

TO AMEND THE CHOCTAW NATION TRAFFIC CODE

IN THE TRIBAL COUNCIL OF THE CHOCTAW NATION

RONALD PERRY INTRODUCED THE FOLLOWING COUNCIL BILL

A COUNCIL BILL

TO AMEND the Choctaw Nation Traffic Code by inserting Sections 2-106, 2-107, and 17-100.

WHEREAS, Article IX, Section 4 of the Constitution of the Choctaw Nation of Oklahoma states that the Tribal 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 (the "Council");

WHEREAS, since the passage of the Choctaw Nation Traffic Code (the "Traffic Code"), the Tribal Prosecutor's Office has identified and proposed certain needed amendments to better protect the sovereignty, economic security, health, and welfare of the Choctaw Nation of Oklahoma;

WHEREAS, a proposed amendment creating Section 2-106 to the Traffic Code creates the Department of Public Safety Restricted Revolving Fund (the "Revolving Fund"). Monies collected from fines, costs, and fees, and any other funds deposited in the Revolving Fund will be used for costs associated with the enforcement of the Traffic Code.

WHEREAS, a proposed amendment creating Section 2-107 to the Traffic Code inserts language stating that 50% of any costs charged in each case involving a violation of the Traffic Code shall be paid to the state, county, tribal, municipal, or other agency that issued the citation;

WHEREAS, a proposed amendment creating Section 17-100 adopts any violations of the State of Oklahoma traffic laws that are not listed in the Traffic Code and sets punishments for those violations consistent with the State of Oklahoma. This proposed amendment ensures that Choctaw traffic laws and Oklahoma traffic laws are consistent and that all who violate traffic laws are treated equally; and

WHEREAS, the Council finds it is in the best interest of the Nation to adopt the proposed amendments to the Choctaw Nation Traffic Code as listed below.

THEREFORE BE IT ENACTED, by the Tribal Council of the Choctaw Nation of Oklahoma, that this bill be cited as approval to incorporate and adopt the following proposed amendments to the Choctaw Nation Traffic Code by creating the following section by inserting the following in the appropriate place within the current Traffic Code:

Section 2-106 - Department of Public Safety Revolving Fund

There is hereby created a revolving fund for the Department of Public Safety to be designated the "Department of Public Safety Restricted Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations and shall consist of funds collected pursuant to Section 2-107 of the Choctaw Nation Traffic Code and such other funds as are provided by law. All monies accruing to the credit of said fund are hereby appropriated and shall be budgeted and expended by the Department of Public Safety to defray the costs associated with enforcement of the Choctaw Nation Traffic Code.

Expenditures and accounting of said fund shall be made pursuant to the policies and procedures of the Choctaw Nation of Oklahoma Finance Department and/or applicable laws of the Choctaw Nation of Oklahoma.

The Court Clerk shall deposit the funds collected pursuant to this section in the Court Fund. The amounts imposed by this section shall be forwarded monthly in one check or draft to be deposited in the Department of Public Safety Patrol Vehicle Revolving Fund.

The Court Clerk and Department of Public Safety shall provide a distinct numbering system for the identification and tracking of the expenditures of the various law enforcement agencies budgeted from the revolving fund.

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Deposits and expenditures required by this section shall be included in the report required by Section 1.115 of Choctaw Nation CB-65-2009.

Section 2-107. Costs When Defendant Charged with Violation of Traffic Code

In any case in which a defendant is charged with an offense listed in the Choctaw Nation Traffic Code, fifty percent (50%) of the costs charged in the case shall be paid to the Department of Public Safety Restricted Revolving Fund. These funds shall be paid to the agency employing the officer that issued the citation, to defray the costs associated with enforcement of the Choctaw Nation Traffic Code.

The deposits required by this section shall be included in the report required by Section 1.115 of Choctaw Nation CB-65-2009.

Section 17-100. Traffic Laws of the State adopted for areas within the Choctaw Nation of Oklahoma

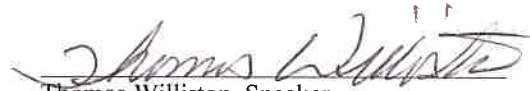
Whoever within the jurisdictional boundaries of the Choctaw Nation of Oklahoma is guilty of any act or omission which, although not made punishable by an enactment of Tribal Council, would be punishable if committed or omitted within the jurisdiction of the State of Oklahoma, by the laws listed in Title 47 of the Oklahoma Statutes in force at the time of the act or omission, shall be guilty of a like offense and subject to like punishment.

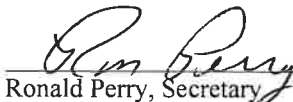
BE IT FURTHER ENACTED, by the Tribal Council of the Choctaw Nation of Oklahoma that these amendments to the Choctaw Nation Traffic Code are effective immediately.

BE IT FURTHER ENACTED, by the Tribal Council of the Choctaw Nation of Oklahoma, that 50% of the costs charged in cases for violations of the Choctaw Nation Traffic Code, from April 1, 2021 until the adoption of the above-listed amendments, be paid to the agency employing the officer that issued the citation. These payments shall be paid from the Department of Public Safety Revolving Fund.

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 at Tuskahoma, Oklahoma on August 14, 2021. I further certify that the foregoing Council Bill CB- 89 -21 was adopted at such meeting by the affirmative vote of twelve (12) members, zero (0) negative votes, and zero (0) abstaining.


Thomas Williston, Speaker
Choctaw Nation Tribal Council


Ronald Perry, Secretary
Choctaw Nation Tribal Council


Gary Batton, Chief
Choctaw Nation of Oklahoma

Date 8.20.21

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Purpose/Need of Council Bill: This bill proposes amendments to the existing Choctaw Nation Traffic Code. The amendments propose inserting sections 2-106, 2-107, and 17-100. The amendments create a Public Safety Restricted Revolving Fund and allows for 50% of fees, costs, and fines resulting from traffic violations be paid to the agency that issued the citation. The proposed amendment creating 17-100 adopts Oklahoma traffic violations that are not currently in the Choctaw Traffic Code.

Title of Council Bill: TO AMEND TO THE CHOCTAW NATION TRAFFIC CODE

Agency: Legal & Compliance

Budget: N/A

Match Required: N/A

Request by Project Director: Kara Bacon, Lead Prosecutor; Brad Mallett, SEO, Legal & Compliance