

LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS

7500 Odawa Circle

Harbor Springs, MI 49740

TRIBAL RESOLUTION # 090320- 03

Possession of Firearms

- WHEREAS** the Waganakising Odawak, known as the Little Traverse Bay Bands of Odawa Indians, is a nation of citizens with inherent sovereignty and right to self-governance;
- WHEREAS** the Little Traverse Bay Bands of Odawa Indians is a federally recognized Indian Tribe under Public Law 103-324, and is a party to numerous Treaties with the United States, the most recent being the Treaty of Washington of March 28, 1836 (7 Stat. 491) and the Treaty of Detroit of 1855 (11 Stat. 621);
- WHEREAS** according to the WOS 1997014, Criminal Code, it is an offense to carry a deadly weapon without a license, “**a. Offense.** A person who carries a deadly weapon without being licensed to do so by LTBB or by the State of Michigan commits an offense”. And may be sentenced as follows: “**b. Sentence.** A person convicted of unlawful carrying of a deadly weapon without a license may be sentenced to a jail term not to exceed sixty (60) days or to a fine not to exceed one thousand dollars (\$1,000.00) or to both. The judge may also order that the weapon be impounded.”
- WHEREAS** in 2006, the Tribe passed Tribal Resolution #010806-02, Possession of Firearms that made it illegal for LTBB Tribal Citizens to “carry a concealed weapon on LTBB trust or fee lands unless they first secure an order from the LTBB Tribal Court authorizing them to do so”;
- WHEREAS** Tribal Resolution #010806-02, also made it illegal for Non-LTBB members to possess a firearm unless specified conditions were met: “Non-LTBB members may not possess a firearm within LTBB trust or fee lands unless: (1) as per Waganakising Odawa statute 2005-03, Application of Foreign Law, they are in legal possession of their firearm under state and/or federal law, **and** (2) the

firearm is unloaded and in a gun case expressly made to contain a firearm, and the case fully encloses the firearm being zipped, snapped, buckled, tied, or otherwise fastened, and without any portion of the firearm exposed, or unloaded and in the closed portion of a motor vehicle that is inaccessible to the passengers.”;

WHEREAS LTBB recognizes that there may be a need for both Tribal Citizens and Non-tribal citizens to legally possess a firearm, or carry a concealed firearm on or about his or her person by permit issued by such tribal, state or federal authority designated to issue a permit;

THEREFORE BE IT RESOLVED that Tribal Resolution #010806-02, Possession of Firearms is repealed.

FURTHER BE IT RESOLVED that the following Tribal and Non-tribal citizens are allowed to legally carry a firearm, provided that other applicable law does not prevent them from doing so:

1. Law Enforcement officers in the lawful discharge of their duties;
2. Persons who are duly authorized private security guards that have a valid license under State of Michigan Public Act 330 of 1968, as amended.
3. A private investigator or private detective under the professional investigator licensure act of Michigan, 1965 PA 285, MCL 338.821 to 338.851.
4. Persons in a private motor vehicle or other means of conveyance, for the lawful protection of the person's or another person's property, while traveling, provided that such firearm is unloaded is and in a gun case expressly made to contain a firearm, and the case fully encloses the firearm being zipped, snapped, buckled, tied, or otherwise fastened, and without any portion of the firearm exposed;
5. A person in his or her business, residence, or on real property belonging to such person as owner, lessee, tenant, or licensee;
6. Persons engaged in the hunting of game or predatory animals or,
7. Persons lawfully authorized to carry a concealed firearm on or about his or her person by permit issued by such tribal, state or federal authority designated to issue a permit. A person who carries or possesses a concealed handgun must present a valid license or permit as evidence when required and any and all limitation and prohibited premises shall apply.

FURTHER BE IT RESOLVED that any business, entity or establishment has the ability to ban firearms by posting or providing notice of such prohibition.

FINALLY BE IT RESOLVED that firearms are not permitted in any courtroom, office, or other space used for official court business or by judicial employees unless the chief judge or other person designated by the chief judge has given prior approval.

CERTIFICATION

As the Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this Tribal Resolution 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 3, 2020 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 Harrington, Jr.	X			
Fred Kiogima	X			
Tamara Kiogima	X			
Melissa Pamp	X			
Leroy Shomin	X			
Marty Van De Car	X			
Marcella Reyes	X			
Julie Shananaquet	X			
Emily Proctor	X			

Date: 9/4/2020 Emily Proctor
Emily Proctor, Legislative Leader

Date: 9/4/2020 Julie Shananaquet
Julie Shananaquet, Tribal Council Secretary

Received by the Executive Office on 9-4-2020 by J. J. K.

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: 10-1-2020 Regina Gasco-Bentley
Regina Gasco Bentley, Tribal Chairperson

Received from the Executive on 10.01.2020 by Pinck Baker

