

## **CHAPTER 3**

### **STOCKBRIDGE-MUNSEE TRIBAL LAW GENERAL CITATION ORDINANCE**

#### **Section 3.1 Issuance of Citations**

(A) For violation of any ordinance of the Stockbridge-Munsee Tribe, authorized law enforcement personnel may issue a uniform citation in lieu of a formal complaint filed with the Stockbridge-Munsee Tribal Court.

#### **Section 3.2 Form**

(A) Citations shall be numbered and uniform for all uses. Citation forms shall be so constructed that completion of the form shall generate two carbon or no-carbon required copies at the same time. Forms shall provide for the following information:

- (1) Name, address of alleged violator
- (2) Location, time and date of violation
- (3) Description of violation
- (4) Citation of tribal ordinance provision
- (5) Scheduled date and time for appearance
- (6) Penalty for non-appearance or conviction
- (7) Amount of no-contest forfeiture
- (8) Identification of issuing officer
- (9) Time and date of issuance

#### **Section 3.3 Delivery**

(A) Citation books will only be issued to law enforcement personnel, including county sheriff's deputies, who shall be responsible for the security of the books.

- (1) Upon completing the citation form, the issuing officer shall deliver a copy of the citation to the alleged violator.

(B) Delivery of a citation may be effected by personal service in accordance with Tribal Court provisions governing personal service of process or by personal service delivery from the issuing officer to the alleged violator. A citation may be delivered by posting a copy in the mail to the alleged violator's last known address.

(C) Within 3 business days after delivery or mailing, the original citation shall be delivered to the Clerk of Courts. The officer shall retain the second copy and shall forward a photocopy of the citation to the Tribal Prosecutor.

## **LEGISLATIVE HISTORY**

Ordinance Committee submitted Court Code to Tribal Council on September 5, 1988.

Council action to post Court Code at September 20, 1988.

Council approved Court Code October 4, 1988 by Resolution No. 1109.

A list of S-M Ordinances on file at Great Lake Agency, BIA, includes Court Code

Resolution No. 1489-95 dated April 25, 1995, affirms Court Code of 1988.

Resolution No. 1490-95 dated April 25, 1995 amends Court Code in section 1.03(B) by adding “For purposes of initial establishment of the Tribal Court, the first judges to the tribal court may be appointed by the Tribal Council to serve two-year terms. When the two-year terms are expired, or as soon thereafter as the general tribal election is held, the tribal judges will thereafter be elected positions.”

Resolution No. 1551-95 dated November 7, 1995, adopts the Mohican Judiciary Act containing revised Court Code, revised General Citation Ordinance, and the Stockbridge-Munsee Bill of Rights. Mohican Judiciary Act forwarded to BIA for their review and approval on December 15, 1995. Comments from BIA on July 5, 1996. Approval letter from BIA on July 18, 1996.

Resolution No. 246-97, passed September 2, 1997, amended Section 1.6, altering the method for selecting judges. Judges are nominated by the Tribal Council and confirmed or denied by the Tribal Electorate.