

**A COUNCIL BILL AMENDING THE CHOCTAW NATION OF OKLAHOMA
CRIMINAL CODE RELATING TO CONTRABAND**

**IN THE TRIBAL COUNCIL OF THE CHOCTAW NATION
RONALD PERRY INTRODUCED THE FOLLOWING COUNCIL BILL**

A COUNCIL BILL

TO AMEND the Choctaw Nation of Oklahoma Criminal Code by inserting Section 1366, language that prohibits possession or bringing of contraband into a jail facility, defines contraband and punishment thereof.

WHEREAS, in accordance with Article IX, Section 4 of the Constitution of the Choctaw Nation of Oklahoma, 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; and

WHEREAS, the Nation, as a sovereign nation, possesses the right to define and set punishments for crimes; and

WHEREAS, the Council finds it is in the best interest of the Nation to adopt the proposed addition to the Choctaw Nation Criminal Code.

THEREFORE BE IT ENACTED, by the Tribal Council of the Choctaw Nation of Oklahoma, that this bill be cited as approval to enact the following section in the Criminal Code:

SECTION 1. NEW LAW A new section of law to be codified in the Choctaw Nation Criminal Code as Section 1366 of the Choctaw Nation Criminal Code, unless there is created a duplication in numbering, reads as follows:

SECTION 1366. BRINGING OR POSSESSING CONTRABAND IN JAIL OR PENAL INSTITUTION - PENALTIES

A. Any person who, without authority, brings into or has in his or her possession in any jail or penal institution or other place where prisoners are located, any gun, knife, bomb or other dangerous instrument, any controlled dangerous substance as defined by the Uniform Controlled Dangerous Substances Act, any alcoholic beverage, money or financial documents for a person other than the inmate or a spouse of the inmate, including but not limited to tax returns, shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for a term of not less than one (1) year nor more than three (3) years, or by a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00), or by both such fine and

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imprisonment. Provided, the provisions of this subsection shall not prohibit any employee of said jail or penal institution who has a valid handgun license pursuant to the Oklahoma Self-Defense Act to keep a firearm in a vehicle on any property set aside for the parking of any vehicle, whether occupied or unoccupied, at any state-owned prison facility, provided the employee has provided annual notification to the jail or penal institution of the brand name, model, serial number, and owner identification information of the firearm, and the firearm is secured and stored in a locked metal storage container located in a locked vehicle. The storage container will be secured in the vehicle by a lockable chain or cable or by utilizing hardware provided by the manufacturer.

B. If an inmate is found to be in possession of any item prohibited by this section, upon conviction, such inmate shall be guilty of a felony and shall be punished by imprisonment for a term of not less than one (1) year nor more than three (3) years, or by a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

C. Any person who, without authority, brings into or has in his or her possession in any jail or penal institution or other place where prisoners are located, cigarettes, cigars, snuff, chewing tobacco or any other form of tobacco product shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment not to exceed one (1) year, or by a fine not exceeding Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

D. Any person who knowingly, willfully and without authority brings into or has in his or her possession in any secure area of a jail or penal institution or other secure place where prisoners are located any cellular phone or electronic device capable of sending or receiving any electronic communication shall, upon conviction, be guilty of a felony punishable by imprisonment for a term not exceeding three (3) years, or by a fine not exceeding Two Thousand Five Hundred Dollars (\$2,500.00), or by both such fine and imprisonment.

E. Any contraband item prohibited by the provisions of this section that is seized as a result of a violation of this section may be forfeited to the Choctaw Nation of Oklahoma following the procedures outlined in Section 2-506 of the Choctaw Nation Public Health and Safety Code.

F. "Electronic communication" means any transfer of signs, signals, writings, images, sounds, data or intelligence of any nature transmitted in whole or part by a wire, radio, electromagnetic, photo-electronic or photo-optical system, and includes, but is not limited to, the transfer of that communication through the Internet.

SECTION 2. This Council Bill shall become effective immediately.

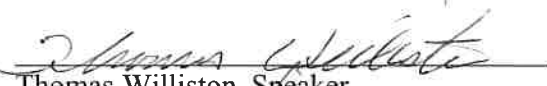
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CERTIFICATION

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 Regular Session of the Tribal Council in Tuskahoma, Oklahoma on March 9, 2024. I further certify that the foregoing Council Bill CB-43 -24 was adopted at such meeting by the affirmative vote of twelve (12) members, zero (0) negative votes, and zero (0) abstaining.



Ronald Perry, Secretary
Choctaw Nation Tribal Council



Thomas Williston, Speaker
Choctaw Nation Tribal Council



Gary Patton, Chief
Choctaw Nation of Oklahoma

Date 3-14-24

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Purpose/Need of Council Bill: This bill amends the Choctaw Nation of Oklahoma Criminal Code by inserting Section 1366, language that prohibits possession or bringing of contraband into a jail facility, defines contraband and punishment thereof.

Title of Council Bill: A COUNCIL AMENDING THE CHOCTAW NATION OF OKLAHOMA CRIMINAL CODE RELATING TO CONTRABAND

Agency: Legal & Compliance

Budget: N/A

Match Required: N/A

Request by Project Director: Brian Danker, SEO, Legal & Compliance