

## **CHAPTER 4 - ENFORCEMENT**

### **4.01 Hearings in Tribal Court.**

Jurisdiction over all matters arising under this ordinance shall be with the tribal court which shall adjudicate in accordance with the Tribal Court Code all questions, complaints and alleged violations involving the provisions of this ordinance.

### **4.02 Enforcement by Deputized Conservation Wardens.**

Any provision of this ordinance may be enforced by wardens of the tribal conservation department or by wardens of the Commission. Said Commission wardens are hereby deputized by the Tribe as tribal conservation wardens for the purpose of enforcing this ordinance.

### **4.03 Enforcement by Wisconsin Department of Natural Resources Wardens.**

Wardens and Deputy Wardens of the Wisconsin Department of Natural Resources are hereby empowered to enforce the provisions of this ordinance and to institute proceedings in the tribal court by use of citation forms of that Department as described in Wis. Stat. Section [23.54](#) or to refer the matter to appropriate tribal or Commission wardens or the tribal prosecutor for further investigation or action.

### **4.04 Search and Seizure; When Authorized.**

Any person authorized to enforce the provisions of this ordinance may conduct a search of an object, place or person whose conduct is regulated by the provisions of this ordinance, and seize things when the search is made:

- (1) With consent;
- (2) Pursuant to valid search warrant;
- (3) With the authority and within the scope of a right of lawful inspection as provided in Section [4.05](#)(1)(a) [Investigations and Citations];
- (4) Incident to the issuance of a lawfully issued citation under this ordinance; or
- (5) As otherwise authorized by law or by the provisions of this ordinance.

### **4.05 Investigations and Citations.**

- (1) Any person authorized to enforce the provisions of this ordinance may.
  - (a) Subject to subsection (2), conduct routine inspections of vessels, boats, wagons, trailers, automobiles, vehicles, snowmobiles, containers, packages, and other receptacles contained therein, utilized by a person in a harvest activity authorized by this

ordinance and of records of commercial transactions required under Section 3.26 [Records of Commercial Transactions Required] which have not yet been forwarded to the tribal conservation department, or its designee;

(b) Execute and serve warrants and other process issued by the tribal court in accordance with applicable law;

(c) Stop and board any boat and stop any automobile or other vehicle pursuant to subs. (1)(a) or if the person reasonably suspects there is a violation or breach of this ordinance;

(d) With or without a warrant, open, enter and examine vessels, boats, wagons, trailers, automobiles, vehicles, snowmobiles, and packages and other receptacles contained therein, in which the person has probable cause to believe that contraband wild plants or wild animals, or carcasses or part thereof, may be contained or pursuant to subs. (1)(a);

(e) Issue a citation on a form approved by the Tribe or tribal court to any person whose conduct is regulated by the provisions of this ordinance upon reasonable belief that such person has violated or breached a provision of this ordinance; and

(f) May seize and hold subject to the order of the tribal court any alleged contraband or property which such person reasonably believes may be needed as evidence in connection with the institution of proceedings in tribal court or any property otherwise authorized to be seized by the provisions of this ordinance.

(2) The inspections authorized by subsection (1)(a) shall be conducted in a manner and at such times and locations as are reasonable and appropriate in the ordinary course of routine enforcement activities.

#### **4.06 Members of Other Tribes, Tribal Court Adjudications.**

The tribal court is authorized to adjudicate alleged violations by any member of a signatory tribe of any off-reservation conservation code of that Tribe provided:

(1) The relevant provisions of such ordinance are in essential conformance with the parallel provisions of this ordinance; and

(2) The other Tribe has authorized the adjudication.

#### **4.07 Registration Information.**

Tribal and Commission wardens are hereby empowered to request and receive from tribal tag and permit issuance stations and harvest registration stations information regarding tag and permit issuance and harvest registration.

#### **4.08 Penalties.**

Any person who, for himself or herself, or by his or her agent, servant or employee, or who as an agent, servant or employee of another, violates this ordinance, shall be liable as follows:

(1) For all violations for which no other amount is specified, a civil remedial forfeiture of not more than \$5,000.00;

(2) For any violation, a revocation or suspension of off-reservation hunting, fishing or gathering privileges for a period of time within the discretion of the court;

(3) For any violation, a civil remedial forfeiture of any property, including boats, motors, vehicles, hunting or fishing equipment, or other property, used in the commission of the violation of this ordinance;

(4) For all violations, the court may order a natural resources assessment not to exceed 75% of the amount of the civil remedial forfeiture; and

(5) For all violations, appropriate court costs within the discretion of the court.

#### **4.09 Enhancement of Forfeiture and Penalties.**

Upon conviction of any member for a violation of this ordinance when such person has been convicted of a previous violation of this ordinance within a period of one year, the court may enhance any civil remedial forfeiture or other penalty as the court deems appropriate.

#### **4.10 Civil Damages.**

In addition to any other penalty allowed by this ordinance, the tribal court may award to the Tribe or, in addition to an action to impose penalties, the Tribe may bring a civil action for recovery of, damages against any person unlawfully killing, wounding, catching, taking, trapping, or having unlawfully in possession any of the following named protected wild plant, wild animals, or any part thereof, and the sum assessed for damages for each wild plant or wild animal, shall not be less than the amount stated in this section:

(1) Any endangered and threatened species protected under this ordinance, \$875.00.

(2) Any fisher, prairie chicken or sand hill crane, \$262.50.

(3) Any deer, moose, elk or bear, \$75.00.

(4) Any bobcat, cougar, fox, beaver or otter, \$87.50.

(5) Any coyote, raccoon or mink, \$43.75.

(6) Any sharp-tailed grouse, ruffed grouse, spruce grouse, wild duck, coot, wild goose or brant, \$26.25.

(7) Any pheasant, Hungarian partridge, bobwhite, quail, rail, Wilson's snipe, woodcock or shorebird, or protected song bird or harmless bird, \$17.50.

(8) Any muskrat, rabbit or squirrel, \$8.75.

(9) Any muskellunge or rock or lake sturgeon, \$43.75.

(10) Any largemouth or smallmouth bass, \$26.25.

(11) Any brook, rainbow, brown, or steelhead trout, \$26.25.

(12) Any walleye, northern pike, or any other game fish not mentioned in pars. (9) to (11), \$8.75.

(13) Any wild animal or wild plant not mentioned in pars. (2) to (8), \$17.50.

#### **4.11 Seized Wild Animals and Wild Plants.**

No wild animal or wild plant seized pursuant to this ordinance shall be returned to a convicted violator, his or her immediate family, or other member of the hunting, fishing or gathering party.

#### **4.12 Schedule of Money Penalties; No Contest.**

The Tribal Court, in consultation with the Tribe's Governing Body, may adopt a schedule of forfeitures to be imposed by the Court upon the receipt of an admission that a violation of this ordinance has occurred, or a plea of no contest, which may be done either in person or in writing. This schedule shall not bind the Court as to forfeitures assessed by the Court after adjudicating a violation where the defendant has entered a plea of not guilty.

#### **4.13 Collection of Money Penalties.**

Enforcement of the money penalties imposed pursuant to this ordinance may be had through the collection of penalties from funds of the violator held by the Tribe, through the imposition of community service work requirements in lieu of money payment, through debt collection mechanisms of the courts of other jurisdictions, or through any other method authorized by law.

#### **4.14 Parties to a Violation.**

(1) Whoever is concerned in the commission of a violation of this ordinance shall be deemed a principal and may be charged with the violation although he or she did not directly commit it and although the person who directly committed it has not been convicted of the

violation.

(2) A person is concerned in the commission of the violation if the person:

(a) directly commits the violation;

(b) aids or abets the commission of it; or

(c) is a party to a conspiracy with another to commit it, or advises, hires, or counsels or otherwise procures another to commit it.

**4.15 Harvesting After Revocation or Suspension.**

No person whose off-reservation hunting, fishing or gathering privileges have been revoked or suspended pursuant to Section 4.08(2) [Penalties], shall hunt, fish, trap or gather off-reservation any wild plant or wild animal, the harvest of which is regulated by this ordinance, during such revocation or suspension.