

TABLED

Cherokee Council House
Cherokee North Carolina

APR 16 2012

DATE

ORDINANCE NO. 182 (2012)

WHEREAS, The President of the United States signed the Tribal Law and Order Act of 2010, (Pub.L. 111-211, 124 Stat. 2258) (TLOA) on July 29, 2010, and

WHEREAS, The TLOA amended 25 U.S.C. § 1302(a)(7)(B), and added §§ 1302a(7)(C) and 1302(b) and (c), and

WHEREAS, Subject to restrictions contained in 25 U.S.C. § 1302(b) and (c), the effect of these amendments is to raise the maximum punishment provided for by law for certain crimes committed in Indian Country from one year to three years incarceration and a maximum fine from five thousand dollars (\$5,000.00) to fifteen thousand dollars (\$15,000.00), and

WHEREAS, The existing law of the Eastern Band of Cherokee Indians already complies with the restrictions contained in 25 U.S.C. § 1302(c), and

WHEREAS, There exists a need to modify the criminal code to increase the maximum penalties provided for by law in order to provide additional flexibility on the part of the prosecution as well as the Court in administering justice in criminal cases in this jurisdiction.

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 following Sections of the Cherokee Code be amended to provide for a maximum term of imprisonment of not more than three years instead of one and a maximum fine of not more than fifteen thousand dollars (\$15,000.00) instead of five thousand dollars (\$5,000.00):

C.C. § 14-5.5(d)(2) Aggravated Stalking

C.C. § 14-5.11(b) Abusing a Corpse

C.C. § 14-5.12(b)(3) Violation of Privacy

C.C. § 14-5.20(b) Cruelty to Animals