



Mashpee Wampanoag Tribe

2018-ORD-004

AMENDMENT TO MASHPEE WAMPANOAG TRIBAL CRIMINAL OFFENSES ORDINANCE

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The Mashpee Wampanoag Tribal Council does ordain as follows:

Section 1. FINDINGS

The Mashpee Wampanoag Tribal Council finds as follows:

- (a) The Mashpee Wampanoag Tribe is a federally-recognized Indian Tribe with a duly-enacted Constitution and the governing body of the Tribe is the Mashpee Wampanoag Tribal Council pursuant thereto.
- (b) Article VI, § 2.A of the Constitution provides that the Tribal Council is empowered to promote and protect the health, peace, morals, education, political integrity, economic security and general welfare of the Tribe and its members.
- (c) Article VI, § 2.L. of the Constitution provides that the Tribal Council is empowered to establish and enforce all ordinances governing Tribal members.
- (d) Article V, § 3 of the Constitution provides that the Tribal Judiciary is vested with all the Tribe's judicial powers.
- (e) The Tribe exercises criminal jurisdiction over its citizens and lands to the full extent under federal law, and toward that end, has adopted appropriate criminal codes and has established institutions to support the exercise thereof.
- (f) The Tribal Council deemed it appropriate to adopt the contents of the State of Massachusetts criminal laws through the enactment of *2015-ORD-008, Mashpee Wampanoag Tribal*



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- (f) The Tribal Council deemed it appropriate to adopt the contents of the State of Massachusetts criminal laws through the enactment of *2015-ORD-008, Mashpee Wampanoag Tribal Criminal Offenses Ordinance* to insure a smooth transition to Tribal criminal jurisdiction over Tribal members, other Native Americans and Tribal lands.
- (g) The Tribal Council deems it in the best interest of the Tribe and its Tribal members to amend *2015-ORD-008, Mashpee Wampanoag Tribal Criminal Offenses Ordinance* to make effective for one (1) more year.

Section 2. AUTHORITY AND PURPOSE

- (a) **Authority.** The authority for this Ordinance is found in Article VI, § 2.A and § 2.L., and Article V, § 3 of the Constitution.
- (b) **Purpose.** The purpose of this Ordinance is to set extend *2015-ORD-008, Mashpee Wampanoag Tribal Criminal Offenses Ordinance*, as amended for one (1) more year.

Section 3. AMENDMENT. Section 10 of the *2015-ORD-008, Mashpee Wampanoag Tribal Criminal Offenses Ordinance* is hereby amended by deleting "one (1) year" throughout the Section and adding "three (3) years" in replacement thereof to read as follows:

This Ordinance shall take immediate effect and be enforced from and after its passage and publication for three (3) years after passage. In the meantime, the Tribe shall work on the development of its own criminal laws. If for any reason the Tribe cannot develop its own criminal laws during this three (3) years period, the Tribe may extend this Ordinance's enforcement period for an additional period of time.

Section 4. REPEALER. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed.

Section 5. SEVERABILITY. If any section, subsection, paragraph, sentence, or other portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed to be a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

Section 6. EFFECTIVE DATE. This Ordinance shall take immediate effect and be enforced from and after its passage and publication.

Passed by the Mashpee Wampanoag Tribal Council on February 27, 2018.




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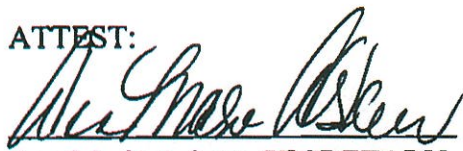
CERTIFICATION

We, the undersigned Chairman and Secretary of the Tribal Council of the Mashpee Wampanoag Tribe hereby certify that the Tribal Council is composed of 13 members, of whom 9 constituting a quorum, were present at a regular meeting thereof, duly and regularly called, noticed, convened and held on the 27th day of February, 2018, and that the foregoing Ordinance was duly adopted by the affirmative vote of 8 members, with 0 opposing, and with 1 not voting.

DATED THIS 27th day of February, 2018.


Cedric Cromwell, CHAIRMAN
Mashpee Wampanoag Tribal Council

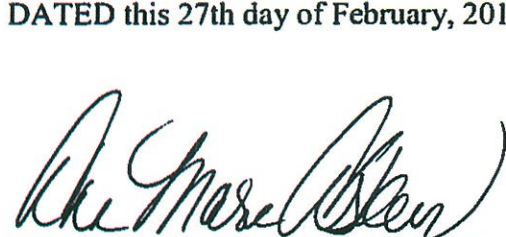
ATTEST:



Ann Marie Askew, SECRETARY
Mashpee Wampanoag Tribe

CERTIFICATION OF POSTING

This is to certify that the Ordinance titled 2018-ORD-003, Amendment to Mashpee Wampanoag Tribal Criminal Offenses Ordinance, has been posted in accordance with 2009-ORD-003, Regulating Adoption, Amendment or Repeal of Ordinances and Resolutions.

DATED this 27th day of February, 2018.


Ann Marie Askew, SECRETARY
Mashpee Wampanoag Tribal Council


Cedric Cromwell, CHAIRMAN
Mashpee Wampanoag Tribal Council