

WHEREAS, the Tribal Council has determined that Warm Springs Tribal Code Section 305.335 regarding the crime of rape should be amended; and,

WHEREAS, the Tribal Council believes that the crime of rape should include any case of unconsented sexual intercourse; and,

WHEREAS, Tribal Council believes that persons who are mentally defective, mentally incapacitated or physically helpless are incapable of giving such consent; and,

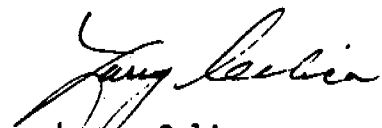
WHEREAS, the Tribal Council has been advised that the current definition of the crime of rape in the Warm Springs Tribal Code does not prohibit unconsented sexual intercourse with a mentally defective, mentally incapacitated or physically helpless person where no use of force or violence is shown; and

WHEREAS, the Tribal Council believes that unconsented sexual intercourse under the circumstances described above should be considered rape within the meaning of Warm Springs Tribal Code; now, therefore,

BE IT RESOLVED by the Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon pursuant to Article V, Section 1 of the constitution, that the attached amendment to Warm Springs Tribal Code Section 305.335 regarding the crime of rape is hereby adopted and shall replace the former WSTC Section 305.335.

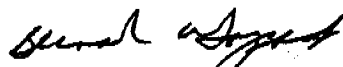
#### CERTIFICATION

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 7 constituting a quorum were present at a meeting thereof, duly and regularly called, noticed, convened and held this 17th day of July, 1985; and that the foregoing resolution was passed by the affirmative vote of 6 members, the Chairman not voting; and that the said resolution has not been recinded or amended in any way.



Larry Calica  
Acting Secretary-Treasurer

Approved: AUG - 5 1985



Bernard W. Topash  
Superintendent

cc: Steno Pool/Secretary-Treasurer/Superintendent/Tribal Court/Attorney (Howie)