

AN ACT

LEGISLATIVE ACT

6 -97

AN ACT RELATING TO AND AMENDING TITLE 20 OF C.N.C.A., § 17 AND § 38, THE CHEROKEE NATION LAW REGARDING REMOVAL FROM OFFICE OF DISTRICT JUDGES AND JUSTICES; AND DECLARING AN EMERGENCY.

BE IT ENACTED BY THE CHEROKEE NATION:

SECTION 17 OF TITLE 20 IS HEREBY AMENDED TO READ AS FOLLOWS:

§17. Removal from office.

A. Any District Judge of the Cherokee Nation or the Council of the Cherokee Nation may recommend the removal of any District Judge from office if, in the opinion of the District Judge or the Council, there is reasonable cause to believe a judge to be guilty of malfeasance or misfeasance in office, neglect of duty, mental or physical incompetence to perform the duties of his office, or the justice has been convicted of a felony in a state or federal court since entering upon duty or a crime under Cherokee Law which if committed under the laws of Oklahoma would be a felony.

B. Such recommendation shall be presented promptly to the Council, and the judge and/or judges whom it is sought to remove from office shall be accorded an opportunity to appear before the Council and present evidence in his own defense. Upon presentment of such recommendation, the judge, and/or judges so named in the recommendation shall be automatically suspended from office pending completion of the Trial of Removal. Thereafter, such judge and/or judges may be removed from office by a majority vote of the Council, sitting as a Court of Removal.

SECTION 38 OF TITLE 20 IS HEREBY AMENDED TO READ AS FOLLOWS:

§38. Removal from office of justices.

A. The Chief Justice of the Cherokee Nation or the Council of the Cherokee Nation may recommend the removal of any justice from office if, in the opinion of the Chief Justice or the Council, there is reasonable cause to believe the justice to be guilty of malfeasance or misfeasance in office, neglect of duty, mental or physical incompetence to perform the duties of his office, or the justice has been convicted of a felony in a state or federal court since entering upon duty or a crime under Cherokee Law which if committed under the laws of Oklahoma would be a felony.

B. Such recommendation shall be presented promptly to the Council, and the justice and/or justices whom it is sought to remove from office shall be accorded an opportunity to appear before the Council and present evidence in his own defense. Upon presentment of such recommendation, the justice and/or justices so named in the recommendation shall be automatically suspended from office pending completion of the Trial of Removal. Thereafter, such justice and/or justices may be removed from office by a majority vote of the Council, sitting as a Court of Removal.

THE PROVISIONS OF THIS ACT SHALL BE CUMULATIVE TO EXISTING LAW. THE PROVISIONS OF THIS ACT ARE SEVERABLE AND IF ANY PART OR 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.

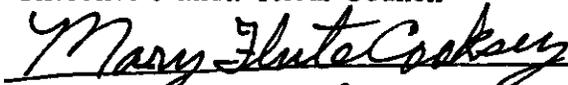
IT BEING IMMEDIATELY NECESSARY FOR THE WELFARE OF THE CHEROKEE NATION, THE COUNCIL HEREBY DECLARES THAT AN EMERGENCY EXISTS BY REASON OF WHICH THIS ACT SHALL TAKE EFFECT AND BE IN FULL FORCE AFTER ITS PASSAGE AND APPROVAL.

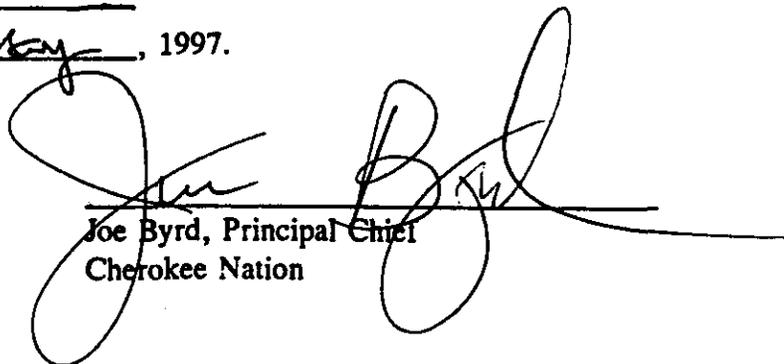
Enacted by the Council of the Cherokee Nation on the 2 day of May, 1997.


James Garland Eagle, President
Council of the Cherokee Nation

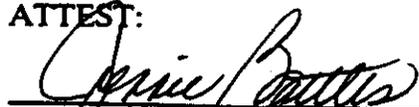
ATTEST:

Mary Cooksey, Secretary
Cherokee Nation Tribal Council


Approved this 2 day of May, 1997.


Joe Byrd, Principal Chief
Cherokee Nation

ATTEST:


Jeanie Battles, Secretary/Treasurer
Cherokee Nation