

TRIBAL CODE

CHAPTER 72

AN ORDINANCE FOR GUN CONTROL

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HISTORY NOTE:

Current Ordinance:

Adopted June 27, 1977, Resolution No. 83(77), effective immediately.

Amendments:

March 11, 1991, Resolution No. 73(91), Sec. 72.102 from "\$200" to "\$500."

June 14, 1993, Resolution No. 195(93), adding 72.105, effective immediately.

Prior Actions:

Portions of Law and order Ordinance dealt with guns. See History Note to Tribal Code Ch. 70.

Wis. Stat. sec. 941.20 supported and applied on the reservation October 28, 1974, Resolution No. 99(74).

TRIBAL CODE

CHAPTER 72

AN ORDINANCE FOR GUN CONTROL

72.101 Scope and Authority.

In accordance with Article VI, Section 1(a) and (u) of the Constitution and By-Laws for the Lac du Flambeau Band, gun control regulating the use and possession of firearms shall be governed by the following provisions.

72.102 Reckless Use of Weapons.

Whoever does any of the following may be fined not more than \$500 or imprisoned not more than six months or both:

- (1) Endangers another's safety by reckless conduct in the operation or handling of a firearm, airgun, knife, or bow and arrow; or
- (2) Operates or goes armed with a firearm while he is under the influence of an intoxicant; or
- (3) Intentionally points a firearm at or toward another.
- (4) While on the lands of another discharges a firearm within 100 yards of any building devoted to human occupancy situated on and attached to the lands of another without the express permission of the owner or occupant of the building. "Building" as used in this paragraph does not include any house trailer, mobile home, tent, bus, truck, vehicle or similar portable unit.

72.103 Intentional Misuse of Weapons.

Whoever does any of the following may be fined not more than \$1,000 or imprisoned not more than 3 years or both:

- (1) Intentionally discharges a firearm into a vehicle or building under circumstances in which he should realize there might be a human being present therein; or

- (2) Sets a spring gun.

72.104 Reckless Conduct Defined.

Reckless conduct consists of an act which creates a situation of unreasonable risk and high probability of death or great bodily harm in another and which demonstrates a conscious disregard for the safety of another and willingness to take known chances of perpetrating an injury. It is intended that this definition embraces all of the elements of what was heretofore known as gross negligence in the criminal law of Wisconsin.

72.105 Restrictions on Minors.

Whoever does any of the following may be punished by a remedial money penalty of not less than \$20 nor more than \$500, together with confiscation of any property used in the commission of a violation of this ordinance.

In addition a petition may initiated under Chapter 31 of the Tribal Code in that the behavior set out in this chapter constitutes delinquent behavior.

- (1) No person under 12 years of age may have in his or her possession or control any firearm.

- (2) No person 12 years of age or older but under 18 years may have in his or her possession or control any firearm unless he or she is accompanied by a parent or guardian or with the consent of the parent or guardian is accompanied by an adult member of the minor's immediate family.

- (3) No person under 18 years of age may have in his or her possession any firearm, airgun, bow and arrow, or replica or model "look-alike" of the same in the following places:

- (a) A school.

- (b) Any public building.

- (c) The downtown area of the reservation as defined by sec. 73.201 (3) of the Tribal Code.