



## Notice of Proposed Amendments to Title 4 - Criminal Procedure Code & Request for Comments

The Southern Ute Indian Tribal Council is seeking comments on proposed amendments to the Criminal Procedure Code. A copy of the amended Criminal Procedure Code can be found at this link: [Revised-Criminal-Procedure-Code-2023-Public-Comment-Draft.pdf \(sudrum.com\)](https://www.sudrum.com/Revised-Criminal-Procedure-Code-2023-Public-Comment-Draft.pdf). Please use the contact numbers at the end of this notice to obtain a hard copy of the proposed Criminal Procedure Code amendments or to submit comments. Additionally, two public meetings are scheduled for June 2nd and June 15th, see details below.

The Criminal Procedure Code amendments were developed by a committee including the Justice & Regulatory and Legal Departments and the Tribal Court. The Criminal Procedure Code is Title 4 in the Southern Ute Indian Tribe Law and Order Code.

### Summary of the proposed amendments:

1. **History of Amendments** - In 1980, Tribal Council codified the current Criminal Procedure Code. Since then, various amendments have been adopted to sections and in 2019 Council identified this Code as needing significant revision. The Criminal Procedure Code drafting committee conducted three works sessions with the Tribal Council in preparing the amendments.

### 2. New Provisions:

- Legislative declaration (§4-1-101)
- Special jurisdiction statement (§4-1-102)
- Authority for the Court to promulgate rules (§4-1-103)
- Preference for summons over arrest (§4-3-101)
- Probation warrants (§4-3-103 and 105)
- New extradition procedures (§4-3-107(4) and (5))
- Pretrial services (§4-5-103(4))
- Bond revocation, bail forfeiture procedures, surety bonds (§4-5-103 to 111)
- Speedy trial time period (§4-10-108(1))
- Probation revocation (§4-11-113)
- Exclusion and removal (§4-11-104)
- Crime victim's rights (§4-15-101)

### 3. Amended Provisions:

- Deleted removal from public office as a sentence
- Remote appearances at hearings (§4-1-108)
- Improved discovery provisions (§4-7-101 to 103)
- Additional pre-trial provisions (§4-8- 101 to 105)
- Diversion program (§4-11-111)

- Minimum age for juvenile delinquency offenses (§4-14-105).

**Public Comments:**

The Tribal Council requests that all Tribal Members review the entire code and provide comments no later than June 18, 2023 to the Legal Department at:

**Email:** [lbarnhart@southernute-nsn.gov](mailto:lbarnhart@southernute-nsn.gov) or [lfranceware@southernute-nsn.gov](mailto:lfranceware@southernute-nsn.gov)

**Mail:** Leslie Barnhart, Legal Department, Southern Ute Indian Tribe, P.O. Box 737, Ignacio, Colorado, 81137.

**Hand delivery:** Legal Department, Leonard C. Burch Tribal Administration Building, Ignacio, Colorado, 81137.

**Phone:** (970) 563-2144

**Website:** [Revised-Criminal-Procedure-Code-2023-Public-Comment-Draft.pdf \(sudrum.com\)](#)

**Public Meetings:** Two public meetings for Tribal Members are scheduled to discuss the Criminal Procedure Code amendments:

June 2, 2023 – SunUte Community Center, Capote Room, from noon to 1:30 p.m.

June 15, 2023 – SunUte Community Center, Capote Room, from 5:30 to 6:30 p.m.

**For further information please contact:** Leslie Barnhart, Legal Department, Southern Ute Indian Tribe, P.O. Box 737, Ignacio, Colorado, 81137; telephone (970) 563-2144; email: [lbarnhart@southernute-nsn.gov](mailto:lbarnhart@southernute-nsn.gov)