

Chapter 5. Felony Defined

9.501 PURPOSE

This Statute is hereby enacted to define a felony.

(Source: WOS 2005-13, October 9, 2005, Section I)

9.502 DEFINITIONS

- A. The “**Tribe**” shall mean the Little Traverse Bay Bands of Odawa Indians.

- B. “**Misdemeanor**” means a crime that is less serious than a felony and is usually punishable by fine, penalty, forfeiture, or confinement in a place other than prison (such as county jail).

(Source: WOS 2005-13, October 9, 2005, Section II)

9.503 CONSTITUTION MANDATE TO DEFINE A FELONY

Within the jurisdiction of the Tribe a person shall be considered guilty of a felony if they have been convicted in a court of competent jurisdiction of:

- A. A crime defined by the Tribe’s criminal code as a felony or;

- B. Rape or;

- C. Sexual assault against an individual who has not attained the age of 16 years or;

- D. Any other crime that is listed by the Major Crimes Act, Title 18, United States Code, Section 1153 paragraph A. “(a) Any Indian who commits against the person or property of another Indian or other person any of the following offenses, namely, murder, manslaughter, kidnapping, maiming, a felony under chapter 109A, incest, assault with intent to commit murder, assault with a dangerous weapon, assault resulting in serious bodily injury (as defined in section 1365 of this title), an assault against an individual who has not attained the age of 16 years, arson, burglary, robbery, and a felony under section 661 of this title within the Indian country,

shall be subject to the same law and penalties as all other persons committing any of the above offenses, within the exclusive jurisdiction of the United States.”

Convictions of crimes in jurisdictions other than the Tribe of lesser degree than listed in Section (D) above shall be considered a Misdemeanor within the jurisdiction of the Tribe regardless of classification in the jurisdiction of the conviction.

(Source: WOS 2005-13, October 9, 2005, Section III)

9.504 SEVERABILITY

If any section, subsection, paragraph, sentence, phrase or portion of this Statute is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

(Source: WOS 2005-13, October 9, 2005, Section IV)

9.505 EFFECTIVE DATE

Effective upon signature of the Executive or 30 days from Tribal Council approval which ever comes first.

(Source: WOS 2005-13, October 9, 2005, Section V)