

**PONCA TRIBE OF NEBRASKA
LAW AND ORDER CODE**

**TITLE I
GENERAL PROVISIONS**

**CHAPTER 1
PRELIMINARY PROVISIONS**

Section 1-1-1. Constitutional Authority. This Law and Order Code is adopted pursuant to the authority vested in the Ponca Tribal Council under the Constitution of the Ponca Tribe of Nebraska.

Section 1-1-2. Designation of Code.

1. This Law and Order Code shall be the official Code of the Ponca Tribe of Nebraska and shall be composed of all ordinances enacted by the members and/or the Tribal Council of the Tribe and all amendments and supplements thereto.

2. This Law and Order Code shall be known as the Code of the Ponca Tribe of Nebraska and cited as "Ponca Tr. of Neb. Code" followed by the number of the title, the number of the chapter in the title, and the number of the section in the chapter, each separated by a dash. Example: This section shall be cited as "Ponca Tr. of Neb. Code § 1-1-2." This Law and Order Code may also be referred to as the "Code" or "Ponca Tribe of Nebraska Code," and may be abbreviated as PTNC.

3. The matter set forth in the official edition of the Code of the Ponca Tribe of Nebraska current at any time shall, together with any then current supplement, if any, establish prima facie the laws of the Ponca Tribe of Nebraska, general and permanent in their nature. Whenever the titles of this Code or any portion thereof are enacted by resolution or ordinance, the text of such resolution or ordinance and any accompanying enactment shall be legal evidence of the laws therein contained.

Section 1-1-3. Effective Date of Enactments.

1. When a title of this Code or any portion thereof provides by its terms that it shall take effect on a specified time and date, such enactment shall become effective on the date and time therein specified.

2. When a title of this Code or any portion thereof provides by its terms that it shall take effect on a specified day only,

such enactment shall become effective at midnight on the date specified in the enactment.

3. When a title of this Code or any portion thereof does not provide by its terms for an effective date, it shall be deemed to take effect immediately.

Section 1-1-4. Retroactive Effect of Enactments.

1. No title of this Code or any portion thereof is retroactive unless expressly declared therein.

2. When a title of this Code or any portion thereof provides that it will only apply to conduct, acts, transactions or occurrences on or after a certain date, including the effective date, conduct, acts, transactions or occurrences before such date shall be governed by the version of the Code in effect at the time of such conduct, act, transaction or occurrence.

Section 1-1-5. Prior Inconsistent Ordinances Repealed. Any and all ordinances and codifications enacted before November 21, 2015 by the Ponca Tribal Council that are of the same subject matter or conflict in any way with the provisions of this Code are hereby repealed and shall not be cited other than for documenting history or legislative intent; however, this repeal shall not affect the validity of any actions undertaken under previous laws and ordinances.

Section 1-1-6. Amendment of Law and Order Code. This Code may be amended, additions made thereto, or deletions made therefrom, in the manner provided for the adoption of Tribal Council ordinances. Amendments and additions to this Code shall become a part thereof for all purposes and shall be codified and incorporated herein in a manner consistent with the numbering and/or annexation hereof.

Section 1-1-7. Effective Date. This Code shall become effective upon passage by the Tribal Council in accordance with the Tribal Ordinance governing adoption of Ordinances.

Section 1-1-8. Territorial Applicability. The effective area of this Code shall be the territory of the Tribe, as defined herein.

Section 1-1-9. General Rules of Construction. In construing the provisions of this Code, unless the context otherwise requires, the following shall apply:

1. This Code shall be liberally construed to effect its object and purpose and to promote justice;

2. This Code shall not be construed as waiving or diluting or limiting the sovereignty, authority, or jurisdiction of the Tribe; and

3. Whenever possible, this Code shall be construed as consistent with the common law of the Tribe.

Section 1-1-10. Words and Phrases.

1. Words and phrases shall be construed according to their common and approved meaning and use within the territory of the Tribe and nearby surrounding communities.

2. Technical words and phrases and those which have acquired a peculiar and appropriate meaning in the law shall be construed according to such peculiar and appropriate meaning.

Section 1-1-11. Tense, Number, and Gender. Unless the context requires otherwise, in this Code:

1. Words in the present tense include the future and the past tense;

2. Words in the singular number include the plural, and words in the plural number include the singular;

3. Words of the masculine gender include masculine and feminine genders and the neuter;

4. Words of the feminine gender include the feminine and masculine genders and the neuter; and

5. Words of the neuter include the neuter and the masculine and feminine genders.

Section 1-1-12. Severability. If any provision of this Code or the application of any provision to any person or circumstance is held invalid, the remainder of this Code shall not be affected thereby and to this end the provisions of this Code are declared to be severable.

Section 1-1-13. Definitions. Unless the context requires otherwise or another definition is provided for a particular title, article, chapter, or section, in this Code:

1. "Adult" means a person who is nineteen (19) years of age or older or a child who has been emancipated.

2. "Child" means a person who is under nineteen (19) years of age and has not been emancipated.

3. "Code" means the Code of the Ponca Tribe of Nebraska in its entirety.

4. "Constitution" means the Constitution of the Ponca Tribe of Nebraska.

5. "Includes" and "including" means not limited to and is not a term of exclusion.

6. "Indian" or "Indian Person" means any person of Indian descent who is a member of any federally recognized Tribe.

7. "Laws of the Tribe" means the Constitution and By-Laws of the Ponca Tribe of Nebraska; this Code; any ordinances, rules and regulations of the Tribe, or any of its departments, commissions, boards, or agencies; any orders or decisions of the Tribal Council or any other department, commission, board, agency, court or tribunal of the Tribe; and the common law of the Tribe.

8. "Majority" and "age of majority" as used in reference to the age of persons means the age of nineteen (19) years or more.

9. "Member" means a person whose name appears on the Membership Roll of the Tribe.

10. "Minor" as used in reference to the age of persons means a person under the age of nineteen (19) years.

11. "Person" means any individual, sole proprietorship, partnership, association, company, limited liability company, corporation, foundation, labor organization, firm, society, joint stock company, group of organizations or other organized group of individuals.

12. "Territory of the Tribe" means all territory of the Ponca Tribe of Nebraska, including, but not limited to, those lands and communities defined as Indian Country, by 18 U.S.C. Section 1151, including those lands held in trust by the United States for the benefit of the Tribe and members of the Tribe, and dependent Indian communities; all lands within any service area of the Tribe as

defined by Public Law 101-484 and any amendments thereto and all lands within the territory to which the Ponca Tribe of Nebraska and its members retain aboriginal right, title or interest, and those lands to which right, title or interest is reserved under the Treaty, March 12, 1858, 12 Stat. 997, and created or reserved under the Treaty of March 10, 1865, 14 Stat. 675.

13. "Tribal Council" means the Ponca Tribal Council as set out in Article IV of the Constitution.

14. "Tribal Court" means the Tribal Court of the Ponca Tribe of Nebraska established by Article VI of the Constitution.

15. "Tribe" means the Ponca Tribe of Nebraska and, unless the context requires otherwise, its Tribal Council, commissions, boards, agencies, departments, divisions, instrumentalities, economic enterprises, Tribal Council members, commissioners, board members, officials, agents, officers and employees.

Section 1-1-14. Principles of Common Law.

1. Except as superseded by the Constitution and By-laws of the Tribe or this Code, the customs and traditions of the Tribe are hereby declared to be the common law of the Tribe and shall be the law applicable within the territory of the Tribe and shall be the rule of decision in all agencies, departments, commissions, courts, and tribunals of the Tribe.

2. The common law of the Tribe expressly does not include the common law of any other Indian tribe, the common law of England, the United States or any other foreign jurisdiction nor any interpretation thereunder of the laws of the Tribe by any courts or tribunals other than the courts and tribunals of the Tribe. Nothing in this subsection shall prevent an agency, department, commission, or tribunal of the Tribe from utilizing the laws of another Indian tribe, the United States, or any other foreign jurisdiction for the purpose of guidance and example when permitted by the laws of the Tribe and when no applicable specific Tribal common law is available.

3. Where possible, the common law of the Tribe shall supplement this Code and this Code shall be interpreted whenever possible as supplementing and not displacing the common law of the Tribe.

Section 1-1-15. Legal Holidays.

1. The following days shall be legal holidays of the Tribe:
 - a. Sunday of each week;
 - b. January 1, "New Year's Day;"
 - c. Third Monday of January, "Martin Luther King Jr. Day;"
 - d. May 12, "Chief Standing Bear Day: Remembering Our Leaders;"
 - e. Last Monday in May, "Memorial Day;"
 - f. July 4, "Independence Day;"
 - g. First Monday in September, "Labor Day;"
 - h. October 31, "Northern Ponca Restoration Day - Remembering our Elders;"
 - i. November 11, "Veterans' Day;"
 - j. Fourth Thursday in November, "Thanksgiving Day;"
 - k. Fourth Friday in November, "Native American Day;"
 - l. December 24, "Christmas Eve;"
 - m. December 25, "Christmas Day;" and
 - n. Any other day the Tribal Council may, from time to time, declare to be a legal holiday.

2. With the exception of the holiday enumerated in subsection 1, paragraph a:

a. When any of the holidays enumerated in subsection 1 falls on a Sunday, the following Monday shall be observed as a holiday; and

b. When any of the holidays enumerated in subsection 1 falls on a Saturday, the preceding Friday shall be observed as a holiday.

Section 1-1-16. Closure of Offices.

1. Except as expressly provided elsewhere by the laws of the Tribe, offices, departments and agencies of the Tribe shall

not be open, and no court or tribunal of the Tribe shall be open on a legal holiday.

2. The following entities of the Tribe shall not be subject to this Section:

a. Any law enforcement offices, agencies, and departments of the Tribe, including departments and commissions charged with the regulation of gambling, hunting, or fishing;

b. The Health Services Department; and

c. All economic enterprises of the Tribe.

Section 1-1-17. Computation of Time.

1. Whenever a time is prescribed in this Code, or otherwise provided or agreed upon, for the doing of an act or the occurrence of an event, such time shall be calculated by excluding the first day and including the last day.

2. If the last day in the time prescribed, provided or agreed upon for doing an act is a weekend or legal holiday, it shall be excluded from calculating the time for doing such act and the act may be performed on the next business day as though performed on the appointed day.

**CHAPTER 2
ESTABLISHMENT OF COURTS;
JUDGES AND OTHER COURT PERSONNEL**

Section 1-2-1. Definitions. Unless the context requires otherwise, as used in this Chapter:

1. "Chief Judge" means the Chief Judge of the Trial Court.

2. "Chief Justice" means the Chief Justice of the Court of Appeals.

3. "Court of Appeals" means the Court of Appeals of the Tribal Court established in this Chapter.

4. "Immediate Family" means mother, father, grandparent, child, grandchild, brother, sister, spouse, domestic partner, or individuals residing in the same household, including half, step and in-law relations.

5. "Judge" means a judge of the Trial Court duly appointed by the Tribal Council and includes a justice of the Court of Appeals.

6. "Justice" means a justice of the Court of Appeals of the Tribal Court duly designated pursuant to this Chapter.

7. "Trial Court" means the Trial Court of the Tribal Court established by this Chapter.

Section 1-2-2. Courts Established. There is hereby established a court of general jurisdiction known as the Tribal Court of the Ponca Tribe of Nebraska and consisting of a Court of Appeals, a Trial Court, and such lower or intermediate courts and divisions as the Tribal Council from time-to-time may establish or deem necessary.

Section 1-2-3. Court of Appeals. The Court of Appeals shall be comprised of a Chief Justice and such associate justices as are required. The Chief Justice shall be appointed as provided in this Chapter. In the absence of the appointment of associate justices, the associate justices shall be selected from the judges of the Trial Court, provided that no judge of the Trial Court shall serve on a panel of the Court of Appeals involving an appeal or review of that judge's judgment, order, or decision.

Section 1-2-4. Justices and Judges.

1. There shall be appointed one Chief Justice who shall be called into service when the need arises.

2. There shall be appointed one Chief Judge of the Trial Court.

3. There may be appointed such associate justices and judges as the Tribal Council deems necessary or desired.

4. The appointment, qualification, and compensation to be received by such judges shall be determined by the Tribal Council, provided, however, that once appointed a judge shall not have his compensation decreased during his term of office, and provided further that no judge shall be suspended or removed from office prior to the expiration of his term, except as provided hereinafter.

5. Justices and judges shall be appointed to six year terms and may be appointed to successive terms of office.

Section 1-2-5. Selection of Justices and Judges.

1. Justices and judges shall be selected for appointment by the Tribal Council from nominees received from the Judicial Nominating Committee.

2. The Judicial Nominating Committee shall consist of five members appointed by the Tribal Council, with each district having at least one representative on the Committee.

3. The Judicial Nominating Committee shall nominate from applicants those persons the Committee deems qualified to serve as justices and judges of the Tribal Court and certify those nominations to the Tribal Council for consideration.

4. The Tribal Council shall conduct an open hearing for each nominated person and then select from the candidates the justices or judges to be appointed.

Section 1-2-6. Judges Pro Tempore.

1. In the absence of the appointment of at least two associate justices and/or judges, there shall be appointed at least two judges pro tempore who may be called into service when the need arises, but there may be appointed as many judges pro tempore as the Tribal Council deems necessary or desired. Judges pro tempore shall serve as judges and justices from time to time as provided in this Section.

2. Judges pro tempore shall not serve on the Trial Court or Court of Appeals or perform any duties related to the Tribal Court except when designated or requested to do so by the Chief Justice or the Chief Judge, provided that the Chief Judge may only designate or request the services of a Judge pro tempore for matters before the Trial Court or as otherwise provided by the laws of the Tribe.

3. Judges pro tempore shall meet the same requirements and qualifications applicable to other judges and justices of the Tribal Court.

4. A judge pro tempore may serve as a judge or justice, as the case may be, only under the following circumstances:

a. When necessary to comprise a full Court of Appeals in those cases where there are insufficient judges to serve as justices to hear a particular matter;

b. When necessary to fill the role of a judge due to recusal or other unavailability of a particular judge to hear a particular matter before the Trial Court;

c. When necessary to fill the role of a judge who is unavailable for a duration of time due to vacation, illness, or other similar reason;

d. For the purpose of performing specific duties as may be assigned by the Chief Judge or the Chief Justice, as the case may be; or

e. When necessary to fill a vacancy in the office of the Chief Judge pending appointment of a Chief Judge.

5. When sitting on a Trial Court or Court of Appeals, a judge pro tempore shall perform the duties and functions of a judge of the Trial Court or justice of the Court of Appeals, as the case may be, and shall have all of the prerogatives and authority of office of a judge or justice, as the case may be.

6. The term of a judge pro tempore may be for any period of time not to exceed one year for any one term and a person previously appointed as judge pro tempore may be reappointed by the Tribal Council, provided that the powers and duties of a judge pro tempore shall extend beyond the period of his appointment where necessary to hear and determine any proceeding required for a final determination of a cause heard by him in whole or in part during the period of his appointment.

7. Judges pro tempore shall be compensated based upon the actual performance of duties at a rate and manner set by the Tribal Council. In no event shall a judge pro tempore be compensated for attending Tribal Court proceedings or serving as judge pro tempore except when sitting as a judge or justice or otherwise performing the duties of a judge or justice upon proper request of the Chief Judge or the Chief Justice.

8. The Tribal Council may at any time terminate the term of a judge pro tempore, except that a judge pro tempore shall not be removed from a case, matter, dispute, or proceeding to which he is assigned until the termination or resolution of such case, matter, dispute or proceeding unless the judge pro tempore is removed from office for cause related to or reflecting upon the office of judge pro tempore.

Section 1-2-7. Removal of Judges.

1. During tenure in office, a justice or judge may be removed from office for any one of the following reasons:

- a. Habitual neglect of duties of office;
- b. Oppression in office for personal gain or advantage; or
- c. Conviction in any court of competent jurisdiction of a felony or crime involving moral turpitude.

2. Removal shall be by petition, signed by at least twenty-five percent of the number of votes cast in the last tribal election. The Petition for removal shall be filed with the Tribal Council.

3. Any justice or judge subject to removal shall be entitled to a hearing before the Tribal Council and the right to due process of the law. A two-thirds affirmative vote of the full Tribal Council shall be required to remove the justice or judge from office.

Section 1-2-8. Powers and Duties of Judges.

1. The justices and judges of the Tribal Court shall:

- a. Administer justice and discharge all duties imposed upon them by the laws of the Tribe;
- b. Bear and decide matters of a judicial nature and enter judgments and orders disposing of such matters; and
- c. Conform their conduct to the Code of Judicial Conduct as adopted by the American Bar Association or other rules or code of judicial conduct adopted by the Tribal Court in accordance with the laws of the Tribe.

2. All justices and judges shall have the power to:

- a. Preserve and enforce order in their immediate presence, and in proceedings before them, when engaged in the performance of their judicial duties;
- b. Compel obedience to their lawful orders;

c. Compel the attendance of persons to testify in proceedings before them as provided by the laws of the Tribe;

d. Administer oaths to persons in proceedings before them and in any other case where such shall be necessary in the exercise of their powers and duties; and

e. Impose civil contempt by fine or other means as provided under the laws of the Tribe to assure the effectual exercise of these powers.

3. In the absence of the Tribal Court Administrator, a justice or judge may perform the Tribal Court Administrator's duties in addition to his own.

4. The Chief Judge shall be responsible for the administration of the Trial Court, including assignment of cases and the management of the Trial Court's calendar and business. The Chief Justice shall be responsible for the administration of the Court of Appeals, including the management of the Court of Appeals' calendar and business.

Section 1-2-9. Disqualification of Judges. The following rules shall apply to all judges:

1. A judge shall disqualify himself from hearing any matter where:

a. the judge has been engaged as counsel in the matter prior to appointment as judge;

b. the judge is otherwise interested in the matter;

c. either party to the matter is a member of the judge's immediate family;

d. the judge is a material witness in the matter; or

e. there is cause to believe that on account of bias, prejudice, or interest of the judge he will not be able to provide a fair and impartial trial or render a just decision.

2. Any party to a legal proceedings may request a change of assignment of judges to hear the proceedings by following the rules proscribed in Title 2, Rule 33.

Section 1-2-10. Separation of Powers. There shall be a separation of power between the Tribal Court and the Tribal Council. Decisions of the Trial Court may be appealed to the Court of Appeals, but shall not be subject to review by the Tribal Council.

Section 1-2-11. Oath of Office of Judge. Every judge, prior to taking office or acting in such office, shall take the following oath or affirmation:

I, _____, do solemnly swear (affirm) that I will support, defend, and uphold the Ponca Tribal Constitution, that I will support, uphold and enforce the Law and Order Code of the Ponca Tribe of Nebraska, and that I will faithfully and impartially discharge the duties of my office to the best of my ability.

Said oath shall be administered by the Chairperson of the Tribal Council.

Section 1-2-12. Tribal Court Administrator.

1. There shall be a Tribal Court Administrator of the Tribal Court.

2. The Tribal Court Administrator shall perform the following duties and functions:

a. Supervise and keep all records, files, dockets or other records required to be kept by the laws of the Tribe;

b. Keep a written or electronic record of all proceedings of the Tribal Court;

c. Administer oaths;

d. Collect and account for all fines, fees or other charges which cause money to come to the Tribal Court, deposit and account for all such moneys in the manner prescribed by the Tribal Council, and disburse such moneys as authorized by the laws of the Tribe;

e. Assist the Tribal Court in any way required to facilitate the performance of its duties;

f. Aid the police or private citizens in their dealings with the Tribal Court;

g. Render assistance to individual members of the Tribe or their counsel in the drafting of documents incidental to proceedings in the Court.

3. The Tribal Court Administrator may not give legal advice.

Section 1-2-13. Law and Justice Committee.

1. There is hereby established a Law and Justice Committee as a committee of the Tribal Council and composed of an odd number of members all appointed by the Tribal Council. The members of the Law and Justice Committee shall have at least one member of each of the following areas:

a. Legal area such as an attorney or lay advocate designated by the Tribal Court and admitted to practice law before the Tribal Court; an active judge, other than from the Ponca Tribal Court; or a retired judge appointed by the Tribal Council; and Tribal Court staff member;

b. Senior staff members or designee from the different branches of the Tribe; and

c. Members of the Tribe appointed by the Tribal Council.

2. The duties of the Law and Justice Committee shall be as follows:

a. To act as a liaison between the Tribal Court and Tribal Council;

b. To oversee the budget of the Tribal Court and make recommendations to the Tribal Council regarding the same;

c. To provide oversight of the Tribal Court and make recommendations to the Tribal Council relating to the operations and growth of the Court, including additional dispute resolution methods;

d. To review complaints of judicial misconduct or disability under the Code of Judicial Conduct or other applicable rules or statutes of conduct governing the Judges and Justices of the Tribal Court, hold public fact-finding hearings when such complaints are supported by probable cause with the Judge or Justice given a full opportunity to defend and be heard with legal counsel and, if such hearing reveals clear, cogent and convincing

evidence of a violation, to publicly admonish, reprimand or censure the Judge or Justice or recommend suspension or removal from office in accordance with the laws of the Tribe;

e. To make recommendations on amendments to the Rules of Court to the Tribal Council and establish such rules in the absence of Tribal Council action as permitted herein;

f. To approve Rules of Court governing or related to judicial conduct as provided herein;

g. To set filing fees for the Tribal Court as permitted herein;

h. To provide annual evaluations of the Judges and Justices of the Tribal Court and provide the same to the Tribal Council and members of the Tribe;

i. To make recommendations to the Tribal Council regarding amendments, modifications, and additions to this Code; and

j. Such other duties and responsibilities as the Tribal Council may from time designate.

3. The Law and Justice Committee shall designate one of its members to act as the representative of the Committee before the Tribal Council and to communicate the activities of the Committee to the Tribal Council quarterly. In the absence of such designation, the Tribal Court Administrator shall act as the representative of the Committee before the Tribal Council.

4. The Law and Justice Committee shall be authorized to act and conduct business with a majority of its appointed or designated members, so long as at least three (3) positions on the Committee have been filled by designation or appointment.

Section 1-2-14. Locations/Sessions of Court.

1. The Tribal Court may convene for hearing cases in Niobrara, Norfolk, Omaha, or Lincoln, Nebraska, and at such other locations within the territory of the Tribe which may be necessary to provide for the orderly administration of justice.

2. Sessions of the Tribal Court for trial of cases in all courts and divisions, excepting the Court of Appeals, shall be held by the Chief Judge, or in case of his disability, absence or unavailability, by an associate judge, provided that an associate

judge may be called in to hear cases at any time for any reasonable cause by the Chief Judge.

3. In the event no associate judge is appointed, a case may be heard by a Judge pro tempore as provided in this Chapter.

Section 1-2-15. Rules of the Court Procedures.

1. The time and place of sessions of the Tribal Court and all other details of judicial procedure not prescribed by this Code shall be governed by Rules of Court promulgated as herein provided.

2. It shall be the duty of the Law and Justice Committee, in consultation with the Tribal Court, to make recommendations to the Tribal Council for enactment or amendment of such Rules of Court as it believes to be in the interests of improved judicial procedures.

3. In the case of failure of the Tribal Council to establish or approve Rules of Court, the Law and Justice Committee acting jointly with the Chief Judge, Chief Justice, and any associate judges shall have authority to establish such rules.

4. Rules of Court, enacted or amended in the above manner, will be made a part of this Code, but failure to so codify them shall not affect their validity.

Section 1-2-16. Rules of Professional Conduct. The Tribal Court may adopt rules governing the professional conduct of attorneys and judges of the Tribal Court, including amendments thereto, as follows:

1. The Tribal Court, any person admitted to practice before the Tribal Court, or any member of the Tribe may file a petition with the Tribal Court Administrator to adopt, amend, or repeal any rule of professional conduct. The petition shall state the grounds for the adoption, amendment or repeal of the rule, include a draft of the proposed new or amended rule, and may be accompanied by supporting documentation. The form and filing of the petition and supporting documentation shall substantially conform, insofar as practicable, to the filing of complaints and other petitions with the Tribal Court.

2. After the filing of a petition, the Chief Judge shall review the petition and any supporting documentation and determine whether to reject it for lack of need, merit, or substance. If the Chief Judge denies the petition for lack of need, merit, or

substance, the Tribal Court Administrator shall promptly notify the petitioner of the decision of the Chief Judge. The petitioner may appeal such denial to the Court of Appeals.

3. If the Chief Judge does not deny the petition, the Tribal Court Administrator shall prepare a request for comment stating that the Court invites written comment on the merits of the petition and indicating the place for filing such comments and the expiration date for filing such comments, which shall be no less than sixty (60) days from the date of service and publication of the request. The Tribal Court Administrator shall serve the request for comment and a copy of the petition on all persons admitted to practice before the Tribal Court and shall also publish the request for comment in the Tribal newsletter or other medium readily available to members of the Tribe.

4. Any person admitted to practice before the Tribal Court and any member of the Tribe may file written comments with the Court on the petition. The form and filing of comments shall substantially conform, insofar as practicable, to the filing of complaints and other petitions with the Court. The Tribal Court Administrator shall serve all comments filed on the petitioner within ten (10) days of the expiration date for filing comments and the petitioner shall have thirty (30) days from the date of service to file any reply to the comments.

5. At any time prior to the expiration of the time allowed for comment on a petition, the Chief Judge, on his own motion or at the request of the petitioner or any person admitted to practice before the Tribal Court or any member of the Tribe, may order that a public hearing be held on the petition. The Court shall determine the method and manner of holding such hearing, which shall be held before the Chief Judge.

6. The Chief Judge shall decide to either grant or deny the petition within thirty (30) days from the expiration of the petitioner's time to reply or any public hearing, whichever is later. The Chief Judge's decision shall be served upon each person admitted to practice before the Tribal Court and published in the same manner as the original petition. If the Chief Judge grants the petition, the Chief Judge shall designate an effective date for the rule change. If the Chief Judge denies the petition, the petitioner may appeal the denial to the Court of Appeals.

7. Any petition which involves the adoption, repeal, or amendment of rules governing or related to judicial conduct shall

also be approved by the Law and Justice Committee prior to being effective.

Section 1-2-17. Tribal court funds. Any funds received by the Court, whether in the form of filing fees, costs, or other fees, shall be deposited into a tribal court account which shall be held and maintained by the Tribe. Such funds may be used for Tribal Court development and expenses as directed by the Tribal Council. The funds shall be disbursed in the manner for disbursing all other Tribal funds.

CHAPTER 3 CONTEMPTS

Section 1-3-1. Acts or Failure to Act Which Constitute Contempt of Court. The following acts or failures to act may serve as the basis for finding an individual or other entity in contempt of court:

1. Disorderly, contemptuous, or insulting behavior toward a justice or judge while holding court, which tends to interrupt the course of the proceedings or undermine the dignity of the court.

2. A breach of the peace, or loud, boisterous conduct which tends to interrupt the court in a judicial proceeding.

3. Deceit, or abuse of process or proceedings of the court by a party or counselor to a judicial proceeding.

4. Disobedience to a lawful judgment, order or process of the court.

5. Assuming to be an officer, spokesman or other official of the court and acting as such without authority.

6. Rescuing or taking any person or property from the court or an officer acting under court order, contrary to the order of the court.

7. Unlawfully detaining or otherwise interfering with a witness or party to an action while such person is going to or from a court proceeding or attending court.

8. Disobedience of a subpoena duly served, or refusing to be sworn or answer as a witness.

9. Any other interference with the process, proceeding, or dignity of the court, or of a justice or judge of the Tribal Court while in performance of his official duties.

Section 1-3-2. Civil Contempt. The following rules apply to civil contempt:

1. A civil contempt is prosecuted to preserve, protect, enforce or restore the duly adjudicated rights of a party to a civil action against one under legal obligation to do or refrain from doing something as a result of a judicial decree or order.

2. Relief in a civil contempt proceeding may be coercive or compensatory in nature as to the complaining party and may include a fine payable to the court or to the complaining party.

3. Relief for civil contempt shall be in the form of a civil judgment and may be enforced by the court or the complaining party, if relief is payable to the complaining party, through wage garnishment or other means available for the enforcement of civil judgments.

Section 1-3-3. Contempt Procedures. The following rules apply to contempt procedures:

1. A direct contempt is one committed in the presence of the court or so near thereto as to be disruptive of the court proceedings, and such may be adjudged and punished summarily.

2. All other contempts shall be determined by a hearing at which the person accused of contempt is given notice and an opportunity to be heard.

CHAPTER 4 JURISDICTION

Section 1-4-1. Territorial Jurisdiction. The general jurisdiction of the Tribal Court shall be the territory of the Tribe. As to lands ceded to the United States, or to which the Tribe retains right, title or interest, the Court retains original, exclusive jurisdiction over members of the Tribe engaged in hunting, fishing, and gathering for subsistence, ceremonial and religious purposes.

Section 1-4-2. Personal Jurisdiction.

1. Except for limitations, restrictions, or exceptions imposed by or under the authority of the Constitution or laws of the United States or by express provision elsewhere in the laws of the Tribe, the Trial Court shall have personal jurisdiction over:

a. Any person residing, located or present within the territory of the Tribe for any civil cause of action;

b. Any person who transacts, conducts or performs any business or activity within the territory of the Tribe, either in person or by an agent or representative, for any civil cause of action arising from such business or activity;

c. Any person who owns, uses, leases or possesses any property within the territory of the Tribe for any civil cause of action arising from such ownership, use, lease or possession;

d. Any person who commits a tortious act or engages in tortious conduct within the territory of the Tribe, either in person or by an agent or representative, for any civil cause of action arising from such act or conduct;

e. Any person who commits an act or omission which occurs, wholly or in substantial part, within the territory of the Tribe, by his own conduct or the conduct of another for which he is legally accountable, for any civil cause of action related to such act or omission;

f. Any person who commits an act or omission outside the territory of the Tribe, but has or is intended to have substantial effect within the territory of the Tribe for any civil cause of action involving such act or omission or its effects;

g. Any person who enters into a contract, agreement, or other consensual relationship with the Tribe or any of its members, for any civil cause of action arising from such contract, agreement, or other consensual relationship; and

h. Any licensee or permittee of the Tribe for any civil cause of action arising from such person's activities as a licensee or permittee of the Tribe.

2. None of the foregoing bases of jurisdiction is exclusive, and jurisdiction over a person may be established upon anyone or more of them as applicable or upon any independent basis existing at law but not set forth herein.

3. The Trial Court shall not have jurisdiction over the Tribe or any of its agencies, departments or enterprises, including the officers, agents and employees of the Tribe in their capacity as such, without the unequivocal and express consent of the Tribe or an unequivocal and express provision in the laws of the Tribe.

Section 1-4-3. Subject Matter Jurisdiction.

1. Except for limitations, restrictions, or exceptions imposed by or under the authority of the Constitution or laws of the United States or the Constitution of the Tribe, the Trial Court shall have original jurisdiction over all civil causes of action and over all controversies between any persons, except the Trial Court shall not assume jurisdiction over any matter which does not involve either the Tribe, its officers, agents, employees, property or enterprises, or a member of the Tribe, or member of a federally recognized tribe if some other forum exists for the handling of the matter and if the matter is not one in which the rights of the Tribe or its members may be directly or indirectly affected.

2. The Trial Court shall also have:

a. Jurisdiction to issue injunctions, writs and other orders necessary and proper to the complete exercise of its jurisdiction;

b. Jurisdiction to certify questions of Tribal law to any federal court or questions of Tribal law to any state court which has a procedure for certifying questions of law;

c. Jurisdiction to recognize, but not enforce, valid judgments and orders issued by courts and tribunals of other jurisdictions where the matters subject of the judgment are not otherwise within the jurisdiction of the Trial Court and recognition is proper to assist the Trial Court in a matter otherwise properly within its jurisdiction; and

d. Such other jurisdiction as may be provided by the laws of the Tribe.

3. The Trial Court shall not have jurisdiction over any cause of action brought against the Tribe or any of its agencies, departments or enterprises, including the officers, agents and employees of the Tribe in their capacity as such, unless such jurisdiction is unequivocally and expressly granted by the laws of the Tribe, and the grant of jurisdiction provided in this Title

shall not be construed to include a waiver of the Tribe's sovereign immunity from suit. Any such grant of jurisdiction over any cause of action brought against the Tribe or any of its agencies, departments, enterprises, officers, agents or employees shall be deemed original and exclusive to the Trial Court.

4. Notwithstanding any other provision of the laws of the Tribe, the Trial Court shall have jurisdiction over all civil causes of actions and over all controversies commenced by the Tribe and nothing in this Section or elsewhere in this Code shall be construed as limiting the jurisdiction of the Trial Court to hear and determine matters commenced by the Tribe, provided that nothing herein shall be construed as granting jurisdiction to the Trial Court to hear or determine any cross-claim or counterclaim against the Tribe or to award any monetary relief, including costs and attorney's fees, against the Tribe in an action commenced by the Tribe.

Section 1-4-4. Concurrent Jurisdiction. The jurisdiction invoked by this Code over any person, cause of action, or subject shall be concurrent with any valid jurisdiction over the same of the courts of the United States, any state, or any political subdivision thereof; provided, however, this Code does not recognize, grant, or cede jurisdiction to any political or government entity in which jurisdiction does not otherwise exist in law.

Section 1-4-5. Jurisdiction of Court of Appeals. The Court of Appeals shall have:

1. Appellate jurisdiction in all actions and proceedings properly before and originating in or permitted by law to be appealed from the Trial Court;

2. Jurisdiction to issue injunctions, writs and other orders necessary and proper to the complete exercise of its jurisdiction;

3. Jurisdiction to certify questions of federal law to any federal court or questions of state law to any state court which has a procedure for certifying questions of law;

4. Jurisdiction to issue opinions to a foreign court or other tribunal upon proper request or certification of a question of Tribal law from such foreign court or other tribunal; and

5. Such other jurisdiction as may be provided by the laws of the Tribe.

CHAPTER 5
COUNSELORS AND PROFESSIONAL ATTORNEYS

Section 1-5-1. Definitions. Unless the context requires otherwise, as used in this Chapter:

1. "Attorney" means an individual professionally trained as an attorney and licensed to practice law in any state, federal, or Tribal jurisdiction.

2. "Lay advocate" means an individual admitted to practice law before the Tribal Court but who is not professionally trained or licensed as an attorney.

3. "Legal counsel" includes both an attorney and lay advocate.

Section 1-5-2. Right to Representation.

1. Any person appearing as a party in any action before the Tribal Court shall have the right to be represented by legal counsel of his own choice at his own expense; provided, however, that the Tribe has no obligation to provide or pay for such legal counsel; provided further, that any such legal counsel appearing before the Tribal Court shall have first obtained admission to practice before such Courts in accordance with the procedures set forth herein.

2. A person who retains the services of a lay advocate in his defense of a criminal charge against him thereby exercises his rights to the assistance of counsel. Any person who retains the services of a lay advocate does so at his own risk regarding the competence of the advocate.

Section 1-5-3. Unlawful Representation and Practice of Law. No person shall represent or attempt to represent any person before the Tribal Court except as permitted by the Tribal Court and this Chapter. No person shall practice law or attempt to practice law within the territory of the Tribe unless such person is also admitted to practice before the Tribal Court in accordance with this Chapter.

Section 1-5-4. Eligibility for Admission.

1. Any attorney who is an active member in good standing of and eligible to practice before the bar of any United States court or the highest court in any state, territory, or insular possession of the United States is eligible to be admitted to practice before the Tribal Court as an attorney.

2. Any person who is not an attorney is eligible to be admitted to practice before the Tribal Court as a lay advocate. Lay advocates shall be held to the same standards of knowledge and ability as are expected of attorneys.

Section 1-5-5. Procedure for Admission.

1. Any person desiring to be admitted to practice before the Tribal Court shall apply for admission by certifying under oath, either verbally or in writing, the following:

a. If he is an attorney, that he is an active member in good standing of eligible to practice before the bar of any United States court or the highest court in any state, territory, or insular possession of the United States and he is in good standing in all courts and jurisdictions where admitted;

b. That he has never been disbarred, suspended, censured, or received a reprimand pertaining to his conduct or fitness to practice before any court or administrative body; and

c. That if admitted to practice before the Tribal Court, he consents to the Court's exercise of disciplinary jurisdiction over him related to his admission to and practice before the Tribal Court and will take the required oath as prescribed in the Law and Order Code for legal counsel and be bound thereby.

2. A non-refundable application fee shall be tendered upon submittal of the application unless waived as provided herein.

3. Upon receipt of an application for admission to practice before the Tribal Court, the Chief Judge shall review the application and may investigate the truth of the matters contained therein. If satisfied that the applicant meets the qualifications set forth herein, the Chief Judge shall notify such person who may then appear in person to take the oath prescribed herein or may subscribe his signature to such oath and forward it to the Chief Judge.

4. Upon taking of the oath, either orally or in writing, the Chief Judge shall cause a certificate to be issued evidencing

the admission of the legal counsel to practice before the Tribal Court.

5. Any person denied admission shall have a right to appeal and have a due process hearing before the Court of Appeals.

6. The Tribal Court shall retain the right to establish and require the taking of a bar examination for admission to practice before the Tribal Court.

Section 1-5-6. Fees.

1. The Law and Justice Committee, subject to input and recommendations from the Tribal Court, shall determine application fees for admission of legal counsel as well as annual fees to be paid by admitted legal counsel.

2. The Law and Justice Committee, subject to input and recommendations from the Tribal Court, may waive application fees and annual fees for lay advocates.

3. The application fee and any annual fee shall be waived for attorneys employed by the Tribe and for others upon Tribal Council resolution.

4. Application and annual fees may go into a special Bar Admission Fund to be used for training of Tribal Court staff, lay advocates and other officers of the Tribal Court or else shall be deposited into the Tribal Court account in accordance with Section 1-2-17.

Section 1-5-7. Oath of Legal Counsel. Upon admission to practice as provided herein, legal counsel shall take the following oath, either verbally before the Court or, if admitted without personally appearing, by subscribing his signature to such oath:

I do solemnly swear (affirm)that I will support and defend the Constitution and By-Laws, Law and Order Code and all resolutions and ordinances of the Ponca Tribe; that I will maintain the respect due the Courts and Judicial officers of the Ponca Tribe; that I will not counsel or maintain any suit or proceedings which shall appear to me to be unjust, nor any defense except such as I believe to be honestly debatable under the law of the land; that I will employ for such purposes of maintaining the cause confided to me such means only as are consistent with truth and honor, and will never seek to mislead the judge or jury by any artifice or false statement or fact or law; that I will maintain the

confidences and preserve inviolate the secrets of my client, and will accept no compensation in connection with his business except from him or with his knowledge and approval; that I will abstain from all offensive personality and advance no fact prejudicial to the honor or reputation of a party or witness, unless required in justice by the cause with which I am associated; that I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed or delay any man's cause for lucre or malice.

Section 1-5-8. Duties and Standards of Conduct. All legal counsel shall conform their conduct to the Rules of Professional Conduct as adopted by the American Bar Association or other rules of professional conduct adopted by the Court pursuant to the laws of the Tribe. In addition, all legal counsel shall be duty bound to give immediate written notice to the Court of any formal discipline imposed upon him, including dates and terms thereof, by any court, jurisdiction or administrative tribunal.

Section 1-5-9. Disbarment and Discipline.

1. Whenever it is made to appear to the Chief Judge that any legal counsel admitted to practice before the Tribal Court has been disbarred or suspended from practice in any jurisdiction where such legal counsel is admitted to practice, such legal counsel shall immediately be given notice at his last known address that he shall be suspended from practice before the Tribal Court for an indefinite period unless he files a written reply within fourteen business days and shows good cause why such order should not be made. Legal counsel may appeal the Chief Judge's decision to the Court of Appeals.

2. Any judge who finds legal counsel admitted to practice before the Tribal Court to be in contempt of Court may, in addition to any other sanction imposed, order the legal counsel to appear within thirty (30) days or the next scheduled court date and show cause why he should not be suspended from practicing before the Tribal Court.

3. The Chief Judge may, upon receiving a written complaint, signed under oath or affirmation, which indicates that legal counsel admitted to practice before the Tribal Court has acted in an unethical or otherwise improper manner while functioning as legal counsel, order such legal counsel to appear and defend himself at a hearing, to hear all evidence relevant to the matter, and may order the suspension of such legal counsel if such appears

reasonably necessary or appropriate. If the Chief Judge is the complainant, another Judge shall hear and decide the matter.

4. All suspensions from practice before the Tribal Court shall be for an indefinite period unless the Judge specifically orders otherwise. Legal counsel suspended for an indefinite period, or one suspended for a specific period, may petition the Tribal Court for permission to re-apply for permission to practice at the end of one year or the specific period of suspension, and such permission shall be granted if it is made to appear, at a hearing or otherwise as the Court shall direct, that he has been adequately reprovved and now appears willing to conduct himself in a proper manner, and that the petitioner has been reinstated to practice if previously disbarred or suspended in another jurisdiction.

Section 1-5-10. Non-Admitted Attorneys. An attorney who is not admitted to practice before the Tribal Court but who is a member in good standing of and eligible to practice before the bar of any United States court or the highest court in any state, territory, or insular possession of the United States, and who has been retained to appear in a particular case pending in the Tribal Court, may, in the discretion of the Judge before whom the case is pending, be permitted upon written application to appear as legal counsel in such case if legal counsel admitted to practice before the Tribal Court is associated as attorney of record. Absent special circumstances, repeated appearances by any attorney under this Section is a cause for denial of an application.

CHAPTER 6 SUBPOENAS AND SERVICE OF OTHER PAPERS

Section 1-6-1. Issuance of Subpoenas. The Tribal Court Administrator shall issue subpoenas to compel the attendance of witnesses or such other persons as a Judge may direct for a trial, hearing, or other proceedings before the Tribal Court.

Section 1-6-2. Services of Subpoenas; Return of Service.

1. Subpoenas in all cases shall be served by law enforcement officers or other person designated by the Chief Judge.

2. Except by order of the Court based upon good cause shown, no subpoena shall be served between the hours of 10:00 p.m. and 7:00 a.m. or on Sundays or legal holidays.

3. The person serving a subpoena shall endorse upon the copy served his name, title, and the place, date, and time of service.

4. The person serving a subpoena shall make a return to the Tribal Court Administrator stating the name of the case, the name of the person served, the place, date, and time of service and shall subscribe his name thereto under penalty of perjury for the intentional making of a false return.

CHAPTER 7
GENERAL PROVISIONS
SOVEREIGN IMMUNITY, LIMITATIONS OF ACTIONS

Section 1-7-1. Adoption by Reference Not a Waiver of Sovereign Power of the Ponca Tribe. The adoption of any law, code or other document by reference into this Code shall in no way constitute a waiver or cession of any sovereign power of the Tribe to the jurisdiction whose law or code is adopted or in any way diminish such sovereign power, but shall result in the law or code thus adopted becoming the law of the Tribe.

Section 1-7-2. Sovereign Immunity.

1. Except as required by federal law, or the Constitution of the Tribe, or if specifically waived by a resolution or ordinance of the Tribal Council specifically referring to such, the Tribe shall be immune from suit in any civil action, and its officers and employees immune from suit in any civil action arising from the performance of their official duties.

2. The Tribe shall not be liable for damages arising from the conduct of any of its employees which is not within the scope of the officer or employee's official duties.

3. In no case shall the Tribe's consent to resolve disputes by arbitration in a contract for goods or services or other matter constitute a waiver of the sovereign immunity of the Tribe or its entities, officers and employees, unless expressly agreed to by the Tribal Council.

Section 1-7-3. Actions By or Against the Tribe or It's Officers or Employees. In any action otherwise authorized by or against

the Tribe or its officers or employees arising from the performance of their official duties, the following modifications to the rules and procedures set forth in this Code shall apply.

1. The periods of time specified for civil cases or appeals in which an answer, reply, or other pleading, or response of any kind shall be required, shall be double the period specified.

2. Neither the Tribe nor its officers or employees when involved in a civil action arising from the performance of their official duties shall be liable for the payment of the costs or expenses, including attorney's fees, of the opposing party.

3. Neither the Tribe nor its officers or employees when involved in a civil action arising from the performance of their official duties shall be required to post security by bond or otherwise for any purpose.

Section 1-7-4. Limitations in Civil Actions.

1. Unless otherwise specifically provided in this Code, the following limitations on the bringing of civil actions shall apply:

a. Any action against the Tribe or its officers derivative of lease of tribal land must be commenced within six (6) years of the date the cause of action occurred.

b. Any other action against the Tribe or its officers or employees arising from the performance of their official duties must be commenced within one (1) year of the date the cause of action accrued, provided that any cause of action that is based on fraud or mistake shall not be deemed to have accrued until the aggrieved party has discovered the facts constituting fraud or mistake.

c. Any other action must be commenced within three (3) years of the date the cause of action accrued, provided, however, that the cause of action based on fraud or misrepresentation shall not be deemed to have accrued until the aggrieved party has discovered the facts constituting the fraud or misrepresentation.

2. None of the above limitations of action shall be construed as a waiver of the Tribe's sovereign immunity.

Section 1-7-5. Recognition of Foreign Court Orders/Judgments.

The Tribe shall recognize and enforce valid foreign court judgments and orders if:

1. The foreign court recognizes and enforces judgements and orders of the Tribal Court; and

2. The foreign court judgment is not contrary to the public policy of the Tribe.

3. Nothing in this subsection shall prevent the Tribal Council, by duly executed Tribal Council Resolution, from making the foregoing provisions not applicable to any transaction, agreements, or other matter specified in such Tribal Council Resolution.

CHAPTER 8

WEAPONS ON PONCA TRIBE OF NEBRASKA PROPERTY

Section 1-8-1. Purpose. The purpose of this chapter is to ensure the safety of tribal members and all others on the lands and property of the Tribe by categorically excluding the possession of firearms of any kind on all lands and property and in all buildings and vehicles of the Tribe.

Section 1-8-2. Definitions. Unless the context requires otherwise, as used in this Chapter:

1. "Authorized Individual" means a person specifically authorized under this Chapter to carry weapons on the Tribe's property.

2. "Law Enforcement Officer" means a person who is designated as such by the laws of the Tribe or who otherwise is elected, appointed, or employed by the Tribe or other government and vested with the authority to bear arms and make arrests and whose primary responsibility is the prevention and detection of crime or the enforcement of penal, criminal, traffic, or highway laws, including certified supervisory and command personnel whose duties include the supervision, training, guidance, and management responsibilities of law enforcement officers, but does not include support personnel.

3. "Premises of the Tribe" means lands, grounds or property of the Tribe and any building, facility or vehicle of the Tribe, whether owned, leased, or held in trust for the Tribe.

Section 1-8-3. Prohibition; Exceptions.

1. No person shall go armed with, carry, or transport a firearm, deadly weapon or dangerous instrument of any kind, whether concealed or not, on the premises of the Tribe.

2. The Tribe has and reserves the right to inspect any person entering or found on the premises of the Tribe as well as any articles and property in any person's possession to detect firearms, deadly weapons or dangerous instruments.

3. The Tribe may and reserves the right to confiscate any firearm, deadly weapon, or dangerous instrument found on the premises of the Tribe.

4. This Section shall not apply to:

a. Authorized Individuals being armed with, carrying or transporting firearms, deadly weapons or dangerous instruments which such Authorized Individuals are authorized to carry on the premises of the Tribe in the course of their official or normal duties;

b. Law Enforcement Officers being armed with, carrying or transporting firearms, deadly weapons or dangerous instruments which such Law Enforcement Officers use or are authorized to carry as part of their duties, on the premises of the Tribe in the course of their official duties;

c. A member of the armed forces of the United States or of the national guard, when the person's duties or lawful activities require or permit being armed with, carrying or transporting firearms, deadly weapons or dangerous instruments on the premises of the Tribe; or

d. Any person of at least the age of majority who has in his immediate possession a valid and lawfully issued license or permit to carry a firearm which has been issued under the laws of a state of the United States, provided such person shall carry the handgun in compliance with the laws of the Tribe.

5. This Section shall not apply to lands or property owned by the Tribe and used for the purpose of a private residence when the person armed with, carrying or transporting the firearm, deadly weapon or dangerous instrument is the authorized resident of the land or property and no other law or policy of the Tribe prohibits the person from being armed with, possessing, carrying or transporting the firearm, deadly weapon or dangerous instrument on such land or property.

6. This Section shall not apply to the use of firearms or other weapons while hunting on the Tribe's lands in accordance with the laws of the Tribe.

7. A person who violates this Section may:

a. Immediately be forced to leave the premises of the Tribe and unless and until such person returns without any firearm, deadly weapon or dangerous instrument;

b. Lose services from the Tribe for a time period set by the Tribal Council;

c. Be excluded or banned from the premises of the Tribe for a time period set by the Tribal Council; or

d. May be referred to appropriate law enforcement agencies for possible criminal charges, including trespassing.

Section 1-8-4. Authorization to Carry Weapons.

1. The Tribal Council may authorize individuals to carry firearms, deadly weapons or dangerous instruments on the premises of the Tribe to an individual who:

a. Needs to carry a firearm, deadly weapon or dangerous instrument on the premises of the Tribe as part of the individual's duties as an employee, officer or agent of the Tribe, such as fish and game wardens, security personnel, Tribal Court officers, and individuals specifically authorized to possess weapons on tribal property for ceremonial purposes;

b. Submits to a comprehensive background investigation designated by the Tribal Council, including but not limited to criminal and mental health evaluations;

c. Has not been convicted or pleaded guilty or no contest in any court of a crime punishable by imprisonment for a term exceeding one year;

d. Is not a fugitive from justice;

e. Is not an unlawful user of or addicted to any controlled substance;

f. Has not been adjudicated as mentally ill or been committed to a mental institution;

g. Has not been discharged from the armed forces of the United States or the national guard under dishonorable conditions;

h. Is not subject to a court order issued after a hearing of which such individual received actual notice and had an opportunity to participate that restrains the individual from harassing, stalking, or threatening an intimate partner or child or prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child;

i. Has not been convicted in any court of a misdemeanor crime of domestic violence; and

j. Otherwise meets any standards or conditions required by the Tribal Council.

2. The Tribal Council may revoke an Authorized Individual's authorization to carry firearms, deadly weapons or dangerous instruments on the premises of the Tribe at any time if the individual no longer meets the requirements set forth in this Section. The decision to revoke such authorization shall be final and not subject to appeal or challenge in any court or tribunal.

3. The Emergency Management Office of the Tribe or other staff designated by Tribal Council shall maintain a list of all currently Authorized Individuals which shall be available for review at all times by the Tribal Council, the Tribal Court, Tribal administration officials, directors of Tribal departments, and law enforcement officers of the Tribe.

Section 1-8-5. Savings.

Nothing in this Chapter shall be construed as establishing or creating any right or entitlement to be armed with, carry, or transport a firearm, deadly weapon or dangerous instrument of any kind, concealed or not, on the premises of the Tribe. Any authorization to be armed with, carry, or transport a firearm, deadly weapon or dangerous instrument on the premises of the Tribe shall be deemed a privilege subject to revocation or cancellation at any time.

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