

RESOLUTION

WHEREAS, the Nez Perce Tribal Executive Committee has been empowered to act for and on behalf of the Nez Perce Tribe, pursuant to the Revised Constitution and By-Laws, adopted by the General Council of the Nez Perce Tribe, on May 6, 1961 and approved by the Acting Commissioner of Indian Affairs on June 27, 1961; and

WHEREAS, Article VI, Section 1, of the Revised Constitution and Bylaws (Constitution) of the Nez Perce Tribe (Tribe) Provides that the Affairs of the Nez Perce Tribe shall be administered by the Nez Perce Tribal Executive Committee (NPTEC); and

WHEREAS, the NPTEC has a responsibility under the Constitution to promote and protect the health, education, and general welfare of the members of the Tribe; and

WHEREAS, in June, 2024 the Tribe issued Press Release, "Nez Perce Tribe To Exercise Jurisdiction for Tribal Victims of Domestic Violence as allowed by the Violence Against Women Act" (VAWA); and

WHEREAS, VAWA 2022 allows Tribes to exercise Special Tribal Criminal Jurisdiction (STCJ) within reservation boundaries over non-Indians for specific "covered crimes." Currently, the Tribe may only exercise criminal jurisdiction if the victim of the crime is a member of a federally recognized Indian Tribe; and

WHEREAS, the Tribe gave notice of its intent to implement the criminal jurisdiction provision of the VAWA 2022 on October 1, 2024 as authorized by United States Congress; and

WHEREAS, implementation of VAWA 2022 resolves jurisdictional gaps, enables the Tribe to better protect Murdered and Missing Indigenous Peoples (MMIP), Intimate and Dating Partners, children exposed to crimes of violence, and persons protected by court orders; and

WHEREAS, VAWA 2022 jurisdiction will enhance the safety of victims within the exterior boundaries of the Nez Perce Reservation, hold perpetrators of violence accountable, and protect the rights of the accused.

NOW, THEREFORE BE IT RESOLVED, the NPTEC hereby approves the amendment to the Nez Perce Tribal Code adding the VAWA 2022 provisions; Title 1 General Provisions, Chapter 1-1 Administration of Tribal Court, Section 1-1-11 Original Jurisdiction, Section 1-1-12 Personal Jurisdiction and Title 2 Rules of Procedure, Chapter 2.10 Criminal Procedures, Section 2.10.003 Jurisdiction, Title 1 General Provision, Chapter 1-1 Administration of Tribal Court, Section 1-1-26 Jurors, Title 2 Rules of Procedure, Chapter 2-4 Juvenile Justice, Section 2-4-2 Personal Jurisdiction, and Title 4 Criminal Code; and

BE IT FINALLY RESOLVED, that the Chairman and the Secretary are hereby authorized to sign all necessary correspondence and the NPTEC Treasurer is hereby authorized to disburse funds accordingly.

CERTIFICATION

The foregoing resolution was duly adopted by the Nez Perce Tribal Executive Committee meeting in Special Meeting Session, September 24, 2024 in the Richard A. Halfmoon Council Chambers, Lapwai, Idaho, a quorum of its Members being present and voting.

BY: 
Rachel P. Edwards, Secretary

ATTEST:


Shannon F. Wheeler, Chairman