

Date: June 3, 2010

## TABLED

### ORDINANCE NO. 356 (2010)

WHEREAS, The Cherokee Code currently prohibits carrying concealed weapons on the Qualla Boundary; and

WHEREAS, Any eligible Tribal member can apply for and receive a Concealed Carry Permit from the State of North Carolina; and

WHEREAS, The Tribal Government values and protects the rights of its gun-owning enrolled members as provided in the 2<sup>nd</sup> Amendment of the U.S. Constitution; and

WHEREAS, Cherokee Code section 14-34.11, Aggravated Weapons Offense, contains language prohibiting the concealed carry of a “dangerous weapon.”

NOW THEREFORE BE IT ORDAINED by the Tribal Council of the Eastern Band of Cherokee Indians assembled, at which a quorum is present, that the Cherokee Code Chapter 14-34.11 be amended as follows:

Section 14-34.00. Aggravated Weapons Offense.

- (a) It shall be unlawful to carry a dangerous weapon concealed, unless lawfully authorized to do so, or to threaten to use or exhibit a dangerous weapon in a dangerous and threatening manner, or use a dangerous weapon in a fight or quarrel; or to possess a shotgun or rifle having a barrel or barrels of less than 16 inches in a length or an altered or modified shotgun or rifle less than 24 inches overall length.
- (b) Aggravated weapons offense shall be punishable by a fine not to exceed \$5,000.00, by a term of imprisonment not to exceed one year, by exclusion for a period for a period of not less than one nor more than five years, or by any combination of them.
- (c) The Eastern Band of Cherokee Indians and all law enforcement officers on the Qualla Boundary shall give Full Faith and Credit to Article 54B of North Carolina Criminal Law, N.C. Gen. Stat. §14-415.10 through §14-415.26, Concealed Handgun Permit, and possession of a concealed handgun pursuant to N.C. Gen. Stat. §14-415.10 through §14-415.26 shall be lawful authority to do so.

BE IT FINALLY ORDAINED that this amendment shall be effective upon ratification by the Principal Chief, and all prior ordinances and resolutions that are inconsistent with this ordinance are rescinded.

*Submitted by John Ayers*