

WEAPONS CODE

HO-CHUNK NATION CODE (HCC)

3HCC§11

1. **Authority**

a. Article V, Section 2(a) of the Constitution of the Ho-Chunk Nation ("Constitution") grants the Legislature the power to make laws, including codes, acts, resolutions, and statutes.

b. 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.

c. Article V, Section 2(l) of the Constitution grants the Legislature the power to enact laws to manage, permit, or otherwise deal with the Nation's lands, interests in lands or other assets.

d. Article V, Section 2(o) of the Constitution grants the Legislature the power to enact laws to regulate and zone any lands within the jurisdiction of the Ho-Chunk Nation.

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.

f. Article V, Section 2(u) of the Constitution grants the Legislature the power to enact laws to regulate domestic relations of persons within the jurisdiction of the Nation.

2. **Purpose.** The purpose of this Code is to regulate the use and possession of weapons at all the gaming or non-gaming facilities and public spaces owned and/or operated by the Ho-Chunk Nation.

3. **Definitions.** For the purposes of this Code, the following terms are defined as follows:

a. "Facility" includes any gaming or non-gaming business or governmental entity and its parking lot, owned or leased by the Ho-Chunk Nation. This definition does not include properties primarily used for residential living.

b. "Public spaces" includes all parks, powwow grounds, and any space available for community use which is owned and/or managed by the Ho-Chunk Nation, excluding areas specifically designated for hunting.

c. "Weapon" includes an air gun; any firearm, whether loaded or unloaded; any device designed as a weapon and capable of producing death or great bodily harm; any ligature or other instrumentality used on the throat, neck, nose, or mouth of another person to impede, partially or completely, breathing or circulation of blood; any electric weapon; a billy club; or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.

4. **General Weapons Policy.** No person, including the Nation's Security Department personnel, will possess or be permitted to possess any weapon, whether concealed or in plain view, within or on any of Ho-Chunk Nation gaming or non-gaming facilities and public spaces. Weapons will be allowed in areas specifically designated for hunting by the Ho-Chunk Nation Department of Natural Resources.

5. **Exceptions.**

a. Gaming Facilities. Section four (4) of this Code, will not apply to law enforcement officers, including the Ho-Chunk Nation officers, who are acting in an official capacity and have jurisdiction; or to an armored car representative employed by the Nation for the transfer of funds to or from financial institutions; or to the Nation's authorized security personnel, acting in an official capacity; or upon notice or special permit set by the Gaming Commission for specific purposes or events, as set out in the GAMING ORDINANCE. *See* 5 HCC § 1.23.

b. Non-Gaming Facilities. Section four (4) of this Code, will not apply to law enforcement officers, including Ho-Chunk Nation officers, who are acting in an official capacity and have jurisdiction; or to the bailiff of the Ho-Chunk Nation Judiciary, acting in an official capacity; or to an armored car representative employed by the Nation for the transfer of funds to or from financial institutions; or to the Nation's authorized security personnel, acting in an official capacity; or upon notice or special permit set by the Director of the Ho-Chunk Nation Department of Natural Resources.

c. Additional Exceptions. Off-duty police officers, hunters, and conceal carry permit holders, will be allowed to store their weapons within their personal vehicles at any of the Nation's gaming or non-gaming parking lots. Except that no weapons will be allowed within any school or school parking lot owned or operated by the Ho-Chunk Nation. This exception will apply to gaming and non-gaming parking lots only and does not allow off-duty police officers, hunters, and conceal carry permit holders to bring any weapon within the gaming or non-gaming building located on the property.

i. Hunters are only allowed to store firearms and other weapons, in the Nation's parking lots, if they have the appropriate hunting license or other valid

permit, and the firearm and/or weapons are appropriate for that type of license or permit.

ii. Any individual allowed to store a weapon, under this provision, must have the weapon unloaded and fully encased.

5. **Notice.** Each facility shall post clearly visible signs that inform all persons entering the Nation's gaming and non-gaming facilities that weapons are not allowed on the premises, in accordance with 3HCC§11. These signs shall be posted at all entrances of the buildings and parking lots.

6. **Enforcement and Penalty.**

a. Any violations of this Code may be subject to court action brought by the Attorney General in the Ho-Chunk Nation Trial Court.

i. The Attorney General may request that the persons in violation of this Act be temporarily or permanently banned from the Nation's facilities, or any other appropriate remedy.

b. Persons cited under this Code shall be subject to a monetary forfeiture of not less than \$100.00, and no more than \$1,000.00. Persons cited under this Code shall have the right to contest the citation within the Ho-Chunk Nation Trial Court.

7. **Liability.** The Nation will not be held liable for any damages or injuries that may occur in violation of this Code.

Legislative History:

10/18/11 HCN Legislature adopts Resolution 10-18-11 A to place Weapons Code out for 45 Day Public Comment (posted 11-4-11; end date is 12-19-11).
08/07/2012 Legislature Adopts the Weapons Code, Resolution 08-07-12C

