

LAW AND ORDER CODE
ARTICLE V
EXPULSION OF NON-MEMBERS

CHAPTER A. GENERAL PROVISIONS.....	1
Section 501. Who May be Expelled.	1
Section 502. Limitations.....	1
Section 503. Violation of Expulsion.	2
CHAPTER B. PROCEDURE.....	2
Section 504. Complaint and Hearing.	2
Section 505. Physical Removal.	3
Section 506. Appeals.	3
Section 507. Emergencies.	3
Section 508. Authority of the United States.	3
Section 509. Summary Expulsion.	4

LAW AND ORDER CODE

ARTICLE V

EXPULSION OF NON-MEMBERS

[NOTE: Except as otherwise stated, the provisions of Article V of the Law and Order Code were enacted on June 22, 1974 by Ordinance No. 26.]

CHAPTER A. GENERAL PROVISIONS

Section 501. Who May be Expelled.

a. The following persons are subject to expulsion from the Reservation:

(1) Any natural person who is not a member of the Tribes.

(2) Any corporation, partnership, association, agency or other organization or entity, which is not organized or created under the laws or ordinances of the Tribes, together with its officers, directors, partners, participants, associates, employees, agents and representatives who are not members of the Tribes, and its business, operations and activities.

b. A person who is subject to expulsion from the Reservation may be expelled for any of the following reasons:

(1) Commission of any act or engaging in any conduct or activity which constitutes a criminal offense under this Code or any other ordinance of the Tribes.

(2) Commission of any act or engaging in any conduct or activity within the United States which constitutes a felony, misdemeanor or other criminal offense under the laws of the United States or those of the state, or its political subdivision, in which it occurs.

(3) Commission of any act or acts, or engaging in conduct or activity, demonstrating habitual or substantial disregard for or breach of the

Constitution, By-Laws, ordinances and policies of the Tribes, or conducting himself in a manner contrary to the health, safety or general welfare of the Tribes.

Section 502. Limitations.

a. This Article V shall not be applied either:

(1) To deny the free exercise of religion, or to abridge the freedom of speech, or of the press, or the right of people peaceably to assemble and to petition a redress of grievances; or

(2) To take any private property for a public use without just compensation; or

(3) To deny to any person the equal protection of the laws of the Tribes or to deprive any person of liberty or property without due process of law.

b. Any expulsion from the Reservation of any person shall be subject to the terms and provisions of any applicable license, lease, or permit which that person may have or possess, under which that person is entitled to be upon or to conduct activities within the Reservation.

c. Any expulsion from the Reservation of any person shall be subject to all applicable and governing laws of the United States and the Tribes.

Section 503. Violation of Expulsion.

Any person who violates an order of expulsion shall be guilty of an offense under this Code, in addition to any other offenses that person may commit, and that person shall be punished therefor by a fine not to exceed Five Hundred Dollars (\$500.00), or imprisonment not to exceed six (6) months, or both, in addition to any other relief or remedies available to the Tribes.

CHAPTER B. PROCEDURE

Section 504. Complaint and Hearing.

a. Any member of the Tribes may file a complaint with the Tribal Court requesting expulsion of a non-member of the Tribes under this Article. All of the judges of the Tribal Court then holding office shall jointly review the complaint. If there is unanimous agreement of those judges that the complaint, on its face, is totally without merit, it shall be summarily denied by the Tribal Court, and it shall direct the Judicial Clerk to so notify the complainant. If one or more of the judges of the Tribal Court is of the opinion that the complaint may have merit, the Tribal Court shall set the complaint for hearing in the manner of a civil trial.

b. If a complaint is set for hearing, the Judicial Clerk shall give notice of the filing of the complaint and the setting of it for hearing to all persons who may have an interest in it, including the person who is charged by it. The hearing shall not be scheduled or conducted on a date sooner than will permit twenty (20) days advance written notice to the person charged by the complaint. The Judicial Clerk shall insure that service of notice of the complaint and the setting for hearing, together with a copy of the complaint, is made upon the Chairman of the Tribal Council.

c. The hearing will be conducted in the manner of a civil trial. Upon a finding upon the complaint of cause for expulsion, the Tribal Court shall either enter an order of expulsion or, in the discretion of the court and in appropriate circumstances, order that the charged party remedy or eliminate the cause for expulsion within a time and subject to the terms and conditions prescribed by the court. An order of expulsion may be suspended by the Tribal Court, upon such reasonable terms and conditions as may be prescribed by the court.

c. Upon a finding by the Tribal Court that upon due consideration there is no cause for expulsion of the non-member, the complaint shall be dismissed.

Section 505. Physical Removal.

Any person ordered expelled from the Reservation who fails or refuses to remove himself and his property within a reasonable time as may be prescribed by the order of expulsion shall be removed, together with his property, by the Tribal Police Department or officers or representatives of the United States.

Section 506. Appeals.

a. Any party to a proceeding commenced for an expulsion may petition the Appeals Court for an appeal of an order of the Tribal Court entered pursuant to this Article V.

b. If an order of expulsion by the Tribal Court is entered, and upon appeal to the Appeals Court that order is approved, the Tribal Council in its discretion shall have the authority, upon the vote of not less than two-thirds (2/3) of its total membership, to stay that expulsion order indefinitely, or for such time as may be prescribed by the Tribal Council. The Tribal Council may prescribe reasonable terms and conditions of such stay which are directed to the remedy or elimination of the cause of expulsion.

Section 507. Emergencies.

Nothing in this Article V shall be deemed to prevent a member of the Tribal Police Department, or officer or representative of the United States, from arresting or taking into custody a non-member whose act or conduct constitutes a criminal offense and poses immediate danger to the health or safety of himself or residents of the Reservation, or damages to property within the Reservation. The Tribal Court shall be notified promptly if such a non-member is arrested or taken into custody by the Tribal Police Department, and it shall proceed expeditiously with the disposition of the matter in accordance with applicable provisions of law.

Section 508. Authority of the United States.

Nothing in this Article V shall be deemed to prevent the apprehension or taking into custody of any non-member under the authority of the United States, or the removal and disposition of such person by the officials or courts of the United States.

Section 509. Summary Expulsion.

Notwithstanding any other provision of this Chapter, any officer of the Colorado River Indian Tribes Police Department or other authorized law enforcement official of the Tribes may take into custody and transport to the Reservation boundaries, and thereby expel, any person subject to expulsion pursuant to Section 501 of this Article who refuses to sign any citation issued to him by a Tribal law enforcement official, which citation by its terms requires that the person to whom it is issued shall sign and thereby promised to appear before the Tribal Court of the Tribes.

[As Amended February 13, 1982, Ordinance No. 26.)

* * *