

**JULY 2003 CROW TRIBAL LEGISLATURE**

**BILL NO. CLB03-06**

**INTRODUCED BY CARL E. VENNE, CHAIRMAN  
CROW TRIBAL EXECUTIVE BRANCH**

**A BILL FOR AN ACT ENTITLED "AN ACT TO AMEND CERTAIN SECTIONS OF  
TITLE 3 OF THE CROW LAW AND ORDER CODE."**

WHEREAS, Article I of the Constitution and Bylaws of the Crow Tribe (the "Constitution") provides for the establishment of the Executive, Judicial and Legislative branches of government which shall exercise a separation of powers; and

WHEREAS, Article X of the Constitution provides, among other things, that the Judicial Branch shall be a separate and distinct branch of government from the Executive Branch and the Legislative Branch; and

WHEREAS, Article X provides that the Judicial Branch shall be comprised of all courts established in accordance with the Constitution by the Crow Law and Order Code; and

WHEREAS, Article X provides that the qualifications for the Judicial Branch judges shall be established in the Law and Order Code; and

WHEREAS, the following amendments to the Law and Order Code will strengthen the separation of powers established by the Constitution; and

WHEREAS, removal of the requirement that judicial candidates be fluent speakers of the Crow language will enable many otherwise qualified individuals to be considered for election; and

WHEREAS, the legitimate interest of the Legislature in ensuring that citizens whose primary or preferred language is the Crow language have full access to the courts of the Crow Nation can be met by providing qualified, trained translators; and

WHEREAS, the interests of the Crow Nation will be served by strengthening the independence and stability of the Appellate Court;

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

**Section 1.** Title 3 of the Crow Law and Order Code is amended as follows:

3-3-303.

Chief Judge's Qualifications. (1) The Chief Judge must be at least thirty (30) years of age when elected; must have graduated from an accredited college with a minimum of a four-year degree; must be an enrolled member of the Absalooka (Crow) tribe; must not have ever been convicted of a felony and must not have been convicted of a misdemeanor offense within five (5) years of the election, not to include minor traffic offenses. Driving under the influence of drugs or alcohol is not a minor traffic offense. To be eligible for election or appointment, a background investigation including tribal, state and federal criminal and child protection history must be completed prior to certification of candidacy or confirmation. In order to be eligible to run for election as Chief Judge in all elections after the October 2001 election, and prior to certification as a candidate for election, each candidate shall have passed the Crow Tribal bar examination.

(2) The Chief Judge shall be the head of the Judicial Branch of the Absalooka (Crow) Tribal Government and the Chief Judge's duties and overall responsibilities shall include but not be limited to:

- a. Preside over civil and criminal cases and decide these case in a timely manner solely on the basis of the law and facts presented, without fear or favor, and without political influence or concern.
- b. Provide for the availability of a translator fluent in both the Absalooka (Crow) and English languages in all proceedings or matters for which any party or representative requests such service;
- c. Assign cases and other legal proceedings or matters to other Tribal Judges, Associate or Special Judges;
- d. Supervise the Tribal Court dockets;
- e. Supervise and maintain court records;
- f. Compile court statistics;
- g. Draft and promulgate court rules and court procedures;
- h. Supervise and monitor the performance of Tribal Probation and Parole Officers;
- i. Have the ultimate responsibility for the establishment of a law library;
- j. Draft personnel policies and procedures and use to
- k. Hire and supervise all Tribal Court staff;
- l. Develop and present an annual proposed budget to the Chairman of the Executive Branch for submission to the Legislature.

3-3-304.

Associate Judge's Qualifications. (1) The Associate Judges must be at least thirty (30) years of age when elected; must have completed 2 years of college or received an A.A. degree; must be enrolled members of the Absalooka (Crow) Tribe; must not have ever been convicted of a felony and must not have been convicted of a misdemeanor offense within five (5) years of the election, not to include minor traffic offenses. Driving under the influence of drugs or alcohol is not a minor traffic offense. To be eligible for election or appointment, a background investigation including tribal, state and federal criminal and child protection history must be completed prior to certification of candidacy or confirmation. In order to be eligible to run for election as Associate Judge in all elections after the October 2001 election, and prior to certification as a candidate for election, each candidate shall have passed the Crow Tribal bar examination.

**3-3-308. Court of Appeals.** (1) There is hereby reestablished the Court of Appeals for and on behalf of the Absalooka (Crow) Tribe or Nation. The Court of Appeals shall be the highest court of the Absalooka (Crow) Tribe or Nation.

(2) The Court of Appeals shall be composed of a three judge panel consisting of a Appellate Judge, who shall be a professional attorney licensed to practice law in the highest court of any of the fifty States, and two Associate Appellate Judges who can either be Crow Tribal trial level judges, who did not hear the case at the lower or trial level or professional attorneys, licensed to practice law in any of the highest courts of any of the fifty States The Appellate Judge shall appoint the panel to serve on each appellate matter and shall appoint trial level judges to complete the panel unless justice requires the appointment of professional attorneys.

(3) **Appellate Judge.** The Appellate Judge shall be appointed by the Chief Tribal Judge and confirmed by majority vote of the Legislature. The appointment shall be made after consideration of recommendations of qualified candidates from the Chairman of the Executive Branch, the Speaker of the Legislature, and the Tribal Attorney General, each of whom shall be given at least ten days notice and opportunity to submit their recommendations to the Chief Judge. If the Chief Judge fails or neglects to appoint a candidate within a reasonable time after a vacancy occurs, the Chairman may propose a candidate to the Legislature for confirmation. A reasonable time shall not be more than sixty days after the vacancy occurs.

(4) **Duties of the Appellate Judge.** The Appellate Judge shall preside over the Court of Appeals. He or she shall have the authority to promulgate rules applicable and pertaining to practice and procedure before the Court of Appeals and Rules of Professional Conduct of attorneys and advocates who practice before the Court of Appeals. It shall be the duty and responsibility of the Appellate Judge to ensure that all appellate matters are decided solely on the basis of the law and facts presented, without fear or favor, and without political influence or concern.

(5) **Funding of the Court of Appeals.** The Chief Judge of the Crow Tribal Court shall include its budget proposal an appropriate level of funding for the operation of the Appellate Court after consultation with the Appellate Judge.

(6) **Removal of the Appellate Judge.** The Appellate Judge may be removed only as provided in Section 3-3-306.

(7) **Term of the Appellate Judge.** The Appellate Judge shall serve for four (4) years from the date of appointment and may be a candidate for reappointment without limitation.

(8) **Status of Current Appellate Judge.** The current Appellate Judge, having been previously confirmed by the Legislature, shall be entitled to remain in office for four (4) years from the effective date.

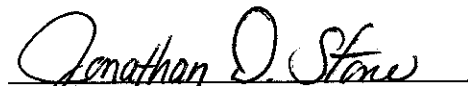
**Section 2.** Upon approval of this Bill, the foregoing amendments in Section 3-3-303(1), Chief Judges Qualifications, and in Section 3-3-304(1), Associate Judges Qualifications, shall become effective with the judges election in 2005 and the amendments in Section 3-3-3-8, Court of Appeals, shall become effective immediately.

### CERTIFICATION

I hereby certify that this Bill was duly approved by the Crow Tribal Legislature with a vote of 11 in favor, 0 opposed, and 0 abstained and that a quorum was present on this 28 day of August, 2003.

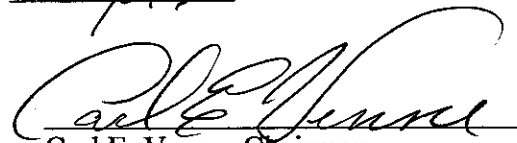
  
Speaker of the House  
Crow Tribal Legislature

ATTEST:

  
Secretary, Crow Tribal Legislature

### EXECUTIVE ACTION

I hereby X approve, \_\_\_\_\_ veto this Bill pursuant to the authority vested in the Chairman of the Crow Tribe by Article V, Section 8 of the Constitution and Bylaws of the Crow Tribe of Indians, on this 16 day of Sept., 2003.

  
Carl E. Venne, Chairman  
Crow Tribal Executive Branch

# Title 3 Amendment

Bill or resolution number \_\_\_\_\_ Introduced by Executive branch Date of Vote AUG 28 2003

Representative	Yes	No	Abstain
Bulltail	_____	_____	_____
Costa	<u>✓</u>	_____	_____
Crooked Arm	_____	_____	_____
Little Light	_____	_____	_____
Plain Feather	<u>✓</u>	_____	_____
Stewart	<u>✓</u>	_____	_____
Not Afraid	<u>✓</u>	_____	_____
Goes Ahead	<u>✓</u>	_____	_____
Hogan	<u>✓</u>	_____	_____
Old Elk	<u>✓</u>	_____	_____
Passes	_____	_____	_____
Pease	<u>✓</u>	_____	_____
Medicine Horse	<u>✓</u>	_____	_____
Russell	_____	_____	_____
Real Bird	_____	_____	_____
Blackhawk	<u>✓</u>	_____	_____
Stone	<u>✓</u>	_____	_____
Cloud	_____	_____	_____
Results	<u>11</u>	<u>0</u>	<u>0</u>

Results of vote:    Passed                  Not Passed                  Tabled                  Veto Override

Signature of Officer: Jim Plain Feather

Date: 8-28-03

## Title 3 Amendments

Form of Final Act - showing revisions (all redline)  
(8/28)

or specify sections amended to read  
"as follows" ✓ (recommended)  
for clean final version

Implementing Language - leave out 303(2) changes  
(duties of C.J.)  
→ recommend adding to Section 2, effect-  
immediately

### Conforming Amendments needed

3-3-304(2) - assoc. tribal judges appointed  
to appeal panels by Appellate Judge  
(instead of C.J.)

3-3-308 - Rules promulgated by "Appellate  
Judge" rather than C. Chief Justice

Quorum - 13 present per Art. V Sec. 3 of Constn.

Recommend: Reconsider with above revisions  
and a full quorum

WMD  
9/2/03