HO-CHUNK NATION CODE (HCC)
TITLE 4 – CHILDREN, FAMILY, AND ELDER WELFARE
CODE SECTION 4 – JUVENILE CURFEW ORDINANCE

ENACTED BY LEGISLATURE:
JANUARY 9, 2001

AMENDED AND RESTATED: JANUARY 19, 2016

CITE AS: 4 HCC § 4

1. **Authority**.

a. Article V, Section 2(a) of the Constitution grants the Legislature the power to make laws, including codes, ordinances, resolutions, and statutes.

b. Article V, Section 2(e) of the Constitution grants the Legislature the power to raise revenue, including the power to levy and collect taxes and license fees.

c. Article V, Section 2(h) of the Constitution grants the Legislature the power to enact all laws prohibiting and regulating conduct and imposing penalties upon all persons within the jurisdiction of the Nation.

d. Article V, Section 2(r) of the Constitution grants the Legislature the power to protect and foster Ho-Chunk religious freedom, culture, language, and traditions.

e. Article V, Section 2(t) of the Constitution grants the Legislature the power to enact laws governing law enforcement on lands within the jurisdiction of the Nation.

2. **General**. The Ho-Chunk Nation legislature recognizes the growing problem of family and community breakdown leading to increased involvement of the Nation's youth in gang-related activity. The Legislature is responsible for enacting laws that will promote the well-being of the Nation's youth and its Tribal communities. It is with these objectives in mind that the Legislature finds it is in the best interests of the Nation to enact this Ordinance.

3. **Purpose**. This Ordinance establishes regulations wherein the Nation's minors are not allowed in public places within Tribal Communities after certain hours.

4. **Declaration of Curfew**.

a. Minors under the Age of 16. It shall be unlawful for any minor person under the age of sixteen (16) years to be in or on any street, road, highway, alley, or other public place within any Ho-Chunk Nation community under the jurisdiction of the laws of the Nation

between the hours of 10:00 p.m. and 5:00 a.m. on any night unless accompanied by the custodial parent, guardian, or a responsible adult twenty-three (23) years of age or older, who has been given written permission by the custodial parent or guardian to accompany the minor.

b. Minors Who Are 16 or 17 Years of Age. It shall be unlawful for any minor person 16 or 17 years of age to be in or on any street, road, highway, alley, or other public place within any Ho-Chunk Nation community under the jurisdiction of the laws of the Nation between the hours of 12:00 midnight and 5:00 a.m. on any night unless accompanied by the custodial parent, guardian, or a responsible adult twenty-three (23) years of age or older, who has been given written permission by the custodial parent or guardian to accompany the minor.

5. **Penalties**.

a. Minor.

(1) Any minor who is in violation of the above sections shall be taken into custody by the Ho-Chunk Nation Police Department and returned to the home of the custodial parent or guardian. The Ho-Chunk Nation Police Department shall complete a report of the incident and submit a complaint to the Ho-Chunk Nation Trial Court citing a violation of the Ordinance by the minor with notice to the minor and the custodial parent of guardian.

(2) Upon a finding by the Trial Court that a minor has violated this Ordinance, the minor shall be subject to a monetary penalty of $125.00.

(3) Upon a finding of violation as a second offense and all subsequent offenses, the minor shall be subject to a monetary penalty of $250.00.

b. Custodial Parent or Guardian.

(1) It shall be unlawful for any custodial parent or guardian of any minor child to allow or permit such person to violate the provisions of this Ordinance. Custodial parents and guardians of minor children have an affirmative duty to be aware of where their minor children are. There shall be a rebuttable presumption that the custodial parent or guardian is aware of the minor child's location at all times. The custodial parent or guardian is fully responsible for the minor child's compliance with this Ordinance.

(2) Upon a finding by the Trial Court that a custodial parent or guardian has violated this Ordinance, the custodial parent or guardian shall be subject to a monetary penalty of $250.00, plus any other remedies the Court deems appropriate.

(3) Upon a finding of violation as a second offense and all subsequent offenses, the custodial parent or guardian shall be subject to a monetary penalty of $250.00.

c. Persons Enabling Curfew Violations. Any person age eighteen to twenty-five who is found to be accompanying any minor found to be in violation of this Ordinance shall be presumed to be enabling the violation of this Ordinance. Any person found to be enabling a curfew violation shall be subject to the same penalties that may be assessed against a custodial parent or guardian.

6. **Severability**. If any section, provision, or portion of this ordinance is adjudged to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Legislative History:

09/13/00	Administration Committee forwards to full Legislature for 45-day Public Review.
09/19/00	Legislature posts for 45-day Public Review period.
01/09/01	Enacted by Legislative Resolution 01/09/01C.
01/16/01	Amended and Restated by Legislative Resolution 01/16/01B, amending paragraph 5a.
01/19/16	Amended by Legislative Resolution 01/19/16F, amending paragraph 5a.