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RESOLUTION #:7/28B/08  
BE IT RESOLVED BY THE TRIBAL COUNCIL  
OF THE SAUK SUIATTLE INDIAN TRIBE  
IN THE STATE OF WASHINGTON

WHEREAS, the Sauk-Suiattle Tribal Council is the governing body of the Sauk-Suiattle Indian Tribe of authority of the Constitution and By-Laws as approved by the Secretary of the Interior on September 17, 1975 and in accordance with the Indian Reorganization Act of June 18, 1934; and

WHEREAS, the Sauk-Suiattle Indian Tribal Council is the duly elected governing body of the Sauk-Suiattle Indian Tribe; and

WHEREAS, the Sauk-Suiattle Indian Tribal Council is charged with the responsibility for the protection of the health, welfare and safety of the members of the Sauk-Suiattle Indian Tribe; and

WHEREAS, the Sauk-Suiattle Tribal Council is granted the authority to promulgate ordinances pursuant to the Sauk-Suiattle Constitution; and

WHEREAS, from time to time amendments to existing codes are required due to changing circumstances and legal precedent; and

WHEREAS, certain provisions in the Law and Order Code are no longer valid and must be amended and certain new provisions must be added.

NOW THEREFORE BE IT RESOLVED, certain sections of the Law and Order Code shall be amended or supplemented as follows:

NEW SECTION

Section 3.045 Right to Representation: Appointed Counsel for Criminal Defendants

Any person appearing as a party in Tribal court shall have the right to representation at his or her own expense. The court may appoint counsel to assist any person appearing as a criminal defendant in the court when the person is determined, after investigation by the court, to be indigent based upon the standards of indigency established by the Sauk-Suiattle Tribal Council. Appointed counsel may be: (1) an attorney admitted to practice before any state bar, or (2) a student at, or graduate of any school of law accredited by the American Bar Association, or (3) or a lay representative admitted to practice in the Tribal Courts appointed by the Tribe. The Tribe shall only be obligated to pay for appointed counsel in accordance with regulations promulgated by the Tribal Council to implement this provision.

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AMENDED SECTION

Section 3.050 Tribal Court Bar - General

~~Any person appearing in Tribal Court shall have the right to an advocate at his own expense to assist him in presenting his case, provided that such as an~~ advocate shall first have been admitted to the Tribal Court Bar. The court may appoint an advocate to assist any person if, in the discretion of the court, it appears necessary to protect such person's rights. An advocate need not be licensed to practice law in any other jurisdiction.

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AMENDED SECTION

Section 4.130 Arrest - Notification of Rights

Upon arrest the accused shall be advised of the following:

- (1) That he has the right to remain silent.
- (2) That any statement he makes may be used against him in Court.
- (3) That he has the right to obtain counsel at his own expense or if he cannot afford one, an advocate will be appointed.
- (4) The nature of the complaint against him.
- (5) That he has the right to petition the Court for release from custody by writ of habeas corpus.

If arrested pursuant to a warrant, the accused shall receive a copy of the warrant at the time of the arrest or as soon as is possible. Failure to advise the accused of his rights shall not invalidate the arrest, but may, in the Court's discretion, cause any statements made by the suspect under questions by police to be inadmissible as evidence against him.

Nothing in this section shall bar the filing of additional complaints arising out of conduct for which the accused was arrested.

BE IT FURTHER RESOLVED, that the Sauk-Suiattle Tribal Council does not waive, alter, or otherwise diminish its sovereign immunity, whether express or implied, by virtue of the enactment of this resolution or any administrative or legal action which may arise directly or indirectly from the same, nor does the Sauk-Suiattle Tribal Council waive, alter, or otherwise diminish any rights, privileges, remedies, or services guaranteed by the Point Elliot Treaty; now

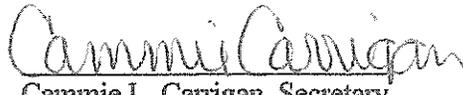
BE IT FINALLY RESOLVED, that the Sauk-Suiattle Tribal Council authorizes the Tribal Council Chairman to sign all documents on behalf of the Sauk-Suiattle Tribe and in his absence, the Vice-Chairperson of the Sauk-Suiattle Tribal Council is authorized to sign all documents.

CERTIFICATION

The above resolution was duly approved by the Sauk-Suiattle Tribal Council at a reconvened meeting held on July 21, 2008 at which time a quorum was present by a vote of: 3 For 0 Against: 2 Abstain: 2 Absent.

  
James D. Roberts, Chairman

ATTEST:

  
Cammie L. Carrigan, Secretary