

WAGANAKISING ODAWAK STATUTE #2023- 012
AMENDMENT TO WAGANAKISING ODAWAK STATUTE 2021-003
INTERIM CRIMINAL CODE

SECTION I. REPEAL

The following section is hereby repealed:

SECTION I. JURISDICTION

A. Definition. The criminal jurisdiction of the Little Traverse Bay Bands of Odawa Indians (also referred to in this Code as "Bands" and/or "LTBB") is its power to prohibit certain conduct, as a matter of public policy, within its territory.

B. Power Implemented. That power is exercised by enacting this Code and by punishing people who violate its laws.

C. Territorial Extent. The criminal jurisdiction of the Little Traverse Bay Bands of Odawa Indians shall extend to:

1. all lands and waters described in Article 1 Third and Article 1 Fourth of the Treaty of Detroit of July 31, 1855, 11 Stat. 621;
2. all trust land held now or in the future by the United States for the benefit of the Little Traverse Bay Bands of Odawa Indians;
3. the activities of Band members when exercising treaty hunting and fishing rights wherever such activity occurs.

D. Persons Under LTBB Criminal Jurisdiction. The criminal jurisdiction of LTBB shall extend to:

1. all members of LTBB, and
2. all other Indians present within the areas described in Section I (C) of this Code.

3. The criminal jurisdiction of LTBB shall only extend to adults. However, upon motion of the tribal prosecutor, the judge may, in his/her discretion, try a minor as an adult.

SECTION II. REPLACE

The following section replaces the repealed section in Section 1:

SECTION I. JURISDICTION

A. Definition. The criminal jurisdiction of the Little Traverse Bay Bands of Odawa Indians (also referred to in this Code as “Bands” and/or “LTBB”) is its power to prohibit certain conduct, as a matter of public policy, within its territory.

B. Power Implemented. That power is exercised by enacting this Code and by punishing people who violate its laws.

C. Territorial Extent. The criminal jurisdiction of the Little Traverse Bay Bands of Odawa Indians shall extend to:

1. all trust land held now or in the future by the United States for the benefit of the Little Traverse Bay Bands of Odawa Indians; and
2. the activities of Band members when exercising treaty hunting and fishing rights wherever such activity occurs.

D. Persons Under LTBB Criminal Jurisdiction. The criminal jurisdiction of LTBB shall extend to:

1. all members of LTBB within the areas described in Section I(C) of this Code;
2. all other Indians present within the areas described in Section I(C)(1) of this Code; and

3. all non-Indians present within the areas described in Section I(C)(1) of this Code to the maximum extent allowed under federal law. The criminal jurisdiction of LTBB shall only extend to adults. However, upon motion of the tribal prosecutor, the judge may, in his/her discretion, try a minor as an adult.

SECTION III. EFFECTIVE DATE

Effective upon signature of the Executive or 30 days from Tribal Council approval whichever comes first or, if the Executive vetoes the legislation, then upon Tribal Council override of the veto.

CERTIFICATION

As the Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this Statute was duly adopted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on September 28, 2023 at which a quorum was present, by a vote of 9 in favor, 0 opposed, 0 abstentions, and 0 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Fred Kiogima	X			
Tamara Munson	X			
William Ortiz	X			
Aaron Otto	X			
Melissa Pamp	X			
Jordan Shananaquet	X			
Leroy Shomin	X			
Emily Proctor	X			
Marcella Reyes	X			

Date: 10/03/23

Marcella R. Reyes
 Marcella Reyes, Legislative Leader

Date: 10/03/23

Emily Proctor
 Emily Proctor, Tribal Council Secretary

Received by the Executive Office on 10/03/2023 by Hunt Jensen

Pursuant to Article VII, Section D, Subsection 1 of the Little Traverse Bay Bands of Odawa Indians Constitution adopted on February 1, 2005 the Executive concurs in this action of the Tribal Council.

Date: 10-06-2023

Regina Gasco Bentley
 Regina Gasco Bentley, Tribal Chairperson



Received from the Executive on 10.06.2023 by Chanda Parker