



SAC AND FOX NATION

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FILED

DATE 11/18/2023

SECRETARY
SAC & FOX NATION

Lana J. Butler

FILED
IN THE DISTRICT COURT

2023 JAN 19 A 11:32

CLERK

RESOLUTION SF-23-08

SAC AND FOX NATION
REGULAR BUSINESS COMMITTEE MEETING
SAC AND FOX RESERVATION
STROUD, OKLAHOMA

OCTOBER 18, 2022

A RESOLUTION ENACTING CERTAIN AMENDMENTS TO TITLE 10 CRIMINAL OFFENSES CHAPTER 2A SECTION 226 SEXUAL ABUSE VICTIMS RIGHTS TO INFORMATION ACT OF THE SAC AND FOX NATION CODE OF LAWS ENHANCING AND ESTABLISHING RIGHTS FOR VICTIMS OF CRIME.

WHEREAS, the Business Committee of the Sac and Fox Nation met in Regular meeting on the 18th day of October 2022, there being a quorum present, and

WHEREAS, the Business Committee is authorized to transact business and act on behalf of the Nation pursuant to the Constitution and Laws of the Sac and Fox Nation, and

WHEREAS, the Sac and Fox Nation supports the amendments to Title 10 Criminal Offenses Chapter 2a Section 226 Sexual Abuse Victims Rights to Information Act of the Sac and Fox Nation Code of Laws.

NOW, THEREFORE BE IT RESOLVED THAT the Business Committee of the Sac and Fox Nation does hereby amend the Sac and Fox Nation Code of Laws Title 10 Criminal Offenses Chapter 2a Section 226 Sexual Abuse Victims Rights to Information Act, as attached hereto:

FURTHER, THEREFORE BE IT RESOLVED THAT this resolution and amendment shall be effective upon the filing of the resolution with the Office of the Secretary and the Office of the Court Clerks of the Sac and Fox Nation.

CERTIFICATION

WE, Angela D. Gasper, Acting Principal Chief, and Lana J. Butler, Secretary of the Sac and Fox Nation, do hereby certify that Resolution SF-23-08 to be a true and exact resolution as approved by the Business Committee in a Regular meeting at the Sac and Fox Reservation, Stroud, Oklahoma on the 18th day of October 2022, by a vote of: Angela-Yes, Lana-Yes, Carla-Yes, Robert-Absent.

Angela D. Gasper
Angela D. Gasper, Acting Principal Chief
Sac and Fox Nation

Lana J. Butler
Lana J. Butler, Secretary
Sac and Fox Nation



Section 226. Sac and Fox Nation Sexual Abuse Victim's Right to Information Act

Sections 226 - 226.7- shall be known and may be cited as the "Sac and Fox Nation Victim's Rights Act."

Section 226.1. Definitions

For purposes of the Sac and Fox Nation Sexual Abuse Victim's Right to Information Act:

"Sexual abuse forensic evidence" means any human biological specimen collected by a medical provider during a forensic medical examination from an alleged sexual abuse victim including, when circumstances indicate the need, a toxicology kit;

"Sexual abuse victim" or **"victim"** means any person who is a victim of sexual abuse defined under Section 232. If the victim is incompetent, the term shall include the parent, guardian, spouse, or any other person related to the incompetent victim by consanguinity or affinity to the second degree, or any other lawful representative of the incompetent victim; and

"Sexual abuse victims' advocate" means any person who is certified as a behavioral health professional, or as a victims' advocate working in a center that offers sexual abuse services, who has received formalized training through a government agency, tribal organization, tribal agency, or victim services program in providing trauma-informed direct services to victims of sexual abuse.

Section 226.2.

A sexual abuse victim retains all the rights of this act regardless of whether the victim agrees to participate in the criminal justice system at any time regardless of whether the victim agrees to receive a medical evidentiary examination to collect sexual abuse forensic evidence.

Section 226.3.

- (a) A sexual abuse victim has the right to consult, either in person or via telemedicine, with a sexual abuse victims' advocate before the commencement of any medical evidentiary or physical examination, unless no sexual abuse victims' advocate is available, and during any interview by law enforcement authorities or tribal attorneys. A sexual abuse victim retains this right even if the victim has waived the right in a previous examination or interview.
- (b) Communications between a sexual abuse victim and a sexual abuse victims' advocate are confidential and privileged, including information disclosed in the presence of any third persons conducting a medical evidentiary or physical examination.
- (c) The presence of a sexual abuse victims' advocate does not operate to defeat any existing privilege otherwise guaranteed by law.
- (d) The waiving of the right to a sexual abuse victims' advocate by a sexual abuse victim is privileged information.

Section 226.4

- (a) Before commencing an interview of a sexual abuse victim, a law enforcement officer or tribal attorney shall inform the victim of the right to consult with a sexual abuse victims' advocate, unless no sexual abuse victims' advocate is available.
- (b) No person, for any reason, shall discourage a sexual abuse victim from receiving a medical evidentiary or physical examination or discourage the victim from reporting to the proper authorities.

Section 226.5

If a victim retains counsel, the victim has the right to have such counsel present during all stages of the investigation. Treatment of the victim should not be affected or altered in any way as a result of the decision of the victim to exercise this right to have counsel.

- (a) A sexual abuse victim has the right to request and receive the results and status of the analysis of the sexual abuse forensic evidence of the victim.
- (b) A sexual abuse victim has the right to retain a copy of the police report as soon as it has been completed.
- (c) No sexual abuse forensic evidence shall be used:
 - 1. To prosecute a sexual abuse victim for any misdemeanor crimes; or
 - 2. As a basis to search for further evidence of any unrelated misdemeanor crimes that may have been committed by the sexual abuse victim.

Section 226.6

Upon initial interaction with a sexual abuse victim, a law enforcement officer and medical provider shall provide the victim with victim's rights information and specific documentation that explains the rights of sexual abuse victims pursuant to this act and other relevant law.

Section 226.7

- (a) Any health care professional examining a victim of illicit sexual conduct as defined in subchapter 2a of the Sac and Fox Nation Tribal Code or any form of sexual abuse, shall not be required to report such crimes if:
 - 1. Committed upon a person who is over the age of eighteen (18) years; and
 - 2. The person is not an incapacitated adult.
- (b) Any health care professional examining a victim shall be required to report any incident of illicit sexual conduct or any form of sexual abuse, if requested to do so by the victim and shall be required to inform the victim of the victim's right to have a report made. A requested report of any incident shall be promptly made orally or by telephone to the Sac and Fox Nation Police Department.
- (c) In all cases of illicit sexual conduct or any form of sexual abuse, the health care professional examining a victim of such crimes, shall document the incident and injuries observed and reported, as well as any treatment provided or prescribed.

- (d) In all cases of illicit sexual conduct or any form of sexual abuse, the health care professional examining the victim of illicit sexual conduct or any form of sexual abuse, shall inform the victim of the victim's rights, including those rights set forth in the Sac and Fox Nation Victim's Rights Act, and shall refer the victim to the Sac and Fox Nation Division for Victims of Crime.
- (e) Every health care professional making a report of illicit sexual conduct or any form of sexual abuse pursuant to this section or examining such victims to determine the likelihood of such crimes, and every hospital or related institution in which the victims were examined or treated shall, upon the request of a law enforcement officer conducting a criminal investigation into the case, provide to the officer copies of the results of the examination or copies of the examination on which the report was based, and any other records relevant to the case.