

515 ARSON IN THE FIRST DEGREE

1. A Native American is guilty of arson in the first degree when he intentionally damages a building or motor vehicle by causing an explosion or a fire and when (a) such explosion or fire is caused by an incendiary device propelled, thrown or placed inside or near such building or motor vehicle; or when such explosion or fire is caused by an explosive; or when such explosion or fire either (i) causes serious physical injury to another person other than a participant, or (ii) the explosion or fire was caused with the expectation or receipt of financial advantage or pecuniary profit by the actor; and when (b) another person who is not a participant in the crime is present in such building or motor vehicle at the time; and (c) the defendant knows that fact or the circumstances are such as to render the presence of such person therein a reasonable possibility.
2. As used in this section, "incendiary device" means a breakable container designed to explode or produce uncontained combustion upon impact, containing flammable liquid and having a wick or a similar device capable of being ignited.

Arson in the first degree is a class A-I felony.

F. OFFENSES INVOLVING THEFT

516 LARCENY; DEFINITIONS OF TERMS

The following definitions are applicable to this title:

1. "Property" means any money, personal property, real property, computer data, computer program, thing in action, evidence of debt or contract, or any article, substance or thing of value, including any gas, steam, water or electricity, which is provided for a charge or compensation.
2. "Obtain" includes, but is not limited to, the bringing about of a transfer or purported transfer of property or of a legal interest therein, whether to the obtainer or another.
3. "Deprive." To "deprive" another of property means (a) to withhold it or cause it to be withheld from him permanently or for so extended a period or under such circumstances that the major portion of its economic value or benefit is lost to him, or (b) to dispose of the property in such manner or under such circumstances as to render it unlikely that an owner will recover such property.
4. "Appropriate." To "appropriate" property of another to oneself or a third person means (a) to exercise control over it, or to aid a third person to exercise control over it, permanently or for so extended a period or under such circumstances as to acquire the major portion of its economic value or benefit, or (b) to dispose of the property for the benefit of oneself or a third person.
5. "Owner." When property is taken, obtained or withheld by one person from another person, an "owner" thereof means any person who has a right to possession thereof superior to that of the taker, obtainer or withholder.

A person who has obtained possession of property by theft or other illegal means shall be deemed to have a right of possession superior to that of a person who takes, obtains or

withholds it from him by larcenous means.

A joint or common owner of property shall not be deemed to have a right of possession thereto superior to that of any other joint or common owner thereof.

In the absence of a specific agreement to the contrary, a person in lawful possession of property shall be deemed to have a right of possession superior to that of a person having only a security interest therein, even if legal title lies with the holder of the security interest pursuant to a conditional sale contract or other security agreement.

6. "Secret scientific material" means a sample, culture, micro-organism, specimen, record, recording, document, drawing or any other article, material, device or substance which constitutes, represents, evidences, reflects, or records a scientific or technical process, invention or formula or any part or phase thereof, and which is not, and is not intended to be, available to anyone other than the person or persons rightfully in possession thereof or selected persons having access thereto with his or their consent, and when it accords or may accord such rightful possessors an advantage over competitors or other persons who do not have knowledge or the benefit thereof.
7. "Credit card" means any instrument or article defined as a credit card.
8. "Debit card" means any instrument or article defined as a debit card.
9. "Medical assistance card" means an identification card given to an individual for use in securing medical assistance.
10. "Access device" means any telephone calling card number, credit card number, account number or personal identification number that can be used to obtain telephone service.
11. "Service" includes, but is not limited to, labor, professional service, a computer service, transportation service, the supplying of hotel accommodations, restaurant services, entertainment, the supplying of equipment for use, and the supplying of commodities of a public utility nature such as gas, electricity, steam and water. A ticket or equivalent instrument which evidences a right to receive a service is not in itself service but constitutes property within the meaning of subdivision one.
12. "Cable television service" means any and all services provided by or through the facilities of any cable television system or closed circuit coaxial cable communications system, or any microwave or similar transmission service used in connection with any cable television system or other similar closed circuit coaxial cable communications system.

517 LARCENY; DEFINED

1. A Native American steals property and commits larceny when, with intent to deprive another of property or to appropriate the same to himself or to a third person, he wrongfully takes, obtains or withholds such property from an owner thereof.
2. Larceny includes a wrongful taking, obtaining or withholding of another's property, with the intent prescribed in subdivision one of this section, committed in any of the following ways:
 - A. By conduct heretofore defined or known as common law larceny by trespassory

taking, common law larceny by trick, embezzlement, or obtaining property by false pretenses;

B. By acquiring lost property.

A Native American acquires lost property when he exercises control over property of another which he knows to have been lost or mislaid, or to have been delivered under a mistake as to the identity of the recipient or the nature or amount of the property, without taking reasonable measures to return such property to the owner;

C. By committing the crime of issuing a bad check;

D. By false promise.

A Native American obtains property by false promise when, pursuant to a scheme to defraud, he obtains property of another by means of a representation, express or implied, that he or a third person will in the future engage in particular conduct, and when he does not intend to engage in such conduct or, as the case may be, does not believe that the third person intends to engage in such conduct.

In any prosecution for larceny based upon a false promise, the defendant's intention or belief that the promise would not be performed may not be established by or inferred from the fact alone that such promise was not performed. Such a finding may be based only upon evidence establishing that the facts and circumstances of the case are wholly consistent with guilty intent or belief and wholly inconsistent with innocent intent or belief, and excluding to a moral certainty every hypothesis except that of the defendant's intention or belief that the promise would not be performed;

E. By extortion.

A Native American obtains property by extortion when he compels or induces another person to deliver such property to himself or to a third person by means of instilling in him a fear that, if the property is not so delivered, the actor or another will:

(i) Cause physical injury to some person in the future; or

(ii) Cause damage to property; or

(iii) Engage in other conduct constituting a crime; or

(iv) Accuse some person of a crime or cause criminal charges to be instituted against him; or

(v) Expose a secret or publicize an asserted fact, whether true or false, tending to subject some person to hatred, contempt or ridicule; or

(vi) Cause a strike, boycott or other collective labor group action

injurious to some person's business; except that such a threat shall not be deemed extortion when the property is demanded or received for the benefit of the group in whose interest the actor purports to act; or

(vii) Testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or

(viii) Use or abuse his position as a public servant by performing some act within or related to his official duties, or by failing or refusing to perform an official duty, in such manner as to affect some person adversely; or

(ix) Perform any other act which would not in itself materially benefit the actor but which is calculated to harm another person materially with respect to his health, safety, business, calling, career, financial condition, reputation or personal relationships.

518 LARCENY; NO DEFENSE

The crimes of (a) larceny committed by means of extortion and an attempt to commit the same, and (b) bribe receiving by a labor official and bribe receiving by a public servant are not mutually exclusive, and it is no defense to a prosecution for larceny committed by means of extortion or for an attempt to commit the same that, by reason of the same conduct, the defendant also committed one of such specified crimes of bribe receiving.

519 LARCENY; DEFENSES

1. In any prosecution for larceny committed by trespassory taking or embezzlement, it is an affirmative defense that the property was appropriated under a claim of right made in good faith.
2. In any prosecution for larceny by extortion committed by instilling in the victim a fear that he or another person would be charged with a crime, it is an affirmative defense that the defendant reasonably believed the threatened charge to be true and that his sole purpose was to compel or induce the victim to take reasonable action to make good the wrong which was the subject of such threatened charge.

520 LARCENY; VALUE OF STOLEN PROPERTY

For the purposes of this title, the value of property shall be ascertained as follows:

1. Except as otherwise specified in this section, value means the market value of the property at the time and place of the crime, or if such cannot be satisfactorily ascertained, the cost of replacement of the property within a reasonable time after the crime.
2. Whether or not they have been issued or delivered, certain written instruments, not including those having a readily ascertainable market value such as some public and corporate bonds and securities, shall be evaluated as follows:
 - A. The value of an instrument constituting an evidence of debt, such as a check, draft

or promissory note, shall be deemed the amount due or collectable thereon or thereby, such figure ordinarily being the face amount of the indebtedness less any portion thereof which has been satisfied.

- B. The value of a ticket or equivalent instrument which evidences a right to receive transportation, entertainment or other service shall be deemed the price stated thereon, if any; and if no price is stated thereon the value shall be deemed the price of such ticket or equivalent instrument which the issuer charges the general public.
 - C. The value of any other instrument which creates, releases, discharges or otherwise affects any valuable legal right, privilege or obligation shall be deemed the greatest amount of economic loss which the owner of the instrument might reasonably suffer by virtue of the loss of the instrument.
- 3. Where the property consists of gas, steam, water or electricity, which is provided for charge or compensation, the value shall be the value of the property stolen in any consecutive twelve-month period.
 - 4. When the value of property cannot be satisfactorily ascertained pursuant to the standards set forth in subdivisions one and two of this section, its value shall be deemed to be an amount less than two hundred fifty dollars.

521 PETIT LARCENY

A Native American is guilty of petit larceny when he steals property.

Petit larceny is a class A misdemeanor.

522 GRAND LARCENY IN THE FOURTH DEGREE

A Native American is guilty of grand larceny in the fourth degree when he steals property and when:

- 1. The value of the property exceeds one thousand dollars; or
- 2. The property consists of a public record, writing or instrument kept, filed or deposited according to law with or in the keeping of any public office or public servant; or
- 3. The property consists of secret scientific material; or
- 4. The property consists of a credit card or debit card; or
- 5. The property, regardless of its nature and value, is taken from the person of another; or
- 6. The property, regardless of its nature and value, is obtained by extortion; or
- 7. The property consists of one or more firearms, rifles or shotguns.
- 8. The value of the property exceeds one hundred dollars and the property consists of a motor vehicle, other than a motorcycle.
- 9. The property consists of a scroll, religious vestment, vessel or other item of property having

a value of at least one hundred dollars kept for or used in connection with religious worship in any building or structure.

10. The property consists of an access device which the person intends to use unlawfully to obtain telephone service.

Grand larceny in the fourth degree is a class E felony.

523 GRAND LARCENY IN THE THIRD DEGREE

A Native American is guilty of grand larceny in the third degree when he steals property and when the value of the property exceeds three thousand dollars.

Grand larceny in the third degree is a class D felony.

524 GRAND LARCENY IN THE SECOND DEGREE

A Native American is guilty of grand larceny in the second degree when he steals property and when:

1. The value of the property exceeds fifty thousand dollars; or
2. The property, regardless of its nature and value, is obtained by extortion committed by instilling in the victim a fear that the actor or another person will (a) cause physical injury to some person in the future, or (b) cause damage to property, or (c) use or abuse his position as a public servant by engaging in conduct within or related to his official duties, or by failing or refusing to perform an official duty, in such manner as to affect some person adversely.

Grand larceny in the second degree is a class C felony.

525 GRAND LARCENY IN THE FIRST DEGREE

A Native American is guilty of grand larceny in the first degree when he steals property and when the value of the property exceeds one million dollars.

Grand larceny in the first degree is a class B felony.

526 LARCENY; PLEADING AND PROOF

1. Where it is an element of the crime charged that property was taken from the person or obtained by extortion, a complaint for larceny must so specify. In all other cases, complaint for larceny is sufficient if it alleges that the defendant stole property of the nature or value required for the commission of the crime charged without designating the particular way or manner in which such property was stolen or the particular theory of larceny involved.
2. Proof that the defendant engaged in any conduct constituting larceny is sufficient to support any complaint for larceny other than one charging larceny by extortion. An indictment charging larceny by extortion must be supported by proof establishing larceny by extortion.

527 OFFENSES INVOLVING COMPUTERS; DEFINITION OF TERMS

The following definitions are applicable to this code except where different meanings are expressly specified:

1. "Computer" means a device or group of devices which, by manipulation of electronic, magnetic, optical or electrochemical impulses, pursuant to a computer program, can automatically perform arithmetic, logical, storage or retrieval operations with or on computer data, and includes any connected or directly related device, equipment or facility which enables such computer to store, retrieve or communicate to or from a person, another computer or another device the results of computer operations, computer programs or computer data.
2. "Computer program" is property and means an ordered set of data representing coded instructions or statements that, when executed by computer, cause the computer to process data or direct the computer to perform one or more computer operations or both and may be in any form, including magnetic storage media, punched cards, or stored internally in the memory of the computer.
3. "Computer data" is property and means a representation of information, knowledge, facts, concepts or instructions which are being processed, or have been processed in a computer and may be in any form, including magnetic storage media, punched cards, or stored internally in the memory of the computer.
4. "Computer service" means any and all services provided by or through the facilities of any computer communication system allowing the input, output, examination, or transfer, of computer data or computer programs from one computer to another.
5. "Computer material" is property and means any computer data or computer program which:
 - A. contains records of the medical history or medical treatment of an identified or readily identifiable individual or individuals. This term shall not apply to the gaining access to or duplication solely of the medical history or medical treatment records of a person by that person or by another specifically authorized by the person whose records are gained access to or duplicated; or
 - B. contains records maintained by the Nation or any political subdivision thereof which contains any information concerning a person, which because of name, number, symbol, mark or other identifier, can be used to identify the person and which is otherwise prohibited by law from being disclosed. This term shall not apply to the gaining access to or duplication solely of records of a person by that person or by another specifically authorized by the person whose records are gained access to or duplicated; or
 - C. is not and is not intended to be available to anyone other than the person or persons rightfully in possession thereof or selected persons having access thereto with his or their consent and which accords or may accord such rightful possessors an advantage over competitors or other persons who do not have knowledge or the benefit thereof.
6. "Uses a computer or computer service without authorization" means the use of a computer or computer service without the permission of, or in excess of the permission of, the owner

or lessor or someone licensed or privileged by the owner or lessor after notice to that effect to the user of the computer or computer service has been given by:

- A. giving actual notice in writing or orally to the user; or
 - B. prominently posting written notice adjacent to the computer being utilized by the user; or
 - C. a notice that is displayed on, printed out on or announced by the computer being utilized by the user. Proof that the computer is programmed to automatically display, print or announce such notice or a notice prohibiting copying, reproduction or duplication shall be presumptive evidence that such notice was displayed, printed or announced.
7. "Felony" as used in this section means any felony defined by Nation laws or any offense defined in the laws of any other jurisdiction for which a sentence to a term of imprisonment not to exceed one year is authorized.

528 UNAUTHORIZED USE OF A COMPUTER

A Native American is guilty of unauthorized use of a computer when he knowingly uses or causes to be used a computer or computer service without authorization and the computer utilized is equipped or programmed with any device or coding system, a function of which is to prevent the unauthorized use of said computer or computer system.

Unauthorized use of a computer is a class A misdemeanor.

529 COMPUTER TRESPASS

A Native American is guilty of computer trespass when he knowingly uses or causes to be used a computer or computer service without authorization and:

1. he does so with an intent to commit or attempt to commit or further the commission of any felony; or
2. he thereby knowingly gains access to computer material.

Computer trespass is a class E felony.

530 COMPUTER TAMPERING IN THE SECOND DEGREE

A Native American is guilty of computer tampering in the second degree when he uses or causes to be used a computer or computer service and having no right to do so he intentionally alters in any manner or destroys computer data or a computer program of another person.

Computer tampering in the second degree is a class A misdemeanor.

531 COMPUTER TAMPERING IN THE FIRST DEGREE

A Native American is guilty of computer tampering in the first degree when he commits the crime of computer tampering in the second degree and:

1. he does so with an intent to commit or attempt to commit or further the commission of any felony; or
2. he has been previously convicted of any crime under this section; or
3. he intentionally alters in any manner or destroys computer material; or
4. he intentionally alters in any manner or destroys computer data or a computer program in an amount exceeding one thousand dollars.

Computer tampering in the first degree is a class E felony.

532 UNLAWFUL DUPLICATION OF COMPUTER RELATED MATERIAL

A Native American is guilty of unlawful duplication of computer related material when having no right to do so, he copies, reproduces or duplicates in any manner:

1. any computer data or computer program and thereby intentionally and wrongfully deprives or appropriates from an owner thereof an economic value or benefit in excess of two thousand five hundred dollars; or
2. any computer data or computer program with an intent to commit or attempt to commit or further the commission of any felony.

Unlawful duplication of computer related material is a class E felony.

533 CRIMINAL POSSESSION OF COMPUTER RELATED MATERIAL

A Native American is guilty of criminal possession of computer related material when having no right to do so, he knowingly possesses, in any form, any copy, reproduction or duplicate of any computer data or computer program which was copied, reproduced or duplicated in violation of section 532 of this section, with intent to benefit himself or a person other than an owner thereof.

Criminal possession of computer related material is a class E felony.

534 OFFENSES INVOLVING COMPUTERS; DEFENSES

In any prosecution:

1. under section 528 or 529 of this chapter, it shall be a defense that the defendant had reasonable grounds to believe that he had authorization to use the computer;
2. under section 530 or 531 of this chapter it shall be a defense that the defendant had reasonable grounds to believe that he had the right to alter in any manner or destroy the computer data or the computer program;

3. under section 532 of this chapter it shall be a defense that the defendant had reasonable grounds to believe that he had the right to copy, reproduce or duplicate in any manner the computer data or the computer program.

535 ROBBERY; DEFINED

Robbery is forcible stealing. A person forcibly steals property and commits robbery when, in the course of committing a larceny, he uses or threatens the immediate use of physical force upon another person for the purpose of:

1. Preventing or overcoming resistance to the taking of the property or to the retention thereof immediately after the taking; or
2. Compelling the owner of such property or another person to deliver up the property or to engage in other conduct which aids in the commission of the larceny.

536 ROBBERY IN THE THIRD DEGREE

A Native American is guilty of robbery in the third degree when he forcibly steals property.

Robbery in the third degree is a class D felony.

537 ROBBERY IN THE SECOND DEGREE

A Native American is guilty of robbery in the second degree when he forcibly steals property and when:

1. He is aided by another person actually present; or
2. In the course of the commission of the crime or of immediate flight therefrom, he or another participant in the crime:
 - A. Causes physical injury to any person who is not a participant in the crime; or
 - B. Displays what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm.

Robbery in the second degree is a class C felony.

538 ROBBERY IN THE FIRST DEGREE

A Native American is guilty of robbery in the first degree when he forcibly steals property and when, in the course of the commission of the crime or of immediate flight therefrom, he or another participant in the crime:

1. Causes serious physical injury to any person who is not a participant in the crime; or
2. Is armed with a deadly weapon; or
3. Uses or threatens the immediate use of a dangerous instrument; or
4. Displays what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm;

except that in any prosecution under this subdivision, it is an affirmative defense that such pistol, revolver, rifle, shotgun, machine gun or other firearm was not a loaded weapon from which a shot, readily capable of producing death or other serious physical injury, could be discharged. Nothing contained in this subdivision shall constitute a defense to a prosecution for, or preclude a conviction of, robbery in the second degree, robbery in the third degree or any other crime.

Robbery in the first degree is a class B felony.

539 MISAPPLICATION OF PROPERTY

1. A Native American is guilty of misapplication of property when, knowingly possessing personal property of another pursuant to an agreement that the same will be returned to the owner at a future time, he loans, leases, pledges, pawns or otherwise encumbers such property without the consent of the owner thereof in such manner as to create a risk that the owner will not be able to recover it or will suffer pecuniary loss.
2. In any prosecution under this section, it is a defense that, at the time the prosecution was commenced, (a) the defendant had recovered possession of the property, unencumbered as a result of the unlawful disposition, and (b) the owner had suffered no material economic loss as a result of the unlawful disposition.

Misapplication of property is a class A misdemeanor.

540 UNAUTHORIZED USE OF A VEHICLE IN THE THIRD DEGREE

A Native American is guilty of unauthorized use of a vehicle in the third degree when:

1. Knowing that he does not have the consent of the owner, he takes, operates, exercises control over, rides in or otherwise uses a vehicle. A person who engages in any such conduct without the consent of the owner is presumed to know that he does not have such consent; or
2. Having custody of a vehicle pursuant to an agreement between himself or another and the owner thereof whereby he or another is to perform for compensation a specific service for the owner involving the maintenance, repair or use of such vehicle, he intentionally uses or operates the same, without the consent of the owner, for his own purposes in a manner constituting a gross deviation from the agreed purpose; or
3. Having custody of a vehicle pursuant to an agreement with the owner thereof whereby such vehicle is to be returned to the owner at a specified time, he intentionally retains or withholds possession thereof, without the consent of the owner, for so lengthy a period beyond the specified time as to render such retention or possession a gross deviation from the agreement.

For purposes of this section "a gross deviation from the agreement" shall consist of, but not be limited to, circumstances wherein a person who having had custody of a vehicle for a period of fifteen days or less pursuant to a written agreement retains possession of such vehicle for at least seven days beyond the period specified in the agreement and continues such possession for a period of more than two days after service or refusal of attempted service of a notice in person or by certified mail at an address indicated in the agreement stating (i) the date and time at which the vehicle was to have been returned under the agreement; (ii) that the

owner does not consent to the continued withholding or retaining of such vehicle and demands its return.

Unauthorized use of a vehicle in the third degree is a class A misdemeanor.

541 UNAUTHORIZED USE OF A VEHICLE IN THE SECOND DEGREE

A Native American is guilty of unauthorized use of a vehicle in the second degree when:

He commits the crime of unauthorized use of a vehicle in the third degree as defined in subdivision one of section 540 of this Code and has been previously convicted of the crime of unauthorized use of a vehicle in the third degree as defined in subdivision one of section 540 or second degree within the preceding ten years.

Unauthorized use of a vehicle in the second degree is a class E felony.

542 UNLAWFUL USE OF SECRET SCIENTIFIC MATERIAL

A Native American is guilty of unlawful use of secret scientific material when, with intent to appropriate to himself or another the use of secret scientific material, and having no right to do so and no reasonable ground to believe that he has such right, he makes a tangible reproduction or representation of such secret scientific material by means of writing, photographing, drawing, mechanically or electronically reproducing or recording such secret scientific material.

Unlawful use of secret scientific material is a class E felony.

543 UNAUTHORIZED USE OF A VEHICLE IN THE FIRST DEGREE

A Native American is guilty of unauthorized use of a vehicle in the first degree when knowing that he does not have the consent of the owner, he takes, operates, exercises control over, rides in or otherwise uses a vehicle with the intent to use the same in the course of or the commission of a class A, class B, class C or class D felony or in the immediate flight therefrom. A person who engages in any such conduct without the consent of the owner is presumed to know he does not have such consent.

Unauthorized use of a vehicle in the first degree is a class D felony.

544 AUTO STRIPPING IN THE SECOND DEGREE

A Native American is guilty of auto stripping in the second degree when:

1. He removes or intentionally destroys or defaces any part of a vehicle, other than an abandoned vehicle, as defined in subdivision one of section 172 of the Vehicle and Traffic Code, without the permission of the owner; or
2. He removes or intentionally destroys or defaces any part of an abandoned vehicle, except that it is a defense to such charge that such person was authorized to do so pursuant to law or by permission of the owner.

Auto stripping in the second degree is a class A misdemeanor.

545 AUTO STRIPPING IN THE FIRST DEGREE

A Native American is guilty of auto stripping in the first degree when he commits the offense of auto stripping in the second degree and when he has been previously convicted within the last five years of either auto stripping in the second degree.

Auto stripping in the first degree is a class E felony.

546 THEFT OF SERVICES

A Native American is guilty of theft of services when:

1. He obtains or attempts to obtain a service, or induces or attempts to induce the supplier of a rendered service to agree to payment therefor on a credit basis, by the use of a credit card, debit card, or medical assistance card which he knows to be stolen.
2. With intent to avoid payment for restaurant services rendered, or for services rendered to him as a transient guest at a hotel, motel, inn, tourist cabin, rooming house or comparable establishment, he avoids or attempts to avoid such payment by unjustifiable failure or refusal to pay, by stealth, or by any misrepresentation of fact which he knows to be false. A person who fails or refuses to pay for such services is presumed to have intended to avoid payment therefor; or
3. With intent to obtain railroad, subway, bus, air, taxi or any other public transportation service without payment of the lawful charge therefor, or to avoid payment of the lawful charge for such transportation service which has been rendered to him, he obtains or attempts to obtain such service or avoids or attempts to avoid payment therefor by force, intimidation, stealth, deception or mechanical tampering, or by unjustifiable failure or refusal to pay; or
4. With intent to avoid payment by himself or another person of the lawful charge for any telecommunications service, including, without limitation, cable television service, or any gas, steam, sewer, water, electrical, telegraph or telephone service which is provided for a charge or compensation, he obtains or attempts to obtain such service for himself or another person or avoids or attempts to avoid payment therefor by himself or another person by means of (a) tampering or making connection with the equipment of the supplier, whether by mechanical, electrical, acoustical or other means, or (b) offering for sale or otherwise making available, to anyone other than the provider of a telecommunications service for such service provider's own use in the provision of its service, any telecommunications decoder or descrambler, a principal function of which defeats a mechanism of electronic signal encryption, jamming or individually addressed switching imposed by the provider of any such telecommunications service to restrict the delivery of such service, or (c) any misrepresentation of fact which he knows to be false, or (d) any other artifice, trick, deception, code or device. For the purposes of this subdivision the telecommunications decoder or descrambler described in paragraph (b) above or the device described in paragraph (d) above shall not include any non-decoding and non-descrambling channel frequency converter or any television receiver type-accepted by the federal communications commission. In any prosecution under this subdivision, proof that telecommunications equipment, including, without limitation, any cable television converter, descrambler, or related equipment, has been tampered with or otherwise intentionally prevented from performing its functions of control of service delivery without the consent of

the supplier of the service, or that telecommunications equipment, including, without limitation, any cable television converter, descrambler, receiver, or related equipment, has been connected to the equipment of the supplier of the service without the consent of the supplier of the service, shall be presumptive evidence that the resident to whom the service which is at the time being furnished by or through such equipment has, with intent to avoid payment by himself or another person for a prospective or already rendered service, created or caused to be created with reference to such equipment, the condition so existing. A person who tampers with such a device or equipment without the consent of the supplier of the service is presumed to do so with intent to avoid, or to enable another to avoid, payment for the service involved. In any prosecution under this subdivision, proof that any telecommunications decoder or descrambler, a principal function of which defeats a mechanism of electronic signal encryption, jamming or individually addressed switching imposed by the provider of any such telecommunications service to restrict the delivery of such service, has been offered for sale or otherwise made available by anyone other than the supplier of such service shall be presumptive evidence that the person offering such equipment for sale or otherwise making it available has, with intent to avoid payment by himself or another person of the lawful charge for such service, obtained or attempted to obtain such service for himself or another person or avoided or attempted to avoid payment therefor by himself or another person; or

5. With intent to avoid payment by himself or another person of the lawful charge for any telephone service which is provided for a charge or compensation he (a) sells, offers for sale or otherwise makes available, without consent, an existing, canceled or revoked access device; or (b) uses, without consent, an existing, canceled or revoked access device. For purposes of this subdivision access device means any telephone calling card number, credit card number, account number or personal identification number that can be used to obtain telephone service.
6. With intent to avoid payment by himself or another person for a prospective or already rendered service the charge or compensation for which is measured by a meter or other mechanical device, he tampers with such device or with other equipment related thereto, or in any manner attempts to prevent the meter or device from performing its measuring function, without the consent of the supplier of the service. In any prosecution under this subdivision, proof that a meter or related equipment has been tampered with or otherwise intentionally prevented from performing its measuring function without the consent of the supplier of the service shall be presumptive evidence that the person to whom the service which is at the time being furnished by or through such meter or related equipment has, with intent to avoid payment by himself or another person for a prospective or already rendered service, created or caused to be created with reference to such meter or related equipment, the condition so existing. A person who tampers with such a device or equipment without the consent of the supplier of the service is presumed to do so with intent to avoid, or to enable another to avoid, payment for the service involved; or
7. He knowingly accepts or receives the use and benefit of service, including gas, steam or electricity service, which should pass through a meter but has been diverted therefrom, or which has been prevented from being correctly registered by a meter provided therefore, or which has been diverted from the pipes, wires or conductors of the supplier thereof. In any prosecution under this subdivision proof that service has been intentionally diverted from passing through a meter, or has been intentionally prevented from being correctly registered by a meter provided therefor, or has been intentionally diverted from the pipes, wires or conductors of the supplier thereof, shall be presumptive evidence that the person who

accepts or receives the use and benefit of such service has done so with knowledge of the condition so existing; or

8. With intent to obtain, without the consent of the supplier thereof, gas, electricity, water, steam or telephone service, he tampers with any equipment designed to supply or to prevent the supply of such service either to the community in general or to particular premises; or
9. With intent to avoid payment of the lawful charge for admission to any theater or concert hall, or with intent to avoid payment of the lawful charge for admission to or use of a chair lift, gondola, rope-tow or similar mechanical device utilized in assisting skiers in transportation to a point of ski arrival or departure, he obtains or attempts to obtain such admission without payment of the lawful charge therefor.
10. Obtaining or having control over labor in the employ of another person, or of business, commercial or industrial equipment or facilities of another person, knowing that he is not entitled to the use thereof, and with intent to derive a commercial or other substantial benefit for himself or a third person, he uses or diverts to the use of himself or a third person such labor, equipment or facilities.
11. With intent to avoid payment by himself or another person of the lawful charge for use of any computer or computer service which is provided for a charge or compensation he uses, causes to be used or attempts to use a computer or computer service and avoids or attempts to avoid payment therefor. In any prosecution under this subdivision proof that a person overcame or attempted to overcome any device or coding system a function of which is to prevent the unauthorized use of said computer or computer service shall be presumptive evidence of an intent to avoid payment for the computer or computer service. Theft of services is a class A misdemeanor, provided, however, that theft of cable television service as defined by the provisions of paragraphs (a), (c) and (d) of subdivision four of this section, and having a value not in excess of one hundred dollars by a person who has not been previously convicted of theft of services under subdivision four of this section is a violation, that theft of services under subdivision nine of this section by a person who has not been previously convicted of theft of services under subdivision nine of this section is a violation and provided further, however, that theft of services of any telephone service under paragraph (a) or (b) of subdivision five of this section having a value in excess of one thousand dollars or by a person who has been previously convicted within five years of theft of services under paragraph (a) of subdivision five of this section is a class E felony.

547 UNLAWFUL USE OF CREDIT CARD, DEBIT CARD OR MEDICAL ASSISTANCE CARD

A Native American is guilty of unlawful use of credit card, debit card or medical assistance card when in the course of obtaining or attempting to obtain property or a service, he uses or displays a credit card, debit card or medical assistance card which he knows to be revoked or cancelled.

Unlawful use of a credit card, debit card or medical assistance card is a class A misdemeanor.

548 FRAUDULENTLY OBTAINING A SIGNATURE

A Native American is guilty of fraudulently obtaining a signature when, with intent to defraud or injure another or to acquire a substantial benefit for himself or a third person, he obtains the signature of a person to a written instrument by means of any misrepresentation of fact which he knows to be false.

Fraudulently obtaining a signature is a class A misdemeanor.

549 JOSTLING

A Native American is guilty of jostling when, in a public place, he intentionally and unnecessarily:

1. Places his hand in the proximity of a person's pocket or handbag; or
2. Jostles or crowds another person at a time when a third person's hand is in the proximity of such person's pocket or handbag.

Jostling is a class A misdemeanor.

550 FRAUDULENT ACCOSTING

1. A Native American is guilty of fraudulent accosting when he accosts a person in a public place with intent to defraud him of money or other property by means of a trick, swindle or confidence game.
2. A Native American who, either at the time he accosts another in a public place or at some subsequent time or at some other place, makes statements to him or engages in conduct with respect to him of a kind commonly made or performed in the perpetration of a known type of confidence game, is presumed to intend to defraud such person of money or other property.

Fraudulent accosting is a class A misdemeanor.

551 FORTUNE TELLING

A Native American is guilty of fortune telling when, for a fee or compensation which he directly or indirectly solicits or receives, he claims or pretends to tell fortunes, or holds himself out as being able, by claimed or pretended use of occult powers, to answer questions or give advice on personal matters or to exorcise, influence or affect evil spirits or curses; except that this section does not apply to a person who engages in the above-described conduct as part of a show or exhibition solely for the purpose of entertainment or amusement.

Fortune telling is a class B misdemeanor.

552 CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE FIFTH DEGREE

A Native American is guilty of criminal possession of stolen property in the fifth degree when he knowingly possesses stolen property, with intent to benefit himself or a person other than an owner thereof or to impede the recovery by an owner thereof.

Criminal possession of stolen property in the fifth degree is a class A misdemeanor.

553 CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE FOURTH DEGREE

A Native American is guilty of criminal possession of stolen property in the fourth degree when he knowingly possesses stolen property, with intent to benefit himself or a person other than an owner thereof or to impede the recovery by an owner thereof, and when:

1. The value of the property exceeds one thousand dollars; or
2. The property consists of a credit card or debit card; or
3. He is a collateral loan broker or is in the business of buying, selling or otherwise dealing in property; or
4. The property consists of one or more firearms, rifles and shotguns; or
5. The value of the property exceeds one hundred dollars and the property consists of a motor vehicle, other than a motorcycle; or
6. The property consists of a scroll, religious vestment, vessel or other item of property having a value of at least one hundred dollars kept for or used in connection with religious worship.

Criminal possession of stolen property in the fourth degree is a class E felony.

554 CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE THIRD DEGREE

A Native American is guilty of criminal possession of stolen property in the third degree when he knowingly possesses stolen property, with intent to benefit himself or a person other than an owner thereof or to impede the recovery by an owner thereof, and when the value of the property exceeds three thousand dollars.

Criminal possession of stolen property in the third degree is a class D felony.

555 CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE SECOND DEGREE

A Native American is guilty of criminal possession of stolen property in the second degree when he knowingly possesses stolen property, with intent to benefit himself or a person other than an owner thereof or to impede the recovery by an owner thereof, and when the value of the property exceeds fifty thousand dollars.

Criminal possession of stolen property in the second degree is a class C felony.

556 CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE FIRST DEGREE

A Native American is guilty of criminal possession of stolen property in the first degree when he knowingly possesses stolen property, with intent to benefit himself or a person other than an owner thereof or to impede the recovery by an owner, and when the value of the property exceeds one million dollars.

Criminal possession of stolen property in the first degree is a class B felony.

557 CRIMINAL POSSESSION OF STOLEN PROPERTY; PRESUMPTIONS

1. A Native American who knowingly possesses stolen property is presumed to possess it with intent to benefit himself or a person other than an owner thereof or to impede the recovery by an owner thereof.
2. A collateral loan broker or a person in the business of buying, selling or otherwise dealing in property who possesses stolen property is presumed to know that such property was stolen if he obtained it without having ascertained by reasonable inquiry that the person from whom he obtained it had a legal right to possess it.
3. A Native American who possesses two or more stolen credit cards or debit cards is presumed to know that such credit cards or debit cards were stolen.
4. A Native American who possesses three or more tickets or equivalent instrument for air transportation service, which tickets or instruments were stolen by reason of having been obtained from the issuer or agent thereof by the use of one or more stolen or forged credit cards, is presumed to know that such tickets or instruments were stolen.

558 CRIMINAL POSSESSION OF STOLEN PROPERTY; NO DEFENSE

In any prosecution for criminal possession of stolen property, it is no defense that:

1. The Native American who stole the property has not been convicted, apprehended or identified; or
2. The defendant stole or participated in the larceny of the property; or
3. The larceny of the property did not occur in this state.

559 CRIMINAL POSSESSION OF STOLEN PROPERTY; CORROBORATION

1. A Native American charged with criminal possession of stolen property who participated in the larceny thereof may not be convicted of criminal possession of such stolen property solely upon the testimony of an accomplice in the larceny unsupported by corroborative evidence tending to connect the defendant with such criminal possession.
2. Unless inconsistent with the provisions of subdivision one of this section, a person charged with criminal possession of stolen property may be convicted thereof solely upon the testimony of one from whom he obtained such property or solely upon the testimony of one to whom he disposed of such property.

560 DEFINITIONS

As used in sections 521, 562, 563 and 564, the following terms have the following definitions:

1. The term "trademark" means any word, name, symbol, or device, or any combination thereof adopted and used by a person to identify goods made by a person and which distinguish them from those manufactured or sold by others which is in use and which is registered, filed or recorded under the laws of a state or is registered in the principal register of the United States patent and trademark office.

2. The term "counterfeit trademark" means a spurious trademark or an imitation of a trademark that is:
 - A. used in connection with trafficking in goods; and
 - B. used in connection with the sale, offering for sale or distribution of goods that are identical with or substantially indistinguishable from a trademark as defined in subdivision one of this section.

The term "counterfeit trademark" does not include any mark used in connection with goods for which the person using such mark was authorized to use the trademark for the type of goods so manufactured or produced by the holder of the right to use such mark or designation, whether or not such goods were manufactured or produced in the United States or in another country, and does not include imitations of trade dress or packaging such as color, shape and the like unless those features have been registered as trademarks as defined in subdivision one of this section.

3. The term "traffic" means to transport, transfer, or otherwise dispose of, to another, as consideration for anything of value, or to obtain control of with intent to so transport, transfer, or otherwise dispose of.
4. The term "goods" means any products, services, objects, materials, devices or substances which are identified by the use of a trademark.

561 TRADEMARK COUNTERFEITING IN THE THIRD DEGREE

A Native American is guilty of trademark counterfeiting in the third degree when, with the intent to deceive or defraud some other person or with the intent to evade a lawful restriction on the sale, resale, offering for sale, or distribution of goods, he or she manufactures, distributes, sells, or offers for sale goods which bear a counterfeit trademark, or possesses a trademark knowing it to be counterfeit for the purpose of affixing it to any goods.

Trademark counterfeiting in the third degree is a class A misdemeanor.

562 TRADEMARK COUNTERFEITING IN THE SECOND DEGREE

A Native American is guilty of trademark counterfeiting in the second degree when, with the intent to deceive or defraud some other person or with the intent to evade a lawful restriction on the sale, resale, offering for sale, or distribution of goods, he or she manufactures, distributes, sells, or offers for sale goods which bear a counterfeit trademark, or possesses a trademark knowing it to be counterfeit for the purpose of affixing it to any goods, and the value of such goods, or trademark exceeds one thousand dollars.

Trademark counterfeiting in the second degree is a class E felony.

563 TRADEMARK COUNTERFEITING IN THE FIRST DEGREE

A Native American is guilty of trademark counterfeiting in the first degree when, with the intent to deceive or defraud some other person, or with the intent to evade a lawful restriction on the sale, resale, offering for sale, or distribution of goods, he or she manufactures, distributes, sells, or offers for sale goods which bear a counterfeit trademark, or possesses a trademark knowing it to be counterfeit for the purpose of affixing it to any goods, and the value of such goods or trademark exceeds one hundred thousand dollars.

Trademark counterfeiting in the first degree is a class C felony.

564 SEIZURE AND DESTRUCTION OF GOODS BEARING COUNTERFEIT TRADEMARKS

Any goods manufactured, sold, offered for sale, distributed or produced in violation of this chapter may be seized by any police officer, who must deliver the same to the judge before whom the person arrested is required to be taken. The judge must, upon arraignment of the defendant, determine whether the goods had been manufactured, sold, offered for sale, distributed or produced in violation of this section, and upon a finding that the goods had been manufactured, sold, offered for sale, distributed, or produced in violation of this section, shall cause such articles to be delivered to the Nation Prosecutor. Upon conviction of the defendant, the Nation Prosecutor must cause to be destroyed the articles in respect whereof the defendant stands convicted, and which remain in the possession and control of the Nation Prosecutor. Destruction shall not include auction, sale or distribution of the items in their original form.

G. OFFENSES INVOLVING FRAUD

565 FORGERY; DEFINITIONS OF TERMS

1. "Written instrument" means any instrument or article, including computer data or a computer program, containing written or printed matter or the equivalent thereof, used for the purpose of reciting, embodying, conveying or recording information, or constituting a symbol or evidence of value, right, privilege or identification, which is capable of being used to the advantage or disadvantage of some person.
2. "Complete written instrument" means one which purports to be a genuine written instrument fully drawn with respect to every essential feature thereof. An endorsement, attestation, acknowledgment or other similar signature or statement is deemed both a complete written instrument in itself and a part of the main instrument in which it is contained or to which it attaches.
3. "Incomplete written instrument" means one which contains some matter by way of content or authentication but which requires additional matter in order to render it a complete written instrument.
4. "Falsely make." A person "falsely makes" a written instrument when he makes or draws a complete written instrument in its entirety, or an incomplete written instrument, which purports to be an authentic creation of its ostensible maker or drawer, but which is not such either because the ostensible maker or drawer is fictitious or because, if real, he did not authorize the making or drawing thereof.
5. "Falsely complete." A person "falsely completes" a written instrument when, by adding, inserting or changing matter, he transforms an incomplete written instrument into a complete one, without the authority of anyone entitled to grant it, so that such complete instrument appears or purports to be in all respects an authentic creation of or fully authorized by its ostensible maker or drawer.
6. "Falsely alter." A person "falsely alters" a written instrument when, without the authority of anyone entitled to grant it, he changes a written instrument, whether it be in complete or incomplete form, by means of erasure, obliteration, deletion, insertion of new matter, transposition of matter, or in any other manner, so that such instrument in its thus altered