



Little River Band of Ottawa Indians

2608 Government Center Drive

Manistee, MI 49660

(231) 723-8288

Resolution # 18-0523-155

Resolution to Require the Tribal Court to Report all Tribal Court Convictions to Michigan's L.E.I.N.

WHEREAS, the status of the *Gaá Čhíng Zitbi Daáwaa Aníshinaábek* (Little River Band of Ottawa Indians) as a sovereign and Treaty-making power is confirmed in numerous treaties, from agreements with the initial colonial powers on this land, to various treaties with the United States; and

WHEREAS, the Little River Band of Ottawa Indians (Tribe) is descended from, and is the political successor to, the Grand River Ottawa Bands, signatories of the 1836 Treaty of Washington (7 Stat. 491) with the United States, as reaffirmed by federal law in P.L. 103-324, enacted in 1994; and

WHEREAS, the Tribe adopted a new Constitution, pursuant to a vote of the membership on May 27, 1998, which Constitution became effective upon its approval by the Assistant Secretary-Indian Affairs on July 10, 1998; and

WHEREAS, the Tribe adopted amendments to the Constitution on April 26, 2004, which became effective upon approval by the Assistant Secretary-Indian Affairs on May 13, 2004; and

WHEREAS, the Tribe adopted amendments to the Constitution on July 11, 2016 which became effective upon approval by the Assistant Secretary-Indian Affairs on August 24, 2016; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(a) to provide for the public health, peace, morals, education and general welfare of the Little River Band and its members; and

WHEREAS, the Tribal Court is authorized under Article VI, Section 8(a) to adjudicate all civil and criminal matters arising within the territorial or membership-based jurisdiction of the Tribe; and

WHEREAS, Michigan's L.E.I.N is also known as the Michigan Law Enforcement Information Network and is a statewide computerized information system that serves Michigan's criminal justice agencies by maintaining a filing system of accurate and timely documented criminal justice information readily available to all criminal justice agencies; and

WHEREAS, information inputted into Michigan's L.E.I.N. is automatically shared with the FBI's C.J.I.S. ("Criminal Justice Information System") and the N.I.C.S. ("National Instant Criminal Background Check System") because Michigan does not operate its own N.I.C.S. system; and

WHEREAS, the Brady Act (Pub.L. 103-159, 107 Stat. 1536) requires federal firearms licensed dealers to run background checks on prospective gun buyers through the N.I.C.S. system if a state does not operate its own N.I.C.S. system; and

WHEREAS, the Tribal Council finds information sharing with C.J.I.S. and N.I.C.S. is critical to ensure that domestic violence perpetrators are prohibited from purchasing and owning firearms; and

WHEREAS, if Tribal Court convictions are not shared with L.E.I.N, C.J.I.S. or N.I.C.S., offenders can purchase firearms and a background check will not report a Little River Band Tribal Court conviction; and

WHEREAS, likewise, certain other persons convicted in Tribal Court for committing other offenses which would prohibit the future purchase of firearms do not have their Tribal Court convictions reported to L.E.I.N, C.J.I.S., or N.I.C.S. Some examples are those persons convicted of a crime punishable by more than one year or a misdemeanor punishable by more than two years, fugitives from justice, unlawful drug users or those addicted to any controlled substance, and those persons under indictment for a crime punishable by more than one year or a misdemeanor punishable by more than two years; and


WHEREAS, currently Tribal Court convictions for civil infractions, misdemeanors, and felonies are forwarded to Michigan L.E.I.N on a case-by-case basis.

NOW THEREFORE IT IS RESOLVED, that all Tribal Court convictions entered after May 23, 2018 for civil infractions, misdemeanors, or felonies shall be reported to Michigan's L.E.I.N without exception.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 8 FOR, 0 AGAINST, 0 ABSTAINING, and 1 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on May 23, 2018, at the Little River Band's Government Center in Manistee, Michigan, with a quorum being present for such vote.


Sandra Lewis, Tribal Council Recorder


Joseph Riley II, Tribal Council Speaker

Attest:

Distribution: Council Records
Tribal Ogema
Tribal Court
Prosecutor