

Committee: Rules
Date: 2-15-06 Committee Date: 2-23-06

Author: Todd Hembree
Sponsor: Linda Hughes-O'Leary 04/17/2006

VETO

DATE

PRINCIPAL CHIEF

An Act

Legislative Act 8-06

AN ACT ALLOWING FOR ADDITIONAL PUNISHMENT FOR CRIMES AGAINST PUBLIC JUSTICE PROVIDING SEVERABILITY AND DECLARING AN EMERGENCY

BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification

This Legislative Act shall be titled as "The Crimes Against Public Justice Act of 2006" and codified under Title 21 of the Cherokee Nation Code Annotated.

Section 2. Purpose

The purpose of this Act shall be to provide additional punishment for crimes against Public Justice up to and including banishment from the Cherokee Nation.

Section 3. Legislative History and Constitutional Authority

- A. Article 6, Section 10 of the Cherokee Nation Constitution provides:

The Principal Chief shall cause the laws of the Cherokee Nation to be faithfully executed, and shall conduct in person and in such manner as shall be prescribed by law, all communications and business of the Cherokee Nation. (emphasis added)

- B. Article 5, Section 7 of the Cherokee Nation Constitution provides:

The Council shall have the power to establish laws, which it shall deem necessary and proper for the good of the Nation, which shall not be contrary to the provisions of this Constitution.

- C. Title 21 of the Cherokee Nation Code Annotated, Section 10.

Section 4. Definitions

For the purposes of this Act:

- A. "Cherokee Nation" means the Cherokee Nation, located in Tahlequah, Oklahoma.
- B. "Public Office" means the duly elected and/or confirmed person(s) of the legislative branch or the Executive Branch of the Cherokee Nation.
- C. "Appointed Official" means any person that held a position of trust at the Cherokee Nation that is appointed by the Principal Chief and confirmed by the Tribal Council.
- D. "Department Head" means any person at the Cherokee Nation who is the leader or top authority in the various departments or groups in existence within the Administration of the Cherokee Nation.
- E. "Political Banishment" means being forever barred from holding any elective or appointed position and being ineligible for employment within the Cherokee Nation.

Section 5. Substantive provisions

A. Adding new section 10(a) to Title 21 of this Cherokee Nation Code Annotated states:

“Section 10 (a) Punishment of Crimes concerning public officials, appointed officials or Department heads. Any elected official, appointed official or department head which is convicted of a crime concerning bribery, embezzlement, fraud, perjury, or forgery or stealing may in addition to the punishments provided under Title 21 of this code, may be subject to the punishment of political banishment from the Cherokee Nation.”

Section 6. Provisions as cumulative

The provisions of this Act shall be cumulative to existing law.

Section 7. Severability

The provisions of this Act are severable and if any part of provision hereof shall be held void the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this Act.

Section 8. Amendment

This Act amends and supersedes all conflicting Acts. Title 19 Section 3 of the Cherokee Code Annotated is specifically repealed and replaced by this Act.

Section 9. Effective Date: Emergency

It being immediately necessary for the welfare of the Cherokee Nation, the Council hereby declares that an emergency exists, by reason whereof this Act shall take effect immediately upon its approval and signatures.

Enacted by the Council of the Cherokee Nation on the 10th day of April 2006.

Joe Grayson, Jr., President
Council of the Cherokee Nation

ATTEST:

Don Garvin, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this _____ day of _____ 2006.



Chad Smith, Principal Chief
Cherokee Nation

ATTEST:

Callie Catcher, Secretary/Treasurer
Cherokee Nation

YEAS AND NAYS AS RECORDED:

Audra Smoke-Conner	<u>YEA</u>	Melvina Shotpouch	<u>YEA</u>
Bill John Baker	<u>YEA</u>	Meredith A. Frailey	<u>NAY</u>
Joe Crittenden	<u>YEA</u>	John F. Keener	<u>YEA</u>
Jackie Bob Martin	<u>NAY</u>	Cara Cowan Watts	<u>NAY</u>
Phyllis Yargee	<u>YEA</u>	Buel Anglen	<u>NAY</u>
David W. Thornton, Sr.	<u>YEA</u>	William G. Johnson	<u>NAY</u>
Don Garvin	<u>NAY</u>	Charles "Chuck" Hoskin	<u>YEA</u>
Linda Hughes-O'Leary	<u>YEA</u>		