

SOUTHERN UTE INDIAN TRIBAL CODE

TITLE 10

EXCLUSION AND REMOVAL CODE

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10-1-101. Persons Subject to Exclusion and Removal. All persons who are not members of the Southern Ute Indian Tribe or are not authorized by federal law to reside or be present on the Southern Ute Indian Reservation may be excluded or removed from all or any portion of the reservation as provided herein.

10-1-102. Grounds for Exclusion and Removal. A person may be subject to exclusion or removal from all or any portion of the Southern Ute Indian Reservation for the following reasons:

- (1) Repeated violations of tribal ordinances. A criminal finding of guilt is not necessary to show violation of tribal ordinances;
- (2) Interference with tribal ceremonies, shrines or religious affairs;
- (3) Abuse of privileges granted by the Tribe and /or misuse of tribal lands; and
- (4) Repeated acts which threaten to place the health, safety, welfare, or peace of the Southern Ute Indian Tribe in jeopardy.

10-1-103. Proceedings for Exclusion and Removal.

- (1) Upon the complaint of any member of the Southern Ute Indian Tribe, the Administrative Appeals and Hearings Office may determine whether a person has committed any acts constituting grounds for exclusion and removal.
- (2) The Administrative Appeals and Hearings Office shall conduct a hearing no later than 10 days from the filing of the complaint. The Office shall hear the evidence presented and may request further evidence to be presented. At such time, it shall determine whether or not exclusion or removal shall be granted.
- (3) A person subject to exclusion or removal shall have the right to be represented by an attorney or lay counsel of his choice, and at his expense.
- (4) The decision of the Administrative Appeals and Hearings Office may be appealed to the Southern Ute Indian Tribal Court in accordance with Title 1, Article 5 of this Code.

- (5) A party petitioning AAHO or appealing an AAHO decision may, notwithstanding any contrary provisions of Title 1, Article 5 of this Code, request an expedited hearing or appeal.

10-1-104. Enforcement of Orders of Exclusion and Removal.

- (1) All law enforcement officers of the Southern Ute Indian Tribe and the United States government shall have the power to carry into effect an exclusion or removal order of the Tribal Court according to the terms of such order.
- (2) It shall be unlawful for any person to ignore an exclusion and removal order. If such person fails to follow said order or returns to the reservation in violation of said order, they shall be subject to a fine not to exceed \$500 or a term of imprisonment not to exceed 6 months, or both.

10-1-105. Lifting of Exclusion and Removal Order.

- (1) Any person who is under an order of exclusion and/or removal pursuant to this Title may petition the tribal court to lift said order after they have been absent for one year, and shall give reasons which establish that the person is no longer a threat to the health, safety, welfare or peace of the Southern Ute Indian Tribe. Such reasons shall include, but not be limited to, participation in rehabilitation programs, performance of community service activities in the place of residence, letters of recommendation from Southern Ute tribal members, and a plan of employment or activity to be followed while within the exterior boundaries of the Southern Ute Indian Reservation.
- (2) No person who has been ordered to be excluded from the Southern Ute Indian Reservation may come into the exterior boundaries of the reservation unless and until the exclusion order has been lifted.

TITLE 10
EXCLUSION AND REMOVAL CODE
History and Amendments¹

Title 10 adopted by Tribal Resolution No. 80-120, approved by the Bureau of Indian Affairs and effective on February 20, 1981.

Title 10 section and page numbering scheme revised and amended by Tribal Resolution No. 89-34, effective on March 21, 1989.

Section 6(A) and 6(B) added by Tribal Resolution No. 89-33, approved by the Bureau of Indian Affairs and effective on April 13, 1989.

Sections 103 – 106 amended by Tribal Resolution No. 2014-215, approved by the Bureau of Indian Affairs and effective on December 12, 2014.

Resolution No. 2021-151 repealed and replaced the Exclusion and Removal Code with a reformatted Exclusion and Removal Code for online publication that contained only minor technical corrections, no substantive revisions, that the Bureau of Indian Affairs concurred it did not need to formally approve (April 25, 2023).

Resolution No. 2023-079 authorized on-line publication of the 2021-151 reformatted Exclusion and Removal Code and provided an effective date of May 25, 2023.

¹ This page does not constitute an official part of any code. Information contained on this page is solely for informational and historical purposes and is from sources deemed reliable.