



## NCA 10-210

### CLASSIFICATION: #14. CRIMES AND PUNISHMENTS

**A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING MCNCA TITLE 14, § 1-601 REGARDING FINES AND IMPRISONMENT AS AN EXERCISE OF MUSCOGEE (CREEK) NATION SOVEREIGNTY AND IN ACCORDANCE WITH THE EXPANSION OF SENTENCING POWER AVAILABLE TO INDIAN NATIONS UNDER THE TRIBAL LAW AND ORDER ACT OF 2009**

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

**SECTION ONE. AMENDMENT.** 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 of said amendment and its inclusion in pocket parts of the Code of Laws of the Muscogee (Creek) Nation, the Codification Committee is hereby 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 2003 by West Publishing Company; (2) to include footnoted references to the legislative history in said pocket parts to 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, with National Council approval:

**SECTION TWO. AMENDMENT.** MCNCA Title 14, §1-601 is hereby amended to read as follows:

#### **§ 1-601. Sentence and Judgment**

**A.1.** If a verdict of acquittal is rendered the defendant must immediately be discharged.

**B.2.** After a plea or verdict of guilty, or after judgment against the defendant the court must designate a time for sentencing, which must be within a reasonable time after the verdict or judgement is rendered. The sentence must be entered in the minutes of the court as soon as it is imposed.

C.3. If the defendant pleads guilty, or is convicted either by the court or by a jury, the court must impose the sentence imposed by the jury or a sentence in conformity with the law; or sentence the defendant to pay a fine or both.

D.4. The determination and imposition of sentence shall be the exclusive duty of the court.

E.B. When a person has been found guilty of a criminal offense under Title 14, Chapter 2, the Court shall sentence the defendant in accordance with the following ~~subsections~~ Paragraphs of this Subsection, depending upon whether the offense is denominated a misdemeanor or a felony in the provisions of relating to the offense of which the defendant was convicted, unless the provisions of relating to such offense expressly specify a different punishment:.

1. Misdemeanors: fines and imprisonment. Every person who is convicted of any criminal offense set forth in this Title 14, Chapter 2, which is denominated a misdemeanor shall be punished by a fine of not ~~less than fifty dollars (\$50.00) and not more than two thousand five hundred dollars (\$2,500); or by imprisonment of not less than (1) day and/or~~ not more than one (1) year; ~~or by both such a fine and such term of imprisonment.~~ In addition to any punishment provided for in this ~~subsection A Paragraph,~~ the Court may also order community service and/or counseling as authorized by ~~subsections C and D of this section Paragraphs 3 and 4 of this Subsection.~~
2. Felonies: fines and imprisonment. Every Indian person who is convicted of any criminal offense set forth in Title 14, Chapter 2, which is denominated a felony shall be punished by a fine of ~~not less than one thousand dollars (\$1000.00) and not more than five thousand dollars (\$5,000); and/or by imprisonment of not less than thirty (30) days and not more than one (1) year; or by both such a fine and such term of~~ not more than three (3) years imprisonment. In addition to any punishment provided for in this paragraph 2, the Court may also order community service and/or counseling as authorized by ~~p~~Paragraphs 3 and 4 of this Subsection.
3. Community Service. In addition to or, at the discretion of the sentencing judge, in lieu of any fine or any portion thereof or any

term of imprisonment or any portion thereof which may be imposed under paragraph 1 and 2 of this subsection, the Court may order that the convicted defendant perform community service as determined by the Court in the sound exercise of its discretion.

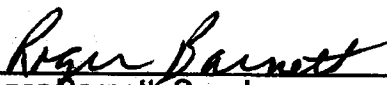
4. Counseling. In addition to any fines, imprisonment, community service, restitution and/or other punishment imposed by the Court for violations of this Title 14, Chapter 2, the Court may also order the defendant to receive counseling through Muscogee Nation Behavioral Health or any other counseling service.

**F.** Multiple convictions; concurrent and consecutive sentencing. Each violation of any provision of Title 14, Chapter 2, shall be a separate offense and shall be punishable as such. Provided, however, when a defendant has been convicted of multiple offenses under Title 14, Chapter 2, the judge at the time of sentencing shall have the discretion to order that any term of imprisonment for any offense be served concurrently with one or more other terms of imprisonment or consecutively to one or more other terms of imprisonment.

**SECTION THREE. 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 18th day of December 2010.

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

  
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Roger Barnett, 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 twenty-six members with Twenty-Two members attending this meeting on the 18th day of December 2010, and that the above is in conformity with the provisions therein adopted by a vote of 21 in favor, 0 against, 0 abstentions, 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.



ShaRee Edmondson, Acting Recording Secretary  
Muscogee (Creek) National Council

**APPROVAL**

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature this 27 day of Dec, 2010, to the above Law, **NCA 10-210** authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.



A. D. Ellis, Principal Chief  
Muscogee (Creek) Nation

