

Stockbridge-Munsee Community

BAND OF THE MOHICAN INDIANS

TRIBAL COUNCIL OFFICES

RESOLUTION

January 8, 1997

No. 102-97

WHEREAS, The Stockbridge-Munsee Community, Band of Mohican Indians, is a federally recognized Indian tribe governed by the Stockbridge-Munsee Tribal Council pursuant to authority vested in the Council by a Constitution approved in November 1937; and

WHEREAS, The Stockbridge-Munsee Community has enacted a Natural Resources Ordinance which governs hunting, fishing and harvesting of timber; and

WHEREAS, The ordinance currently does not allow a person to be charged with attempting to violate any provisions of the ordinance nor does it designate an infraction for trespassing; and

NOW THEREFORE BE IT RESOLVED, that Chapter 20 of the Stockbridge-Munsee ordinances, the Natural Resources Ordinance, is amended as follows:

In section 20.16, after 20.16(V), there shall be added the following:

W. Any person who enters or remains on any land owned by the Stockbridge-Munsee Community without the Tribe's authorization shall be subject to a Class A Infraction.

In section 20.23, there shall be added:

C. Any person who attempts any violation of this ordinance shall be subject to the same class of infraction if they had completed all the steps for a violation. An attempt to commit a violation requires that the actor have an intent to perform acts and attain a result which, if accomplished, would constitute a violation and that the actor does acts toward the commission of the crime which demonstrate unequivocally, under all the circumstances, that the actor formed that intent and would commit the crime except for the intervention of another person or some other extraneous factor.