

APRIL 2003 CROW TRIBAL LEGISLATURE

BILL NO. CLB03-03

INTRODUCED BY: CARL E. VENNE, CHAIRMAN EXECUTIVE BRANCH

**A BILL ENTITLED "AN ACT OF THE CROW TRIBAL LEGISLATURE
AMENDING 8A-7-108 Jury Eligibility of the CROW CRIMINAL PROCEDURE
CODE and FOR OTHER PURPOSES."**

WHEREAS, the existing CROW CRIMINAL PROCEDURE CODE in pertinent part provides:

- | | |
|----------|--|
| 8A-7-108 | <u>Jury Eligibility</u> |
| (1) | |
| (2) | An eligible juror is a person who: |
| (a) | ... |
| (b) | ... |
| (c) | ... |
| (d) | Is not a Crow Tribal Judge or member of the Crow Tribal Council; |
| (e) | ... |
| (f) | ... |
| (3) | ... |

WHEREAS, 8A-7-108, supra, effectively precludes the impaneling of a jury in criminal trials;

WHEREAS, the July 14, 2001, Crow Constitution, the organic document of the Crow Tribe or Nation, in pertinent part provides;

In accordance with Title II of the Indian Civil Rights Act of 1968 (82 Stat. 77), the Crow Tribe of Indians in exercising its powers of self-government shall not:

deny to any person accused of an offense punishable by imprisonment the right, upon request, to a trial by jury of not less than six (6) person. (Article XI(4)(j) Crow Constitution of July 14, 2001).

WHEREAS, the right to a jury trial is basic and fundamental right of the Crow Criminal Justice System;

WHEREAS, 8A-7-108(2)(d) needs to be remedied or corrected;

WHEREAS, an amendment or revision to 8A-7-108(2)(d) is in the best interest of all

persons subject to the criminal jurisdiction of the Crow Tribe or Nation and likewise is in the best interest of the Crow Tribe or Nation.

NOW, THEREFORE, BE IT ENACTED BY THE CROW TRIBAL LEGISLATURE:

Resolved that the Crow Tribal Legislature in a duly called and held session amends 8A-7-108(2) by inserting a semicolon after the word "Judge" and deleting or striking the words or phrase "or member of the Crow Tribal Council".

Section 8A-7-108(2)(d) after the above and foregoing amendment shall provide as follows:

8A-7-108(2)(d) (d) is not a Crow Tribal Judge;

No other revisions or changes are made to 8A-7-108, *Jury Eligibility*, and the other parts of this section remain the same or unchanged.

This Bill, upon adoption by the Crow Tribal Legislature, and approved by the Chairman of the Crow Tribe is intended to be Codified in Title 8A of the Crow Tribal Law and Order Code.

CERTIFICATION

I hereby certify that this Crow Legislative Bill was duly approved by the Crow Tribal Legislature with a vote of 12 in favor, 0 opposed and 1 abstained and that a quorum was present this 23 day of April, 2003.


Speaker

EXECUTIVE ACTION

I hereby X (approve) or _____ (veto) on this _____ day of April, 2003, this Crow Legislative Bill pursuant to the authority vested in me, as Chairman of the Crow Tribe, in Article V, Section 8, Crow Constitution.


Chairman

Amending 8A-7-108
 Jury Amending Eligibility

Executive
 Branch

APR 23 2003

Bill or resolution number _____ Introduced by _____ Date of Vote _____

Representative	Yes	No	Abstain
Bulltail	✓	—	—
Costa	✓	—	—
Crooked Arm	✓	—	—
Little Light	✓	—	—
Plain Feather	✓	—	—
Stewart	✓	—	—
Not Afraid	✓	—	—
Goes Ahead	—	—	—
Hogan	✓	—	—
Old Elk	✓	—	—
Passes	—	—	—
Pease	—	—	—
Medicine Horse	—	—	—
Russell	✓	—	—
Real Bird	—	—	✓
Blackhawk	—	—	—
Stone	✓	—	—
Cloud	✓	—	—
Results	12	0	1

Results of vote: Passed Not Passed Tabled Veto Override

Signature of Officer: *Jim Plazguta*

Date: 4-23-03