

CHAPTER 14

STOCKBRIDGE-MUNSEE TRIBAL LAW JUVENILE DELINQUENCY, CURFEW, AND HITCHHIKING

Section 14.1 Purpose

This ordinance regarding curfew and hitch-hiking is enacted in an effort to create an atmosphere on the Stockbridge-Munsee Reservation which is free from gangs or gang-related activity.

Section 14.2 Interpretation

This ordinance shall be deemed as a reasonable and proper exercise of the sovereign power of the Stockbridge-Munsee Community for the protection of the Tribe's land, welfare, health, peace and morals. All provisions of this ordinance shall be liberally construed for the accomplishment of these purposes.

Section 14.3 Definitions.

- (A) "Child" shall mean any person who has not yet attained his or her eighteenth (18th) birthday.
- (B) "Going home" means traveling towards one's permanent residence with the intent of remaining at the residence.
- (C) "Hitchhiking" means attempting to solicit or soliciting free travel, or travel for a nominal price, from passing vehicles.
- (D) "Loiter" means to remain in an area for no apparent or obvious reason.

Section 14.4 Curfew.

- (A) No child shall loiter, idle or remain in or upon any road, street, trail or public place within the exterior boundaries of the Stockbridge-Munsee Reservation between 9:00 p.m. and 6:00 a.m.
- (B) No parent or guardian shall knowingly permit his or her child or ward of such as indicated above to loiter, idle or remain in or upon any road, street, trail or public place within the hours stated herein, unless such child is accompanied by a parent, guardian or some person of lawful age having legal custody or lawful temporary physical custody of such child, or unless any such child is going home from school activities, church programs, or approved organizational activities, or unless his or her employment makes it necessary for him or her to be upon said roads, streets, trails or public places, in which case this ordinance shall not apply.

(C) Any child shall have reasonable time to travel to his or her home or to the home of a family member after school activities, church programs, approved organizational activities, or employment, not to exceed one hour after the termination of such activity, to be within the definition of the term “going home.”

Section 14.5 Hitchhiking

No child under the age of eighteen (18) years shall hitchhike within the exterior boundaries of the Stockbridge-Munsee Reservation.

Section 14.6 Penalties

For a violation of Sections 4 or 5 of this ordinance:

(A) If the child is a resident on the Stockbridge-Munsee Reservation, he or she shall be escorted by the law enforcement officer to his or her permanent residence or home of another family member.

(B) If the child is a resident on the Menominee Nation Reservation, the law enforcement officer may:

(1) contact Menominee law enforcement officials and transfer custody of the child to them; or

(2) contact a parent of the child and transfer custody of the child to the parent.

(C) If the child is not a resident on the Stockbridge-Munsee or Menominee Reservations, the law enforcement officer may:

(1) contact a parent of the child and transfer custody of the child to the parent; or

(2) contact the appropriate county official to ensure that the child is delivered safely off the reservation.

(D) A civil citation shall be issued to the child if the child is fourteen (14) years of age or over.

(E) A civil citation shall be issued to the parent(s), guardian or responsible adult party for the violation when the child involved is under the age of fourteen (14) years.

(F) A conviction under the provisions of this ordinance shall be subject to a forfeiture of not more than \$500.

(G) In place of or in addition to the penalty described in (f), the Court, in its discretion, may impose an alternative sentence which addresses the violation in a manner consistent with tribal and cultural values. Such alternative sentence may include, but is not limited to, community service, family counseling, and educational programming.

Section 14.7 Effect on Other Ordinances

(A) Section 16.7 of the Public Peace and Good Order Ordinance, now located at Chapter 16 of the Stockbridge-Munsee Ordinances, is hereby superseded and replaced by the provisions of this ordinance.

LEGISLATIVE HISTORY:

Juvenile Delinquency: Curfew and Hitchhiking Ordinance adopted by Resolution #034-96, on May 28, 1996.