

## 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, a limited waiver of the sovereign immunity of the Colville Tribes is hereby provided in the Tribal Courts solely 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 except as provided in Section 1-5-8. No claim or action is ever allowed for the recovery of court costs, or attorney's fees.

(Amended 4/21/2021, Resolution 2021-321, Certified 4/27/2021)

### 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**

(a) Solely with respect to actions brought pursuant to Section 1-5-4 above, a separate claim may be made for monetary damages if the following requirements are met: 1) the Court has determined that an action or claim meets the requirements of Sections 1-5-2 through 1-5-4; 2) the Court determines that injunctive or declaratory relief will not sufficiently address the damages suffered by Plaintiff; 3) the Court has determined that the Tribes have a valid liability insurance policy in place; and 4) a claim has been tendered and insurance coverage has been approved for the claim related solely to the harm suffered by Plaintiff.

(b) A judgment for monetary damages may not exceed the amount of the insurance coverages carried by the Tribes. Any such judgment against the Tribes may only be satisfied pursuant to the provisions of the policy or policies of insurance in effect at the time of injury.

(Amended 4/21/2021, Resolution 2021-321, Certified 4/27/2021)  
(Chapter 1-5 Adopted 2/4/88, Resolution 1988-76)  
(Certified 2/16/88)