



KIOWA TRIBE

P.O. Box 369 • Carnegie, Oklahoma • 73015
Phone: (580) 654-6338 • Fax: (580) 654-1788
OFFICE OF THE LEGISLATURE

Resolution Number: KL-CY-2026-00X

2026 AMENDMENT TO THE KIOWA ~~CRIMINAL~~ CODE OF 2017

At a duly called Legislative Regular Session _____ of the Legislature of the Kiowa Tribe held this _____ day of _____, 2026, the following resolution, was adopted.

WHEREAS, the Kiowa Tribe is a federally recognized Indian Tribe with a Constitution approved by the Secretary of the Interior; and,

WHEREAS, the Legislature, is vested with the authority to pass laws and resolutions pursuant to Article VI, Section 6 (a) of the Constitution of the Kiowa Tribe; and,

WHEREAS, the Legislature is authorized under the Kiowa Constitution and is empowered to promulgate and enforce codes and laws, to protect Kiowa Tribal Citizens; and,

WHEREAS, on _____ the Kiowa Criminal Code, Resolution No. ____, was enacted into Kiowa Law; and,

WHEREAS, the Kiowa Criminal Code creates the position of Tribal Prosecutor but fails to provide details regarding the process for removing someone from the office of Tribal Prosecutor or under what circumstances an individual may be removed; and

WHEREAS, since the Tribal Prosecutor may be called to conduct investigations and prosecutions of individuals of influence in the Kiowa Tribe, the Kiowa Tribe Legislature finds it necessary to provide protections for the Tribal Prosecutor from removal for political purposes.

NOW, THEREFORE BE IT RESOLVED, the Kiowa Tribe Legislature, having been delegated certain authorities under the Kiowa Constitution, the governing body of the Kiowa Tribe, does hereby adopt the attached “2026 Amendment to the Kiowa ~~Criminal~~ Code of 2017.”

C E R T I F I C A T I O N

The foregoing Resolution KL-CY-2026-00X was duly voted upon by the Legislature on _____, 202__, at a Legislative Regular Session _____-(), with a vote of () in favor and () opposed, () abstaining, and () absent, according to the authority vested in the Legislature by the Constitution of the Kiowa Tribe.

Michael Primus
Speaker of the Legislature

LEGISLATIVE RESOLUTION – KL-CY-2026-00X

Sponsors: Michael Primus, District 2.

Co-Sponsors:

| LEGISLATORS | YES Hàu | NO Hàu:né | ABSTAIN Háun á | ABSENT Héngyádàu |
|-------------------------------------|--------------------|----------------------|---------------------------|-----------------------------|
| Kyle Ataddlety District 1 | | | | |
| Michael Primus District 2 | | | | |
| Timothy Satepauhoodle District 3 | | | | |
| Cole DeLaune District 4 | | | | |
| Tiya Rosario District 5 | | | | |
| Ben Wolf District 6 | | | | |
| Warren Queton District 7 | | | | |

DELIVERY OF THE RESOLUTION AND LAW TO THE CHAIRMAN

Resolution No. KL-CY-2026-00X was presented to the Chairman of the Kiowa Tribe on the ____ day of ____, 202__, pursuant to the Article VI, Section 8(a)(iv) of the Constitution of the Kiowa Tribe, and will become effective after signature by the Chairman or veto override by the Legislature, and as otherwise required by the Constitution.

Michael Primus
Speaker of the Legislature

CHAIRMAN’S ACTION:

APPROVED

VETO - RETURNED TO LEGISLATURE WITH EXPLANATION:

On this ____ day of _____, 2026.

Lawrence Spottedbird
Chairman of the Kiowa Tribe

Presented by the Chairman to the Legislature on the ____ day of _____, 2026.

LEGISLATURE’S ACTION:

Override of Chairman’s veto:

YES

NO

LEGISLATIVE OVERRIDE ORDER: KLO-CY-2026-0XX

| LEGISLATORS | YES | NO | ABSTAIN | ABSENT |
|-------------------------------------|------------|-----------|----------------|---------------|
| Kyle Ataddlety District 1 | | | | |
| Michael Primus District 2 | | | | |
| Timothy Satepauhoodle District 3 | | | | |
| Cole DeLaune District 4 | | | | |
| Tiya Rosario District 5 | | | | |
| Ben Wolf District 6 | | | | |
| Warren Queton District 7 | | | | |

CERTIFICATION

The foregoing Legislative Order, KL-CY-2026-00X was duly voted upon by the Legislature on _____, 2026, at a Legislative Override Order Session with a vote of _____ in favor and _____ opposed, and _____ abstaining, _____ Absent. Pursuant to the authority vested in the Legislature by the Constitution of the Kiowa Tribe.

Secretary of the Legislature

Section 1. Short Title. This enactment shall be known as, the “2026 AMENDMENT TO THE KIOWA ~~CRIMINAL CODE~~ of 2017.”

Section 2. Amendatory. Section 1.6.2 of the Kiowa ~~Criminal Code~~ of 2017 shall be amended to read as follows:

1.1.2 JUDICIAL COMMISSION. ~~(b)-(e)-(a)~~

(a) There shall be a Judicial Commission comprised of five ~~(5) Members of the Tribe~~ enrolled Kiowas nominated by the Chairman subject ~~to the constitutional outlined in Art. VIII Sec. 9 (a)~~ confirmation by the Legislature. No person who has been convicted of a felony may serve as a Judicial Commission Member. Judicial Commission members shall serve four year staggered terms, which are established as follows:

| <u>Commissioner</u> | <u>Name</u> | <u>Date term ends</u> |
|---------------------|-------------|-----------------------|
| <u>1</u> | | <u>4/1/2027</u> |
| <u>2</u> | | <u>4/1/2028</u> |
| <u>3</u> | | <u>4/1/2029</u> |
| <u>4</u> | | <u>4/1/2030</u> |
| <u>5</u> | | <u>4/1/2027</u> |

(b) ~~-~~The Judicial Commission shall adopt a Code of Ethics for the Judges and Justices, based on the Model which shall comply with and be no more stringent than the 2017 Model Code of Judicial Conduct, and any provision of a Code of Ethics approved by the Judicial Commission that conflicts with or exceeds the requirements of the 2017 Model Code of Judicial Conduct shall be null and void. Any Code of Ethics approved by the Judicial Commission shall not include a prohibition on Judge or Justice from practicing law or engaged in employment outside of their engagement as a Judge or Justice of the Courts. ~~A Professionalism Committee~~The Judicial Commission shall adopt a Code of Ethics for attorneys and lay advocates, based on the American Bar Association Model Rules of Professional Conduct. The Judicial Commission shall hear any complaints regarding Justices, Judges, attorneys and lay advocates. The Judicial Commission shall have the power to make recommendations to the Chief Justice ~~andp Chief Judge~~ to discipline a Justice, Senior Associate Judge, Judge or Pro-Tem Judge. The Judicial Commission shall have the power to make recommendations to the Chief Justice or Chief Judge to discipline or remove a Court clerk or other court staff. The Judicial Commission shall have the power to make recommendations to the Legislature to remove a Judge or Justice. The Judicial Commission shall provide each person subject to discipline or removal with due process.

(c) The Judicial Commission shall have the power to regulate the conduct of lawyers and lay advocates licensed to practice in the Courts. A denial or revocation of a license to practice in the Courts issued by the Chief Judge may be appealed to the Judicial Commission, provided that any decision by the Judicial Commission regarding such license may be appealed to the Chief Justice who shall make a final decision in writing.

(d) All decisions of the Judicial Commission shall be recorded and shall require an affirmative vote of a majority of the Judicial Commission (three Commissioners) as a body to be considered approved by the Judicial Commission.

(e) The Judicial Commission shall not be authorized to approve or implement any additional requirements to serve as a Judge or Justice of the Courts other than the minimum qualifications established in the Constitution under Article VIII, Section 4.

Section 3. Amendatory. Chapter 2 of the Kiowa Code of 2017 shall be amended to add the following provision:

Section 1.2.10 Authorization to Administer Appropriated Funds. The Chief Justice of the Supreme Court shall have the authority to administer the funds appropriated for the Judicial Branch in accordance with the Fiscal Procedures Act; Provided, that the Chief Justice may delegate the such authority to the Chief Judge of the Trial Court. The Chief Justice, or the Chief Judge, may transfer up to fifty percent of funds appropriated to the Judicial branch of government between budget line items included in an approved Annual Budget or Budget Modification for the Judicial branch.

1.6.2 AUTHORITY OF PROSECUTOR APPOINTED BY TRIBE. In any and all criminal proceedings in any and all Courts, the Chairman Kiowa Tribe shall, subject to confirmation by the Legislature, appoint a person to act as prosecutor for a term of 6 years who shall have power and authority to sign, file, and present any and all complaints, subpoenas, affidavits, motions, processes, and papers of any kind and to appear before all Courts, Commissions, or Tribunals in criminal proceedings. The term of the Prosecutor now serving the Tribe is confirmed by this law, and commenced on _____ . The Prosecutor may only be removed by the Chairman for cause, which shall be limited to failing to maintain a license to practice law or committing a felony.

Section 3. New Law. A new Section 1.1.3 is added to the Kiowa Code of 2017 to read as follows:

1.1.3. Annual Meeting. An annual meeting of the ~~The~~ Judicial Commission, ~~shall convene a meeting of all the Judges Trial Court and Justices of the Supreme Court, the Chairman and the Legislature~~ shall be called and conducted by the Chairman for ~~annually. A quorum for the annual meeting shall consist of three members of the Judicial Commission, the Chairman, one Legislator and the Chief Judge of the Supreme Court. No business may occur at the annual meeting of the Judicial Commission unless a quorum is present at the inception of the meeting. At that meeting, the Judicial Commission to shall report on its activities for the past year, to , shall outline any planned activities for the coming year, and to shall present any proposed codes or rules. No codes or rules of the Commission shall be effective unless and until approved by a unanimous vote of all the Judges, Justices, Chairman and Legislature attending at the annual meeting. Said vote shall be recorded by the Judicial Commission. If Any Code of Ethics approved by the Judicial Commission or regulations promulgated by the Judicial Commission to regulate the conduct or lawyers and advocates rules or codes are so adopted, they shall be presented to Chief Justice for publication as the rules and codes of the Courts of the Kiowa Tribe, and the Chief Justice shall ensure that all attorneys and lay practitioners, as well as all pro se litigants, are afforded access to said rules or codes with out any cost or surcharge.~~

Effective Date. _____ This Act shall become effective immediately upon approval of the Kiowa Tribe Legislature and signature of the Chairman of the Kiowa Tribe, or if vetoed, upon legislative override of the Chairman's veto.

