

Tribal courts may perform their functions as called for by this Constitution. Salaries of judges may not be reduced during their terms in office except to the extent that such reduction is a part of an across the board decrease of all Tribal salaries pursuant to funding or budget cuts beyond the control of the Tribal Council.

SECTION 4. All funds collected in fines by the courts shall be paid over to the Treasurer for deposit in the Tribe's general fund for appropriation pursuant to this Constitution. The Chief Judge shall provide proper annual accounting of all monies collected or received by the courts from any source.

SECTION 5. The Omaha Tribal Courts shall have jurisdiction over cases or controversies filed with the court claiming violation of the Tribal Bill of Rights, Article XI, of this Constitution. In enforcing its rulings under this Section, the court may grant such relief, not including money damages, as it may deem appropriate.

SECTION 6. Subject to any limitations of Federal law, the Omaha Tribal Courts shall have general subject matter jurisdiction over criminal cases arising on the Omaha Indian Reservation and juvenile matters involving any minor Indian child enrolled in or eligible for membership in the Omaha Tribe of Nebraska whether arising on or off the Omaha Indian Reservation. The Tribal Council may expand the jurisdiction of the Tribal Courts by appropriate legislation concerning non-criminal cases and controversies.

SECTION 7. The Omaha Tribal Courts shall follow and enforce such laws and procedures, not inconsistent with this revised Constitution or Federal law, as may be enacted by the Omaha Tribal Council; provided, that in all non-criminal cases, any matters before the court that are not covered by tribal law, tribal custom, or tribal tradition, or applicable Federal law shall be decided by the court by reference to State law.

SECTION 8. In exercising its jurisdiction under this Constitution, the Omaha Tribal Courts may issue all writs or orders necessary or appropriate to the enforcement of their decisions.

ARTICLE XI – BILL OF RIGHTS

(Added in its entirety by Amendment VII, December 30, 1981)

In exercising its powers of self-government, the Omaha Tribe of Nebraska, its agencies, instrumentalities, and officials shall not:

- (1) Make or enforce any law prohibiting the free exercise of religion, or abridging freedom of speech, of the press, or the right of the people peaceably to assemble and to petition for a redress of grievances;
- (2) Violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches 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;
- (3) Subject any person for the same offense to be twice put in jeopardy;
- (4) Compel any person in any criminal case to be a witness against himself;
- (5) Take any private property for a public use without just compensation;
- (6) Deny to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and grounds of the charges 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;
- (7) Require excessive bail, impose excessive fines, inflict cruel and unusual punishments, and in no event to impose for conviction of any one (1) offense a penalty or punishment greater than that allowed under Federal law, 25 U.S.C. § 1302(7), as it may be amended from time to time; *(Amended in part by Amendment X, November 18, 2003)*
- (8) Deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or