

From:
The Office of The
Picuris Pueblo Governor



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PUEBLO OF PICURIS TRIBAL COUNCIL

RESOLUTION NO. 2016-12

AMENDING THE PICURIS CRIMINAL CODE

WHEREAS, the Pueblo of Picuris is a federally recognized Indian tribe governed under a traditional form of government, and possessing all the inherent powers of self-government; and

WHEREAS, the Tribal Council of the Pueblo is the duly authorized decision and policy making body for the Pueblo; and

WHEREAS, the Tribal Council has enacted the Picuris Criminal Code, Title 4 of the Picuris Tribal Code; and

WHEREAS, the Council has determined that it is in the best interests of the Pueblo to decriminalize the possession and sale of marijuana for authorized cardholders under the Pueblo's Medical Cannabis Program and in small quantities for adult tribal members.

NOW THEREFORE BE IT RESOLVED by the Tribal Council of the Pueblo of Picuris, as follows:

1. Section 4-4-36 of the Picuris Criminal Code shall be amended by striking the existing language in its entirety and substituting the following in its place:

§4-4-36. Possession of Marijuana.

A. A person shall be guilty of possession of marijuana if that person possesses, plants, cultivates, manufactures, distributes, sells, trades, or gives away marijuana, cannabis concentrates, cannabis extracts, or cannabis-derived products in an amount exceeding 23 total units, where a unit is equivalent to one gram of dried usable cannabis plant material or 200 milligrams of THC for cannabis-derived products.

B. A person shall be guilty of possession of marijuana if that person distributes, sells, trades, or gives away marijuana, cannabis concentrates, cannabis extracts, or cannabis-derived products in any amount to a person under eighteen (18) years of age.

D. Possession of Marijuana is a Class B offense. The Court may order habitual offenders to be committed for inpatient treatment for substance abuse with any available substance abuse treatment program.

2. Section 4-4-37 of the Picuris Criminal Code shall be amended by striking the existing language in its entirety and substituting the following in its place:

§4-4-37. Possession of a Controlled Substance.

A. A person shall be guilty of possession of a controlled substance if that person intentionally possesses a controlled substance as defined under the Federal Controlled Substances Act, 21 § U.S.C. 801, *et seq.*, unless the substance was obtained pursuant to a valid prescription of a medical practitioner while acting in the course of his or her professional practice.

B. Possession of marijuana, cannabis concentrates, cannabis extracts, or cannabis-derived products is governed by §4-4-36 of this Criminal Code. A person shall not be guilty of possession of marijuana for engaging in activities authorized and in conformity with a medical cannabis program duly enacted by the Pueblo.

C. Possession of a controlled substance is a Class A offense. The Court may order habitual offenders to be committed for inpatient treatment for substance abuse with any available substance abuse treatment program. Nothing in this section shall be construed as including or applying to peyote or other natural occurring herbs used or possessed for religious purposes by a member of a Native American Church or by any Native American in the practice of his or her religion.

3. Section 4-4-38 of the Picuris Criminal Code shall be amended by striking the existing language in its entirety and substituting the following in its place:

§4-4-38. Trafficking in a Controlled Substance.

A. A person shall be guilty of trafficking in a controlled substance if that person manufactures, distributes, sells, trades, gives away, or possesses with intent to distribute intent to distribute any controlled substance as defined under the Federal Controlled Substances Act, 21 § U.S.C. 801, *et seq.*, without a valid license.

B. Planting, cultivating, manufacturing, distributing, selling, trading, or giving away marijuana, cannabis concentrates, cannabis extracts, or cannabis-derived products is governed by §4-4-36 of this Criminal Code. A person shall not be guilty of possession of marijuana for engaging in activities authorized and in conformity with a medical cannabis program duly enacted by the Pueblo.

C. Trafficking in a controlled substance is a Class A offense. Nothing in this section shall be construed as including or applying to peyote or other natural occurring herbs


C. Trafficking in a controlled substance is a Class A offense. Nothing in this section shall be construed as including or applying to peyote or other natural occurring herbs manufactured, distributed, sold, traded, given away, or possessed with intent to distribute for religious purposes by a member of a Native American Church or by any Native American in the practice of his or her religion.

4. In all other respects the Picuris Criminal Code shall remain in full force and effect.

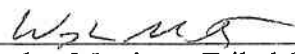
5. The Governor shall take appropriate steps to promulgate the revised sections of the Pueblo of Picuris Criminal Code to all interested parties, and shall do any and all other things reasonably necessary to accomplish the successful implementation of such section.

CERTIFICATION

I, the undersigned, as Governor of the Pueblo of Picuris, hereby certify that the Pueblo of Picuris Tribal Council, at a duly called meeting convened on the 30 day of March, 2016, at the Pueblo of Picuris, at which a quorum was present, approved the foregoing Resolution, and that 8 voted for and 0 were opposed.



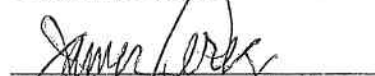
Gary Pyne, Governor



Waylon Martinez, Tribal Sheriff



Charles Simbolo, First Fiscale




James Perez, Second Fiscale

ATTEST:



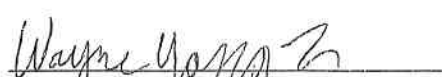
Sherry Archuleta, Tribal Secretary




Craig Quanchello, Lt. Governor



Joe D. Martinez, First War Chief



Wayne Yazza, Jr., Second War Chief



Ryan Griego, Third War Chief

S E A L