

**A COUNCIL BILL AUTHORIZING EXPANDING CRIMINAL JURISDICTION AND 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 APPROVE expansion of criminal jurisdiction over non-Native perpetrators for covered crimes under the Violence Against Women Reauthorization Act of 2022.

TO AMEND the Choctaw Nation Criminal Code by inserting language that amends current laws and creates laws for the expansion of criminal jurisdiction over non-Natives for certain crimes.

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 on March 15, 2022, the Violence Against Women Reauthorization Act (VAWA 2022) was signed into law by the President of the United States;

WHEREAS VAWA 2022 expands special criminal jurisdiction of Tribal courts to cover non-Native perpetrators of: Assault of Tribal Justice Personnel, Child Violence, Dating Violence, Domestic Violence, Obstruction of Justice, Sexual Violence, Sex Trafficking, Stalking, and Violations of a Protection Order;

WHEREAS the Tribal Council recognizes the need expand criminal jurisdiction over non-Native perpetrators to protect the public safety of all within the reservation; and

WHEREAS the Tribal Council recognizes the need to amend the Choctaw Nation Criminal Code to allow for expanded jurisdiction over non-Native perpetrators. See Exhibit A;

THEREFORE BE IT ENACTED by the Tribal Council of the Choctaw Nation of Oklahoma, that this bill be cited as approval to expand criminal jurisdiction over non-Native American perpetrators for the following covered crimes: Assault of Tribal Justice Personnel, Child Violence, Dating Violence, Domestic Violence, Obstruction of Justice, Sexual Violence, Sex Trafficking, Stalking, and Violation of Protection Order.

BE IT FURTHER ENACTED by the Tribal Council that this bill be cited as approval to amend the Choctaw Nation Criminal Code pursuant to Exhibit A by amending the language of Section 540 and inserting language creating the crimes of Assault of Tribal Justice Personnel and Sexual Violence.

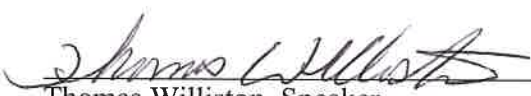
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BE IT FURTHER ENACTED by the Tribal Council of the Choctaw Nation that this bill be cited as approval to properly format, number, and make grammatical, spelling, or other insubstantial changes prior to publication pursuant to the Codification Authorization Act.

BE IT FURTHER ENACTED by the Tribal Council of the Choctaw Nation of Oklahoma, that this bill be cited as approval that these amendments 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 October 8, 2022. I further certify that the foregoing Council Bill CB- 14 -23 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 Baton, Chief
Choctaw Nation of Oklahoma

Date 10-12-22

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Exhibit A

Amend Section 540 as follows:

Section 540. ~~Obstructing officer~~ “Obstruction Of Justice”

A. ~~Every person who willfully delays or obstructs any public officer in the discharge or attempt to discharge any duty of his office is guilty of a misdemeanor.~~

B. ~~“Public officer” shall mean an elected or appointed official or any employee of the Choctaw Nation.~~

“Any person who willfully interferes with the administration or due process of the laws of the Choctaw Nation, including any Tribal criminal proceeding or investigation of a crime is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year, or by a fine not exceeding Five Thousand Dollars (\$5,000), or by both such fine and imprisonment.”

Insert the following language:

“Section . Assault of Tribal Justice Personnel

Any person that is convicted of or pleads guilty to Assault of Tribal Justice Personnel shall be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year, or by a fine not exceeding Five Thousand Dollars (\$5,000), or by both such fine and imprisonment.

For purposes of this act, “Assault of Tribal Justice Personnel” means: the use, attempted use, or threatened use of physical force against an individual authorized to act for, or on behalf of, the Choctaw Nation or serving the Choctaw Nation during, or because of, the performance or duties of that individual in:

1. preventing, detecting, investigating, making arrests relating to, making apprehensions for, or prosecuting a covered crime;
2. adjudicating, participating in the adjudication of, or supporting the adjudication of a covered crime;
3. detaining, providing supervision for, or providing services for persons charged with a covered crime; or
4. incarcerating, supervising, providing treatment for, providing rehabilitation services for, or providing reentry services for persons convicted of a covered crime.

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For purposes of this act, “covered crimes” means:

assault of Tribal justice personnel;
child violence;
dating violence;
domestic violence;
obstruction of justice;
sexual violence;
sex trafficking;
stalking; and
a violation of a protection order.”

Insert the following language:

“Section . Sexual Violence

Any person that is convicted of or pleads guilty to Sexual Violence shall be guilty of a felony punishable by imprisonment for not more than three (3) years, or by a fine not exceeding Five Thousand Dollars (\$5,000), or by both such fine and imprisonment.

For purposes of this act, Sexual Violence means any nonconsensual sexual act or contact that is prohibited by Choctaw Nation law including in any case in which the victim lacks the capacity to consent to the act.”