3.

Trespass

1. A person, other than a tribal official carrying out tribal business, commits the civil infraction of Trespass if he or she enters or remains on tribal or private property of another and:
 - a. Had notice that the entry was forbidden;
 - b. Was ordered to depart after entry and failed to do so; or

- c. Has been excluded from the Reservation by Rincon Tribal Court order.
2. Notice or an order may be given by:
 - a. Written or verbal communication given to the intruder by a Tribal Official, Tribal Law Enforcement Officer, the owner of the property or a person authorized to act on behalf of the owner;
 - b. Written notice posted on or about the property in a manner reasonably likely to come to the attention of potential intruders; or
 - c. Fences, barricades or other devices obviously designed to enclose the property and to exclude all potential intruders.
 - d. Written exclusion order issued by the Rincon Tribal Court.
3. An infraction under this subsection if committed in a private dwelling, Tribal dwelling or where the trespasser carries a dangerous weapon or firearm on or about his person during the commission of the infraction shall be subject to a tripling of the maximum fine as provided for under the Schedule of Fines.

Section 1.4. Reckless Damage or Destruction

1. A person commits the civil infraction of Reckless Damage or Destruction if, without the consent of the owner, he or she recklessly damages or destroys property of the owner.
2. “Recklessly” means a person who acts carelessly, heedlessly, or is inattentive to the circumstances surrounding him/her.

Section 1.5. Arson

1. A person commits the civil infraction of Arson when he or she intentionally sets fire to, or burns, or causes to be burned, or aids, counsels, or assists in the burning of any trailer, motor vehicle, camper, dwelling, structure, barn, stable, crops or open area located within the boundaries of the Reservation, unless such burning has been expressly authorized by the Rincon Fire Department and/or the Business Committee in writing.

Chapter 2. Civil Infractions Against the Peace

Section 2.1.

Disorderly Conduct

1. A person commits the civil infraction of Disorderly Conduct if he or she:
 - a. Fights, or challenges to fight, any other person within the boundaries of the Reservation;
 - b. Creates any excessive noise, or allows or permits the creation of any excessive noise on property owned, leased, occupied or otherwise controlled by such person which causes or creates a nuisance;
 - c. Brandishing a dangerous weapon or firearm in an offensive manner;
 - d. Abuses or threatens a person in an obviously offensive manner;
 - e. Engages in lewd behavior and is reckless about whether another person is present who will be alarmed by his or her act; or
 - f. Uses abusive, indecent, profane, or vulgar language in a tribal building or on tribal property, and the language by its very utterance tends to incite a breach of the peace.
 - g. Discharges a firearm on the Reservation except by:
 - i. Tribal Law Enforcement Officers while in the performance of their official duties;
 - ii. Any other state, federal or tribal law enforcement officer, while in the performance of their official duties;
 - iii. Tribal members, during day light hours and within the boundaries of his or her property, but only if done in a reasonable manner that does not endanger others and does not cause a nuisance.
 - iv. Tribal members at tribal designated shooting area.
 - h. Urinating or defecating in a public area on the Reservation. This section shall not apply to a person who cannot comply with this section as a result of a disability, age, or a medical condition.

Section 2.2. Possession of a Dangerous Weapon and/or Firearm

1. A person commits the civil infraction of Possession of a Dangerous Weapon and/or Firearm if he or she carries on or about his or her person a dangerous weapon and/or firearm as defined under Section 2.1. D and E. This subsection shall not apply to Tribal Law Enforcement Officers or any other state, federal or tribal law enforcement officer.
2. Any Tribal Law Enforcement Officer or other tribally designated security or law enforcement officer may, upon probable cause, confiscate a dangerous weapon and/or a firearm from any person who violates this subsection.
3. Tribal members may possess firearms but only on their private property.

Section 2.3. Loitering and Curfew

1. A violation of Loitering is when:

A person, without a legitimate purpose, physically remains around tribal facilities or commercial businesses on the Reservation unless it is during a scheduled tribal meeting or social function.

2. A person violates Curfew if:

- a. He or she is a minor (under the age of 18 years old) who remains on the streets or on tribal property between the hours of 10:00 p.m. and 6:00 a.m., unless it is during a scheduled tribal meeting or social function;
- b. He or she is a parent, guardian or custodian of a minor and knowingly permits or by insufficient control allows the minor to remain on any streets or tribal property between 10:00 p.m. and 6:00 a.m.

Chapter 3. Civil Infractions Against the Tribal Government

Section 3.1. Interfering with Lawful Duties

1. A person commits the civil infraction of Interfering with Lawful Duties if by force, violence or other means, he or she:

- a. Interferes, obstructs or resists any tribal official, Tribal Law Enforcement Officer, or other law enforcement officer in the performance of their official duties;
- b. Flees from any Tribal Law Enforcement Officer, or other law enforcement officer who is attempting to lawfully carry out his or her duties.

Section 3.2. Aiding, Abetting, and Harboring a Criminal or Excluded Person

1. It shall be unlawful to aid, abet, or harbor a fugitive of the law, person excluded from the Reservation, or a member of a criminal street gang.
2. "Criminal street gang" means an ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more criminal acts set forth in either tribal, federal or state law.

Chapter 4. Civil Infractions Against the Person and Animals

Section 4.1. Battery or Aggravated Battery

1. As used in this subsection:
 - a. "Bodily injury" means a cut, abrasion, bruise, burn, physical pain, causing illness, impairment of a function of a bodily organ, or mental faculties and/or any other injury to the body, no matter how temporary.
 - b. "Serious Bodily Injury" means bodily injury, which involves substantial risk of death, extreme physical pain or disfigurement, protracted loss or impairment of the function of a bodily organ, or mental faculties.
2. A person commits the civil infraction of Battery if he or she:
 - a. Causes bodily injury to another;
 - b. Causes serious bodily injury to another;
 - c. Threatens another with imminent bodily or serious bodily injury;
 - d. Causes physical contact with another when the person knows or

should reasonably believe that the person will regard the contact as offensive or provocative;

- e. Uses or exhibits a weapon during the commission of battery; or
- f. Forcibly assaults, resists, opposes, prevents, impedes, intimidates, or interferes with any authorized Tribal Law Enforcement Officer, Tribal Security Officer or other law enforcement officer lawfully discharging an official duty.

Section 4.2. Cruelty to Animals and Animal at Large

- 1. A person commits “Cruelty to animals” if he or she:
 - a. Physically mistreat an animal either by abuse or failure to furnish minimum care. Physical mistreatment of an animal shall include but is not limited to the killing, maiming, mutilating, beating, torturing, wounding, tormenting an animal and/or depriving an animal necessary sustenance, drink, food or shelter, or chaining or tying an animal in a confined area.
 - b. A person commits “Animal at Large” if they permit an animal, other than a domestic cat, to be at large, meaning not under the physical control of the owner, person in control or keeper or not physically contained on the owner’s, person in control or keeper’s premises or motor vehicle.
 - c. Animals may be impounded under the provisions of this subsection. The owner of the animal shall be liable for all impounding costs and fees.

Chapter 5. Civil Infractions Against Minors and Persons Under the Age of 21

Section 5.1. Furnishing Alcohol to Persons Under the Age of 21.

- 1. A person commits the civil infraction of Furnishing Alcohol to a Person Under the Age of 21 when he or she gives, purchases for, or furnishes any person under the age of 21 any alcohol beverages, or drugs as listed under Section 6.1.

Section 5.2

Distributing Tobacco Products to Minor

1. It shall be a violation of this section to give, purchase for or furnish tobacco products to any person under the age of 18.

Chapter 6.

Drug and Alcohol Civil Infractions

Section 6.1.

Definitions

- a. “Controlled substance” means any drug or other substance under the provisions of Chapter 13, Title 21, Section 802, “Controlled Substance” of the United States Code.
- b. “Dangerous drug” means any drug that is included in Chapter 13, Title 21, Section 802, “Dangerous Drug” schedules I, II, III, IV, or V of the United States Code. The terms include a devise or a drug that bears or is required to bear the legend:
 - I. Caution: Federal law prohibits dispensing without a prescription; or
 - ii. Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian.
- c. “Marijuana” means all parts of the plant *Cannabis sativa* L. whether growing or not, under the provision of Chapter 13, Title 21, Section 802, “Marijuana” of the United States Code.
- d. “Narcotic drug” means any drug under the provision of Chapter 13, Title 21, Section 802, “Narcotic Drug” of the United States Code.

Section 6.2.

Chemical Intoxication

1. A person commits the civil infraction of Chemical Intoxication if he or she:
 - a. Inhales, ingests, applies, uses, or possesses a substance containing a volatile chemical, abusable glue, aerosol paint or aerosol with the intent to affect the person’s central nervous system, create or induce a condition of intoxication, hallucination, or elation, change, distort, or disturb the person’s eyesight, thinking process, balance, or coordination.

2. Sells, offers for sale, delivers or gives to any person under the age of 18 years any volatile chemical, abusive glue or aerosol paint.

Section 6.3. **Illegal Drugs**

1. A person commits a civil infraction under this subsection Illegal Drugs if he or she possesses or consumes without a medical prescription or manufacturers or distributes, sells, or offers to sell dangerous drugs, any drug identified as a controlled substance, a narcotic drug, marijuana, or any drug paraphernalia.

Section 6.4. **Intoxication on Tribal Property**

1. A person commits the civil infraction of Intoxication on Tribal Property if he or she appears intoxicated on tribal property to the degree that the person may endanger himself, herself or another.
2. It is an exception under this subsection if the alcohol or other substance was administered for therapeutic purposes and as part of the person's professional medical treatment by a licensed physician.

Chapter 7. **Civil Infractions Against Health and Safety**

Section 7.1. **Unlawful Operation of Motor Vehicle**

1. A person commits the civil infraction of Unlawful Operation of Motor Vehicle when he or she:
 - a. Parks his or her Motor Vehicle on the street, curb or other area not designated for parking, or otherwise prohibits the safe passage of two vehicles on the street or road on the Reservation;
 - b. Operates any Motor Vehicle on any street or road within the Reservation in willful disregard for the safety of persons or property;
 - c. Operates any Motor Vehicle in excess of any other posted speed limit on any road on the Reservation. The speed limit on all un-posted roads is 35 m.p.h.;
 - d. Operates a motor vehicle, as defined under Section 2.1. G, anywhere on the Reservation in a manner which disturbs the peace of other Reservation residents;

- e. Operates a motorcycle or ATV anywhere on the Reservation without a spark arrester and muffler;
- f. Operates a motorcycle or ATV without a helmet, unless the ATV is equipped with a seatbelt and is worn by the operator; or
- g. Operates a Motor Vehicle in any restricted and/or posted area (i.e. riverbed).

IV. Enforcement

Section 4.1. It shall be the duty of the Officers of the Rincon Tribal Law Enforcement Department (herein “enforcement officers”) to enforce this Ordinance and all implementing rules and regulations.

Section 4.2. **Civil Citation**

1. An enforcement officer has the authority to issue a civil citation if:
 - a. The infraction occurs in the presence of the enforcement officer; or
 - b. When the enforcement officer has reasonable cause to believe a civil infraction has been committed.

The enforcement officer shall issue all civil infraction no later than thirty (30) days from when the violation occurred.

Section 4.3. **Identification**

A person who is reasonably suspected of committing a civil infraction and is stopped by an enforcement officer is required to identify himself or herself by providing the enforcement officer his or her name, address, and date of birth. If requested by the enforcement officer, the person shall also produce a picture identification card, such as a driver’s license, military I.D. or tribal card. If the person is unable or unwilling to identify himself or herself, or produce a picture identification card, the enforcement officer may detain the person for a reasonable period of time in order to identify the person and issue a civil infraction citation.

Section 4.4. **Final Determination Unless Contested**

A civil citation represents an official determination that a civil infraction has been committed. This determination is final unless the person

contests it in a manner set forth in this Ordinance.

Section 4.5. Notice Requirement

The civil citation shall include the following:

- a. A statement that the civil infraction is a non-criminal offense for which imprisonment is not an available sanction;
- b. A statement listing the subsection of the Ordinance that was violated along with a statement briefly describing the conduct of the person which lead to the violation;
- c. A statement listing the monetary penalty imposed for the civil infraction and that the person may be noticed by separate letter that the penalty amount has increased after determination that the person has previous violations;
- d. A statement on how the person may contest the infraction;
- e. A statement that the person must respond to the citation within thirty (30) days from the date of service of the citation; and
- f. A statement that failure to respond to the citation or failure to appear at a requested hearing will result in a default judgment against the person in the amount of the citation plus a sanction imposed by the Court for person's failure to appear.

Section 4.6. Second Notice

A second notice may be served on a person who has been served a civil citation informing him or her that the amount of the penalty reflected on the civil citation has been increased due to the fact that the person has been cited for one or more times in the past twelve months for the same infraction thereby enhancing the penalty for the recent infraction. This second notice shall inform the person of the revised penalty amount and again inform the person where he or she may pay the fine and the process for contesting the citation.

Section 4.7. Service of the Citation

1. The citation may be served on the person in the following manner;
 - a. Personal service; or
 - b. Mailing the civil citation by certified or registered mail, return receipt requested, addressed to the person at his or her mailing address if known, or such other place which is believed to give the occupant or owner actual notice of the civil citation by the enforcement officer.

2. Service is deemed effective on the date of the personal service or when the certified mail is either delivered or delivery is attempted. If the certified mail receipt is returned unsigned, then service shall be deemed effective on the date three days following deposit in the mail.
3. Where service of any notice required under this Ordinance is effected in compliance with this Section and with due process the asserted failure of any person to receive the notice shall not affect the validity of any proceedings taken under this Ordinance.
4. A copy of civil citation and, if applicable, the proof of service shall be filed with the Tribal Court within seventy-two (72) hours of issuance, excluding weekends and holidays. If the Tribal Court within this timeframe does not receive the citation, the Tribal Court may dismiss the citation without prejudice.

Section 4.8. Seizure/Forfeiture of Property

A Tribal Law Enforcement Officer may, upon probable cause when issuing a citation for a civil infraction, seize any property used in the commission of a violation of this Ordinance. All property utilized in violation of this Ordinance is also subject to seizure and forfeiture by order of the Tribal Court. The Band must return any property confiscated to its rightful owner unless the Tribal Court determines that the possession of the property is unlawful or could be deemed a risk to facilitate further violations of this Ordinance, in which case it will become the property of the Band.

V. HEARING PROCEDURES AND PENALTY

Section 5.1. Response Options

A person shall respond to the civil citation in one of the following ways;

1. Pay the fine by submitting cash, cashier check or money order in the amount of the civil fine to the Band within thirty (30) days from the date the citation is served; or
2. Request a hearing by completing that portion of the civil citation form and submitting the request to Tribal Court, per the instruction on the civil citation, within thirty (30) days from the issuance of the citation.

Section 5.2. Failure to Respond

If a person who is served with a civil citation fails to pay the fine amount, fails to request a hearing or fails to appear at a hearing that he or she has requested, the Tribal Court shall enter a default judgment against the person, and impose additional sanctions for failing to respond.

Section 5.3. Hearing

1. A hearing shall be scheduled within thirty (30) days from the Tribal Court's receipt of a Request for Hearing. The Tribal Court shall provide a written Notice of Hearing to the person requesting the hearing (herein "Petitioner") and the Rincon Law Enforcement Department. The Notice of Hearing shall state the date, time and place of hearing and shall be served at least fifteen (15) days prior to the date of the hearing. The Notice of Hearing to the Law Enforcement Department shall include as an attachment a copy of the Petitioner's completed Request for Hearing form.
2. If the enforcement officer submits an additional written report concerning the civil citation to the Tribal Court for consideration at the hearing, then a copy of this report also shall be served on the Petitioner at least five (5) days prior to the date of the hearing.
3. The Petitioner or the enforcement officer may request one (1) continuance for any reason, provided that Tribal Court is given the request for a continuance at least forty-eight (48) hours in advance of the scheduled hearing and that the deferred hearing shall not be deferred more than forty five (45) days after the hearing request was filed. A request for continuance made less than forty-eight hours before the scheduled hearing may be granted by the Tribal Court Judge based upon a showing good cause
4. All hearings shall be closed to the public unless the enforcement officer and/or the tribal representative agree that the hearing will be open. At the hearing, the Petitioner shall be given the opportunity to testify and to present evidence and cross-examine witnesses concerning the civil citation. The Petitioner may appear personally or through an attorney. Prehearing discovery is not authorized, but subpoenaing of witnesses and documents shall be permitted as authorized by tribal law or the Tribal Court's Rules of Court. The Tribal Court Judge is authorized to conduct the hearing informally, both as to rules of procedure and admission of evidence, in any manner which will provide a fair hearing.

5. The civil citation and any additional report submitted by the enforcement officer shall constitute presumptive evidence of the respective facts contained in those documents.
6. The Tribal Court may continue the hearing and request additional information from the enforcement officer or the Petitioner of the civil citation prior to issuing a written decision.

Section 5.4 Tribal Court Decision

- A. After considering all the testimony and evidence submitted at the hearing, the Tribal Court Judge shall issue a written decision to uphold or dismiss the civil citation and the reasons for that decision, including written findings on each violation. The decision of the Tribal Court Judge shall be issued within ten (10) calendar days following completion of the hearing.
- B. If the Tribal Court Judge determines the civil citation should be upheld, he or she may apply any of the following remedies:
 1. Issue an injunction, by ordering the Petitioner to temporarily or permanently refrain from conducting the acts or actions that gave rise to the civil citation.
 2. Impose civil penalties in an amount not to exceed the maximum provided in the schedule of civil penalties adopted by the Business Committee in effect on the date the violation occurred. In determining the amount of the civil penalty, the Judge may take into account any or all of the following factors:
 - a. the duration of the violation;
 - b. the frequency, recurrence, and number of violations, related or unrelated, by the same violator;
 - c. the seriousness of the violation;
 - d. the economic impact of the violation on the community; and
 - e. such other factors as justice may require.
 3. Suspend the civil penalty on the condition the Petitioner does not commit any other violations of this Ordinance and complies with all Tribal Court orders relating to the violation during a specified period not to exceed one (1) year.
 4. Issue such other order as may be deemed fair and just by the Tribal Court.

- C. If the Tribal Court Judge finds that a request for hearing is completely without merit, he or she may hold the Petitioner liable for, and order Petitioner to pay, the Tribe's reasonable fees and costs, including attorney's fees.
- D. If the Tribal Court Judge determines the civil citation should be upheld, he or she shall set forth in the decision the payment schedule for the civil penalty as well as for payment of any administrative costs assessed under Subparagraph C above. Late payment charges shall accrue and be payable in the amount and by the terms specified in the schedule of civil penalties.
- E. If the Tribal Court Judge determines the civil citation should be dismissed, he or she shall issue a decision dismissing the civil citation.
- F. The Petitioner and the enforcement officer shall be served with a copy of the decision within seven (7) calendar days of its issuance.
- G. The decision of the Tribal Court Judge shall be final upon service on the Petitioner and not subject to further review.

Section 5.4 Collection

- 1. In any case where a person has been found to have committed a civil infraction and a civil penalty has been assessed, the person has thirty (30) days to pay the civil fine. For good cause shown, the Tribal Court may extend the time for payment or approve an installment plan. Parent(s), guardians, or any adult responsible for the care of minor (a person under the age of 18) are liable for the civil fine of a minor.
- 2. If the person has not paid the civil fine within the time allotted by the Tribal Court, the Court may take any and all actions necessary to collect the civil fine, including but not limited to the following:
 - a. Refer the civil fine to a collection agency or other collection institution;
 - b. Upon written request from the Tribe, issue an order to an employer on the Reservation to garnish up to twenty five (25%) percent of violator's wages;
 - c. Upon written request from the Tribe, issue an order directing the appropriate tribal official, to garnish the violator's tribal per capita

distribution in the amount of the fine;

- d. Upon written request from the Tribe, issue a garnishment order against an off Reservation employer or any other entity that issues the violator wages or money.
- e. Exclude the person from the Rincon Reservation until such time the fine has been paid.

VI. GENERAL PROVISIONS

Section 6.1. Severability

If any provision of this Ordinance, or its application to any person, legal entity or circumstance is held invalid, the remainder of the Ordinance, or its application of the provision to other persons, legal entities or circumstances, shall not be affected.

Section 6.2. Sovereign Immunity

The sovereign immunity of the Band is in no manner waived by this Ordinance, by any action of its Tribal Law Enforcement Officers or Security Officers or any of the employees of the Band acting pursuant to this Ordinance.

Section 6.3. Amendments

This Ordinance may be amended by the Rincon Business Committee. The Rincon Business Committee will notify the General Membership, via mail or other means.

Section 6.4 Effective Date

This Ordinance shall be presented to the members of the Band for review and comment at a minimum, one public meeting with Band members will be held to discuss the Ordinance. The Ordinance will become effective upon adoption by the Rincon Business Committee. This Ordinance supersedes and replaces any conflicting provisions of any and all other Peace and Security laws, codes, ordinances or regulations of the Band.


Section 6.5 Sunset Clause

One year from the date this Ordinance is approved, the Business Committee shall review the Ordinance, in conjunction with Tribal Law Enforcement and the

Band's Legal Department, and make any and all changes and amendments that are deemed necessary.

CERTIFICATION

This certifies that the above Rincon Band of Luiseño Indians Peace and Security Ordinance was duly adopted at a Rincon Business Committee meeting on 27 day of March, 2008, by a vote of 4 for, 0 against, 0 abstain, and 1 absent.



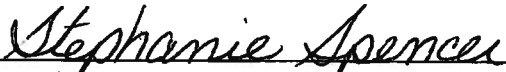
Vernon Wright, Chairman



Bo Mazzetti, Vice Chairman



Gilbert Parada, Council Member



Stephanie Spencer, Council Member



Charlie Kolb, Council Member

RINCON LUISEÑO BAND OF INDIANS

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Schedule of Fines for Rincon Peace and Security Code Violations

All violations below are found in the Rincon Peace and Security Code.

The civil penalties listed below may be tripled in any case where the person receiving the civil citation willfully and maliciously, or with gross recklessness, caused physical harm to another person.

Violation	1st offense	2nd offense	3rd offense
Malicious Mischief			
1.2.1a	Damages or destroys property of owner \$200	\$400	\$1000
1.2.1b	Tampers with property \$200	\$400	\$1000
1.2.1c	Make markings or paints on property \$200	\$400	\$1000
1.2.1d	Alters, defaces or damages tribal property \$200	\$400	\$1000
1.2.1e	Aids, assist in committing malicious mischief \$100	\$400	\$1000
Trespass			
1.3.1a	Had notice entry was forbidden \$200	\$500	\$1000
1.3.1b	Failed to depart after ordered \$200	\$500	\$1000
1.3.1c	Has been excluded from reservation \$200	\$500	\$1000
1.3.3	In dwelling or with dangerous weapon \$1000	\$2000	\$5000
Reckless Damage or Destruction			
1.4.1	Recklessly damages or destroys property \$300	\$500	\$1000
Arson			
1.5.1	Intentionally sets fire without authorization \$1000	\$2000	\$5000
Disorderly Conduct			
2.1.1a	Fights, challenges to fight another person \$200	\$400	\$800
2.1.1b	Creates, allows or permits excessive noise \$50	\$100	\$250
2.1.1c	Brandishing a dangerous weapon \$500	\$1000	\$2000
2.1.1d	Abuses or threatens in offensive manner \$200	\$400	\$800

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Vice-Chairman

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Council Member

RINCON LUISEÑO BAND OF INDIANS

P.O. Box 68 ♦ Valley Center, Ca 92082 ♦ (760) 749-1051 ♦ Fax: (760) 749-8901



Violation	1st offense	2nd offense	3rd offense
Disorderly Conduct			
2.1.1e			
Engages in lewd behavior	\$100	\$200	\$500
2.1.1f			
Uses abusive, vulgar language on tribal property	\$100	\$200	\$500
2.1.1g			
Discharges a firearm on reservation	\$100	\$400	\$800
2.1.1h			
Urinating or defecating in public	\$100	\$200	\$500
Possession of a dangerous weapon or firearm			
2.2.1			
Carries on person	\$50	\$100	\$250
Loitering and Curfew			
2.3.1			
Remains around tribal property with no purpose	\$50	\$100	\$250
2.3.2a			
Minor remaining on street/tribal property 10:00pm-6:00am	\$50	\$100	\$250
2.3.2b			
Parent, guardian or custodian permits minor	\$50	\$100	\$250
Interfering with lawful duties			
3.1.1a			
Interferes, obstructs or resists tribal officer	\$250	\$500	\$2000
3.1.1b			
Flees from tribal officer	\$250	\$500	\$2000
Aiding, and harboring criminal/excluded person			
3.2.1			
Aid, abet, or harbor fugitive or excluded person	\$2000	\$3000	\$4000
Battery or Aggravated Battery			
4.1.2a			
Causes bodily injury	\$200	\$400	\$1000
4.1.2b			
Causes serious bodily injury	\$500	\$1000	\$2000
4.1.2c			
Threatens another with bodily or serious injury	\$150	\$300	\$800
4.1.2d			
Causes physical contact with another	\$100	\$200	\$500
4.1.2e			
Uses or exhibits a weapon during battery	\$500	\$1000	\$2000
4.1.2f			
Forcibly batters, resists, tribal law enforcement	\$500	\$1000	\$2000

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Violation	1st offense	2nd offense	3rd offense
Cruelty to Animals and Animals at large			
4.2.1a	\$100	\$200	\$500
4.2.1b	\$200	\$400	\$500
Furnishing Alcohol to Persons under the age of 21			
5.1	\$500	\$800	\$1500
Distributing Tobacco Products to minor			
5.2.1	\$500	\$800	\$1500
Chemical Intoxication			
6.2.1a	\$100	\$250	\$500
6.2.2	\$300	\$500	\$1000
Illegal drugs			
6.3.1	\$300	\$500	\$1000
Intoxication on tribal property			
6.4.1	\$100	\$250	\$500
Unlawful operation of motor vehicle			
7.1.1a	\$200	\$300	\$500
7.1.1b	\$150	\$300	\$1000
7.1.1c	\$50	\$100	\$250
7.1.1d	\$50	\$100	\$250
7.1.1e	\$50	\$100	\$250
7.1.1f	\$50	\$100	\$250
7.1.1g	\$200	\$300	\$500

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April 15, 2008

Rincon Tribal Members:

The Rincon Tribal Council has formulated a Rincon Peace and Security Ordinance, mailed it to the Membership for review and comments, as well as held two community meetings for the Membership to ask questions and make recommendations.

The Tribal Council has input the Members recommendations and modified the original draft ordinance.

The attached Rincon Band of Luiseño Indians "Peace and Security Ordinance" was adopted on March 27, 2008.

This letter is to provide the Membership with an approved final copy of the ordinance and the fine schedule.

The Rincon Tribal Law Enforcement Officers will be providing courtesy warnings of violations through the end of May 2008.

Effective June 1, 2008, the Rincon Peace and Security Ordinance will become effective and be enforced by the Rincon Tribal Law Enforcement and violations processed through the Southern California Intertribal Court System.

We encourage you to review and become familiar with the new ordinance.

If you have any questions, please feel free to contact the Rincon Tribal Law Enforcement Department at (760) 297-2333.


Respectfully,


In Memoriam

Vernon Wright, Chairman


Bo Mazzetti, Vice Chairman


Stephanie Spencer, Council Member


Gilbert Parada, Council Member


Charlie Kolb, Council Member

Vernon Wright
Tribal Chairman

Bo Mazzetti
Vice Chairman

Stephanie Spencer
Council Member

Gilbert Parada
Council Member

Charlie Kolb
Council Member