

TITLE XX

EXCLUSION OF PERSONS FROM CHOCTAW INDIAN COUNTRY

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CHAPTER 1. EXCLUSIONS

§20-1-1 Grounds for Exclusion from Reservation

Any person, except an enrolled member of the Mississippi Band of Choctaw Indians entitled to reside thereon, may be excluded from the Mississippi Band of Choctaw Indians' Indian Country, as defined in 18 U.S.C.1151 ("Choctaw Indian Country") for the following reasons:

- (1) unauthorized prospecting;
- (2) unauthorized mining, timber cutting or any other activity causing physical loss or damage of any nature to Tribal property;
- (3) commission of an act on Choctaw Indian Country which constitutes a felony under state or federal law;
- (4) commission of repeated misdemeanor offenses on Choctaw Indian Country;
- (5) commission of any act or crime of moral turpitude;
- (6) unauthorized trading or peddling;
- (7) committing fraud, confidence games or usury against a resident of Choctaw Indian Country, or inducing him to enter into grossly unfavorable agreements of any nature;
- (8) defrauding any resident of Choctaw Indian Country of just compensation for his labor or services of any nature done at the request of the non-member or non-Indian;
- (9) any breach of the peace;
- (10) public drunkenness;
- (11) violations of traffic regulations that directly endanger public safety;
- (12) driving under the influence of alcohol as defined by Mississippi law;
- (13) removing or attempting to remove any minor member of the Mississippi Band of Choctaw Indians or any resident minor non-member Indian from Choctaw Indian Country without proper authority;
- (14) hunting or fishing without a permit;
- (15) Non-members residing on the Choctaw Indian Reservation as defined by § 19-1-1 without being in compliance with Title XIX of the Code;
- (16) violation of Title XXX, Labor Organizations Ordinance;
- (17) commission of an act of domestic violence;

- (18) commission of an act of elder abuse, as defined under Title 31 of the Choctaw Tribal Code;
- (19) commission of an act of child abuse, as defined under Tribal and Federal laws;
- (20) possession of illegal drugs, as defined under Tribal and Federal laws; or
- (21) possession of alcoholic beverages as prohibited under Tribal law.

§20-1-2 Petition for Exclusion from the Reservation

The Chief or his designated representative on his behalf or the Attorney General of the Mississippi Band of Choctaw Indians, with the concurrence of the Chief, may petition the Tribal Court to serve notice, either by an officer of the Court or by registered mail, upon any person when these persons have reason to believe that cause may exist for the exclusion of such person from the Choctaw Indian Reservation. Such notice shall state the reason for the order and shall name a time within not less than five (5) days, unless an emergency exists, when the person to be excluded may appear before the Court to show cause as to why such person should not be excluded from inside the boundaries of the Choctaw Indian Reservation.

§20-1-3 Exclusion Hearing

- (1) After notice to the person proposed for exclusion from the Choctaw Indian Reservation, the Court shall hold a hearing to decide whether or not that person shall be excluded from inside the boundaries of the Choctaw Indian Reservation.
- (2) If the person proposed for exclusion does not appear at the hearing at the time and place schedule or if at the hearing the judge determines that cause does exist to exclude that person from inside the boundaries of the Choctaw Indian Reservation, the Court shall issue an order excluding the person from all or any part of the Choctaw Indian Reservation or permitting such person to remain on the Choctaw Indian Reservation under such conditions as are specified in the Tribal Court Order. The order shall be effective unless revoked or modified by the court.

§20-1-4 Appeals

Any person subjected to an order of the Tribal Court under this title may appeal to the Choctaw Supreme Court, as provided in this Code.

§20-1-5 Order of Removal

If the final judgment of the Choctaw Supreme Court is that the person shall be excluded from the Choctaw Indian Reservation, then the judge of the Tribal Court shall deliver an order of removal to any Tribal Law Enforcement Officer, who shall thereupon order the person to obey the Tribal Court order. After the required time specified in the order, the person may be removed bodily from the Choctaw Indian Reservation by a Tribal Law Enforcement Officer as stated in the order of the court.

§20-1-6

Immediate Removal from the Reservation

- (1) In cases involving immediate danger to the life, health, morals or property of the Tribe, residents of the Choctaw Indian Reservation or any Choctaw Tribal member, and where delay would result in irreparable damage, a judge of the Tribal Court, upon petition of the Chief or the Chief's designated representative on behalf of the Chief, or the Attorney General, with the concurrence of the Chief, may order any Tribal Law Enforcement Officer to remove a person and/or property of such person from the Choctaw Indian Reservation immediately, using only so much force as is reasonable and necessary to effect the removal. The Tribal judge shall cause the Law Enforcement Officer to serve the notice upon the person to be excluded at the time of the removal or cause the notice to be served as soon thereafter as possible.
- (2) In cases involving the immediate removal of a person from the Choctaw Indian Reservation, the order of the Tribal judge shall state the conditions under which the person may return, if any, for a hearing, if such hearing was not held, and for appeal of the judgment if the person files a notice of appeal as provided in this Code.