

# Oneida Nation

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Oneida, WI 54155

## **BC Resolution # 10-09-19-G Curfew Law Penalty and Fine Schedule**

- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Curfew law (“the Law”) was adopted by the Oneida Business Committee through resolution BC-10-09-19-F; and
- WHEREAS,** the purpose of the Law is to protect the health, safety, and welfare of persons and property within the Reservation by regulating the activities of minors on the Reservation during certain hours, while imposing certain obligations and responsibilities upon the parents, guardians, and/or legal custodians of a minor for the control and supervision of that minor; and
- WHEREAS,** the Law prohibits any minor from being on any public space either on foot or in any vehicle driven or parked, between the hours of 10:00 p.m. and 6:00 a.m. within the boundaries of the Reservation, unless the minor is accompanied by a parent, guardian, or legal custodian; and
- WHEREAS,** the Law prohibits any parent, guardian, or legal custodian from knowingly permitting or failing to take action to prevent a minor from being on any public space either on foot or in any vehicle driven or parked, between the hours of 10:00 p.m. and 6:00 a.m. within the boundaries of the Reservation; and
- WHEREAS,** the Law allows the Family Court to impose various penalties against a minor and/or a minor’s parent, guardian, and/or legal custodian if the Family Court finds a violation of this Law has occurred; and
- WHEREAS,** penalties available under this Law include community service, family counseling and/or parenting programs, fines, and/or any other penalty as deemed appropriate by the Family Court; and
- WHEREAS,** the Law delegates authority to the Oneida Business Committee to adopt through resolution a fine schedule which sets forth specific fine amounts for violations of this Law; and

**NOW THEREFORE BE IT RESOLVED,** that upon a finding by the Family Court that a violation of this Law occurred section 308.7-1(a)-(d) of the Law allows the Family Court to impose various penalties including

community service, family counseling and/or parenting programs, fines, and/or any other penalty as deemed appropriate by the Family Court, upon a finding that a violation of this Law has occurred.

**BE IT FURTHER RESOLVED**, that the Oneida Business Committee hereby sets forth the following fine schedule to be used by the Family Court if deemed an appropriate penalty in accordance with the Curfew law:

<b>FINE SCHEDULE</b>				
<b>Violation</b>	<b>Reference</b>	<b>1<sup>st</sup> Offense</b>	<b>2<sup>nd</sup> Offense</b>	<b>3<sup>rd</sup> Offense and Up</b>
Failure of a minor to comply with the Nation's curfew	308.5-1	\$50	\$100	\$200
Failure of a parent, guardian, or legal custodian to ensure a minor complies with the Nation's curfew	308.5-2	\$50	\$100	\$200

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


**BE IT FURTHER RESOLVED**, the issuance of a citation for a violation of this Law shall require the mandatory appearance of the minor and minor's parent, guardian, and/or legal custodian at the citation pre-hearing.

**BE IT FURTHER RESOLVED**, any money received from fines collected for violations of the Curfew law shall be contributed to drug use prevention initiatives such as the Tribal Action Plan.

**BE IT FINALLY RESOLVED**, the Oneida Business Committee hereby adopts this resolution which shall become effective on October 23, 2019.

#### **CERTIFICATION**

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum; 8 members were present at a meeting duly called, noticed and held on the 9<sup>th</sup> day of October, 2019; that the forgoing resolution was duly adopted at such meeting by a vote of 7 members for, 0 members against, and 0 members not voting\*; and that said resolution has not been rescinded or amended in any way.

  
\_\_\_\_\_  
Lisa Summers, Secretary  
Oneida Business Committee

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