

A COUNCIL BILL AMENDING THE CHOCTAW NATION CRIMINAL CODE

IN THE TRIBAL COUNCIL OF THE CHOCTAW NATION

RONALD PERRY INTRODUCED THE FOLLOWING COUNCIL BILL

A COUNCIL BILL

TO AMEND the Choctaw Nation Criminal Code by inserting Section 1126, a section making it a felony offense for any person that fails to register as a sex offender pursuant tribal, state, or federal law.

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, there are no Choctaw Nation laws requiring any person to register as a sex offender after being convicted in a court of competent jurisdiction, for crimes requiring sex offender registration;

WHEREAS, the addition of Section 1126 makes it a felony offense for any person who fails to register as a sex offender, after being ordered to do so by any court of competent jurisdiction, and as required by applicable laws of any tribe, state, or the federal government. Failure to register after being ordered to do so is punishable by a term of imprisonment of up to three years and a fine of up to \$5,000.

WHEREAS, the Council now finds it is in the best interest of the Nation to amend the Choctaw Nation Criminal Code by inserting Section 1126.

THEREFORE BE IT ENACTED by the Tribal Council of the Choctaw Nation of Oklahoma, that this bill be cited as approval to amend the Choctaw Nation Criminal Code. The Choctaw Nation Criminal Code is amended to read as follows:

Section 1126. Failure to Register as a Sex Offender and Other Offenses

A. Any person subject to the provisions of the Sex Offender Registration and Notification Act, 34 U.S.C. § 20911, et seq., as amended and/or the Oklahoma Sex Offenders Registration Act 57 O.S. § 581, et seq. who violates any provision of those acts shall, upon conviction, be guilty of a felony and be punished by imprisonment in for not more than three (3) years, a fine not to exceed Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment. Each violation of this act shall constitute a separate offense.

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.

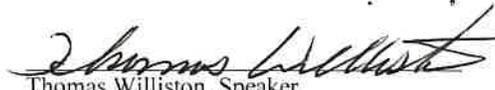
CERTIFICATION

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 twelve (12) members answered roll call and that a quorum was present at the Regular Session of the Tribal Council in Tuskahoma, Oklahoma on November 13, 2021. I further certify that the foregoing Council Bill CB- 46 -22 was adopted at such meeting by the affirmative vote of twelve (12) members, zero (0) negative votes, and zero (0) abstaining.

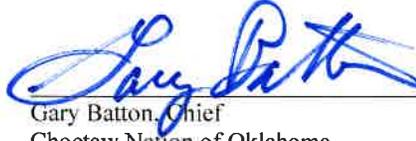
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Ronald Perry, Secretary
Choctaw Nation Tribal Council



Thomas Williston, Speaker
Choctaw Nation Tribal Council



Gary Batton, Chief
Choctaw Nation of Oklahoma

Date 11-19-21

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Purpose/Need of Council Bill: This bill amends the Choctaw Nation Criminal Code by adding Section 1126 and language that makes it unlawful to fail to register as a sex offender after being required to do so by any tribal, state, or federal law. Failure to register under Choctaw law is a felony offense and punishable by imprisonment of up to three years and a fine of up to \$5,000.

Title of Council Bill: A COUNCIL BILL AMENDING THE CHOCTAW NATION CRIMINAL CODE

Agency: Legal & Compliance

Budget: N/A

Match Required: N/A

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