

BILL NUMBER NCA 24-077

TO BE INTRODUCED INTO THE MUSCOGEE (CREEK) NATIONAL COUNCIL

June 5, 2024
(DATE OF INTRODUCTION)

INTRODUCED BY: Office of the Principal Chief

SPONSOR(S): Darrell Proctor

CO-SPONSOR(S): Galen Cloud

COMMITTEE ON: Committee As A Whole

1 **CLASSIFICATION 27-Judicial Procedures**

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3 **A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING TITLE 27, ENTITLED**
4 **“JUDICIAL PROCEDURES”**

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6 **Be it enacted by the National Council of the Muscogee (Creek) Nation:**

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8 **SECTION ONE. AMENDMENT.** This amendment shall be codified in Title 27 of the
9 Code of Laws of the Muscogee (Creek) Nation; provided that the purposes of codification
10 of said amendment and its inclusion in pocket parts for the Code of Laws of the Muscogee
11 (Creek) Nation, the Attorney General is hereby authorized: (1) to approve any changes
12 related to the manner in which sections, articles, chapters and sub-chapters are
13 designated in this law in order to be consistent with the format in the Code of Laws
14 published in 2010 by West Publishing Company; (2) to include footnoted references to
15 the legislative history in said pocket parts to the Code of Laws; and (3) to note in said
16 pocket parts any editorial correction of minor clerical or grammatical errors in the following
17 amendment, without further National Council approval:

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19 **SECTION TWO. AMENDMENT.** MCNCA Title 27, § 3-103 is hereby amended to read
20 as follows:

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22 **§ 3-103. Number of justices hearing appeal.**

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24 **A. Except as provided in subsection C,** there must be at least ~~four (4)~~ **seven**
25 **(7)** justices sitting together as a body to hear any case appealed, including writs of habeas
26 corpus.

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28 **B. If, for any reason, one (1) or more Supreme Court justices recuse from**
29 **a case, Special Justices shall be appointed to ensure that seven (7) justices hear**
30 **the case. The procedure for appointment of Special Justices shall be as follows:**
31

- 1 **1. Upon recusal of any Supreme Court Justice from a case, the**
2 **Clerk of the Supreme Court shall immediately notify the**
3 **Principal Chief and the Speaker of the National Council in**
4 **writing.**
- 5 **2. The Principal Chief shall nominate Special Justices within thirty**
6 **(30) days of notification by the Clerk of the Supreme Court. All**
7 **Special Justice nominations shall be confirmed by majority**
8 **approval by the National Council.**
- 9 **3. Special Justices shall be Muscogee (Creek) citizens who have**
10 **not been convicted of a felony in a court of competent**
11 **jurisdiction.**
- 12 **4. Special justices shall only serve until the conclusion of the case**
13 **for which they have been appointed.**
- 14 **5. A final adjudication on the merits of the case at issue shall be**
15 **stayed in the Supreme Court until the required number of**
16 **Special Justices are nominated and confirmed; provided,**
17 **however, during the interim period when seating a Special**
18 **Justice, the Supreme Court may decide motions and other**
19 **procedural issues.**
- 20 **6. Any appointed Special Justice shall be compensated pursuant**
21 **to the provisions of MCNA Title 26 § 3-102(D) in the same**
22 **manner as a Supreme Court Justice.**

23
24 **C. In the event a Special Justice is not seated under this Section within**
25 **ninety (90) calendar days of the date the Court Clerk notifies the Principal Chief**
26 **and Speaker of the National Council of any recusal, the Supreme Court may**
27 **proceed to adjudicate the merits of the case as long as a minimum of four (4)**
28 **justices are seated to issue any judgment or decision.**

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30 **SECTION THREE. REPEALER.** MCNA Title 27, Appendix 1, Rule 15A is repealed in
31 its entirety.

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33 **SECTION FOUR. EFFECTIVE DATE.** This Act shall become effective immediately
34 upon proper approval and execution in accordance with the requirements of the
35 Muscogee (Creek) National Constitution.