

TITLE X
HUNTING AND FISHING CODE

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CHAPTER 1. GENERAL PROVISIONS

§10-1-1 Statement of Policy

- (1) It is the intent and purpose of this Wildlife and Parks Code to:
 - (a) Provide an orderly system for the control and regulation of hunting and fishing within the exterior boundaries of the Choctaw Indian Reservation;
 - (b) Provide a means to promote the conservation and management of wildlife resources within the exterior boundaries of the Choctaw Indian Reservation; and
 - (c) Provide a means to control and regulate other outdoor and recreational activities within the exterior boundaries of the Choctaw Indian Reservation.
- (2) All matters relating to the conservation, regulation, control and management of the wildlife resources of the Choctaw Indian Reservation are subject to the civil and regulatory power of the Mississippi Band of Choctaw Indians.
- (3) It is recognized that members of the Mississippi Band of Choctaw Indians have a preferred right and interest in and to the wildlife resources of the Choctaw Indian Reservation and that the tribe has a legitimate right to establish differing rules and standards to govern the actions of members and non-members of the Tribe on the subject of wildlife regulation.
- (4) The Tribal Council shall have the authority to adopt annual proclamations or other regulations for the implementation of the policies of the Game and Fish Code and to alter or amend such proclamations and regulations as conditions indicate.
- (5) All wildlife now or hereafter found within the exterior boundaries of the Choctaw Indian Reservation, not held by private ownership lawfully acquired, are hereby declared to be property of the Mississippi Band of Choctaw Indians and no right, title, interest or property therein can be acquired or transferred or possession thereof had or maintained except as expressly provided herein.
- (6) Hunting and fishing activities, and other outdoor and recreational activities affecting the wildlife and environment of the Choctaw Indian Reservation, are closely regulated by the Mississippi Band of Choctaw Indians. Certain activities have been found to be detrimental to the wildlife and environment of the Choctaw Indian Reservation and are prohibited. Civil Procedures for the enforcement of the prohibitions declared in the Tribal Code are also established herein, and these procedures shall be invoked and applied on an equal basis in regard to all reported violations, without regard to the race, Indian status, or tribal membership of any alleged violator.

§10-1-2 Definitions

The following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

- (1) “Big game animals” means all species of deer;

- (2) “Small game animals” means all species of rabbits, and squirrels;
- (3) “Fur-bearing animals” means all species of muskrats, otters, skunks, weasels, mink, beavers and raccoons;
- (4) “Predatory animals” means all wild animals not listed in subparts (1) – (3). Bobcats foxes, and beavers.
- (5) “Endangered species” means any species declared to be a protected species by proclamation of the Choctaw Tribal Council or under federal law. A protected species may not lawfully be killed, hunted, captured or wounded by any private party.
- (6) “Game fish” means all fish of the family contrachidae, including the following: crappies (chinquapin perch, goggle eye, speckled perch), calico bass (red eyed, goggle eyed), breasted bream, long eared sunfish, blue gill (cooper nosed sunfish), black bass (small mouthed black bass), and straw bass (large mouthed black bass, bayou bass, club trout, green trout); family percidae, including jack perch, wall eyed pike and yellow perch (ringed perch); family serranidae, including white bass, yellow bass, tabby cat and blue cat; however the term “tabby cat” as listed in this section shall not apply to any class or classes of catfish which are taken from any navigable stream or lake.
- (7) “Game birds” means geese, brant, river and sea ducks, rails, coots, sora, snipe, woodcock, sandpipers, tattlers, plovers, wild turkey, quail and doves. All other species of wild resident or migratory birds shall be considered non-game birds.
- (8) “Closed season” means the time during which a designated category of birds, animals or fish may not be hunted or taken.
- (9) “Open season” means the time during which a designated category of birds, animals or fish may be hunted or taken pursuant to this statute.
- (10) “Tribe” means the Mississippi Band of Choctaw Indians.
- (11) “Department” means the Wildlife and Parks Department of the Mississippi Band of Choctaw Indians.
- (12) “Director” means the Director, Wildlife and Parks Department.
- (13) “Wildlife” means any form of animal life generally living wild in a state of nature, including all wild mammals, birds, fish, reptiles and amphibians and their nests, eggs and spawn.
- (14) “Code” means this Wildlife and Parks Code of the Mississippi Band of Choctaw Indians.
- (15) “Reservation” means all land encompassed by the definition of the term “Choctaw Indian Reservation” as set out at §1-2-2 of this Title.
- (16) “Fishing” means to take aquatic wildlife by any means.
- (17) “Hunting” means to take any wildlife bird or animal by any means.

- (18) "License" means the primary document granting authority to engage in activities covered by this Title.
- (19) "Certificate of Registration" means a document granting authority to engage in activities not covered by license, permit or tag issued under this Title or any proclamation of the Choctaw Tribal Council.
- (20) "Permit" means a secondary document including stamps, requiring a license as a prerequisite to its issuance, which grants authority to engage in certain specified activities under this title or any proclamation of the Tribal Council.
- (21) "Authorized Enforcement Officer" means any person authorized by the Choctaw Tribal Council to exercise the powers of a Tribal ranger, as conferred by Chapter 2 of this Title.
- (22) "Person" means an individual, individual association, partnership or corporation, or any agent of the foregoing.
- (23) "Tribal Ranger" means any duly authorized officer of the Wildlife and Parks Department, whether temporary or full time, who has been empowered by the Choctaw Tribal Council to enforce the provisions of this Title.
- (24) "Bag limit" means the maximum number of wildlife which may be taken by anyone in one day.
- (25) "Possession limit" means the maximum number of wildlife of a particular species which may be possessed by any one person at any one time.
- (26) "Carcass" means the dead body of any wildlife or any identifiable part of it.
- (27) "Firearms" means pistols, revolvers, rifles, shotguns and any device that is capable of being used as a weapon because it expels a projectile by some means of force.
- (28) "Sell" means to offer or possess for sale, barter, exchange or trade, or the act of selling, bartering, exchanging or trading.
- (29) "Take" means to fish, angle, hunt, pursue, catch, capture, seine, trap, kill or possess wildlife or any attempt to commit any of these acts.
- (30) "Tag" means a card, label or other identification device issued for attachment to the carcass of any wildlife.
- (31) "Recreational vehicle" means any all-terrain vehicle engaged in off-highway recreational use.
- (32) "All-terrain vehicle" means any motorized vehicle designed for or capable of travel over unimproved terrain.
- (33) "Proclamation" includes the rules and regulations of the Tribal Council regulating activities covered by this Title and adopted and published under the provisions of this Title.

- (34) “Indian” means any person of Indian descent who is defined as an Indian for purposes of federal criminal jurisdiction under the Major Crimes Act, 18 U.S.C. §1153.

CHAPTER 2. THE WILDLIFE AND PARKS DEPARTMENT

§10-2-1 Establishment and Authority of Department

There is hereby established a Wildlife and Parks Department. The administrative organization and structure of the department shall be established by the Choctaw Tribal Council by separate legislation. The director of the department shall report to the Director of Community Development, unless otherwise provided in the organizational legislation. The department shall have principal administrative and field responsibility for enforcement of the provisions of the Wildlife and Parks Code.

§10-2-2 Rangers of the Department

- (1) Rangers of the department, whether full time or temporary, shall meet the requirements established for Tribal police officers. Department rangers shall meet such requirements as to physical characteristics, competencies, education and training as may from time to time be established by the Tribal Council or the director for each position or category of positions provided.
- (2) The director may, at his discretion, and depending upon the needs of the department require rangers to meet the requirements of the Mississippi Game and Fish Commission or of the United States Fish and Wildlife Service, or both.
- (3) The director may from time to time appoint temporary rangers to aid the department in the conduct of its functions.
- (4) Rangers of the department shall have authority to issue civil citations to persons engaged in activities prohibited by the tribal code where:
 - (a) the ranger personally observes the violation take place; or
 - (b) the ranger has within his knowledge before the citation is issued information constituting reasonable grounds to believe that the person to be cited has engaged in a prohibited activity.
- (5) Rangers of the department shall have authority to confiscate any hunting, fishing or recreational equipment or paraphernalia in the possession, custody or control of the person cited at or about the time of the violation for which the citation is issued, or which was otherwise directly involved in the occurrence of the violation. Exercise of this confiscation authority shall not extend to motor vehicles. Rangers are required to confiscate property as described above in every instance:
 - (a) in which a citation is issued; or
 - (b) in which a violation occurs but no citation is issued because the violator cannot be located, identified or physically issued a citation. In such cases, a citation shall be attached to any confiscated property in accordance with procedures to be established by the director.

- (6) All confiscated property shall be promptly inventoried and retained by the department under lock and key pending adjudication of the matter before the Tribal Court or Court of Indian Offenses or the pre-hearing payment of a civil fine to the department; the payment is to be in accordance with a schedule of civil fines to be established by proclamation of the Tribal Council. The director shall establish a procedure for the inventory, storage, release and disposal of confiscated property.
- (7) Rangers of the department shall not have authority to issue Tribal hunting and fishing licenses, permits or tags in the field to persons found engaged in an activity for which such license, permit or tag is required under this title.
- (8) Rangers of the department shall not have authority to accept the payment of civil fines in the field and/or in lieu of confiscation of property pursuant to subsection six (6) of this section. Civil fines may be paid and accepted and confiscated property released on payment of such fines, and before a judicial hearing on the matter, at any office of the department during the prescribed office hours thereof and pursuant to procedures to be established by the director.
- (9) Rangers of the department shall have such other duties, powers and responsibilities as may from time to time be established by the director.

CHAPTER 3. PROCLAMATIONS AND REGULATIONS

§10-3-1 Proclamations

- (1) Annually or at such other periods as the Tribal Council shall direct, the Tribal Council shall adopt a Wildlife Proclamation.
- (2) The director of the Wildlife and Parks department shall propose a proclamation to the Tribal Council which, when adopted by the Tribal Council either with or without amendments, shall have the force of law on the Choctaw Indian Reservation.
- (3) The proclamation shall provide for the following:
 - (a) fix seasons and shorten, extend or close seasons on any species of wildlife in any specific locality or localities, or upon the entire Choctaw Indian Reservation, when it shall find, after investigation, that such action is necessary either to assure maintenance of an adequate supply thereof, to regulate taking, or to effectuate proper wildlife management and control.
 - (b) close or open lakes, streams and refuges, or specified localities or parts thereof, to fishing, angling, trapping or hunting and to regulate and prescribe the means by which any given species may be taken, as in its judgment may be best to perpetuate, restore, increase or control any species of wildlife and assure an adequate supply thereof, and to regulate the transportation and storage of all wildlife or parts thereof within the boundaries of the Choctaw Indian Reservation and the shipment or transportation off the Choctaw Indian Reservation.
 - (c) establish or change bag limits and possession limits.
 - (d) establish and change territorial limits for the taking of all species of wildlife.
 - (e) prescribe the manner and the means of taking or transporting of any species of wildlife including, but not limited, to the prescribing of the type or kind of bait, lures, tackle, equipment, traps, firearms and weapons, tagging of game and fish or parts thereof, or any other means or device for taking such wildlife.
 - (f) designate areas for hunting with bow and arrow or other specified weapons and the seasons thereof.
 - (g) establish refuges or sanctuaries for game, game birds, fish or fur-bearing animals. When private property is to be included as a refuge, written consent of the owner must first be obtained. All boundary lines of such refuges or sanctuaries shall be posted at the usual place of entrance or exit with signs bearing the title of the department and stating the nature of the refuge or sanctuary created, when create, and by what authority.
 - (h) establish methods for checking hunters, fishermen or trappers into and out of designated areas, prescribe safety and fire control measures and other regulations as may be deemed necessary in the interest of range, game fish or fur-bearing

animal management and the safety and welfare of hunters, trappers, fishermen, landowners and the Tribe.

- (i) Establish fees for licenses, permits, tags and special hunting seasons.
- (j) Establish rules and regulations governing the operation of boats upon waters located within the exterior boundaries of the Choctaw Indian Reservation. Said rules and regulations shall be in conformity with the established rules and regulations of the United State Coast Guard, where applicable.
- (k) Establish rules and regulations governing the operation of all-terrain and recreational vehicles on tribal lands.

§10-3-2 Publication of Proclamation

The proclamation adopted by the Tribal Council shall, before its effective date, be published at least once in a newspaper of general circulation on the Choctaw Indian Reservation and shall be posted in at least three (3) public places on the Choctaw Indian Reservation.

§10-3-3 Additional Regulations

The Tribal Council may adopt additional regulations of either temporary or permanent application governing the dates, places, means, or manner of taking wildlife or any limitations thereon and such regulations shall, when published in the manner provided for proclamations, have the force of law on the Choctaw Indian Reservation.

CHAPTER 4. LICENSES, TAGS AND PERMITS

§10-4-1 No Hunting or Fishing License Requirements for Indians

- (1) Indians, whether members of this Tribe or not, may take any kind of wildlife protected by the Tribal Code and located within the exterior boundaries of the Choctaw Reservation for the Choctaw community or family consumption purposes, but not for commercial purposes, without obtaining any Tribal or state license or permit to so do, provided that:
 - (a) Indians who take wildlife under this title are required to comply with any Tribal regulation or proclamation governing the times, dates, places, limits, manner or types of hunting or fishing;
 - (b) Indians who take wildlife under this title are required to comply with any applicable federal wildlife laws in so doing, and further provided that;
 - (c) Bartering or trading a limited amount of wildlife taken pursuant to this provision and traded to obtain consumer goods for community or family consumption does not constitute the taking of wildlife for commercial purposes within the meaning of this title.

§10-4-2 Hunting License Requirement for Non-Indians

- (1) All non-Indians must obtain a Tribal hunting license before hunting any wildlife within the exterior boundaries of the Choctaw Indian Reservation. A valid Mississippi State hunting license is also required and must be presented to the authorized issuer of Tribal hunting licenses before a Tribal hunting license may be issued. The issuer of the Tribal hunting license must record the number of the applicant's Mississippi hunting license in the book recording the issuance of Tribal hunting licenses at the place indicated in said record book.
- (2) Both the Tribal and state hunting license must be in the possession of the licensed hunter at all times while hunting or taking any wildlife located within the exterior boundaries of the Choctaw Indian Reservation.

§10-4-3 Fishing License Requirement for Non-Indians

- (1) All non-Indians must obtain a Tribal fishing license before fishing within the exterior boundaries of the Choctaw Indian Reservation. A valid Mississippi State fishing license is also required and must be presented to the authorized issuer of Tribal fishing licenses before a Tribal fishing license may be issued. The issuer of the Tribal fishing license must record the number of the applicant's Mississippi fishing license in the book recording the issuance of Tribal fishing licenses at the place indicated in said record book.
- (2) Both the Tribal and state fishing licenses must be in the possession of the licensed fisherman at all times while fishing or taking any aquatic wildlife located within the exterior boundaries of the Choctaw Indian Reservation.

§10-4-4 Permits and Tags

- (1) The Tribal Council may, by proclamation, establish special permit requirements for the taking of certain species of wildlife in designated areas and/or at designated times, and no wildlife of the designated type may be taken under the specified circumstances except by persons possessing a valid permit there from. All persons, whether Indian or non-Indian, must comply with permit requirements unless otherwise provided in the permit proclamation.
- (2) The Tribal Council may, by proclamation, establish tagging requirements for specified types of game and no game of the specified types may be taken except by complying with the tagging requirements. All persons, whether Indian or non-Indian, must comply with tagging requirements, unless otherwise provided for in the tagging proclamation.
- (3) It shall be a condition precedent to the obtaining of any special permit or tags:
 - (a) that the individual receiving such possess a valid Tribal hunting or fishing license appropriate to the activity involved, or
 - (b) that the individual seeking such permit or tag be exempt from said license requirement pursuant to §10-4-1 of this title..

§10-4-5 Sale of Licenses, Permits and Tags

- (1) The Tribal Council shall, by appropriate legislation, direct the manner by which licenses, permits and tags are sold.
- (2) The Parks and Wildlife Department shall administer the sale of licenses, permits and tags and may appoint license agents authorized to sell licenses, permits and tags and shall establish a procedure for the same, consistent with the Tribal Council legislature on the subject.
- (3) No person under four-teen (14) shall be allowed to purchase a hunting license, permit or tag without first having completed an approved hunter safety training program.

CHAPTER 5. PROHIBITED HUNTING, FISHING AND OUTDOOR RECREATIONAL ACTIVITIES

§10-5-1 Prohibited Activities; Civil Violations; Sanctions

Certain hunting, fishing and outdoor recreational activities have been found to be detrimental to the wildlife and environment of the Choctaw Reservation and are prohibited. Engaging in an activity prohibited by this chapter constitutes a violation of this Code and renders the violator subject to the civil sanctions and procedures established in Chapter 6 of this title.

§10-5-2 Prohibited Activities; Relation to 18 U.S.C. §1165

The Choctaw Tribal Council does hereby declare and give notice that engaging in a hunting, fishing or trapping activity prohibited by §10-5-3 of this Chapter shall also constitute the act of “going upon” the Choctaw Indian Reservation “without the lawful authority or permission for the purpose of hunting, trapping or fishing thereon, or for the removal of game, peltries or fish therefrom,” all within the meaning of 18 U.S.C. §1165.

§10-5-3 Prohibited Activities

The following activities are declared unlawful, thereby subjecting violators to a civil fine or assessment there from, and are prohibited within the exterior boundaries of the Choctaw Indian Reservation.

- (1) **Spotlighting:** It is unlawful for any person or group of persons to throw or cast rays of light from a spotlight or other artificial light into any open field or forest wherein game animals may be or may reasonably be expected to be, while having in their possession or under their control or in the possession of another nearby, a firearm or other implement whereby any game animal could be killed with the aid of such artificial light; provided the game is raccoon, bobcat, opossum or trot lining; however, all officers of the Choctaw Game and Fish Department, while in lawful performance of their duties, shall be exempted from this rule.
- (2) **Killing or Possessing a Fawn or Doe:** It is a violation of this Chapter for any person or persons to knowingly kill have in his or their possession a fawn or doe deer, or carcass thereof, at any time, unless so authorized by the Choctaw Game and Fish Department.
- (3) **Shooting Upon a Lake or Pond:** It is a violation of this section for any person to shoot upon or over any lake or pond on the Choctaw Indian Reservation using any firearm other than a shotgun.
- (4) **Legal Guns and Bows:** It is unlawful to hunt the following with other than the specified weapon:
 - (a) **Big Game:**
 - (i) Shotgun of 28, 410, 16, 12, 30 gauge or larger firing a single slug;

- (ii) Any bow of less than 40 pounds draw with which an arrow can be cast less than 130 yards. Arrows must have broadhead points with sharpened steel cutting edges. Crossbows are illegal;
 - (iii) Muzzle loading rifles of at least 40 caliber;
 - (iv) 357 magnum and 44 magnum handguns, using magnum ammunition with soft-nosed or hollow-pointed bullets;
 - (v) Center-fire rifles or center-fire handguns chambered for a center-fired rifle cartridge. No fully automatic firearm may be used and all bullets must be soft-nosed or hollow-pointed; or
 - (vi) 22 caliber rifles, only upon open range acres designated by the Parks and Wildlife Department.
- (b) Turkey: 22 caliber rifles, shotguns and bows are legal for big game as well as all shotguns fired from the shoulder; or
 - (c) Waterfowl: All shotguns fired from the shoulder. Steel shot must be used in all shotguns.
- (5) Carrying or Handling Firearms While Under the Influence of Alcohol: It is unlawful for any person to carry or use any firearm on the Choctaw Indian Reservation while under the influence of alcohol.
 - (6) Shooting from Road: It is a violation of this title for any person to shoot any type of firearm from or across any graded or maintained public road on the Choctaw Indian Reservation. A road is, for purposes of this section, that area between six (6) feet on each side of the pavement or the regular beaten path.
 - (7) Using a Vehicle to Take Game: It is unlawful for any person to harass or drive game animals or game birds by means of a motorized vehicle or to shoot from such vehicle at game animals or game birds.
 - (8) Damaging Property by Gunfire: It is a violation of this section for any person to knowingly damage by means of gunfire any overhead wires, conductors, or poles supporting such wires or conductors or any other property of either , the federal government or any individual.
 - (9) Exceeding the Bag Limits and Possession: It is a violation of this section for any person to shoot or otherwise take or possess more than the allowed number of any game animal, any game bird or species of fish. Bag and possession limits will be established in accordance with Chapter 3 of this Title. All wildlife possessed in excess of these limits shall be seized and forfeited to the Choctaw Tribe.
 - (10) Careless Use of a Firearm: It is a violation of this section for any person to carry, handle or use any firearm in such a manner as to carelessly endanger the life, limb or property of another.

- (11) **Hunting or Possessing Game Out of Season:** It is a violation of this section for any person, except as authorized by the Wildlife and Parks Department, to hunt, kill, wound or otherwise take, capture or have in his possession any game animal, or any game bird as herein defined, when the season has not been declared open.
- (12) **Hunting or Fishing Without Required Licenses, Permits or Tags:** It is a violation of this section to hunt or fish without having first obtained all appropriate licenses, permits and tags and/or to hunt or fish without having such licenses, permits or tags on one's person.
- (13) **Hunting during Daylight Hours Only:** It is a violation of this section to take, pursue, wound or kill game animals or game birds as herein defined on the Choctaw Indian Reservation during times other than during daylight hours unless otherwise provided by the Choctaw Wildlife and Parks Department. Daylight hours shall be from one-half hour before sunrise until sunset.
- (14) **Hunting on Wildlife Refuges:** It is a violation of this section for any person to knowingly or willfully hunt or otherwise take any game birds or game animals on any posted wildlife refuge or sanctuary within the boundaries of the Choctaw Indian Reservation, unless otherwise authorized by the Choctaw Wildlife and Parks Department.
- (15) **Killing or Taking Protected Species:** It is a violation of this section for any person to hunt or otherwise take any bullfrog or other protected species, unless otherwise authorized by the Choctaw Wildlife and Parks Department.
- (16) **Shooting Fish:** It is a violation of this section for any person to shoot or attempt to shoot with any type of firearm, any fish in the waters of the Choctaw Indian Reservation.
- (17) **Fishing Out of Season:** Unless otherwise provided by regulation of the Tribal Council, the fishing season will be open the entire year. If limited, fishing out of season will be an offense under this section.
- (18) **Use of Nets or Traps:** It is a violation of this section for any person except those specifically authorized by the Tribal Council to set or use any trap, net or other such device to take any fish in waters on the Choctaw Indian Reservation. Unauthorized use of any trap, net or other such device shall, in addition to any civil fine provided, subject such nets, traps or other devices to seizure and confiscation by the Choctaw Wildlife and Parks Department.
- (19) **Planting of Fish:** It is a violation of this section for anyone to plant, place or attempt to plant or place any type of fish in any body of water on the Choctaw Indian Reservation without the authorization of the Choctaw Wildlife and Parks Department.
- (20) **Littering:** It is a violation of this section for any person to deposit garbage, refuse, ashes, junk, glass, bottles, cans or any other form of litter or debris anywhere on the Choctaw Indian Reservation, except in containers or dumping grounds which are provided and designated for such use.
- (21) **Disobeying a Tribal Ranger:** It is a violation of this section for any person to fail to obey a lawful order given by an authorized officer of the Choctaw Wildlife and Parks Department, while such officer is in the course of performing his duties.

- (22) Loss of License or Permit: It is a violation of this section for any person, other than the issued party, to use a lost license, permit or tag or one which is otherwise issued to another party.
- (23) Making a False Statement: It is a violation of this section for any person to knowingly swear or affirm to any false statement while applying for any type of hunting or fishing permit, license or tag.
- (24) Allowing Fires to Spread: Any person who makes a campfire or other fire and negligently allows it to spread and do damage to any property shall be in violation of this section.
- (25) Importing Wild Animals, Birds or Fish: It is a violation of this section for any person to import any species of live animal, bird or fish onto the Choctaw Indian Reservation, except recognized domesticated animals or birds, without first obtaining permission from the Choctaw Wildlife and Parks Department.
- (26) Impersonating a Ranger: It shall be unlawful for any unauthorized person to falsely represent himself to be a ranger of the Choctaw Wildlife and Parks Department.
- (27) Setting Traps Without a Permit: It shall be a violation of this section for any person to set a trap or traps to capture, kill or attempt to capture or kill any animal on the Choctaw Indian Reservation without first procuring a trapping permit from the Choctaw Wildlife and Parks Department.
- (28) Miscellaneous: It shall be a violation of this section for any person to commit any act declared to be unlawful by a proclamation or regulation of the Tribal Council or to knowingly violate the provisions of such proclamations or regulations that is the subject of this Title.
- (29) It shall be a violation of this section for any person to own, keep, harbor or possess a dangerous dog breed as defined in §3-6-18 of the Choctaw Criminal Code on the Choctaw Indian Reservation.¹

¹ Effective January 1, 2009

CHAPTER 6. CIVIL ENFORCEMENT PROCEDURE

§10-6-1 Issuance of Civil Citation; Form

- (1) Authorized enforcement officers, as defined in §10-1-2(21) of this Code shall issue civil citations to persons engaging in activities prohibited under Chapter 5 of this Tribal Code (hereinafter “violators”) consistent with the standards and limitations set out in Chapter 2.
- (2) The director shall prescribe the form of the civil citation to be issued to violators, provided that said citation shall contain at a minimum places for entry of the following information:
 - (a) the name and mailing address of the violator;
 - (b) the date and place of the alleged violation;
 - (c) the violation alleged to have taken place; and
 - (d) the time and date upon which the court schedule is contemplated.
- (3) A report, on a form and under a procedure to be prescribed by the director, shall be filed with the department for each citation issued.

§10-6-2 Property Confiscation by Rangers; Receipts; Reports

- (1) The authorized enforcement officer shall confiscate certain property of violators, consistent with the standards and limitations set out in §10-2-2(6) and shall transport all such confiscated property to the nearest inventory and storage office of the department for receipt and retention pursuant to a procedure to be prescribed by the director.
- (2) Whenever a citation is issued and property is confiscated, the enforcement officer shall provide the violator with a signed receipt for any property seized, said receipt to identify the violator by name, if known, and the officer by name, the date of seizure, and an itemized listing of that property seized.
- (3) A report, on a form and under a procedure to be prescribed by the director, shall be filed with the Choctaw Wildlife and Parks Department with respect to the property seized from each violator.

§10-6-3 Filing of Civil Action; No Fee; Time Limits; Answer; Long-Arm Statute

- (1) Complaint: Within ten days of the issuance of any citation under this Chapter, the department shall cause to be filed in the Choctaw Court a civil complaint for damages against the violator in question and seeking as damages:
 - (a) payment to the department of a civil fine pursuant to the warrant schedule established by the Tribal Council;
 - (b) forfeiture of property seized; or

- (c) Both civil fine and forfeiture.
- (2) Filing Fee: There shall be no fee or court costs for the filing of such action.
- (3) Answer: A defendant in such proceeding may file an answer to such complaint within the required ten (10)-day period; further action against the violator shall be barred and any property confiscated shall be turned over to the violator upon demand.
- (4) Long Arm Statute: Any person who engages in an activity prohibited by Chapter 5 of this Title does by such conduct subject himself to the personal jurisdiction of the Choctaw Court, notwithstanding that said person may have removed himself from the territorial jurisdiction of said court after being cited for violation.
- (5) Service of Process: Service of civil complaints filed under this Chapter shall be by mail to the address provided by the violator at the time the citation is issued or another address subsequently provided by the violator. If no address is provided by the violator, service by publication in a newspaper of general circulation in the area of the Choctaw Indian Reservation shall constitute valid service upon the defendant.

§10-6-4 Issuance of Notice and Scheduling of Hearing by Court Clerk

The clerk of the court in which the department's civil complaint is filed shall schedule a hearing on the complaint and cause to be issued with notice thereof made in the manner prescribed for other civil complaints; provided; however, that in the absence of an address to which notice of hearing to the defendant may be sent, notice of the proceeding shall be published in a newspaper of general circulation in the area of the Choctaw Indian Reservation.

§10-6-5 Subject Matter Jurisdiction Conferred on Tribal Court

The Choctaw Tribal Court, shall have subject matter jurisdiction to adjudicate all issues of law and fact, and to enter decrees appropriate to such jurisdiction, pertaining to civil proceedings on complaints filed by the department pursuant to this chapter.

§10-6-6 Pre-Payment of Civil Fines

At any point prior to entry of judgment in a civil proceeding initiated under this Chapter, a violator may pay the civil fine sought by the department. Upon receipt of such payment, the department shall return all property confiscated and not proceeded against as a forfeiture in the civil action initiated and shall file a notice of dismissal, pursuant to the Choctaw Rules of Civil Procedure.

§10-6-7 Subsequent Civil Proceedings; Enforcement of Judgments; Appeals

Proceedings, subsequent to the filing of the Defendant's answer, including enforcement proceedings upon any judgment granted and appeals shall be conducted in conformity with the Choctaw Rules of Civil Procedure.