

**TO AMEND THE CHOCTAW NATION OF OKLAHOMA 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 Section 2-503.2 of the Choctaw Nation Public Health and Safety Code regarding fines assessed for violations of the Uniform Controlled Dangerous Substances Act; and adding Section 2-601.2 which relates to language regarding an exception for any act or omission involving marijuana.

WHEREAS, the Council has previously adopted the Choctaw Nation Public Health and Safety Code, which contains the Uniform Controlled Dangerous Substances Act, which defines certain acts which are crimes under the laws of the Choctaw Nation of Oklahoma;

WHEREAS, currently Section 2-402(B) of the Choctaw Nation of Oklahoma Public Health and Safety Code makes those convicted of possessing controlled dangerous substances guilty of a felony punishable by imprisonment up to three years, and possession of marijuana is initially a misdemeanor punishable by imprisonment for up to a year, and then in certain cases, can be punished as a felony;

WHEREAS, Oklahoma law currently makes it lawful to possess, cultivate, distribute and use medical marijuana in certain circumstances, and strictly limits the penalties in many cases for possession, cultivation, distribution and/or use of marijuana in violation of Oklahoma law;

WHEREAS, tribal members and non-tribal members located within the Choctaw Nation Reservation hold medical marijuana licenses issued by the State of Oklahoma, and possess, cultivate, distribute and use medical marijuana within the Choctaw Nation;

WHEREAS, CB-59-21 amended the Choctaw Nation Public Health and Safety Code by enacting Section 2-601, creating an exception for marijuana. CB-59-21 set an automatic repeal date of November 13, 2021;

WHEREAS, after the automatic repeal date in CB-59-21, the Tribal Council passed CB 19-22 setting an automatic repeal date for the exception to marijuana to November 12, 2022;

WHEREAS, currently nothing in the Choctaw Nation of Oklahoma codes provides an exception to the laws prohibiting marijuana for those holding valid medical marijuana licenses issued by the State of Oklahoma, other states, or other tribal governments;

WHEREAS, Section 2-503.2 of the Public Health and Safety Code requires a mandatory Drug Abuse Education and Treatment fee between \$100 and \$10,000 for violations of the Uniform Controlled Dangerous Substances Act;

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WHEREAS, the proposed amendment to Section 2-503.2 removes the mandatory Drug Abuse Education and Treatment fee and allows this fee to be assessed at the discretion of the court; and

WHEREAS, the Council finds it is in the best interest of the Nation to adopt the proposed amendments to the Choctaw Nation Public Health and Safety Code;

THEREFORE BE IT ENACTED by the Tribal Council of the Choctaw Nation of Oklahoma:

SECTION 1. AMENDATORY The Choctaw Nation of Oklahoma Public Health and Safety Code, Section 2-503.2, is amended to read as follows :

Section 2-503.2. Assessment for violation of acts—Drug Abuse Education and Treatment

A. 1. Every person convicted of a violation of the Uniform Controlled Dangerous Substances Act ~~shall~~ may be assessed for each offense a sum of not less than One Hundred Dollars (\$100.00) nor more than Three Thousand Dollars (\$3,000.00).

2. The assessment shall be ~~mandatory and~~ in addition to and not in lieu of any fines, restitution costs, other assessments, or forfeitures authorized or required by law for the offense. ~~The assessment required by this section shall not be subject to any order of suspension. The court shall order either a lump sum payment or establish a payment schedule.~~

~~3. Failure of the offender to comply with the payment schedule shall be considered contempt of court.~~

~~4. For purposes of collection, the assessment order shall not expire until paid in full, nor shall the assessment order be limited by the term of imprisonment prescribed by law for the offense, nor by any term of imprisonment imposed against the offender, whether suspended or actually served.~~

B. The assessment provided for in subsection A of this section shall be collected by the court clerk as provided for collection of fines and costs. When assessment payments are collected by the court clerk pursuant to court order, the funds shall be deposited into the revolving fund created by Section 2-104 of this title.

SECTION 2. NEW LAW A new section of law to be codified in the Choctaw Nation Public Health and Safety Code as Section 2-601.2, unless there is created a duplication in numbering reads as follows:

Section 2-601.2 Exception for Marijuana


No act or omission involving marijuana in the Choctaw Nation shall result in a fine, penalty or punishment that exceeds that which is available under the laws of the State of Oklahoma at the time the act or omission shall occur.

SECTION 3. 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 May 11, 2024. I further certify that the foregoing Council Bill CB- 67 -24 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 5-16-24

CB- 67-24

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Purpose/Need of Council Bill: This council bill amends Section 2-503.2 of the Choctaw Nation Public Health and Safety Code relating to the mandatory Drug Abuse Education and Treatment assessment; and adds Section 2-601.2 which relates to an exception for possession of marijuana. These amendments further the strategic goals of exercising tribal sovereignty by giving the Choctaw court more discretion and updating tribal laws.

**Title of Council Bill: TO AMEND THE CHOCTAW NATION OF OKLAHOMA PUBLIC
HEALTH AND SAFETY CODE**

Agency: Legal & Compliance

Budget: N/A

Match Required: N/A

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