

**A COUNCIL BILL AMENDING THE CHOCTAW NATION CRIMINAL PROCEDURE CODE  
RELATING TO STATUTE OF LIMITATIONS FOR CRIMES**

**IN THE TRIBAL COUNCIL OF THE CHOCTAW NATION**

**RONALD PERRY INTRODUCED THE FOLLOWING COUNCIL BILL**

**A COUNCIL BILL**

**TO AMEND** the Choctaw Nation Criminal Procedure Code by amending Section 152, Chapter 3, which relates to the statute of limitations for criminal violations. This amendment establishes more clarity for statute of limitations for specific crimes including murder, misdemeanor offenses, and sex crimes against children.

**WHEREAS** Article IX, Section 4 of the Constitution of the Choctaw Nation of Oklahoma (the "Nation") provides that the Tribal Council (the "Council") shall enact legislation, rules and regulations not inconsistent with the Constitution for the general good of the Choctaw Nation and for the administration and regulation of the affairs of the Choctaw Nation;

**WHEREAS** the bill amends Section 152, Chapter 3, which relates to the statute of limitations for criminal violations and definitions; and

**WHEREAS** the Council finds it is in the best interest of the Nation to amend the Choctaw Nation Criminal Procedure Code as follows.

**THEREFORE BE IT ENACTED** by the Tribal Council of the Choctaw Nation of Oklahoma that the Choctaw Nation Criminal Procedure Code is amended to read as follows:

**Section 151. No Limitation on Prosecution for Murder**

A. There is no limitation of the time within which a prosecution for murder must be commenced. It may be commenced at any time after the death of the person killed.

B. Prosecutions for the crimes of first-degree manslaughter and second-degree manslaughter shall be commenced within ten (10) years after the discovery of the crime. For purposes of this subsection, "discovery" means the date the crime is reported to a law enforcement agency.

**Section 152. Statute of limitations**

A. Prosecutions for criminal violations of any Choctaw Nation laws shall be commenced ~~within three (3) years after the commission of such violation or the discovery of the violation, as follows:~~

1. Misdemeanor offenses within three (3) years after the commission of such violation.

2. Felony offenses, unless otherwise specified, within five (5) years after the commission of such violation or the discovery of the violation.

3. Prosecutions for sexual crimes against children, specifically rape or forcible sodomy, sodomy, lewd or indecent proposals or acts against children, involving minors in pornography pursuant to Section 886, 888, 1100, 1101, 1103, 1104, 1021.2, 1021.3, or 1123 of the Choctaw Criminal Code, child abuse pursuant to Section 843.5 of the Choctaw Nation Criminal Code, and child trafficking pursuant to Section 866 of the Choctaw Nation Criminal Code shall be commenced by the forty-fifth birthday of the alleged victim.

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Prosecutions for such crimes committed against victims eighteen (18) years of age or older shall be commenced within twelve (12) years after the discovery of the crime.

a. However, prosecutions for the crimes listed in paragraph 3 of this subsection may be commenced at any time after the commission of the offense if:

i. physical evidence is collected and preserved that is capable of being tested to obtain a profile from deoxyribonucleic acid (DNA), and

ii. the identity of the offender is subsequently established through the use of a DNA profile using evidence listed in subparagraph a of this paragraph.

4. A prosecution under this exception must be commenced within three (3) years from the date on which the identity of the suspect is established by DNA testing.

B. ~~The discovery of the violation is the date at which a reasonable person knew or should have known that an offense had been committed.~~ As used in paragraph 3 of subsection A of this section, "discovery" means the date that a physical or sexually related crime involving a victim eighteen (18) years of age or older is reported to a law enforcement agency.

**Section 153 - Limitation Not Included When Defendant is Not Within the Jurisdiction of the Choctaw Nation of Oklahoma**

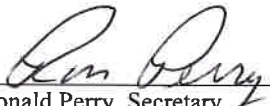
If when the offense is committed the defendant be out of the jurisdictional boundaries of the Choctaw Nation of Oklahoma, the prosecution may be commenced within the term herein limited after his coming within the jurisdictional boundaries of the Choctaw Nation of Oklahoma, and no time during which the defendant is not an inhabitant of or usually a resident within the jurisdictional boundaries of the Choctaw Nation of Oklahoma, is part of the limitation.

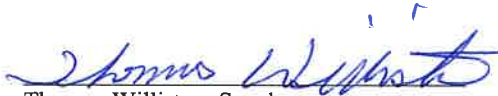
**BE IT FURTHER ENACTED** by the Tribal Council of the Choctaw Nation of Oklahoma, that this bill be cited as approval that this amendment to the Choctaw Nation Criminal Code become effective immediately.


**CERTIFICATION**

**A COUNCIL BILL AMENDING THE CHOCTAW NATION CRIMINAL PROCEDURE CODE  
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I, the undersigned, as speaker of the Tribal Council of the Choctaw Nation of Oklahoma, do hereby certify that the Tribal Council is composed of twelve (12) seats. Eight (8) members must be present to constitute a quorum. I further certify that eleven (11) members answered roll call and that a quorum was present at the Regular Session of the Tribal Council in Tuskahoma, Oklahoma on February 12, 2022. I further certify that the foregoing Council Bill CB- 100 -22 was adopted at such meeting by the affirmative vote of eleven (11) members, zero (0) negative votes, and zero (0) abstaining.

  
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Ronald Perry, Secretary  
Choctaw Nation Tribal Council

  
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Thomas Williston, Speaker  
Choctaw Nation Tribal Council

  
\_\_\_\_\_  
Gary Batton, Chief  
Choctaw Nation of Oklahoma

Date 2.18.22

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**Purpose/Need of Council Bill:** This bill amends the Choctaw Nation Criminal Procedure Code by amending Section 152, Chapter 3, which relates to the statute of limitations for criminal violations and a definition. This amendment establishes more clarity for statute of limitations for specific crimes including murder, misdemeanor offenses, and sex crimes against children.

**Title of Council Bill:** A COUNCIL BILL AMENDING THE CHOCTAW NATION CRIMINAL PROCEDURE CODE RELATING TO STATUTE OF LIMITATIONS FOR CRIMES

**Agency:** Legal & Compliance

**Budget:** N/A

**Match Required:** N/A

**Request by Project Director:** Kara Bacon, Lead Prosecutor; Brian Danker, Executive Director;