

**OPEN FOR PUBLIC COMMENT • CRIMINAL PROCEDURE****REVIEW GUIDE**

The proposed amendments to the Nez Perce Tribal Code, **TITLE 2, CH. 2-1 RULES OF CRIMINAL PROCEDURE** (~38 pages). Due to proposed reorganization, the usual track changes became confusing.

- Text in **blue font** is meant to distinguish **recommended text to be added**.
- Text highlighted in **gray** is to cross-reference with the section's current location (i.e., Ch. 2-1 **Rule 1**).
- Proposed new sections are highlighted in light yellow in the table of contents.
- There are a handful of comments in the margin to offer context, information, or reasoning.
- **Do you think the Rules of Criminal Procedure would be better placed within the same title as Title 4, Criminal Offenses?** Currently, Rules of Criminal Procedure are within Title 2 which includes other procedural rules.
- **What are Rules of Criminal Procedure—and why does the Nez Perce Tribal Code include them?**
 - Criminal procedure deals with the set of rules governing the series of proceedings (stages of a criminal case) through which the government enforces substantive criminal law. Tribes, municipalities, states, and the federal government each have their own criminal codes, defining types of conduct that constitute crimes. Federal criminal procedure is governed by substantive criminal laws found in Title 18 of the U.S. Code and the Federal Rules of Criminal Procedure. Every state has its own code of criminal statutes. Procedural rules help ensure that the government applies the law in as consistent a manner as possible and help safeguard individuals' constitutional rights. These procedures apply in all criminal matters.
 - The rules of criminal procedure are extremely important to defendants because they are designed to guarantee due process to those individuals charged with a crime.
 - If a criminal procedure is not followed, a defendant also has the right to challenge the admissibility of the evidence that a tribe (or federal or a state govt) would like to use against them. Whether a case will be dismissed for a violation of criminal procedures will depend on the nature of the violation and the other evidence against a defendant.