

ORIGINAL

RESOLUTION NO. 8728

WHEREAS, The Tribal Council has been advised that the crime of sexual abuse (WSTC 305.345) is often not discovered until more than one year after the offense has occurred due to the victim's young age, traumatization and embarrassment, threats, coercion, and other factors; and

WHEREAS, The Tribal Council has been informed that the Tribal Code's one year statute of limitations on criminal offenses will prevent the prosecution of those Sexual Abuse Offenses that are not discovered until more than one year after the offense has occurred; and

WHEREAS, The Tribal Council has been advised that the crime of sexual abuse is frequently committed concurrently with several other criminal offenses which, like the sexual abuse offense, often do not come to the attention of authorities until more than one year after the offense has occurred; and

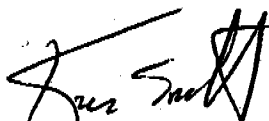
WHEREAS, The Tribal Council believes that the criminal offense of sexual abuse (WSTC 305.304) and all other criminal offenses committed concurrently with the offense of sexual abuse, should have a five year statute of limitations rather than the one year statute of limitations provided for other crimes; now, therefore

BE IT RESOLVED, By the (19th) Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon, pursuant to Article V Section 1 (i) of the Tribal Constitution, that WSTC Section 202.105 and WSTC Section 200.102 concerning the statute of limitations for criminal offenses in Warm Springs Tribal Court is hereby Amended by extending the Statute of Limitations from One Year to Five Years for the Criminal Offense of Sexual Abuse (WSTC 305.345), and any Other Criminal Committed Concurrently With The Offense Of Sexual Abuse, as Provided in Exhibit A to this Resolution; and

BE IT FURTHER RESOLVED, By the Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon, pursuant to Article V Section 1 (i) of the Tribal Constitution, that this Amendment to WSTC Section 202.105 and WSTC Section 200.102 shall be Effective Upon Enactment of this Resolution, but Shall Not Apply Retroactively to Criminal Offenses Committed Prior to Enactment Of This Resolution.

CERTIFICATION

The undersigned, as Secretary-Treasurer of the Confederated Tribes of the Warm Springs Reservation of Oregon, hereby certifies that the Tribal Council is composed of 11 members of whom 9, constituting a quorum, were present at a meeting thereof, duly and regularly called, noticed, convened and held this 18th day of October 1993; and that the foregoing resolution was passed by the affirmative vote of 8 members, the Chairman not voting; and that said resolution has not been rescinded or amended in any way.



Ken Smith
Secretary-Treasurer

NOTED:



for Gordon E. Cannon
Superintendent

CC: Secretary-Treasurer
Superintendent
Administrative Service Center