

**CERTIFICATE**

The undersigned, Gary Burke and N. Kathryn Brigham, hereby certify that they are the Chairman and Secretary, respectively, of the Board of Trustees of the Confederated Tribes of the Umatilla Indian Reservation, and at a regular meeting of said Board at the Board Chambers of the Nixyaawii Governance Center, Mission, Oregon, on the 24<sup>th</sup> day of March, 2014, a quorum of said Board was present and the following Resolution was regularly moved, seconded, and adopted by a vote of 4 for, 0 against, and 0 abstaining.

**R E S O L U T I O N**

- WHEREAS,** the Board of Trustees is the governing body of the Confederated Tribes of the Umatilla Indian Reservation (Confederated Tribes) by the authority of Article VI, Section 1 of the Constitution and Bylaws of the Confederated Tribes, adopted on November 4, 1949 and approved on December 7, 1949, as amended; **AND**
- WHEREAS,** pursuant to Article VI Section 1(d) of the Constitution and Bylaws, the powers of the Board of Trustees include the authority “to exercise any rights and powers heretofore vested in the Confederated Tribes, but not expressly referred to in this Constitution, or any powers that may in the future be delegated by an agency of local, state or Federal government”; **AND**
- WHEREAS,** the State of Oregon retroceded criminal jurisdiction over the Umatilla Indian Reservation to the Confederated Tribes in Oregon State Executive Order EO-80-8 (May 13, 1980); **AND**
- WHEREAS,** on February 20, 2014 the Confederated Tribes was authorized by the United State Attorney General to begin prosecuting limited non-Indian domestic violence crimes as an exercise of inherent authority; **AND**
- WHEREAS,** some minor clarification regarding the exercise of that authority should be made to the Criminal Code with regard to non-Indian violations of protection orders to make it explicit that such offenders must have sufficient ties to the Confederated Tribes before a prosecution can occur and that jurisdictional elements must be proven beyond a reasonable doubt by the Confederated Tribes; **AND**
- WHEREAS,** section 3.16(B)(6) contains a typo and it should be made clear that motions to suppress evidence pertain to evidence alleged to be inadmissible rather than admissible; **AND**
- WHEREAS,** section 3.24(C) needs to be amended to clarify that jury verdicts of guilty must be unanimous; **AND**

**WHEREAS,** section 3.28(C) should be amended to clarify that indigent defense counsel are available both at trial and on appeal; **AND**

**WHEREAS,** section 3.38 should be amended to clarify that the extradition process is available for warrants from other tribes as well as states; **AND**

**WHEREAS,** section 3.43 should be amended to clarify that indigent defendants are entitled to a copy of the recorded proceedings in the trial court and, if required by the appellate court, any transcript of the proceedings; **AND**

**WHEREAS,** sections 4.156 and 4.157, pertaining to concealed weapons permits, should be amended to improve the process by which a person can obtain a concealed weapons permit and to clarify the minimal conditions that must be met to obtain such a permit; **AND**

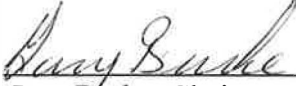
**WHEREAS,** on February 18, 2014 the Law and Order Committee reviewed the proposed amendments and recommended that the BOT approve the changes to the Criminal Law Code; **AND**

**WHEREAS,** the Board of Trustees met in a work session on March 19, 2014 to review the above proposed amendments to the Criminal Code; **NOW, THEREFORE BE IT**

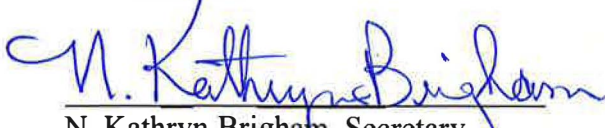
**RESOLVED,** that the Confederated Tribes hereby amends the Criminal Code (Exhibit 1) in accordance with the attached document, indicating deletions by strikethroughs and additions by underline to clarify, jurisdictional requirements for non-Indian prosecutions, unanimous jury verdict requirements, the basis for motions to suppress, that transcripts are available free of charge to indigent defendants on appeal, to include warrants from other tribes in the extradition process, and to improve the concealed weapons permit process;

**AND,** that said Resolution has not been modified amended or repealed and is still in full force and effect.

Dated this 24<sup>th</sup> day of March, 2014.

  
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Gary Burke, Chairman  
Board of Trustees

**A T T E S T:**

  
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N. Kathryn Brigham, Secretary  
Board of Trustees

**Exhibit1: Criminal Code**

Name	Yes	No	Abstain	Leave
Gary Burke, BOT Chairman				Personal
Leo Stewart, BOT Vice Chairman				Personal
Aaron Hines, BOT Treasurer				
Kat Brigham, BOT Secretary	X			
Justin Quaempts, BOT Member				Personal
Bob Shippentower, BOT Member	X			
Armand Minthorn, BOT Member				Travel
Alan Crav, General Council Chairman	X			
Woodrow Star, BOT Member				