



SAC AND FOX NATION

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IN THE DISTRICT COURT
2023 JAN 19 A 11:31

FILED
DATE 11/18/2023
SECRETARY
SAC & FOX NATION
Lana J. Butler

RESOLUTION SF-23-09

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

OCTOBER 18, 2022

A RESOLUTION ENACTING CERTAIN AMENDMENTS TO TITLE 11 CRIMINAL CHAPTER 6 OTHER PROVISIONS 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

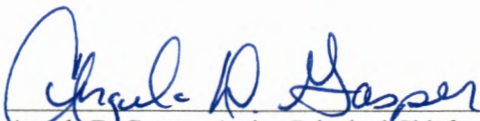
WHEREAS, the Sac and Fox Nation supports the amendments to Title 11 Criminal Chapter 6 Other Provisions of the Sac and Fox Nation Code of Laws.

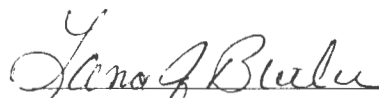
NOW, THEREFORE BE IT RESOLVED THAT the Business Committee of the Sac and Fox Nation does hereby amend the Sac and Fox Nation Code of Laws Title 11 Criminal Chapter 6 Other Provisions, as attached hereto:

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-23-09 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, Acting Principal Chief
Sac and Fox Nation


Lana J. Butler, Secretary
Sac and Fox Nation



TITLE 11 - CRIMINAL
CHAPTER 6 – OTHER PROVISIONS

Sections 601 – 604, 606 No Amendments

Section 605. Notification of Rights

(a) Upon arrest, the defendant shall be notified that he has the following rights:

(1) The right to remain silent and that any statements made by him may be used against him in court.

(2) That he has the right to obtain an attorney at his own expense and to have an attorney present at any questioning.

(3) That if he wishes to answer the questions of the police he may stop or request time to speak with his attorney at any point in the questioning.

(b) Prior to conducting a consensual warrantless search pursuant to Section 601(h) (2) or (3) of this Chapter, the officer shall specifically inform the person to be searched or the person in charge of the property to be searched that:

(1) The search will be conducted only with the person's consent.

(2) That the person is under no obligation or requirement to consent to the search and may refuse to consent to the search if he chooses to do so or request the advice of an attorney at his own expense prior to responding to the requested consent to the search.

(3) That if the person refuses to consent to the search, the officer will not search the person or property without first obtaining a warrant from the courts.

(c) Whenever possible, the officer should obtain a written statement that the person known these rights, understands, and waives them prior to taking a voluntary statement from a defendant or conducting a warrantless consensual search, provided that the absence of such a written statement does not preclude the admission of the statement or other evidence if the court determines that the statement or consent to search were voluntary.

Section 607. Arrest in Cases of Domestic Violence

Notwithstanding the provisions of Section 604 of this Title,

(a) As used in this chapter:

(1) “Domestic Violence” means any act of physical harm, threatened imminent physical harm, sexual abuse, emotional abuse, stalking or harassment by an adult, emancipated minor, or minor child thirteen (13) years of age or older against another adult, emancipated minor or minor child who is currently or was previously an intimate partner or family or household member.

(2) “Family or Household Members” means spouses, ex-spouses, former spouses, parents, including grandparents, stepparents, adoptive parents, and foster parents, children, including grandchildren, stepchildren, adopted children, and foster children, and

persons otherwise related by blood or marriage living in the same household or who formerly lived in the same household, including the elderly and the handicapped and persons otherwise related by blood or marriage.

(b) A law enforcement officer may arrest without a warrant a person anywhere, including his place of residence, if the peace officer has probable cause to believe the person within the preceding four (4) hours, has committed an act of domestic violence as defined by this section, although the assault did not take place in the presence of the law enforcement officer, if the law enforcement officer has first observed a recent physical injury to, or an impairment of the physical condition of, the alleged victim.

(c) A law enforcement officer shall not discourage a victim of domestic violence from pressing charges against the assailant of the victim, provided, that the law enforcement officer may require the victim to sign a complaint in such matters.

(d) Any written statement made by the alleged victim under oath and signed by the victim describing the alleged acts of domestic violence shall not be considered inadmissible solely because of a hearsay objection or the inability of the defendant to confront the adverse witness face-to-face in the limited context of domestic violence crimes as defined in paragraph (a).

(e) The statement may not be admitted under this section unless the alleged victim makes known to the defendant his or her intention to offer the statement and the particulars of the statement sufficiently in advance of the proceeding to provide the defendant with a fair opportunity to prepare to meet the statement.

Section 608. Domestic Violence Designation

Any crime against the person, and other crimes where appropriate, in which the defendant and victim have a relationship identified in The Protection From Domestic Violence Act may be designated as a domestic violence crime, which serves as notice that the Sac and Fox Nation may seek additional conditions at sentencing upon conviction.

Section 609. Emergency Temporary Order of Protection - Preliminary Investigation

(a) When the court is not open for business, the victim of domestic violence, stalking, harassment, illicit sexual conduct, or any form of sexual abuse, kidnapping or assault and battery with a deadly weapon or member of the immediate family of a victim of first-degree murder may request a petition for an emergency temporary order of protection. The law enforcement officer making the preliminary investigation shall:

(1) Provide the victim or member of the immediate family of a victim of first-degree murder with a petition for an emergency temporary order of protection and, if necessary, assist the victim or member of the immediate family of a victim of first-degree murder in completing the petition form, and notify the Sac and Fox Nation Division for Victims of Crime.

(2) Immediately notify, by telephone or otherwise, a judge of the District Court of the request for an emergency temporary order of protection and describe the

circumstances. The judge shall inform the law enforcement officer of the decision to approve or disapprove the emergency temporary order;

(3) Inform the victim or member of the immediate family of a victim of first-degree murder whether the judge has approved or disapproved the emergency temporary order. If an emergency temporary order has been approved, the officer shall provide the victim, or a responsible adult if the victim is a minor child or an incompetent person or member of the immediate family of a victim of first-degree murder, with a copy of the petition and a written statement signed by the officer attesting that the judge has approved the emergency temporary order of protection; and

(4) Notify the person subject to the emergency temporary protection order of the issuance and conditions of the order, if known. Notification pursuant to this paragraph may be made personally by the officer upon arrest or, upon identification of the assailant, notice shall be given by any law enforcement officer. A copy of the petition and the statement of the officer attesting to the order of the judge shall be made available to the person; and

(5) Make every attempt to serve the subject of the order and complete a return of service when filing the petition with the District Court. If the law enforcement officer is unable to obtain service, the petition shall be filed with the District Court the next business day. The Court Clerk shall receive the petition upon delivery by the law enforcement officer and document the hearing date and time assigned to the case as documented by the law enforcement officer. If the Court Clerk observes that service has not been obtained, the petition shall still be filed by the Court Clerk and issued to the law enforcement office to obtain service with priority.

(b) The forms utilized by law enforcement in carrying out the provisions of this section may be substantially similar to those used under The Protection from Domestic Abuse Act.