

**WAGANAKISING ODAWAK STATUTE 2006-011**  
**VICTIMS RIGHTS ACT**

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**SECTION I. PURPOSE**

The purpose of this Statute is to protect the rights of crime victims.

**SECTION II. RIGHTS OF CRIME VICTIMS**

**A. Rights of crime victims.** A crime victim has the following rights:

1. The right to be protected from the accused.
2. The right to reasonable, accurate, and timely notice of any public court proceeding, or any parole proceeding, involving the crime or of any release or escape of the accused.
3. The right not to be excluded from any such public court proceeding, unless the court, after receiving clear and convincing evidence, determines that testimony by the victim would be materially altered if the victim heard other testimony at that proceeding.
4. The right to be heard at any court or agency proceeding involving release, plea, sentencing, or any parole proceeding.
5. The right to confer with the Prosecuting Attorney in the case.
6. The right to full and timely restitution as provided in law.
7. The right to proceedings free from unreasonable delay.
8. The right to be treated with fairness and with respect for the victim's dignity and privacy.

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**B. Implementation of Rights.**

1. In any court proceeding involving an offense against a crime victim, the Tribal Court, Tribal Prosecutor and Law Enforcement Department shall ensure that the crime victim is afforded the rights described in subsection (A).

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- 2. The Tribal Prosecutor shall advise the crime victim that the crime victim can seek the advice of an attorney with respect to the rights described in subsection (A). The crime victim or the crime victim's lawful representative, and the Tribal Prosecutor may assert the rights described in subsection (A).
- 3. A person accused of the crime at issue cannot obtain any form of relief under this Statute, and alleged violations of this Statute cannot form the basis of an accused person's challenge to a conviction or sentence in an appellate proceeding.

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### SECTION III. IMPLEMENTING REGULATIONS

The Executive and Judicial Branches of government are authorized, but not mandated, to adopt such regulations, policies or rules as they may deem necessary to implement this Statute.

### SECTION IV. SAVINGS CLAUSE

In the event that any section, subsection or phrase of this Statute is found by a court of competent jurisdiction to violate the Constitution or laws of the Little Traverse Bay Bands of Odawa Indians, such part shall be considered to stand alone and to be deleted from this Statute, the entirety of the balance of the Statute to remain in full and binding force and effect so long as the overall intent of the Statute remains intact.

### SECTION V. EFFECTIVE DATE

Effective upon the signature of the Executive, or 30 days from submission to the Executive branch, or if the Executive vetoes the legislation, then upon Tribal Council override of the veto.

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**CERTIFICATION**

As the Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this Statute was duly enacted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on July 9, 2006 at which a quorum was present, by a vote of 8 in favor, 0 opposed, 0 abstentions, and 1 absent as recorded by this roll call:

	<u>In Favor</u>	<u>Opposed</u>	<u>Abstained</u>	<u>Absent</u>
<u>Regina Gasco Bentley</u>	<u>X</u>			
<u>Fred Harrington, Jr.</u>	<u>X</u>			
<u>Dexter McNamara</u>	<u>X</u>			
<u>Mary Roberts</u>	<u>X</u>			
<u>Rita Shananaquet</u>				<u>X</u>
<u>Alice Yellowbank</u>	<u>X</u>			
<u>Shirley Oldman</u>	<u>X</u>			
<u>Melvin L. Kiogima</u>	<u>X</u>			
<u>Beatrice A. Law</u>	<u>X</u>			

Date: \_\_\_\_\_

Beatrice A. Law, Legislative Leader

Date: \_\_\_\_\_

Melvin L. Kiogima, Secretary

Received by the Executive Office on \_\_\_\_\_ by \_\_\_\_\_

Pursuant to Article VII, Section D, Subsection 1 of the Little Traverse Bay Bands of Odawa Indians Constitution adopted on February 1, 2005 the Executive concurs in this action of the Tribal Council.

Date: \_\_\_\_\_

Frank Ettawageshik, Tribal Chairperson

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