

CHAPTER 1-5 COLVILLE TRIBAL CIVIL RIGHTS ACT

1-5-1

Title

This Chapter shall be known as the Civil Rights Act of the Confederated Tribes of the Colville Reservation.

1-5-2

Civil Rights of Persons Within Tribal Jurisdiction

The Confederated Tribes of the Colville Reservation in exercising powers of self-government shall not:

- (a) Make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition for a redress of grievances;
- (b) Violate the right of people within its jurisdiction to be secure in their persons, houses, papers, and effects against unreasonable search and seizures, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized;
- (c) Subject any person for the same Tribal offense to be twice put in jeopardy;
- (d) Compel any person in any criminal case to be a witness against himself;
- (e) Take any private property for a public use without just compensation;
- (f) Deny to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and at his own expense to have the assistance of counsel for his defense;
- (g) Require excessive bail, impose excessive fines, inflict cruel and unusual punishments;
- (h) Deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law;
- (i) Pass any bill of attainder or ex post facto law; or
- (j) Deny to any person accused of an offense punishable by imprisonment the right, upon request, to a Tribal jury of not less than six persons.

1-5-3

Right of Action

Any person may bring an action for declaratory and/or injunctive relief only, against any executive officer or employee of the Confederated Tribes, or any employee or officer of any governmental agency acting within the jurisdiction of the Colville Tribal Court, to protect the rights set out in CTC §1-5-2 of this Chapter.

1-5-4

Colville Tribal Court

Actions brought under CTC §1-5-3 shall be brought only in the Courts of the Confederated Tribes of the Colville Reservation; notwithstanding the fact that a court of another jurisdiction may have concurrent jurisdiction.

1-5-5

Sovereign Immunity

When suit is brought in the Colville Tribal Court under CTC §1-5-4 to protect rights set out in CTC §1-5-2, the sovereign immunity of the Colville Tribes is hereby waived in the Courts or the Tribes for the limited purpose of providing declaratory and injunctive relief, where appropriate under the law and facts asserted to protect those rights; provided, the immunity of the Tribes is not waived with regard to damages, court costs, or attorneys fees.

1-5-6

Other Law Unaffected

The laws of the Confederated Tribes, insofar as they do not violate the rights set out in CTC §1-5-2 of this Chapter, shall be unaffected by this Chapter. The Tribal Rules of Civil Procedure, the Tribal Statutes of

Limitations, and all other rules of practice and procedure shall apply to suits brought under this Chapter.

1-5-7 Custom and Tradition to be respected

In construing this Chapter, the Tribal Court shall consider, when properly presented to the Court, the history, customs, and traditions of the tribes and bands which make up the Confederated Tribes.

1-5-8 Insurance

Notwithstanding any other provision of this Chapter or the Colville Tribal Code; with respect to any claim made under this Chapter, in the Courts of the Confederated Tribes, for which the Tribes carries an active and enforceable policy of liability insurance, suit may be brought for damages up to the full available amount of the coverage provided in the insurance policy; provided, no judgment on any such claim may be for more than the amount of insurance carried by the Tribes; and further provided, any such judgment against the Tribes may only be satisfied pursuant to the provisions of the policy or policies of insurance then in effect.

(Chapter 1-5 Adopted 2/4/88, Resolution 1988-76)
(Certified 2/16/88)