TRIBAL CODE

CHAPTER 80:

SAULT STE. MARIE CHIPPEWA TRIBAL COURT

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HISTORY NOTE:

Current Ordinance:

Resolution 2002-99, adopted October 15, 2002, adopts Tribal Code Chapter 80: Tribal Court, effective October 15, 2002, and rescinds all earlier Tribal Court Ordinances.

Resolution 96-40, adopted February 20, 1996, enacts Tribal Code Chapter 80: Sault Ste. Marie Chippewa Tribal Court and rescinds Chapter 1 of the Law and Order Code as amended on May 6, 1991, effective immediately.

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CHAPTER 80:

SAULT STE. MARIE CHIPPEWA TRIBAL COURT

80.101 Purpose and Authority.

The purpose of this Chapter is to establish the Sault Ste. Marie Chippewa Tribal Court ("Tribal Court") as provided for and in accordance with Article VII Section (1)(g) of the Tribal Constitution.

80.102 Judges.

The Tribal Court shall consist of one Chief Judge and as many associates judges as deemed necessary by the Board of Directors. The judges shall be appointed by the Board of Directors.

80.103 Responsibilities of Chief Judge.

The Chief Judge shall be responsible for the overall organization of the Tribal Court. He shall set all fees as authorized by the Tribal Code. The Chief Judge shall determine a bond schedule. The Chief Judge shall make all case assignments for the Tribal Court docket. The Chief Judge shall supervise the Magistrate and the administration of the Tribal Court.

80.104 Clerk.

The clerk shall receive pleadings, documents and materials filed with the Tribal Court, maintain records of all proceedings, and receive all monies paid to the Tribal Court.

80.105 Magistrate.

The Chief Judge shall appoint a Tribal Court Magistrate with the approval of the Board of Directors. The Magistrate shall have the authority to preside over any preliminary proceedings in the Tribal Court and any other matters delegated to the Magistrate by the Chief Judge. The

Magistrate shall have the authority to preside over any matter pursuant to Chapter 74 of the Tribal Code.

80.106 Jurisdiction.

(1) The Tribal Court shall have the jurisdiction provided in the Tribal Code and in any subsequent enactment of the Board of Directors.

(2) The Tribal Court shall have jurisdiction over all persons lawfully before the Tribal Court as parties, witnesses, complainants or otherwise for purposes of its contempt power pursuant to §80.107.

80.107 Contempt of Court.

(1) Willful and unjustifiable misbehavior by any person which disrupts, obstructs or otherwise interferes with the conduct of any proceeding by the Tribal Court, or which obstructs or interferes with the administration of justice by the Tribal Court, or which constitutes disobedience or resistance to or interference with any lawful summons, subpoena, process, order, rule, decree or command of the Tribal Court shall constitute contempt of court.

(2) When contempt of court is committed in the presence of such court it may be punished summarily by that court. In such case, an order shall then be made reciting the facts constituting the contempt, adjudging the person guilty of contempt and prescribing the punishment.

(3) When it appears to the Tribal Court that a contempt of court may have been committed out of the presence of the Court, the Tribal Court may issue a summons to the person so charged directing him to appear at a time and place designated for a hearing on the matter. The Court shall conduct a hearing, and if it finds him guilty of contempt, an order shall then be made reciting the facts constituting the contempt, adjudging the person guilty of contempt, and prescribing the punishment.

(4) Any person found in contempt of court as specified in this section or elsewhere in this Tribal Code may be sentenced by the Tribal Court to imprisonment for a period not to exceed ninety (90) days, or find not to exceed one thousand ($1,000.00) dollars, or both.