

Citizen Potawatomi Nation



Ordinance #13-01-J&PS-13-01-T12

AN ORDINANCE AMENDING THE CRIMINAL OFFENSE AND PUNISHMENT CODE OF THE CITIZEN POTAWATOMI NATION

WHEREAS, the Tribal Law and Order Act provides the option of and outlines parameters for enhanced sentencing for offenders being tried in Tribal Court; and

WHEREAS, the following shall be added as Section 12-0-003 of Title 12 of Tribal Code of the Citizen Potawatomi Nation to allow for this enhanced sentencing:

Section 12-0-003 SENTENCING

- (A) All the range of punishments, in Title 12 Criminal Offenses, are amended to add an Enhanced Sentence category providing up to a maximum 3 year sentence and/or a \$15,000 fine.
- (B) The current maximum sentences of 1 year and/or a \$5,000 fine remain in place and shall be routinely applied unless the Enhanced Sentence is invoked by the Prosecutor's Office.
- (C) To invoke the Enhanced Sentence, the Prosecutor's Office shall, at the time of Arraignment, designate upon the Criminal Complaint and announce to the Court on the record that the Prosecutor will seek enhanced sentencing on the charge up to 3 years and/or \$15,000 fine maximum.
- (D) Upon the Prosecutor's announcement that an Enhanced Sentence is being sought, the Court will appoint a Public Defender in compliance with the enhanced sentencing provisions of the Tribal Law & Order Act.
- (E) The Designation to seek an Enhanced Sentence will automatically have the effect of the alleged offense being considered a Tribal Felony under this Code.
- (F) All Defendants convicted under Enhanced Sentencing will have their convictions reported to all other jurisdictions' databases, with the designation as a Convicted Tribal Felon.

(G) All provisions of any/all other Titles, Chapters and Sections of the Citizen Potawatomi Tribal Code not consistent with this Section will be interpreted in a reasonable manner to bring them into conformity with this Title, Chapter and Section by the District Court.

NOW, THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF THE CITIZEN POTAWATOMI NATION that a resolution amending Chapter 12, Criminal Offenses and Punishment, of the Citizen Potawatomi Nation Tribal Code **IS HEREBY APPROVED.**


NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATURE OF THE CITIZEN POTAWATOMI NATION that the Legislature hereby enacts the attached *Title 12, Chapter 0, Section 003*, Criminal Offenses and Punishment.

NOW, THEREFORE BE IT ENACTED BY THE LEGISLATURE OF THE CITIZEN POTAWATOMI NATION that the attached additions to Title 12, Criminal Offenses and Punishment, of the Citizen Potawatomi Nation Tribal Code **IS HEREBY APPROVED.**

EFFECTIVE DATE: This ordinance shall become effective upon adoption by the Legislature of the Citizen Potawatomi Nation.

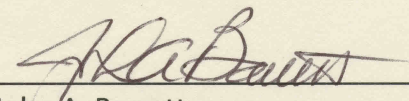
CERTIFICATION

In his capacity as Secretary-Treasurer of the Citizen Potawatomi Nation, the undersigned hereby certifies that the above and foregoing ordinance is a true and correct copy of Ordinance #13-01-J&PS-13-01-T12, as approved on the 29th day of November, 2012, with 15 voting for, 0 opposed, 1 absent and 0 abstaining.



D. Wayne Trousdale
Secretary-Treasurer

Approved
 Disapproved



John A. Barrett
Tribal Chairman