

PUBLIC ANNOUNCEMENT

////////// Important Changes to MBCI Criminal Laws \\\\\\\\\\\

Violence Against Women Act - Tribal Law and Order Act

On October 9, 2018, the Tribal Council enacted Tribal Resolution CHO 19-001 to amend the Tribal Code of Laws. These amendments comply with the Federal statutory requirements so that the Tribe may exercise “special domestic violence criminal jurisdiction” over any individual (including non-Indians) under the Violence Against Women Act and to be able to implement enhanced criminal penalties in Tribal Court under the Tribal Law and Order Act. Under Tribal Resolution CHO 19-118, these amendments go into effect on **February 1, 2020**.

What is VAWA and TLOA?

The **Violence Against Women Act (VAWA)** is a Federal law recognizing the authority of Indian tribes to exercise “special domestic violence criminal jurisdiction” to arrest and prosecute any individual (including non-Indians) in Tribal Court for domestic violence and dating violence crimes against an Indian in Indian Country and for violations of certain protection orders.

The **Tribal Law and Order Act (TLOA)** is a Federal law recognizing the right of Indian tribes to improve their own Tribal criminal laws to impose enhanced criminal penalties in terms of higher fines and longer jail sentences on defendants in Tribal Court.

Under the amendments approved under Tribal Resolution CHO 19-001, MBCI will be able to implement the provisions of VAWA and TLOA to help improve the Tribe’s law enforcement capabilities and to provide greater law and order protections for the Choctaw Communities! Another key amendment to the Tribal Code is that Class “A” crimes will now be designated felonies, and Class “B” and “C” crimes will be designated misdemeanors.

When Does VAWA Apply?

Any criminal defendant (including non-Indians) may be arrested and prosecuted in MBCI Tribal Court for either domestic violence, dating violence, or violations of a protection order that occur on the Choctaw Reservation. A non-Indian may be prosecuted when the victim is an Indian and at least one of the following apply:

- The non-Indian defendant resides on the Choctaw Reservation;
- The non-Indian defendant is employed on the Choctaw Reservation, or;
- The non-Indian defendant is a spouse, intimate partner or dating partner of a Choctaw Tribal member or any Indian residing on the Choctaw Reservation.

What Are The Enhanced Penalties Under TLOA?

Currently, the maximum criminal penalty that may be imposed in MBCI Tribal Court is six (6) months in jail or up to a \$500 fine. The Tribe will now be able to impose a jail term of up to one (1) year in jail or a fine of up to \$5,000, or both, for any misdemeanor crime. The Tribe will now be able to impose a jail term of up to three (3) years or a fine of up to \$15,000, or both, for any felony crime. A crime involving multiple counts may result in a jail term up to nine (9) years.

This flyer is for informational purposes only and is not provided for the purpose of giving legal advice of any kind. You may review the MBCI Tribal Code amendments at www.choctaw.org/government/court/code.html.