

Chapter 16. Jurisdiction Adjustment Statute

Codification Note: Each Subsections Repealed in Section II. have also been codified in the respective Sections and Subsections of all Chapters located in the WOTCL.

9.1601 PURPOSE

The purpose of this statute is to adjust the territorial jurisdictional of the Little Traverse Bay Bands of Odawa Indians in multiple Tribal laws in response to *Little Traverse Bay Bands of Odawa Indians v. Whitmer*, 998 F.3d 269, 272 (6th Cir. 2021), *cert. denied*, 212 L. Ed. 2d 215, 142 S. Ct. 1206 (2022). In this case, the U.S. Court of Appeals for the Sixth Circuit affirmed the district court’s determination that the 1855 Treaty of Detroit did not create a reservation for the Tribe under federal law. Although this decision substantially diminishes the Tribe’s legal jurisdiction over the lands within the Tribe’s 1855 reservation, this region has always been and remains our home.

(Source: WOS 2023-014, October 10, 2023, Section I)

9.1602 JURISDICTIONAL ADJUSTMENT

A. REPEAL

1. Sex Offense Statute, WOS 2018-012, Section III.N: “Territorial Jurisdiction of the Little Traverse Bay Bands of Odawa Indians” means “areas referenced in Public Law 103-324, 25 USC Section 1300k-2(b)(2)(A) as the boundaries of the reservations for the Little Traverse Bay Bands as set out in Article I, paragraphs ‘third and fourth’ of the Treaty of 1855, 11 Stat.621.” Little Traverse Bay Bands Constitution, Article V(A)(1)(a);
2. Civil Traffic Statute, WOS 2010-011, Section IV.HHH: “Territorial Jurisdiction of the Little Traverse Bay Bands of Odawa Indians” means “areas referenced in Public Law 103-324, 25 USC Section 1300k-2(b)(2)(A) as the boundaries of the reservations for the Little Traverse Bay Bands as set out in Article I, paragraphs ‘third and fourth’ of the Treaty of 1855, 11 Stat.621.” Little Traverse Bay Bands Constitution, Article V(A)(1)(a).
3. Sex Offender Registry Statute, WOS 2012-008, Section III.Q: “Territorial Jurisdiction of the Little Traverse Bay Bands of Odawa Indians” means “areas referenced

in Public Law 103-324, 25 U.S.C. Section 1300k-2(b)(2)(A) as the boundaries of the reservations for the Little Traverse Bay Bands as set out in Article I, paragraphs ‘third and fourth’ of the Treaty of 1855, 11 Stat.621.” Little Traverse Bay Bands Constitution, Article V(A)(1)(a).

4. Personal Protection Orders and No Contact Orders and Violations of Protective Orders Statute, WOS 2020-014, Section II.G: “Territorial Jurisdiction of the Little Traverse Bay Bands of Odawa Indians” means “areas referred to in Public Law 103-324, 25 U.S.C. Section 1300k-2(b)(2)(A), as the boundaries of the reservations for the Little Traverse Bay Bands as set out in Article I, paragraphs ‘third and fourth’ of the Treaty of 1855, 11 Stat. 621”, including all land which is held in trust by the United States government for the benefit of the Tribe or an individual member of the Tribe and/or as otherwise described by applicable federal law or court opinion.

5. Human Trafficking Statute, WOS 2018-011, Section III.Q: “Territorial jurisdiction of the Little Traverse Bay Bands of Odawa Indians” means “areas referenced in Public Law 103-324, 25 U.S.C. Section 1300k-2(b)(2)(A) as the boundaries of the reservations for the Little Traverse Bay Bands as set out in Article I, paragraphs ‘third and fourth’ of the Treaty of 1855, 11 Stat. 621.” Little Traverse Bay Bands Constitution, Article V(A)(1)(a).

B. REPLACE

1. Sex Offense Statute, WOS 2018-012, Section III.N: “Territorial Jurisdiction of the Little Traverse Bay Bands of Odawa Indians” means all land that is held in trust by the United States government for the benefit of the Tribe.

2. Civil Traffic Statute, WOS 2010-011, Section IV.HHH: “Territorial Jurisdiction of the Little Traverse Bay Bands of Odawa Indians” means all land that is held in trust by the United States government for the benefit of the Tribe.

3. Sex Offender Registry Statute, WOS 2012-008, Section III.Q: “Territorial Jurisdiction of the Little Traverse Bay Bands of Odawa Indians” means all land that is held in trust by the United States government for the benefit of the Tribe.

4. Personal Protection Orders and No Contact Orders and Violations of Protective

Orders Statute, WOS 2020-014, Section II.G: “Territorial Jurisdiction of the Little Traverse Bay Bands of Odawa Indians” means all land that is held in trust by the United States government for the benefit of the Tribe.

5. Human Trafficking Statute, WOS 2018-011, Section III.Q: “Territorial Jurisdiction of the Little Traverse Bay Bands of Odawa Indians” means all land that is held in trust by the United States government for the benefit of the Tribe.

(Source: WOS 2023-014, October 10, 2023, Section II)

9.1603 SAVINGS CLAUSE

In the event that any phrase, provision, part, paragraph, subsection or section of this statute is found by a court of competent jurisdiction to violate the Constitution or laws of LTBB, such phrase, provision, part, paragraph, subsection or section shall be considered to stand alone and to be deleted from this statute, the entirety of the balance of the statute to remain in full and binding force and effect.

(Source: WOS 2023-014, October 10, 2023, Section III)

9.1604 EFFECTIVE DATE

This statute shall be effective upon the signature of the Executive, or 30 days from Tribal Council approval, or if the Executive vetoes the legislation, then upon the date on which Tribal Council overrides the veto.

(Source: WOS 2023-014, October 10, 2023, Section IV)