

HO-CHUNK NATION CODE (HCC)
TITLE 9 – CRIMINAL CODE
SECTION 900 – CRIMINAL FINE ALLOCATION ORDINANCE

ENACTED BY LEGISLATURE: May 5, 2015

CITE AS: 9 HCC § 900

1. Authority.

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

b. Article V, Section 2(d) of the Constitution grants the Legislature the power to authorize expenditures by law and appropriate funds to the various Departments in an annual budget.

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(i) of the Constitution grants the Legislature the power to negotiate and enter into treaties, compacts, contracts, and agreements with other governments, organizations, or individuals.

e. Article V, Section 2(s) of the Constitution grants the Legislature the power to promote public health, education, charity, and such other services as may contribute to the social advancement of the members of the Ho-Chunk Nation.

f. 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. Purpose. It is the purpose of this Code to establish how fines collected under the Criminal Code shall be allocated. The Nation recognizes the need to fund the Victim Rights Fund of 9 HCC § 949. In addition, the Nation feels that the best use of fines collected from a criminal case is to use them to prevent crime within the community by making funds available to the Ho-Chunk Nation Law Enforcement Department, HHCDA and community-based organizations for programs or projects that are intended to prevent AODA, youth drug use, gangs, domestic violence and crime.

- 3. Applicability.** This Code shall apply to the Ho-Chunk Nation and all persons who are subject to the Ho-Chunk Nation Criminal Code.
- 4. Definitions.** Throughout this Fine Allocation Ordinance (9 HCC § 900) the following words shall have the following meaning:
 - a. “AODA” means Alcohol and Other Drug Addiction.
 - b. “Community-based organization” means a public or private nonprofit organization that is representative of a community or significant segment of a community and provides educational or related services to individuals in the community.
 - c. “HHCDA” means Ho-Chunk Housing and Community Development Agency.
- 5. Allocation of Criminal Code Fines.** The Nation shall allocate funds that are collected as a result of the Ho-Chunk Nation Court imposing a fine in a criminal case in the following manner.
 - a. 25% of the fine shall be allocated to the Nation’s Victim Rights Fund. These funds will be administered in accordance with 9 HCC § 949.
 - b. 25% of the fine shall be allocated to the Nation’s Law Enforcement Department for community outreach.
 - c. 10% of the fine shall be allocated for HHCDA to promote safe communities.
 - d. 10% of the fine shall be allocated toward AODA Prevention.
 - e. 10% of the fine shall be allocated toward Youth Drug Prevention.
 - f. 10% of the fine shall be allocated toward Gang Prevention.
 - g. 10% of the fine shall be allocated toward Domestic Violence Prevention.
- 6. Request for funds.**
 - a. The funds listed in § 5.b – g shall be available to community-based organizations, the Law Enforcement Department and HHCDA upon submission of a request to the Ho-Chunk Nation Legislative Finance Committee that includes the following information.
 - i. A description of their community-based organization. The HCN Law Enforcement Department and the HHCDA are excluded from this requirement.
 - ii. Verification that all board members of the community-based organization are Ho-Chunk Nation members. The HCN Law Enforcement Department and HHCDA are excluded from this requirement.
 - iii. Whether they are applying for Criminal Code funds for AODA Prevention, Youth Drug Prevention, Gang Prevention, and/or Domestic Violence Prevention, HHCDA and Law Enforcement.
 - iv. A description of the organizations project and how it will accomplish its goal as related to the category of funding that it is applying for and the ultimate goal of preventing crime.

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- v. A budget for the project
- b. The Legislative Finance Committee shall review applications and make a determination whether to grant the funding request.
- c. If funds are awarded, the organization's treasurer, the HCN Law Enforcement Department or the HHCDCA shall reconcile all funds within 45 days with the Ho-Chunk Nation Legislative Finance Staff. Failure to reconcile shall subject the organization and its board members, the HCN Law Enforcement Department or the HHCDCA to all available recourse that the Legislature and the Nation have under applicable law.

Legislative History

- 12.17.13 Legislature establishes the Criminal Code Workgroup by Resolution 12.17.13C.
- 03.03.15 The Criminal Fine Allocation Ordinance is placed out for 45 Day Public Comment by Resolution 03.03.15J.
- 05.05.15 Legislature adopts the Criminal Fine Allocation Ordinance by Resolution 05.05.15I.