

# Oneida Nation

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Oneida, WI 54155

## BC Resolution # 06-10-20-E Tobacco 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 Tobacco law ("the Law") was adopted by the Oneida Business Committee through resolution BC-11-18-81-A and amended by resolution BC-10-10-07-A, BC-04-09-14-F, BC-01-25-17-B, BC-02-26-20-A, and BC-06-10-20-D; and
- WHEREAS,** the purpose of the Law is to regulate the sale, possession, and distribution of cigarettes within the Reservation; and
- WHEREAS,** an individual who violates a provision of this Law may be issued a citation by the Oneida Police Department; and
- WHEREAS,** a citation for a violation of this law and/or any orders issued pursuant to this law may include fines and other penalties, as well as conditional orders made by the Trial Court; and
- WHEREAS,** the Law delegates authority to the Oneida Business Committee to adopt through resolution a fine and penalty schedule for citations issued as a result of a violation of this law; and

**NOW THEREFORE BE IT RESOLVED,** that the Oneida Business Committee hereby sets forth the following fine and penalty schedule in accordance with the Tobacco 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>
Person sold or offered for sale unstamped cigarettes.	115.6-4	\$10 Per pack of unstamped cigarette	\$20 Per pack of unstamped cigarette	\$30 Per pack of unstamped cigarette
Employee sold or offered for sale cigarettes, electronic cigarettes, and/or tobacco products, to a person under the age of twenty-one (21) years.	115.6-3	\$50 Per item sold	\$100 Per item sold	\$200 Per item sold

**BE IT FURTHER RESOLVED**, in addition to the fines listed above, additional penalties may include seizure of all cigarettes acquired, owned, possessed, sold, or distributed in violation of this Law, as well as disciplinary action in accordance with the Nation's laws and policies governing employment if the violator is an employee.

**BE IT FURTHER RESOLVED**, any money received from fines collected for violations of the Tobacco law shall be contributed to the General Fund.

**BE IT FURTHER RESOLVED**, the issuance of a citation for a third offense or more on the fine schedule shall require the mandatory appearance of the offender at the Trial Court's citation pre-hearing.

**BE IT FURTHER RESOLVED**, a violation of this law by a minor shall require the mandatory appearance of the offender and his or her parents, guardians, or legal custodians at the Tribal Court's citation pre-hearing.

**BE IT FURTHER RESOLVED**, the Oneida Police Department Officer issuing the citation shall have the discretion to require a mandatory appearance of the offender at the Trial Court's citation pre-hearing for any violation of this law if deemed appropriate.

**BE IT FINALLY RESOLVED**, the Oneida Business Committee hereby adopts this resolution which shall become effective on June 24, 2020.

#### 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; 9 members were present at a meeting duly called, noticed and held on the 10<sup>th</sup> day of June, 2020; that the forgoing resolution was duly adopted at such meeting by a vote of 6 members for, 0 members against, and 2 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."