



## NCA 21-020

### CLASSIFICATION: #14. CRIMES AND PUNISHMENTS

### A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING MCNCA TITLE 14, ENTITLED "CRIMES AND PUNISHMENTS" REGARDING THE CRIMINAL COMPLAINT AND ARREST WARRANT OR SUMMONS TO APPEAR

Be it Enacted by the National Council of the Muscogee (Creek) Nation:

**SECTION ONE. AMENDMENTS.** This amendment shall be codified in Title 14, Chapter 1 of the Code of Laws of the Muscogee (Creek) Nation; provided that for purposes of codification said amendment and its inclusion in pocket parts of the Code of Laws for the Muscogee (Creek) Nation, the Attorney General is authorized (1) to approve any changes related to the manner in which sections, articles, chapters and sub-chapters are designated consistent with the format in the Code of Laws published in 2010 by West Publishing Company; (2) to include footnoted references to the legislative history in said pocket parts of the Code of Laws and; (3) to note in said pocket parts any editorial correction of minor clerical or grammatical errors in the following amendment, without further National Council approval:

**SECTION TWO. AMENDMENT.** MCNCA Title 14, § 1-401 B. is hereby amended to read as follows:

#### § 1-401. The complaint

B. Contents of complaint. The complaint shall contain:

1. The name and address of the court;
2. The name of the defendant; if known or some other name **or alias** if not known plus whatever description of the defendant is known, including his or her Tribal membership or Tribal affiliation if known;
3. The signature of the Prosecutor or Assistant Prosecutor and his or her typewritten name, title, and office address;
4. A written statement describing in ordinary and plain language the facts of the offense alleged to have been committed including a reference to the time, date, and place as nearly as may be known. The offense may be alleged in the language of the statute violated;

5. The person against whom or against whose property the offense was committed and the names of the witnesses of the Nation if known, otherwise no statement need be made; **and**
6. The general name and Muscogee (Creek) Nation Code title and section number of the alleged offense; **and**
7. ~~Verification by a Lighthorse Officer.~~

**SECTION THREE. AMENDMENT.** MCNCA Title 14, § 1-402 A. and D. is hereby amended to read as follows:

**§ 1-402. Arrest warrant or summons to appear**

A. Summons and arrest warrants. If it appears from the complaint that an offense has been charged against the defendant, a Judge of the District Court may issue a summons to the defendant to bring him before the court in lieu of an arrest warrant. An arrest warrant shall issue only upon a complaint charging an offense by the defendant against the law of the Nation supported by the recorded ex parte testimony or affidavit of some person having knowledge of the facts of the case, **or a Lighthorse Officer or other authorized law enforcement officer as identified in § 1-101(J) of this Title,** through which the Judge can determine that probable cause exists to believe that an offense has been committed and that the defendant committed it. **An exact copy or facsimile of the affidavit may be presented to the court in lieu of the original document so long as the prosecuting attorney is satisfied as to the sufficiency of the probable cause allegations contained in the copy or facsimile.**

D. Service of arrest warrants and summons.


1. Warrants for arrest and criminal summons authorized in writing by the Judge may be served by any Lighthorse Police or other authorized law enforcement officer **as identified in § 1-101(J) of this Title,** or any adult person at any place within Muscogee (Creek) Nation Indian Country. Warrants for arrest and criminal summons authorized in writing by the Judge may also be served outside Muscogee (Creek) Nation Indian Country by any other law enforcement officer who has a Lighthorse commission pursuant to a cross-deputization agreement or other federal, state and Tribal law enforcement officer(s) whose assistance has been requested by the Muscogee (Creek) Lighthorse Police.
2. Warrants for arrest and summons are to be served at a person's home only between the hours of 7:00 a.m. and 9:00 p.m., unless an authorization to serve such process at night is placed on the face thereof by a District Judge.

3. The date, time, and place of service or arrest shall be written on the warrant or summons along with the signature of the person serving such, and the warrant returned to the Court. A copy, so signed, shall be given to the person served or arrested at the time of arrest if reasonably possible, or as soon thereafter as is reasonably possible.
4. An officer need not have the warrant in his or her possession at the time of arrest, but if not he or shall inform the defendant of the charge, that a warrant of arrest has been issued and shall provide the defendant a copy of the warrant not later than the time of arraignment.

**SECTION FOUR. EFFECTIVE DATE.** This Act shall become effective immediately upon proper approval and execution in accordance with the requirements of the Muscogee (Creek) Nation Constitution.

**ENACTED** by the Muscogee (Creek) National Council on this 27<sup>th</sup> day of March, 2021.

**IN WITNESS WHEREOF**, the Speaker of the Muscogee (Creek) National Council has hereto attached his signature.

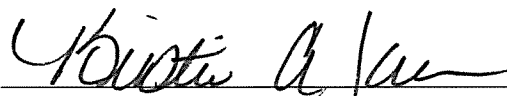


---

Randall Hicks, Speaker  
National Council  
Muscogee (Creek) Nation

**CERTIFICATION**

I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council comprised of Sixteen members with **Sixteen** members attending this meeting on the 27<sup>th</sup> day of March, 2021 and that the above is in conformity with the provisions therein adopted by a vote of 15 in favor, 0 against and that said Law has not been rescinded or amended in any way and the above is the signature of the Speaker of the National Council.

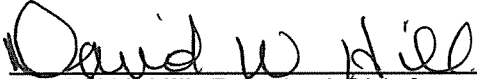


---

Kristie A. Jackson, Recording Secretary  
Muscogee (Creek) National Council

**APPROVAL**

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature on this 5<sup>th</sup> day of April, **2021** to the above Law, **NCA 21-020** authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.

  
\_\_\_\_\_  
David W. Hill, Principal Chief  
Muscogee (Creek) Nation





## NCA 21-020

### CLASSIFICATION: #14. CRIMES AND PUNISHMENTS

### A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING MCNCA TITLE 14, ENTITLED "CRIMES AND PUNISHMENTS" REGARDING THE CRIMINAL COMPLAINT AND ARREST WARRANT OR SUMMONS TO APPEAR

Be it Enacted by the National Council of the Muscogee (Creek) Nation:

**SECTION ONE. AMENDMENTS.** This amendment shall be codified in Title 14, Chapter 1 of the Code of Laws of the Muscogee (Creek) Nation; provided that for purposes of codification said amendment and its inclusion in pocket parts of the Code of Laws for the Muscogee (Creek) Nation, the Attorney General is authorized (1) to approve any changes related to the manner in which sections, articles, chapters and sub-chapters are designated consistent with the format in the Code of Laws published in 2010 by West Publishing Company; (2) to include footnoted references to the legislative history in said pocket parts of the Code of Laws and; (3) to note in said pocket parts any editorial correction of minor clerical or grammatical errors in the following amendment, without further National Council approval:

**SECTION TWO. AMENDMENT.** MCNCA Title 14, § 1-401 B. is hereby amended to read as follows:

#### § 1-401. The complaint

B. Contents of complaint. The complaint shall contain:

1. The name and address of the court;
2. The name of the defendant; if known or some other name or alias if not known plus whatever description of the defendant is known, including his or her Tribal membership or Tribal affiliation if known;
3. The signature of the Prosecutor or Assistant Prosecutor and his or her typewritten name, title, and office address;
4. A written statement describing in ordinary and plain language the facts of the offense alleged to have been committed including a reference to the time, date, and place as nearly as may be known. The offense may be alleged in the language of the statute violated;

5. The person against whom or against whose property the offense was committed and the names of the witnesses of the Nation if known, otherwise no statement need be made; and
6. The general name and Muscogee (Creek) Nation Code title and section number of the alleged offense.

**SECTION THREE. AMENDMENT.** MCNCA Title 14, § 1-402 A. and D. is hereby amended to read as follows:

**§ 1-402. Arrest warrant or summons to appear**

A. Summons and arrest warrants. If it appears from the complaint that an offense has been charged against the defendant, a Judge of the District Court may issue a summons to the defendant to bring him before the court in lieu of an arrest warrant. An arrest warrant shall issue only upon a complaint charging an offense by the defendant against the law of the Nation supported by the recorded ex parte testimony or affidavit of some person having knowledge of the facts of the case, or a Lighthorse Officer or other authorized law enforcement officer as identified in § 1-101(J) of this Title, through which the Judge can determine that probable cause exists to believe that an offense has been committed and that the defendant committed it. An exact copy or facsimile of the affidavit may be presented to the court in lieu of the original document so long as the prosecuting attorney is satisfied as to the sufficiency of the probable cause allegations contained in the copy or facsimile.

D. Service of arrest warrants and summons.

1. Warrants for arrest and criminal summons authorized in writing by the Judge may be served by any Lighthorse Police or other authorized law enforcement officer as identified in § 1-101(J) of this Title, or any adult person at any place within Muscogee (Creek) Nation. Warrants for arrest and criminal summons authorized in writing by the Judge may also be served outside Muscogee (Creek) Nation by any other law enforcement officer who has a Lighthorse commission pursuant to a cross-deputization agreement or other federal, state and Tribal law enforcement officer(s) whose assistance has been requested by the Muscogee (Creek) Lighthorse Police.
2. Warrants for arrest and summons are to be served at a person's home only between the hours of 7:00 a.m. and 9:00 p.m., unless an authorization to serve such process at night is placed on the face thereof by a District Judge.
3. The date, time, and place of service or arrest shall be written on the warrant or summons along with the signature of the person serving such, and the warrant returned to the Court. A copy, so signed, shall

- be given to the person served or arrested at the time of arrest if reasonably possible, or as soon thereafter as is reasonably possible.
4. An officer need not have the warrant in his or her possession at the time of arrest, but if not he or shall inform the defendant of the charge, that a warrant of arrest has been issued and shall provide the defendant a copy of the warrant not later than the time of arraignment.

**SECTION FOUR. EFFECTIVE DATE.** This Act shall become effective immediately upon proper approval and execution in accordance with the requirements of the Muscogee (Creek) Nation Constitution.

**ENACTED** by the Muscogee (Creek) National Council on this 27<sup>th</sup> day of March, 2021.

**IN WITNESS WHEREOF**, the Speaker of the Muscogee (Creek) National Council has hereto attached his signature.



---

Randall Hicks, Speaker  
National Council  
Muscogee (Creek) Nation

**CERTIFICATION**

I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council comprised of Sixteen members with **Sixteen** members attending this meeting on the 27<sup>th</sup> day of March, 2021 and that the above is in conformity with the provisions therein adopted by a vote of 15 in favor, 0 against and that said Law has not been rescinded or amended in any way and the above is the signature of the Speaker of the National Council.

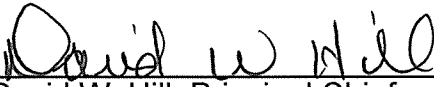


---

Kristie A. Jackson, Recording Secretary  
Muscogee (Creek) National Council

**APPROVAL**

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature on this 5<sup>th</sup> day of April, **2021** to the above Law, **NCA 21-020** authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.

  
\_\_\_\_\_  
David W. Hill, Principal Chief  
Muscogee (Creek) Nation

