

PUEBLO OF ACOMA LAWS 2003 (2017 Replacement)

**TITLE 10A
CRIMINAL TRAFFIC CODE**

This Replacement includes laws enacted since the Pueblo of Acoma Laws 2003 pursuant to Tribal Council Resolutions dated January 1, 2016 through December 31, 2016.

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These laws may be cited by Title, Chapter, Section and Year as Section or
§__-__-__ Pueblo of Acoma Laws 2003 (2017 Replacement)

PUEBLO OF ACOMA LAWS 2003

**TITLE 10A
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PUEBLO OF ACOMA LAWS 2003

**TITLE 10A
CRIMINAL TRAFFIC CODE**

Origins: The Pueblo of Acoma Tribal Council adopted the first traffic laws entitled "Motor Vehicle Laws" in 1971. The 1971 Motor Vehicle Laws were substantially amended by the Pueblo of Acoma Law and Order Code in 1985. In 2003, the 1985 Code was recodified as Title 10 of Acoma Laws 2003 without substantive change. In 2016 the Pueblo of Acoma Tribal Council enacted TC-AUG-25-16-Via, amending and restating Title 10 as a Civil Traffic Code and Title 10A as a Criminal Traffic Code.

Chapter 1. DEFINITIONS

10A-1-1 Definitions of Words and Phrases.

- A. The following words and phrases when used in this Title shall, for the purpose of this Title, have the meanings respectively ascribed to them in [Titles 10 and 10A .]

Annotation: Bracketed language is added to clarify the language of the law.

Chapter 2. CRIMES AND PENALTIES

10A-2-1 Accident Involving Death or Personal Injuries. The driver of any vehicle involved in an accident resulting in injury or death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible, but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of Section 10A-2-2. Every such stop shall be made without obstructing traffic more than is necessary.

Annotation: Prior to adoption of Title 10A in 2016 this section was codified at 10-4-1 Acoma Laws (2003).

10A-2-2 Duty to Give Information and Render Aid. The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person [...] shall give his name, address, and the registration number of the vehicle he is driving and shall upon request exhibit his driver's license to the person struck, or the driver or occupant of, or person attending any vehicle colliding with and shall render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon or

hospital for medical or surgical treatment if it is apparent that such treatment is necessary or [if] such carrying is requested by the injured person.

Annotation: Prior to adoption of Title 10A in 2016 this section was codified at 10-4-3 Acoma Laws (2003). Bracketed language and ellipses are added to clarify the language of the law

10A-2-3 Homicide by vehicle; Great Bodily Harm by Vehicle.

- A. Homicide by vehicle is the killing of a human being in the unlawful operation of a motor vehicle.
- B. Great bodily harm by vehicle is the injuring of a human being, to the extent:
 - 1. The injury to the person creates a high probability of death;
 - 2. The injury causes serious disfigurement; or
 - 3. The injury results in permanent impairment or protracted loss or impairment of the function of any member or organ of the body.
- C. A person who commits homicide by vehicle or great bodily harm by vehicle:
 - 1. while under the influence of intoxicating and/or;
 - 2. while under the influence of any drug and/or;
 - 3. while violating 10A-2-[6] Reckless Driving and/or;
 - 4. while willfully refusing to bring a vehicle to a stop when given a visual or audible signal to stop, whether by hand, voice, emergency light, flashing light, siren or other signal, by a uniformed officer in an appropriately marked police vehicle and directly or indirectly causes the death of or great bodily harm to a human being; or while violating 10-3-2 Obedience to Officers.

is guilty upon conviction of a maximum penalty misdemeanor and shall be sentenced up to, but no greater than, one (1) year imprisonment or a fine of \$5,000, or both subject to:

- i. a sentencing hearing to determine if mitigating or aggravating circumstances exist and the court shall take

whatever evidence or statements it deems will aid in reaching the sentence to be imposed;

- ii. aggravating circumstances includes but is not limited to prior convictions for DWI within five (5) years of the occurrence for which he/she is being sentenced.

D. Vehicular Homicide or Great Bodily Harm by Vehicle shall not include as predicate offenses:

- 1. the violation of speeding law[s] as set forth in Title 10 [...];
- 2. Careless Driving (10-6-12(A)).

Annotation: Bracketed language and ellipses are added to clarify the language of the law

10A-2-4 Injury to Pregnant Woman by Vehicle.

A. Injury to pregnant woman by vehicle is injury to a pregnant woman by a person other than the woman in the unlawful operation of a motor vehicle causing her to suffer a miscarriage or stillbirth as a result of that injury.

B. As used in this section:

- 1. "miscarriage" means the interruption of the normal development of the fetus, other than by a live birth and which is not an induced abortion, resulting in the complete expulsion or extraction from a pregnant woman of a product of human conception; and
- 2. "stillbirth" means the death of a fetus prior to the complete expulsion or extraction from its mother, irrespective of the duration of pregnancy and which is not an induced abortion; and death is manifested by the fact that after the expulsion or extraction the fetus does not breathe spontaneously or show any other evidence of life such as heartbeat, pulsation of the umbilical cord or definite movement of voluntary muscles.

C. Any person who commits injury to pregnant woman by vehicle while under the influence of intoxicating liquor or drugs is guilty upon conviction of a maximum penalty misdemeanor and shall be sentenced up to, but no greater than, one (1) year imprisonment or a fine of \$5,000, or both provided that:

- 1. a sentencing hearing to determine if mitigating or

aggravating circumstances exist and the court shall take whatever evidence or statements it deems will aid in reaching the sentence to be imposed;

2. aggravating circumstances includes but is not limited to prior convictions for DWI within five (5) years of the occurrence for which he/she is being sentenced;
3. that violation of speeding laws as set forth in [...]Title 10 shall not per se be a basis for violation of Section 10A-2-[6] Reckless Driving.

Annotation: Bracketed language and ellipses are added to clarify the language of the law

10A-2-5 Driving Under the Influence of Intoxicating Liquor or Drugs; Aggravated Driving Under the Influence of Intoxicating Liquor or Drugs.

- A. It is unlawful for a person who is under the influence of intoxicating liquor to drive a vehicle within the Pueblo of Acoma.
- B. It is unlawful for any person who is under the influence of any drug to a degree that renders the person incapable of safely driving a vehicle within the Pueblo of Acoma.
- C. It is unlawful for:
 1. a person to drive a vehicle in the Pueblo of Acoma if the person has an alcohol concentration of eight one hundredths (.08) or more in the person's blood or breath within three (3) hours of driving the vehicle and the alcohol concentration results from alcohol consumed before or while driving the vehicle; or
- D. Aggravated driving under the influence of intoxicating liquor or drugs consists of:
 1. driving a vehicle in the Pueblo of Acoma with an alcohol concentration of sixteen one hundredths (0.16) or more in the driver's blood or breath within three (3) hours of driving the vehicle and the alcohol concentration results from alcohol consumed before or while driving the vehicle;
 2. causing bodily injury to a human being as a result of the unlawful operation of a motor vehicle while driving under the influence of intoxicating liquor or drugs; or
 3. refusing to submit to chemical testing, as provided in New

[Mexico] Implied Consent Act, and in the judgment of the court, based upon evidence of intoxication presented to the court, the driver was under the influence of intoxicating liquor or drugs.

- E. First Conviction. A first conviction pursuant to this section shall be punished by imprisonment for not more than thirty (30) days or a fine of not more than One Hundred Dollars (\$100.00), or both; provided if the sentence is suspended in whole or part or deferred, the period of probation may extend beyond ninety (90) days but shall not exceed one (1) year. In addition, the offender may be [ordered] to 1) perform twenty-four (24) hours of community service, 2) [...] participate in and complete a screening program, 3) [...] attend a driver rehabilitation program for alcohol or drugs (“DWI school”), approved by the Pueblo of Acoma or the State of New Mexico and 4) [...] participate in other rehabilitative services as the court shall deem necessary. In addition to these penalties, when a offender commits Aggravated Driving Under the Influence of Liquor or Drugs, the offender shall be sentenced to not less than forty-eight (48) consecutive hours in jail. If an offender fails to complete, within a time specified by the court, any of the above [...]sanctions or requirements ordered by the court, or fails to comply with any other condition of probation, the offender may be sentenced to not less than an additional twenty-four (24) consecutive hours in jail which shall not be suspended, deferred or taken under advisement. On a first conviction pursuant to this section, any time spent in jail for the offense prior to conviction shall be credited as time-served. A deferred sentence pursuant to this section shall be considered a first conviction for the purpose of determin[ing] subsequent convictions.
- F. Second Conviction. A second conviction pursuant to this section shall be punished by imprisonment for not more than ninety (90) days or by a fine of not more than Two Hundred and Fifty [Dollars] (\$250.00), or both; provided that if the sentence is suspended in whole or in part, the period of probation may not extend beyond one [(1)] year. In addition to these penalties, when an offender commits Aggravated Driving Under the Influence of Intoxicating Liquor or Drugs, the offender shall be sentenced to a jail term of not less than ninety-six (96) consecutive hours and a fine of [Two Hundred Fifty Dollars] (\$250.00). If an offender fails to complete, within a time specified by the court, any community service, screening program or treatment program ordered by the court, the offender may be sentenced to not less than an additional twenty-four (24) hours in jail and such penalty shall not be suspended or deferred or taken under advisement.

- G. Third Conviction. A third conviction pursuant to this section shall be punished by imprisonment of not more than one hundred eighty (180) days or by a fine not more than Five Hundred Dollars (\$500.00), or both; provided that if the sentence is suspended in whole or in part, the period of probation may not extend beyond one (1) year. In addition to these penalties, when a offender commits Aggravated Driving Under the Influence of Liquor or Drugs, the offender shall be sentenced to not less than thirty (30) consecutive days in jail and a fine of [Five Hundred Dollars] \$500.00.
- H. Fourth and Additional Convictions. A fourth or additional conviction pursuant to this section shall be punished by imprisonment of not more tha[n] three hundred sixty-five (365) days or by a fine not more tha[n] One Thousand Dollars (\$1,000.00) or both: provided that if the sentence is suspended in whole or in part, the period of probation may not exceed beyond two (2) years. In addition to these penalties, when a[n] offender commits Aggravated Driving Under the Influence of Liquor or Drugs, the offender shall be sentenced to not less than one hundred eighty (180) days but not more tha[n] three hundred sixty-five (365) days in jail.
- I. Any person who operates a motor vehicle within this Pueblo shall be deemed to have given consent, subject to the provisions of the New Mexico Implied Consent Act, to a chemical test or tests of his breath or blood or for the purpose of determining the alcoholic content of his blood, if arrested for any offense arising out of the acts alleged to have been committed while the person was driving a motor vehicle while under the influence of an intoxicating liquor or any drug.
- J. A test of blood or breath shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving a motor vehicle within this Pueblo, while under the influence of intoxicating liquor.
- K. Any person who is dead, unconscious or otherwise in a condition rendering him incapable of refusal, shall be deemed not to have withdrawn the consent provided by Section 10A-2-5([I]) and the test or tests designated by the law enforcement officer may be administered.
- L. Only medical personnel shall withdraw blood from any person for the purpose of determining its alcoholic content. This limitation does not apply to the taking of samples of breath.
- M. The person tested shall be given an opportunity to arrange for a

physician, licensed professional or practical nurse, or laboratory technician or technologist who is employed by a hospital or physician, of his own choosing to perform a chemical test in addition to any test performed at the direction of a law enforcement officer.

- N. Upon the request of the person tested, full information concerning the test or tests performed at the direction of the law enforcement officer shall be made available to him as soon as it is available from the person performing the test.
- O. The law enforcement agency represented by the law enforcement officer at whose direction a chemical test is performed shall pay for the chemical test(s).
- P. If a person exercises his right under paragraph M to have a chemical test performed upon him by a person of his own choosing, then the cost of that test shall be paid by the accused person at whose direction the chemical test was performed.
- Q. The results of a test performed pursuant to the [New Mexico] Implied Consent Act may be introduced into evidence in any civil action or criminal action arising out of the acts alleged to have been committed by the person tested for driving a motor vehicle while under the influence of intoxicating liquor.
- S. If the blood of the person tested contains:
 - 1. Four one-hundredths of one percent (.04%) or less by weight of alcohol, it shall be presumed that the person was not under the influence of intoxicating liquor;
 - 2. More than four one-hundredths of one percent (.04%) but less than eight one-hundredths of one percent (.08%) by weight of alcohol, no presumption shall be made that the person either was or was not under the influence of intoxicating liquor. However, the amount of alcohol in the person's blood may be considered with other competent evidence in determining whether or not the person was under the influence of intoxicating liquor; or
 - 3. Eight one-hundredths of one percent (.08%) or more by weight of alcohol, the arresting officer shall charge him with a violation of this section and it shall be presumed that the person was under the influence of intoxicating liquor.
- T. The percent by weight of alcohol shall be based on the grams of

alcohol in one hundred (100) cubic centimeters of blood.

- U. The presumptions in Subsection [S of this] section do not limit the introduction of other competent evidence concerning whether or not a person was under the influence of intoxicating liquor.
- V. If a person is convicted of driving a motor vehicle while under the influence of intoxicating liquor, the trial judge shall be required to inquire into the past driving record of the person before sentence is entered in the matter.
- W. If a person is convicted of driving a motor vehicle while under the influence of intoxicating liquor, a first offender, at the discretion of the trial court after a presentence investigation, including an inquiry to the [New Mexico] motor vehicle division, shall receive a deferred sentence on the condition that the driver attend a driver rehabilitation program, also known as the "driving-while-intoxicated-school", approved by the court and the division and such other rehabilitative services as the court may determine to be necessary. Imposition of a deferred sentence shall classify the person as a first offender. The Court shall forward to the state [of New Mexico] the abstract of all proceedings and the report of the disposition of the case.
- X. When a person is charged with a violation of this section, any plea of guilty thereafter entered in satisfaction of such charge must at least include a plea of guilty to Subsection A of this section, and no other disposition by plea of guilty to any other charge in satisfaction of such charge shall be authorized if the results of a test performed pursuant to the [New Mexico] Implied Consent Act disclose that the blood or breath of the person charged contains an alcohol concentration of fifteen one-hundredths of one percent (.15%) or more.
- Y. A person convicted of driving a motor vehicle while under the influence of intoxicating liquor shall be assessed, in addition to any other fee or fine, a fee of Fifty Dollars (\$50) to defray the costs of chemical and other tests utilized to determine the influence of liquor. The court shall collect the fee and maintain the fees in a separate fund for use in alcohol related education and administration, or payment in sponsored alcohol programs.
- Z. Nothing in this section is intended to authorize any police officer, or any judicial or probation officer, to make any arrest or to direct the performance of a blood-alcohol test, except in the performance of his official duties and as otherwise authorized by law.

- AA. If a person under arrest for violation of an offense enumerated in [this Title] refuses upon request of a law enforcement officer to submit to chemical tests designated by the law enforcement agency as provided in Section 10A-2-5(I) and (J), none shall be administered, except when a Pueblo judge, [...] issues a search warrant authorizing chemical tests as provided in Section 10A-2-5(I) and (J), upon his finding in a law enforcement officer's written affidavit that there is probable cause to believe that the person has driven a motor vehicle while under the influence of alcohol or a controlled substance, thereby causing the death or likelihood of death of another person or persons, or there is probable cause to believe that the person has committed a misdemeanor while under the influence of alcohol or a controlled substance and that chemical tests as provided in Section 10A-2-5(I) and (J) will produce material evidence in a misdemeanor prosecution, unless such collection is otherwise authorized by existing law.
- BB. The fact that any person charged with a violation of this [section] is or has been entitled to use such drug under the laws of this Pueblo is not a defense against the charge.
- CC. A person convicted of driving a motor vehicle while under the influence of any narcotic drug shall be assessed, in addition to any other fee or fine, a fee of fifty dollars (\$50.00) to defray the costs of chemical and other tests utilized to determine the influence of alcohol liquor or drugs. The court shall collect the fee and maintain the fees in a separate fund for alcohol education and administration and training. Any person convicted of driving under the influence for a second time shall have posted in or on any vehicle he drives a sticker or other emblem provided by the Pueblo, identifying that car as being driven by a convicted D.W.I. driver.
- DD. A person convicted of driving while under the influence of either intoxicating liquor or a narcotic drug [...], upon a showing of cause by the Chief of Police, the prosecutor or other representative of the Pueblo [of] Acoma, [shall] have exhibited on his vehicle a decal, tag or other form of identification affixed to all vehicles registered in his/her name identifying that car as being registered to a driver convicted of driving while under the influence.
- EE. For purposes of this section, "drugs" [means "a drug or other substance, or immediate precursor, included in schedule I, II, III, IV, or V of part B of the Comprehensive Drug Abuse Prevention and Control Act of 1970, 21 U.S.C. §§ 801 *et seq.*, as amended. The term does not include distilled spirits, wine, malt beverages, or tobacco] .

section was codified at 10-6-12(A) Acoma Laws (2003) - Operating a Motor Vehicle under the Influence of Intoxicating Liquor, and 10-6-12(B) Acoma Laws (2003) - Operating a Motor Vehicle under the Influence of Drugs. Bracketed language and ellipses are added to clarify the language of the law.

10A-2-6 Reckless Driving.

- A. Any person who drives any vehicle carelessly and needlessly in willful or wanton disregard of the right of safety of others and without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property is guilty of reckless driving.
- B. Any person arrested under this subsection may be found guilty of the lesser included offense of careless driving.
- C. the violation of speeding law[s] as set forth in Title 10 shall not per se be a basis for violation of Reckless Driving.

Annotation: Prior to adoption of Title 10A in 2016 this section was codified at 10-6-12(C) Acoma Laws (2003); Subsection C is new

10A-2-7 Fleeing or Attempting to Elude a Police Officer. No driver of a motor vehicle shall willfully fail or refuse to bring to a stop, or otherwise flee or attempt to elude a pursuing police vehicle, when given visual or audible signal to bring the vehicle to a stop.

- A. The signal given by the police officer may be by hand, voice, emergency light or siren.
- B. The officer giving the signal shall be in uniform, prominently displaying his badge of office, and his vehicle shall be appropriately marked showing it to be an official police vehicle, except as otherwise exempted.

Annotation: Prior to adoption of Title 10A in 2016 this section was codified at 10-6-12(G) Acoma Laws (2003).

10A-2-8 Unattended Motor Vehicle. No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key, and effectively setting the brake, or placing the transmission in parking position, thereon and, when standing upon any grade, turning the front wheels in such a manner that the vehicle will be held by the curb or will leave the street if the brake fails.

Annotation: Prior to adoption of Title 10A in 2016 this section was codified at 10-6-12(H) Acoma Laws (2003).

10A-2-9 Racing on Streets.

- A. Unless written permission setting out pertinent conditions is obtained from the Chief of the Pueblo Police, and then only in accordance with such conditions, no person shall drive a vehicle on a street in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record, whether or not the speed is in excess of the maximum speed prescribed by law, and no person shall in any manner participate in any such race, drag race, competition, contest, test or exhibition.
- B. As used in this section:
1. "Drag race" means the operation of two (2) or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one (1) or more vehicles over a common selected course from the same point to the same point for the purpose of comparing the relative speeds or power of acceleration of the vehicle or vehicles within a certain distance or time limit; and
 2. "Race" means the use of one (1) or more vehicles in a manner to outgain or outdistance another vehicle, prevent another vehicle from passing, arrive at a given destination ahead of another vehicle or test the physical stamina or endurance of drivers over long-distance routes.
 3. "Exhibition driving" consists of intentionally fish-tailing, peeling-out, losing traction, and burning of rubber.

Annotation: Prior to adoption of Title 10A in 2016 this section was codified at 10-6-12(S) Acoma Laws (2003).

10A-2-10 Parties to Unlawful Acts.

Every person who commits, attempts to commit, conspires to commit or aids or abets in the commission of any act declared herein to be unlawful, whether individually or in connection with one or more other persons or as a principal agent or accessory, shall be guilty of such offense, and every person who falsely, fraudulently, forcibly or willfully induces, causes, coerces, requires, permits or directs another to violate any provision of this Title or of Pueblo of Acoma Law is likewise guilty of such offense.

Annotation: Prior to adoption of Title 10A in 2016 this section was codified at 10-6-12(X) Acoma Laws (2003).

Chapter 3. PENALTIES AND PROCEDURE ON ARREST

10A-3-1 Maximum Penalty. Unless another penalty is expressly provided in [this] Title, [a] person convicted of a violation of any provision of this Title [...] shall be punished by a fine of not more than five thousand dollars (\$5,000.00) or by imprisonment for not more than one (1) year, or both.

Annotation: Prior to adoption of Title 10A in 2016 this section was codified at 10-12-1(A) Acoma Laws (2003). This section is amended in 2016 to increase the maximum fine to five thousand dollars (\$5,000) and the maximum sentence of imprisonment to one (1) year. Bracketed language and ellipses are added to clarify the language of the law

10A-3-2 Arrest Without Warrant.

- A. Members of the Pueblo of Acoma police force may arrest without warrant any person subject to the jurisdiction of the Pueblo :
1. present at the scene of a motor vehicle accident;
 2. on a street when charged with theft of a motor vehicle;
 3. charged with crime in another jurisdiction, upon receipt of a message giving the name or a reasonably accurate description of the person wanted, the crime alleged and a statement he is likely to flee the jurisdiction of the state;
 4. charged with driving while under the influence of intoxicating liquor or drugs; charged with failure to stop in the event of an accident causing death, personal injuries or damage to property;
 5. charged with reckless driving;
 6. [who] the arresting officer has good cause to believe has committed a felony;
 7. who refuses to give his written promise to appear in court or acknowledge receipt of a warning notice; or
 8. who is charged with driving when his privilege to do so was suspended or revoked pursuant to the law [of] the state or political entity issuing the driver license or pursuant to a conviction for driving while under the influence of intoxicating liquor or drugs.

- B. To arrest without warrant, the arresting officer must have reasonable grounds, based on personal investigation, which may include information from eyewitnesses, to believe the person arrested has committed a crime.
- C. Members of the Pueblo of Acoma police force may not make arrests for traffic violations if not in uniform; however, nothing in this section shall be construed to prohibit the arrest, without warrant, by a peace officer of any person when probable cause exists to believe that a crime has been committed or in non-traffic cases.
- D. This section governs all police officers in making arrests without warrant for violations of [this] Title 10A [...] and other laws relating to motor vehicles, but the procedure prescribed is not exclusive of any other method prescribed by law for the arrest and prosecution of a person violating these laws.

Annotation: Prior to adoption of Title 10A in 2016 this section was codified at 10-12-5 Acoma Laws (2003); Bracketed language or ellipses are added to clarify the wording of the law.

10A-3-3 Immediate Appearance Before Tribal Judge. Whenever any person is arrested for any violation of this [Title] or other law relating to motor vehicles punishable as a misdemeanor, he shall be immediately taken before an available [Pueblo] judge who has jurisdiction of the offense when the:

- A. person requests [an] immediate appearance;
- B. person is charged with driving while under the influence of intoxicating liquor or narcotic drugs;
- C. person is charged with failure to stop in the event of an accident causing death, personal injuries or damage to property;
- D. person is charged with reckless driving;
- E. arresting officer has good cause to believe the person arrested has committed a felony;
- F. person refuses to give his written promise to appear in court or acknowledge receipt of a warning notice; or
- G. person is charged with driving when his privilege to do so was suspended or revoked pursuant to a conviction for driving while under the influence of intoxicating liquor or drugs.

Annotation: Prior to adoption of Title 10A in 2016 this section was codified at 10-12-6 Acoma Laws (2003); The bracketed language or ellipses is added to clarify the wording of the law.

10A-3-4 Failure To Obey Notice To Appear. It is a misdemeanor for any person to violate his written promise to appear in court, given to an officer upon issuance of a uniform traffic citation, regardless of the disposition of the charge for which the citation was issued. A written promise to appear in court may be complied with by appearance of counsel.

Annotation: Prior to adoption of Title 10A in 2016 this section was codified at 10-12-7 Acoma Laws (2003); former subsections A and B are combined in creating Title 10A.

10A-3-5 Arresting Officer To Be In Uniform. No person shall be arrested for violating [this Title] [...] or other law relating to motor vehicles punishable as a misdemeanor except by a commissioned, salaried peace officer who, at the time of arrest, is wearing a uniform clearly indicating the peace officer's official status.

Annotation: Prior to adoption of Title 10A in 2016 this section was codified at 10-12-8 Acoma Laws (2003).

10A-3-6 Handling Of Citations

- A. Every police officer issuing a uniform traffic citation to an alleged violator of this [Title] [...] or other law relating to motor vehicles shall dispose of the citations as indicated on the back of each copy.
- B. Citations spoiled or issued in error shall be marked "void" in large letters on the face, signed by the officer, and the copies disposed of as a valid warning notice.
- C. Upon filing of the uniform traffic citation in the Pueblo of Acoma Tribal Court, the citation may be disposed of only by trial in the court or by other official action by a judge of the court including, at the discretion of the Tribal Judge, forfeiture of bail or by payment of a fine to the traffic violations bureau of the court.
- D. The Chief of Police shall maintain or cause to be maintained a record of serially numbered warrants issued by the Pueblo of Acoma Tribal Court on traffic violation charges which are delivered to the police department for service and of the final disposition of all such warrants.

- E. The Chief of Police shall issue, keep a record and require a receipt for each serially numbered citation issued to individual police officers.
- F. It is a misdemeanor and official misconduct for any officer or other Pueblo of Acoma Tribal official or employee to dispose of a uniform traffic citation except as provided in this section.

Annotation: Prior to adoption of Title 10A in 2016 this section was codified at 10-12-9 Acoma Laws (2003). Former subsections 10-12-9(A), (D) and (E) are removed in 2016 and remaining subsections are renumbered. Bracketed language or ellipses are added to clarify the language of the law.

10A-3-7 Illegal Cancellation-Audit Of Citation Records.

- A. Any person who cancels or solicits the cancellation of any uniform traffic citation other than as provided in this [Title] [...] is guilty of a misdemeanor.
- B. Every record of uniform traffic citations required in this [Title] [...] shall be audited monthly by the appropriate fiscal officer of the Pueblo of Acoma.
- C. The fiscal officer shall publish an annual summary of all traffic violation notices issued by the traffic-enforcement agency.

Annotation: Prior to adoption of Title 10A in 2016 this section was codified at 10-12-10 Acoma Laws (2003). Bracketed language or ellipses are added to clarify the language of the law.

10A-3-8 Abstract Of Traffic Cases--Report On Convictions.

- A. Every Tribal Judge shall keep a record of every traffic complaint, uniform traffic citation and other form of traffic charge filed in the judge's court or its traffic violations bureau and every official action and disposition of the charge by that court.
- B. Within thirty (30) days of the later of entry of a final disposition on a conviction for violation of this Title or other law [...] relating to motor vehicles or the final decision of any higher court that reviews the matter and from which no appeal or review is successfully taken, every Tribal Judge, including children's court judges, or the clerk of the court in which the entry of the final disposition occurred shall prepare and forward to the Police Department an abstract of the record containing the name and address of the defendant; the specific section number and common name of the provision of the

local law, ordinance or regulation under which the defendant was tried; the plea, finding of the court and disposition of the charge, including fine or jail sentence or both; total costs assessed to the defendant; the date of the hearing; the court's name and address; whether defendant was a first or subsequent offender; and whether the defendant was represented by counsel or waived his right to counsel and, if represented, the name and address of counsel. The abstract of record prepared and forwarded under [this] Subsection[...] shall be certified as correct by the person required to prepare it. With the prior approval of the department, the information required in [this] Subsection [...] may be transmitted electronically to the department. Report need not be made of any disposition of a charge of illegal parking or standing of a vehicle except when the uniform traffic citation is used.

- C. When the uniform traffic citation is used, the court shall provide the information required in Subsection B of this Section in the manner prescribed by the director. A copy of each penalty assessment processed shall be forwarded to the division within ten (10) days of completion of local processing for posting to the driver's record.
- D. The willful failure or refusal of any judicial officer to comply with this section is misconduct in office and grounds for removal.

Annotation: Prior to adoption of Title 10A in 2016 this section was codified at 10-12-11 Acoma Laws (2003). Bracketed language or ellipses are added to clarify the language of the law.

THE REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK.