

PUEBLO OF SANTA ANA

RESOLUTION OF THE TRIBAL COUNCIL

RESOLUTION NO. 2016-R-67

Re: AMENDMENT TO RESOLUTION NO. 05-R-34 AND RESOLUTION NO. 88-R-15; CLARIFYING ADOPTION OF CRIMINAL CITATIONS

WHEREAS, the Pueblo of Santa Ana (Pueblo) is a federally recognized Indian Tribe governed under a traditional form of government, and possessing all the inherent sovereign powers of self-government; and

WHEREAS, the Tribal Council of the Pueblo of Santa Ana (Tribal Council) is the duly recognized decision and policy-making body for the Pueblo of Santa Ana; and

WHEREAS, the Pueblo of Santa Ana is a sovereign Indian nation with the authority to make and enforce its own laws; and

WHEREAS, the Tribal Council and its Governor have the duty to take measures that protect the safety and well-being of the Pueblo and all persons who may conduct business or travel through the Pueblo; and

WHEREAS, the Pueblo is in the process of developing a Comprehensive Tribal Code; and

WHEREAS, Resolution No. 05-R-34 adopted by the Tribal Council on August 9, 2005, provides the following:

“...that the Tribal Council of the Pueblo of Santa Ana now authorizes the Pueblo of Santa Ana Tribal Court (Contemporary and Traditional) and the Santa Ana Police Department to use the misdemeanor offenses as defined and contained in Chapter 30 of the New Mexico Statutes Annotated until such time as the Pueblo of Santa Ana adopts its own criminal code...”; and

WHEREAS, Resolution No. 05-R-34 also acknowledges the prior use of the Code of Indian Offenses contained in the Code of Federal Regulations for misdemeanors charged on Pueblo lands; and

WHEREAS, Resolution No. 88-R-15 adopted by the Tribal Council on June 30, 1988, provides the following:

“Any person who commits any offense covered under Chapter 66 NMSA 1978, inclusive current edition, is guilty of a criminal offense, and upon conviction shall be sentenced to confinement for a term not to exceed six (6) months or to pay a fine of not more than \$500.00 or both, with costs. “; and

WHEREAS, federal law has expanded the sentencing authority of tribes since the Resolution was passed, and the Tribal Courts currently have broader sentencing authority; and

WHEREAS, the Tribal Council determines that it will not limit prosecution of crimes only to those listed as misdemeanors in the New Mexico state statute, but will adopt all offenses defined and contained in the New Mexico Statutes Annotated until such time as the Pueblo of Santa Ana adopts its own criminal code;

NOW THEREFORE BE IT RESOLVED that the Santa Ana Tribal Council hereby authorizes the Pueblo of Santa Ana Tribal Court (Contemporary and Traditional) and the Santa Ana Police Department to use any and all offenses as defined and contained in the New Mexico Statutes Annotated and in the Code of Indian Offenses contained in the Code of Federal Regulations to charge criminal acts on Pueblo lands; and

BE IT FURTHER RESOLVED that the sentencing authority of the Tribal Courts shall be limited only by the maximum sentencing authority permitted by federal law; and

BE IT FURTHER RESOLVED that such authorization shall continue until such time as the Pueblo of Santa Ana adopts its own criminal code; and

BE IT FURTHER RESOLVED that the Governor or his designee is hereby authorized to carry out the intent of this resolution on behalf of the Pueblo; and

BE IT FURTHER RESOLVED that this resolution shall become effective as of the date of its adoption.

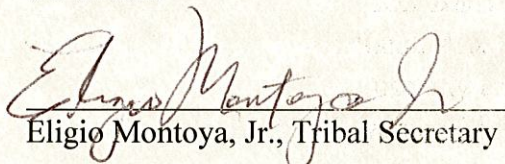
CERTIFICATION

I, the undersigned, as Governor of the Pueblo of Santa Ana, hereby certify that the Pueblo of Santa Ana Tribal Council, at a duly called meeting, which was convened and held on the 22nd day of November, 2016, at Santa Ana Pueblo, New Mexico, approved and adopted this resolution, a quorum being present, and that 19 voted for and 0 opposed.

GOVERNOR

Myron Armijo

ATTEST:


Eligio Montoya, Jr., Tribal Secretary