

**TO AMEND THE PUBLIC HEALTH AND SAFETY CODE**

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

**RONALD PERRY INTRODUCED THE FOLLOWING COUNCIL BILL**

**A COUNCIL BILL**

**TO AMEND** the Choctaw Nation Public Health and Safety Code.

**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 Council recognizes that through various cross-deputation agreements and understandings, tribal or state officers make arrests of tribal members on waterways within the Nation;

**WHEREAS**, in order for the Nation and the State of Oklahoma to work together to protect the waterways within the boundaries of the Nation, the Nation must adopt laws which may be enforced against Native Americans in tribal court;

**WHEREAS**, the Council recognizes that in order to prevent confusion and to prioritize public safety, the Nation will temporarily adopt the laws of the State of Oklahoma with regard to waterways and vessels while the Nation works with federal, state, tribal and private entities to develop laws best suited for the protection of tribal members and nontribal; and

**WHEREAS**, the Council finds it is in the best interest of the Nation to adopt the following amendments to the Choctaw Nation Public Health and Safety Code to ensure compliance with the existing boating laws of the State of Oklahoma.

**THEREFORE BE IT ENACTED**, the Public Health and Safety Code is hereby amended by inserting the following language:

**SECTION 2-803. BOATING LAWS OF THE STATE OF OKLAHOMA ADOPTED WITHIN THE CHOCTAW NATION OF OKLAHOMA RESERVATION**

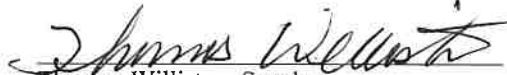
**Whosoever within the jurisdictional boundaries of the Choctaw Nation of Oklahoma is guilty of any act or omission which, although not made punishable by any enactment of Tribal Council, would be punishable if committed or omitted within the jurisdiction of the State of Oklahoma, by the laws listed in Chapter 72, §§ 4200 through 4219 and 4221 of Title 63 of the Oklahoma Statutes in force at the time of the act or omission, which does not conflict with the customs or traditions of the Nation, shall be guilty of a like offense and subject to like punishment in the Courts of the Choctaw Nation of Oklahoma. The tribal court shall not impose any punishment greater than what is allowed under the Indian Civil Rights Act in effect at the time of the act or omission.**

**BE IT FURTHER ENACTED** by the Tribal Council of the Choctaw Nation of Oklahoma, that this bill and its amendment is effective immediately.

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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 <sup>Regular</sup> ~~Special~~ Session of the Tribal Council in Durant, Oklahoma and by phone and video conference on August 13, 2022. I further certify that the foregoing Council Bill CB-154 -22 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 8-17-22