

alcoholic beverages on the reservation shall be remitted to the tribal council through the tribal secretary, who shall keep accurate records of all such receipts, and shall be subject to distribution by the tribal council in accordance with its usual appropriation procedures for governmental and social services.

**12-30-030 Tribal Liquor License elements**—Tribal liquor licenses shall authorize the holder thereof to sell alcoholic beverages at wholesale or at retail in cans, bottles or any other package within a defined area; provided, however, that a tribal liquor license shall be valid only if the holder thereof is in compliance with the laws of any other jurisdiction which may have any authority with regard to liquor sales and regulation on the reservation.

Tribal liquor licenses shall set forth the location and description of the building and premises for which each license is issued and shall define the area where the holder of each tribal liquor license may sell alcoholic beverages for a period of one year.

#### 12-40 Penalties

**12-40-010 General**—Notwithstanding any other provision of Title 12, no penalty may be imposed pursuant or related to title 12 in contravention or in excess of any limitation imposed by the Indian Civil Rights Act of 1968, 82 Stat. 77, 25 U.S.C.A. § 1301 *et seq.* ("ICRA") or other applicable Federal law.

**12-40-020 Illegal Transportation, Still, or Sale Without Permit**—Any person who, within the reservation and without a valid tribal liquor license, sells or offers for sale or transport in any manner any liquor within the boundaries of the reservation in violation of Title 12, or who operates or has in his possession any spirit distillation device or any substance meant or specifically concocted to be distilled into liquor (not including devices or mash related to the home manufacture of beer, strong beer, or wine solely for the purpose of personal consumption and not for sale), shall be guilty of a Class A Offense as defined in the Tribal Law and Order Code.

**12-40-030 Illegal Purchase of Liquor**—Any person who buys liquor within the boundaries of the reservation other than from an individual or entity properly licensed pursuant to Title 12 shall be guilty of a Class A Offense as defined in the Tribal law and Order Code.

**12-40-040 Furnishing Liquor to Minors**—Except in the case of liquor given or administered to a person by his physician or dentist for medicinal

purposes, no person under the age of 21 years shall consume, acquire or have in his possession any alcoholic beverages except when such beverages are used in connection with religious services. No person shall permit any other person under the age of 21 to consume liquor on his premises or on any premises under his control except in those situations set out in this section. Any person violating this section shall be guilty of a Class A Offense as defined in the Tribal Law and Order Code.

**12-40-050 Sales of Liquor to Minors**—Any person who shall sell any liquor to any person under the age of 21 years shall be guilty of a Class A Offense as defined in the tribal law and order code and shall be further subject to forfeit any license issued pursuant to Title 12; provided, however, that the forfeiture of any license issued pursuant to Title 12 may occur only after notice and a hearing according to the procedures set forth in section 12-50-020 of Title 12.

**12-40-060 Unlawful Transfer of Identification**—Any person who transfer in any manner an identification of age to a minor for the purpose of permitting such minor to obtain liquor shall be guilty of a Class A Offense as defined in the Tribal Law and Order Code. Corroborative testimony of a witness other than the minor shall be a requirement of conviction under this section.

**12-40-070 Possession of False or Altered Identification**—Any person who attempts to purchase an alcoholic beverage through the use of false or altered identification which falsely purports to show the individual to be over the age of 21 years shall be guilty of a Class D Offense as defined in the Tribal Law and Order Code.

**12-40-080 General Penalties**—Any person guilty of a violation of Title 12 for which no penalty has been specifically provided shall be liable upon conviction for the penalty prescribed for Class A Offenses in the Tribal Law and Order Code.

**12-40-090 Identification; Proof of Minimum Age**—Where there may be a question of a person's right to purchase liquor by reason of his age, such person shall be required to present any one of the following officially issued cards of identification which shows his correct age and bears his signature and photograph:

(a) Liquor control authority card of identification of any state;

(b) Driver's license of any state or "Identocard" issued by any state Department of Motor Vehicles;

(c) United States Active Duty Military Identification;

(d) Passport; or  
(e) Las Vegas Paiute Tribal Identification or Enrollment Card.

**12-40-100 Illegal Items Declared Contraband**—Alcohol beverages which are possessed contrary to the terms of Title 12 are hereby declared to be contraband. Any officer who shall make an arrest under this section shall seize all contraband which he shall have the authority to seize consistent with the tribe's constitution, the Tribal Law and Order Code, the ICRA and any other applicable Federal law.

**12-40-110 Non-Indian Violations**—Nothing in Title 12 shall be construed to require or authorize the criminal trial and punishment by the tribal court of any non-Indian except to the extent allowed under Federal law. In general, when any provision of Title 12 is violated by a non-Indian, he or she shall be referred to state and/or Federal authorities for prosecution under applicable law. It is the expressed intent of the tribe that any non-Indian referred to state and/or Federal authorities pursuant to this section be prosecuted to the furthest extent of applicable law.

#### 12-50 Abatement of Continuing Violations

**12-50-010 Declaration of Nuisance**—Any room, house, building, boat, vessel, vehicle, structure, or other place where liquor is sold, manufactured, bartered, exchanged, given away, furnished, or otherwise disposed of in violation of the provisions of Title 12 and all property kept in and used in maintaining such place, including tribal liquor licenses related to any such property, are hereby declared to be a common nuisance.

**12-50-020 Institution of Action**—The Chairman of the tribal council or the Chief of the tribal law enforcement department may institute and maintain an action in the tribal court in the name of the tribe to abate and perpetually enjoin any nuisance declared under article 12-50 of Title 12 or any other violation of Title 12. The plaintiff shall be required to file grounds in the action, and restraining orders, temporary injunctions, and permanent injunctions may be granted in the case as in other injunction proceedings. Upon final judgment against the defendant, the tribal court may order the forfeiture of any license issued pursuant to Title 12 and that the offending room, house, building, boat, vessel, vehicle, structure, or place be closed for a period of one year or until the owner, lessee, tenant, or occupant thereof shall give bond of sufficient sum of not less than \$1,000.00 payable to the tribe, which bond shall be conditioned on the agreement of such