

**WAGANAKISING ODAWAK STATUTE NO. 2005-013
FELONY DEFINED**

SECTION I. PURPOSE

This Statute is hereby enacted to define a felony.

SECTION II. 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).

SECTION III. 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.

SECTION IV. 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.

SECTION V. EFFECTIVE DATE

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

Certification

As the Legislative Leader and Tribal Council Secretary, we certify that this Statute was duly enacted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on October 9, 2005 at which a quorum was present, by a vote of 6 in favor, 0 opposed, 0 abstentions, and 3 absent as recorded by this roll call:

| | In Favor | Opposed | Abstained | Absent |
|----------------------|----------|---------|-----------|--------|
| Fred Harrington, Jr. | X | | | |
| Regina Gasco Bentley | | | | X |
| Mary Roberts | X | | | |
| Rita Shananaquet | | | | X |
| Alice Yellowbank | | | | X |
| Dexter McNamara | X | | | |
| Shirley Oldman | X | | | |
| Melvin L. Kiogima | X | | | |
| Beatrice Law | X | | | |

Date: 12/19/05 _____
Beatrice Law, Legislative Leader

Date: 12/17/05 _____
Melvin L. Kiogima, Secretary

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: 12-17-2005 _____
Frank Ettawageshik, Tribal Chairperson