

RESOLUTION



RES. NO. GR10-FIREARMORD-53

RE: ADOPTION OF FIREARM CONTROL ORDINANCE

WHEREAS, the inherent sovereign powers of the Soboba Band of Luiseño Indians (the "Tribe") include the power to exercise civil and criminal jurisdiction within the boundaries of the Soboba Reservation and other lands of the Tribe; and

WHEREAS, the Tribal Constitution of the Soboba Band of Luiseño Indians provides, in pertinent part, that the jurisdiction of the Tribe extends to all land within the boundaries of the Reservation; and

WHEREAS, the Tribal Constitution further provides that the General Council, as the governing body of the Tribe, has among its enumerated powers, the power to "establish its own rules of procedure for the conduct of its affairs..." [Sec. 4.A.(6)]; and

WHEREAS, the Tribal Constitution further provides that the General Council, may "by appropriate statute or resolution delegate to the Tribal Council...any of [its enumerated] powers and duties." [Sec. 4.A.(6)]; and

WHEREAS, the General Council considered "An Ordinance Regulating the Use and Discharge of Firearm" 1983 (herein, the "Prior Ordinance") and there is a general belief that the Prior Ordinance was adopted, however, there are no formal records of the Resolution certifying the adoption of the Prior Ordinance; and

WHEREAS, the General Council is aware that the unregulated use and possession of all types of firearms and destructive devices on the Reservation has resulted in violent crime and breach of the peace; further, such unregulated activity has engendered fear on the part of Tribal members and others residing on or present within the Reservation; and

WHEREAS, the unregulated possession and use of all types of firearms and destructive devices on the Reservation creates the potential for serious economic harm to the Tribe and its members due to the impact of such activity on the Soboba Casino; and

WHEREAS, the General Council believes that it is of paramount importance that the General Council take all appropriate action to preserve the peace and to protect the health, safety and welfare of Tribal members and others residing on the Reservation; and

WHEREAS, the General Council believes that the control and regulation of firearms pursuant to a properly drafted law will not infringe upon any Tribal member's right to defend himself/herself or to engage in permitted hunting activity; and

WHEREAS, the General Council believes that the adoption and enforcement of a firearm control ordinance in the form of the Firearm Control Ordinance attached hereto as Exhibit A (the "Firearm Control Ordinance"), which is an updated amended version of the Prior Ordinance, will help to alleviate crime on the Reservation, will preserve the peace, and will protect the safety and general welfare of all persons residing on or present within the Reservation.

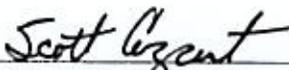
NOW, THEREFORE, BE IT RESOLVED that the General Council adopts the Firearm Control Ordinance attached hereto and delegates to the Tribal Council the power and authority to take such further action as may be necessary to ensure that the Firearm Control Ordinance is fully implemented and enforced.

BE IT FURTHER RESOLVED that the effective date of the Firearm Control Ordinance shall be the date of this Resolution, provided, however, that the Tribal Council and the Tribal Enforcement Department shall begin enforcing the Firearm Control Ordinance not later than November 9, 2010, thus giving them adequate time to establish appropriate procedures and methods of enforcement.

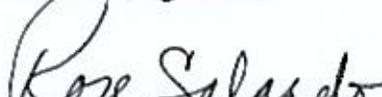
BE IT FURTHER RESOLVED that the Tribal Council, working in concert with the Tribal Enforcement Department, shall develop and adopt such regulations and procedures (the "Regulations") as necessary to fully implement and enforce the Firearm Control Ordinance, and such Regulations shall be adopted by Resolution of the Tribal Council, with no further action required by the General Council.

CERTIFICATION

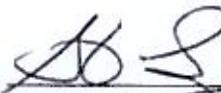
We, the elected members of the Soboba Tribal Council of the Soboba Band of Luiseño Indians do hereby certify that the foregoing Resolution was adopted by the Soboba General Council at a duly held meeting convened October 9, 2010 on the Soboba Indian Reservation by a Vote of 24 FOR, 3 AGAINST, 3 ABSTAINING, and such a Resolution has not been rescinded or amended in any way.



Scott Cozart, Chairman

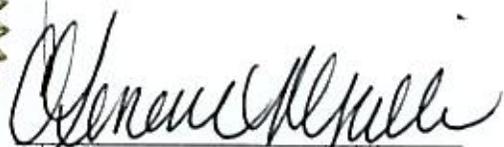


Rose Salgado, Vice-Chairperson

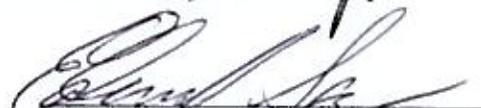


Steve Lopez, Treasurer





Geneva Mojado, Secretary



Edward Soza, Member

SOBOBA BAND OF LUISEÑO INDIANS

ORDINANCE NO. GC10-02

AN ORDINANCE OF THE SOBOBA BAND OF LUISEÑO INDIANS
REGULATING THE USE AND DISCHARGE OF FIREARMS



The Soboba Band of Luiseño Indians has adopted, by action of the General Council, the following:

Section 1. For the purpose of this Ordinance, the following words are defined and shall be construed as having the following meanings:

- A. **“Destructive Devices”** means and includes grenades, mortars, rocket launchers, large projectiles, explosive mines and other similar devices.
- B. **“Firearm”** means and includes the following: cannon, gun, pistol, revolver, automatic pistol, rifle, shotgun and any other weapon designed to discharge one or more projectiles propelled through the energy of an explosive or by the expansion of gas.
- C. **“Loaded Firearm”** means a rifle, pistol, shotgun or other Firearm deemed to be loaded for the purpose of this Ordinance when there is an unexpended cartridge or shell in the firing chamber.
- D. **“Machine Gun”** has the meaning given such term in section 5845(b) of the National Firearms Act (26 U.S.C. Sec. 5845(b)), as follows: any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun can be assembled if such parts are in possession or under the control of a person.
- E. **“Prohibited Weapons”** means machine guns and short or “sawed-off” shotguns and rifles.
- F. **“Reservation”** means all lands within the exterior boundaries of the Soboba Reservation and all other lands of the Tribe including, without limitation, all land and facilities comprising the Soboba Casino and related buildings, parking lot and infrastructure.

Section 2. It shall be unlawful within the Reservation for any person to shoot or discharge any Firearm (a) within 300 yards of any occupied or unoccupied building, house, dwelling place,

corral, paddock, feed yard, dairy, barn, or other farm building, or (b) for any person to shoot or discharge any Firearm within 300 yards of any public highway, public road or public street or walkway.

Section 3. It shall be unlawful within the Reservation for any person to shoot or discharge any Firearm between one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise of the following day.

Section 4. Except as permitted in Section 7 below, it shall be unlawful for any person to have in their possession any Loaded Firearm while present within any dwelling, public or private building or any public road, parking facility or walkway or in any vehicle while present within the Reservation.

Section 5. All major roads within the Reservation shall have appropriate signs posted indicating that the discharge of Firearms or the possession of Loaded Firearms rifles or shotguns is prohibited except as permitted by the provisions of this Ordinance. In addition, notice of the foregoing shall be posted at or near the Entry Gate to the Reservation.

Section 6. The provisions of Sections 2 through 4 of this Ordinance shall not apply to the following persons:

- A. Any peace officer while acting in the lawful discharge of his/her duties.
- B. Any person using a Firearm in the lawful defense of himself/herself, another person or property.

Section 7. The prohibitions of Sections 2 and Section 4 shall not apply to any person possessing a Loaded Firearm or discharging a Firearm or causing a Firearm to be discharged on private property (i) under his/her ownership or control, or (ii) under the ownership or control of an individual granting prior written consent to such activity (in either case, herein, the "Permissible Area"), provided (in all cases) the discharge of a Firearm does not occur within 300 yards of any dwelling (other than dwellings within the Permissible Area) or within 300 yards of any public highway, public road, public street or walkway.

Section 8. Prohibited Weapons and Destructive Devices. No person shall transport onto the Reservation or possess within the boundaries of the Reservation any Prohibited Weapons or Destructive Devices. All such Prohibited Weapons and Destructive Devices shall be deemed contraband subject to seizure by Tribal Enforcement Officers. Any person who is determined, after notice and hearing, to be in violation of this Section 8 shall, in addition to having such contraband seized, be subject to the penalties set forth in Section 10 below.

Section 9. Seizure of Contraband Weapons.

- A. In the event a Tribal Enforcement Officer seizes any Prohibited Weapon or Destructive Device, pursuant to the authority set forth in Section 8 above, such item shall be secured and maintained by the Enforcement Department for the longer of ninety (90) days or the

date on which an appeal has been exhausted (in the case of Tribal members only). For purposes of this Section, an appeal has been exhausted when a final non-appealable decision has been issued by the Tribal Council pursuant to paragraph B, below.

- B. The Tribal member owner of any Prohibited Weapon or Destructive Device seized by an Enforcement Officer may file a written protest of the seizure with the Tribal Council. Upon receipt of such protest, the Tribal Council shall schedule and hold a hearing within forty-five (45) days of receipt of the protest. The Owner shall be given an opportunity for a fair hearing and may present evidence and testimony in favor of release of the seized item. The Tribal Council shall render a decision promptly thereafter, which decision shall be final and non-appealable.

Section 10. Penalties

A. Monetary Sanctions

1. Sanctions under General Council Resolution:

Violation of this Ordinance by a Tribal member shall be deemed an act that endangers the health, safety and welfare of the Reservation community, within the meaning and intent of Res. No. GR09-DATCRPCD-10 "Resolution Confirming Delegation of Authority to Tribal Council to Suspend or Revoke Per Capita Distributions Pursuant to GR96-GRO-05" ("Sanction Ordinance"). Accordingly, the Tribal Council shall use its authority and discretion under such Sanction Resolution to penalize any Tribal member determined, upon due notice and a fair hearing, to have violated this Ordinance.

2. Additional or Alternative Sanctions:

In addition to monetary sanctions that may be imposed by the Tribal Council pursuant to the Sanction Resolution, the Tribal Council (or other authorized entity) may also, or in the alternative, impose the following sanctions:

- a) Exclusion of the subject Tribal member from the Soboba Reservation for a specified time period;
- b) Denial of participation in Tribal benefits or Tribal programs for which a convicted Tribal member otherwise is or may become eligible;
- c) The imposition of any other penalty or sanction authorized under Tribal law; and
- d) If the Tribal member convicted of violating this Ordinance is a minor child residing on the assignment of an adult Tribal member ("Assignee"), the Assignee may be held vicariously liable and responsible for the actions of the resident minor child, and the Tribal Council may, in its discretion and after giving due notice and an

opportunity for a fair hearing, impose upon the Assignee any or all of the sanctions set forth in subsections A.2.(a) through A.2.(c) of this Section.

3. Notwithstanding the foregoing, nothing set forth in this Ordinance shall prevent any Tribal Enforcement Officer, Tribal member or Tribal official from reporting any criminal activity, including criminal activity subject to this Ordinance, to local, State or federal law enforcement agencies.

B. Violations by non-members

1. Payment of Compensation

Any person who is not a member of the Soboba Band (a "Non-member") whom the Tribal Council determines has violated any provisions of this Ordinance, may be ordered by the Tribal Council to pay the Tribe a fine or such sums as the Tribal Council may deem an appropriate penalty for the violation, including any amounts deemed reasonable to compensate the Soboba Band for any injuries which the Band or its members may have suffered by reason of said violations; said payment shall be made within such time as the Tribal Council shall determine is reasonable in light of the seriousness of the violation and the economic circumstances of the offender.

2. Additional Sanctions

- (a) If a Non-member who is ordered by the Tribal Council to pay compensation to the Band pursuant to part B.1 of this Section fails to make such payment in the required amount and within the time allowed therefore, the Tribal Council may order said Non-member excluded from the Reservation until such compensation has been paid in full.
- (b) In addition or as an alternative to exclusion under subsection B.2.(a) of this Section, the Tribal Council may order any Non-member found guilty of violating this Ordinance excluded from the Soboba Reservation for such time as the Tribal Council determines is appropriate, considering the seriousness of the violation.
- (c) Any Tribal member who knowingly allows a Non-member whom the Tribal Council has ordered excluded from the Reservation to reside or remain on the member's assignment during the time in which the Non-member is excluded from the Soboba Reservation shall be subject to the sanctions set forth in subsection A.2.(a) through A.2.(c) of this Section.

C. Reporting of Violations

1. Tribal Enforcement Officers shall report all violations of this Ordinance and any official action taken with regard to such violation to the Tribal Enforcement

Department, following the same protocol required for reporting any violation of law observed by an Officer. Following notice or observance of a violation, the officials of the Tribal Enforcement Department shall pursue any further investigation deemed prudent and necessary under the circumstances and shall provide a full and complete report of the violation to the Tribal Council as soon as practically possible.

2. Any Tribal member or Tribal employee may report a violation of this Ordinance to the Tribal Enforcement Department and/or the Tribal Council. Such report may be verbal or in writing and shall include as much detail as such reporter is able and willing to provide.