

**SALT RIVER PIMA-MARICOPA
INDIAN COMMUNITY**
10,005 East Osborn Road
Scottsdale, Arizona 85256

ORDINANCE NUMBER – SRO-470-2015

AN ORDINANCE TO AMEND CHAPTER 4, SECTION 6 OF THE SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY CODE OF ORDINANCES TO PROVIDE AN AMENDMENT TO SEPARATE THE CIVIL AND CRIMINAL STATUTE OF LIMITATIONS PROVISIONS FROM EACH OTHER, AND TO UPDATE THE CRIMINAL STATUTE OF LIMITATIONS ORDINANCE TO ENHANCE PUBLIC SAFETY IN THE COMMUNITY.

BE IT ENACTED:

Chapter 4, Section 6 of the Salt River Pima-Maricopa Indian Community Code of Ordinances is amended by replacing the existing Section 4-6 and adding sections 4-7 and 4-8 with the following:

Sec. 4-6. RESERVE.

Sec. 4-7. Time Limitations for Civil Matters.

- (a) *Definition.* Cause of Action shall mean the point of occurrence or of discovery with due diligence which gives a person a right of legal redress or remedy, and the point of breach or default as to contract injuries.
- (b) *General Civil Matters.* Except as otherwise provided by law, a Cause of Action including a tort or civil traffic matter must be commenced within two years from the time the cause of action accrues.
- (c) *Contract.* Cause of Actions arising under contract for which no limitation is otherwise prescribed shall be brought within three years from the time the cause of action accrues.
- (d) *Tolling of the Statute of Limitations.*
 - a) When a person against whom there is civil cause of action is outside of the Community at the time the cause of action accrues or at any time which the action might have been maintained, such action may be brought against the person once they return to the Community. The time of such absence shall not be counted or taken as part of the time limited by the provisions of this Section 4-7.

- b) If a person entitled to bring a Cause of Action is at the time the cause of action accrues under the age of 18, adjudicated as being of unsound mind or otherwise mentally incompetent, or imprisoned and thereby unable to discover his or her right to bring the action, the period of such disability shall not be deemed a portion of the period limited for commencement of the action.

Exemption. The Community shall not be barred by the limitations prescribed in this Section 4-7.

Sec. 4-8. Time Limitations for Criminal Offenses.

- a) *Criminal Matters.* Prosecution for any criminal offense committed within the jurisdiction of the Community shall be commenced within the following time limitations:
 - 1) A prosecution for any Class A Offense for which no limitation is otherwise prescribed shall be brought within five (5) years.
 - 2) A prosecution for any Class B Offense for which no limitation is otherwise prescribed shall be brought within three (3) years.
 - 3) A prosecution for any Class C Offense for which no limitation is otherwise prescribed shall be brought within two (2) years.
 - 4) A prosecution for any Class D Offense or Class E Offense for which no limitation is otherwise prescribed shall be brought within one (1) year.
 - 5) A prosecution for any offense for which no class designation has been made shall be brought within two (2) years.
 - 6) A prosecution for any homicide in violation of § 6-52, or for aiding and abetting such offense in violation of § 6-2, or facilitation of such offense in violation of § 6-12, may be commenced at any time.
 - 7) A prosecution for any Class A Offense committed against a child shall be brought within ten (10) years after the victim reaches the age of 18 years. For purposes of this section, “child” means a person under the age of 18 years.
 - 8) A prosecution for any Class B Offense committed against a child shall be brought within five (5) years after the victim reaches the age of 18 years. For purposes of this section, “child” means a person under the age of 18 years.
 - 9) A prosecution for sexual assault or aggravated sexual assault in violation of § 6-65 shall be brought within ten (10) years.
- b) *Time of Offense.* Unless otherwise noted, time begins to run at the time an offense is committed, except that the period of limitation does not run during any time when the identity of the person who commits the offense or offenses is unknown.
- c) *Tolling of the Statute of Limitations.* The period of limitation does not run for any Class A Offense during any time when the person who commits the offense:
 - 1) Is absent from the Community, or

- 2) Has no reasonably ascertainable place of abode within the Community.
- d) *Prosecution Commenced.* For purposes of this section, prosecution is commenced when a Criminal Complaint is filed.
- 1) If a Criminal Complaint filed before the period of limitation has expired is dismissed for any reason, a new prosecution may be commenced:
- a. At any time before the expiration of the period of limitation; and
 - b. Within six (6) months after the dismissal becomes final, even if the period of limitation has expired at the time of dismissal or will expire within six (6) months of the dismissal.
- e) *Enactment and Enforcement.* The amendments made by this act shall apply:
- 1) To all crimes committed after July 8, 2015; and
 - 2) To all crimes committed before July 8, 2015, for which no statute of limitations provided under pre-existing law has run as of July 8, 2015.

C E R T I F I C A T I O N

This Ordinance is hereby enacted pursuant to the authority contained in Article VII, Section 1(c)(1) and (k) of the Constitution of the Salt River Pima-Maricopa Indian Community ratified by the Tribe, February 28, 1990, and approved by the Secretary of the Interior, March 19, 1990, and amended by the Tribe, February 27, 1996, and approved by the Secretary April 23, 1996, the foregoing Ordinance was adopted this 8th day of July, 2015, in a duly called meeting held by the Community Council in Salt River, Arizona at which a quorum of 8 members were present by a vote of 8 for; 0 opposed, 0 abstentions, and 1 excused.

SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY COUNCIL


Delbert W. Ray, Sr., President

ATTEST:


Erica Harvier, Council Secretary

Approved as to Form by the
Office of the General Counsel
Theresa Rosier
March 26, 2015

