

**PROPOSED CODE AMENDMENT  
Cover Sheet**

1. **Briefly summarize the proposed amendment:** The amendment creates a set of Tribal Rules of Evidence for use in the Tribal courts and all administrative proceedings.
2. **Provide the reason for the proposed amendment:** The Tribal Court of Appeals has held in the case of *Desautel v. CCT*, 13 CCAR 03, 7 CTCR 5 (2016), that the Tribal Court does not comply with the federal Tribal Law & Order Act (TLOA) because the court does not have published Rules of Evidence. The proposed Rules of Evidence would correct this situation. The rules are neither state nor federal, but are carefully adapted to the unique customs, traditions, and practices of the Colville Tribal Court. They have been drafted to protect the rights of participants before the court, while at the same time using a format that can be easily understood and used by non-lawyers.
3. **List if the Chapter is new or which the section(s) are being amended or added.** New Chapter 1-9.
4. **Emergency:** No  
*CBC Procedural Rule 3(c) Emergencies: If, by majority vote, an emergency is declared to exist, the Committee may immediately act on the amendment and forward it to the full CBC for final action.*
5. **Two Committee Meetings:** Yes  
*CBC Procedural Rule 3(b) Two Committee Meetings required: Unless the Committee finds that an emergency exists, or the amendment involves a non-substantive language correction, all proposed code amendments shall be considered in at least two Committee meetings prior to the Committee acting on whether to recommend passage or rejection of the amendment.*

Committee: **Law & Justice**

1<sup>st</sup> meeting: **August 24, 2016**

Public Comment Period: **90 day comment period. Comments should be received no later than November 25, 2016.**

2<sup>nd</sup> meeting: **December 14, 2016**

RECOMMENDATION SHEET

On reservation: Code amendments are posted at each district Community Center and Sr. Meal Sites.

Off-reservation: Proposed code amendments are posted on-line at [www.colvilletribes.com](http://www.colvilletribes.com) or can be mailed upon request. Comments may be returned by mail, fax, e-mail or presented to Council at the 2nd meeting/public hearing.

Mail: CCT ORA-Code Reviser    Phone: (509) 634-2389    E-mail: [codeamend@colvilletribes.com](mailto:codeamend@colvilletribes.com)  
PO Box 150    fax: (509) 634-2387  
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6. **Non-Substantive Language Corrections:** No  
*CBC Procedural rule 3(b) Non-Substantive Language Corrections: If the Committee finds the proposed amendment in a non-substantive code language correction which creates no new requirements, obligations, prohibitions, or other material changes in the existing code, it may immediately act on the amendment and forward it to the full CBC for final action.*
7. **Final CBC action occurred on \_\_\_\_\_, 2016**  
*If passed, resolution number and date of the Regular or Special session.*  
*If rejected, proposed amendment can be sent back to appropriate committee when concerns have all been addressed and appropriate process must start all over.*

*cc: 14-CBC, ORA, Executive Director, Services Department Director, Public Safety Department Director, Land & Property Management Department Director, 4-District Community Centers, 4-Sr. Meal Sites, Tribal Tribune and Tribal Web page.*