

CHIPPEWA CREE TRIBAL  
LAW AND ORDER CODES

(Feb. 4, 1987)

## **TITLE I– General Provisions**

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TITLE 1

GENERAL PROVISIONS

**TABLE OF CONTENTS:**

**Chapter 1. Establishing Authority & Courts**

- 1.1 Constitutional Authority**
- 1.2 Prior Inconsistent Ordinances and Resolutions**
- 1.3 Amendments, Modifications, Additions to the Code**
- 1.4 Availability of Code**
- 1.5 Authority to Make and Enforce Administrative Rules**
- 1.6 Creation and Establishment of the Courts**
- 1.7 Composition of the Chippewa-Cree Court of Appeals**
- 1.8 Powers of the Court**
- 1.9 Choice of Law**

**Chapter 2. Jurisdiction**

- 2.1 Criminal**
- 2.2 Civil**
- 2.3 Personal Jurisdiction**

**Chapter 3. Sovereignty**

- 3.1 Adoption by Reference Not a Waiver**
- 3.2 Application of the Law of Other Jurisdictions**
- 3.3 Sovereign Immunity**

**Chapter 4. Limitations on Actions**

- 4.1 Civil Actions**
- 4.2 Criminal Actions**

**Chapter 5. Principles of Construction**

- When Applied**

**Chapter 6. Contempt of Court**

**6.1 Power to Impose Penalty**

**6.2 Indirect Contempt**

**6.3 Direct Contempt**

**6.4 Procedure**

**6.5 Fine for Contempt of Court**

**Chapter 7. Definitions**

**7.1 Signature, Written Instrument**

**7.2 Oath**

**7.3 Court Day**

**7.4 Enrolled Member**

**7.5 Jail, Juvenile Detention Facility, Detoxification Facility,  
Overnight Facility**

**7.6 Person**

**7.7 Status or Treaty Indians**

**7.8 Non-Status Indians**

## **GENERAL PROVISIONS**

### **Chapter 1 ESTABLISHING AUTHORITY AND COURTS**

#### **1.1 Constitutional Authority**

The code of the Rocky Boy's Reservation is adopted pursuant to the authority vested in the Business Committee under Article VI, section (1) of the Constitution of the Chippewa-Cree Indians of the Rocky Boy's Reservation.

#### **1.2 Prior Inconsistent Ordinances and Resolutions**

Any and all Code provisions or ordinances inconsistent with, or in conflict with, or contrary to the spirit and purpose of this Code are hereby repealed and have no effect.

#### **1.3 Amendments, Modifications, Additions to the Code**

The code may be amended by ordinances. The adoptions of Tribal Ordinances which effect modifications, additions, or deletions to this Code shall be codified and incorporated in a manner consistent with the numbering and organization of this Code.

### **LEGISLATIVE PROCESS ORDINANCE**

#### **I. Purpose**

#### **II. Scope and Authority**

#### **III. Definitions**

#### **IV. Format**

#### **V. Amendment Process**

#### **VI. Final Review and Approval**

#### **VII. Non-Substantive Corrections**

#### **VIII. References and Citations**

#### **IX. Distribution and Codification Responsibilities**

#### **X. Court Administrator's Responsibilities**

### **GENERAL PROVISIONS**

#### **I. PURPOSE**

The purpose of this Code shall be to delineate procedures that will streamline and provide for a uniform procedure to develop, modify or rescind identified sections of the Law and Order Code of the Chippewa Cree Tribe.

#### **II. SCOPE AND AUTHORITY**

A. This Section shall govern the amendment, organization, and codification of the Law and Order Code of the Chippewa Cree Tribe. The rules relating to the passing of

new laws or amendments to the Law and Order Code are internal CCBC procedural rules.

- B. Any violation of the procedures specified in these rules shall, in and of itself, have no legal effect on any Code amendment adopted by the CCBC and shall not be construed by the CCT Court or otherwise to influence in any way the force and effect of any of the provisions of or amendments to the Code of the Chippewa Cree Tribe.

**III. DEFINITIONS** – the following definitions shall apply to this Code.

A. “Amendment” means any additions, deletions or other changes to the Code, including the passage of entirely new laws, which add new titles, chapters or sections.

B. “CCBC” means the Chippewa Cree Business Committee.

C. “CCT” means the Chippewa Cree Tribe of the Rocky Boy’s Indian Reservation.

D. “Code” or “CCTC” means the Law and Order Code of the Chippewa Cree Tribe.

E. “Committee” or “sub-Committee” means a sub-Committee of the CCBC that provides oversight to respective CCT programs and entities. .

F. “Committee Recording Secretary” means the Secretary of the specific sub-Committee that is proposing changes to the CCT Law and Order Code.

G. “OAG” means the Office of the Attorney General for the Chippewa Cree Tribe.

**IV. FORMAT**

A. Standard format for codification of the Code shall use the following format:

TITLE \_\_\_\_  
Chapter \_\_\_\_\_  
Section 1.  
Section 1.1  
Section 1.2  
Section 1.3  
(a)  
(b)  
History

B. Expansion of Code

Any new Chapters added to certain Titles or creation of new Titles by the CCBC shall be designated identifying numbers that follow sequentially from the Chapters already identified in the Title.

#### C. Amendment Formatting

1. All proposed amendments to the Code shall be in proper Code format using a 12-font size and using the Times New Roman font and shall be formatted as provided above. Amendments which create new code sections or chapters shall be identified as such.
2. Proposed amendment of existing Code sections shall be indicated by underlining language, which is to be added to the section and striking through language, which is to be deleted. Once voted on, the corrections shall be accepted in the document and a clean copy presented to the appropriate parties.

### V. AMENDMENT PROCESS

Updates to the CCBC Code, including amendments, new sections or rescissions of the Code shall be initiated by the affected department, unless the CCBC directs the department or the OAG to do so.

- A. **First Reading.** The initiating department shall prepare the first draft with the consultation of the appropriate Sub-Committee and other affected departments to make revisions, and present to the sub-Committee for approval. At its discretion, the initiating department may solicit public comment on the draft changes prior to submittal to the appropriate sub-Committee.
- B. **Second Reading.**
  1. The sub-Committee shall post the draft language for public review and comment for a period of twenty calendar (20) days. At its discretion, the sub-Committee may also hold a public hearing to solicit additional public comment. Any public hearing will take place within the twenty calendar (20) day period for public review and comment. Upon the close of the twenty calendar (20) day period for public review and comment, the sub-Committee shall consider all public comment and make changes as appropriate based on the public comment and its judgment and experience. Comments shall be referred to the sub-Committee. The sub-Committee will send copies of all comments to the initiating Department.
  2. Upon completion of any changes to the proposed provisions, the sub-Committee shall forward the proposed revisions to the OAG, together with a copy of the original draft as prepared by the initiating department. The OAG

shall review the amendments for Constitutional and federal compliance and CCT Code conformity and make recommended changes.

3. Third Reading - Once the Sub-Committee and the OAG have reviewed the proposed provisions and changes have been incorporated, the OAG shall present the Amendment to the CCBC for final approval. Proposed provisions may not be presented to the CCBC or adopted without OAG review and approval.

## **VI. FINAL REVIEW/APPROVAL**

- A. The CCBC shall review and approve, deny or send proposed code back to the sub-Committee for additional development and may recommend an additional comment period.
- B. If approved, the OAG shall recommend the appropriate place for codification. The Chippewa Cree Business Council shall have the authority to provide final review and approval of the document.

## **VII. NON-SUBSTANTIVE CORRECTIONS**

If the OAG determines that the proposed amendment is a technical fix with no new requirements, obligations, prohibitions, or other material changes in the existing Code, it may immediately act on the amendment and forward it to the CCBC for final action.

## **VIII. REFERENCES AND CITATIONS**

- A. Any references to the Code in any regulation, policy, resolution, court opinion or other material adopted or produced by any department or entity of the CCT shall follow any duly adopted re-codification, reorganization, or other changes to the Code to the extent necessary and practical.
- B. When referencing or citing a provision of the Code, such provision may be referenced or cited as follows: The letters "CCTC" followed by the appropriate Title, Chapter, and Section numbers, and where applicable, the letters and numbers of the referenced subsection in parentheses.

## **IX. DISTRIBUTION AND CODIFICATION RESPONSIBILITIES**

- A. The Office of the Attorney General shall ensure that all appropriate or affected departments are provided final copies of the amendments to the Chippewa Cree Tribal Code.
- C. The Office of the Attorney General, with the assistance of the Court Administrator, shall insure that the amendments or any additions to any Chippewa Cree Law shall



be codified in the existing Code of Laws and posted on the Court website with all due speed.

## **X. COURT ADMINISTRATOR'S RESPONSIBILITIES**

The Court Administrator shall be responsible for:

- A. Developing and maintaining a law library which contains copies of laws, resolutions, ordinances and amendments of the Chippewa Cree Tribe Law and Order Code, including judicial decisions rendered by the Chippewa Cree Tribal or any Court of Appeals, for use by the public, attorneys, clerks and judges as allowed (access to juvenile and sealed files shall be restricted unless duly approved by a judge).
- B. Ensuring that all laws and ordinances passed by the Chippewa Cree Business Council are brought to the attention of the Chippewa Cree Judiciary so they can be interpreted and implemented by the Chippewa Cree Tribal Court System as applicable.
- C. Assist the OAG in ensuring that any amendments or modifications to the Chippewa Cree Law & Order ordinances are incorporated into existing laws and ordinances.

### **1.4 Availability of Code**

Copies of this Code and any amendments shall be kept available for public inspection during regular business hours at the office of the Clerk of the Court. Copies will be made available at cost to anyone who requests the Code.

**1.5 Authority to Make and Enforce Administrative Rules** The Business Committee may appoint sub-committees to establish rules in areas such as court and resources administration. Rules made by each sub-committee will not be in effect until: (1) they have been posted in a public place and made available upon request for at least thirty (30) days; and (2) any comment made on the proposed rules are considered by the sub-committee.

Copies of all rules, whether proposed or in effect, shall be available for public inspection during regular business hours at the office at the Clerk of the Court, and the offices of the Business Committee

### **1.6 Creation and Establishment of the Courts**

The Rocky Boy's Tribal Court is established pursuant to Article XII and Article VI, section 1 (p) of the Constitution of the Chippewa-Cree Indians of the Rocky Boy's Reservation.

**1.7 Composition of the Chippewa-Cree Courts of Appeal** Upon the enactment of this Title, the Rocky Boy's Tribal Court shall provide, by court rule, an appellate court for the review of the decisions of the Rocky Boy's Tribal Court.

**1.8 Powers of the Court**

The Tribal Court shall be a court of general civil and criminal jurisdiction and shall hear appeals from administrative bodies as provided by the Code or Ordinances of the Chippewa-Cree Tribe.

**1.9 Choice of Law**

The Tribal Court and appellate court, in all actions, shall apply the laws, ordinances, customs, and traditions of the Chippewa-Cree Tribe. In the absence of Tribal Law in civil matters the court may apply laws and regulations of the United States or the State of Montana. Where doubt arises as to customs and traditions of the Tribe, the Tribal Court may request the advice of recognized Tribal elders.

**CHAPTER 2 JURISDICTION**

**2.1 Criminal Subject Matter Jurisdiction**

Jurisdiction of the Judicial Branch shall extend to any and all offenses which affect or concern the Tribe or its members when occurring within the exterior boundaries of the reservation or on any other land or property owned or controlled by the Tribe or adjacent, dependent Indian communities.

**2.2 Civil Subject Matter Jurisdiction**

Jurisdiction of the Court shall extend to all civil actions arising in whole or part within the exterior boundaries of the reservation or on any other land or property owned or controlled by the Tribe or adjacent, dependent Indian Communities.

**2.3 Personal Jurisdiction:**

- (1) The Court's criminal jurisdiction shall extend to any Indian, including Canadian Indians, who commits an offense enumerated within the Code of Offenses within the exterior boundaries of the Rocky Boy's Reservation.
- (2) The Court's civil jurisdiction shall extend to any person within the exterior boundaries of the Rocky Boy's Reservation, and to persons who are parties in causes arising out of contacts with the reservation in matters in which the Court has subject matter Jurisdiction.

## **CHAPTER 3 SOVEREIGNTY**

### **3.1 Adoption by Reference Not a Waiver**

The adoption by the Business Committee of any law by reference into this Code shall not constitute a waiver or cession of any sovereign power or jurisdiction of the Tribe or in any way diminish such sovereign power or jurisdiction. The effect of adoption by reference shall be the addition of the adoption law to the law of the Chippewa-Cree Tribe.

### **3.2 Application of the Law of Other Jurisdictions**

Application of the law of other jurisdictions by the Tribal Court under the choice of law section of this Code shall not constitute a waiver or cession of any sovereign power or jurisdiction of the Tribe or in any way diminish such sovereign power.

### **3.3 Sovereign Immunity**

The Tribe shall be immune from suit in any civil action, and its officers and employees immune from suit for any liability arising from the performance of their official duties, except as required by federal law or the Chippewa-Cree Constitution and By-Laws, or as specifically waived by a resolution or Ordinance of the Business Committee.

## **LIMITATIONS ON ACTIONS**

### **4.1 Civil Actions.**

Unless otherwise specifically provided in the Code, the following limitations on the bringing of civil actions will apply:

- 1) Any authorized action against the Tribe or its officers or employees arising from the performance of their official duties must be con within one (1) year of the ate of the cause of action; and employees arising from the performance of their official duties must be
- (2) Any other action must be commenced within three (3) years of the date the cause of action arose; except that any cause of action based on fraud or mistake must be commenced withing (3) years of the date the aggrieved party discovered or reasonably should have discovered facts constituting the fraud or mistake.

### **4.2 Criminal Actions.**

- (1) A prosecution for any offense must be commenced within two (2) years of the occurrence of the offense.
- (2) The period of limitations does not run during any period in which the offender is not physically located on the reservation or when a prosecution had been initiated in another jurisdiction against the offender for the same conduct.

## **CHAPTER 5 PRINCIPLES OF CONSTRUCTION**

### **5.1 When Applied:**

The following principles of construction apply to all of the Code unless a different construction is obviously intended:

- (1) Masculine words shall include the feminine, feminine words shall include the masculine, singular words shall include the plural and plural words shall include the singular.
- (2) Words shall be given their plain meaning and technical words shall be given their usually understood meaning where no other meaning is specified.
- (3) Wherever a term is defined for a specific part of this Code, that definition shall apply to all parts of this Code unless a contrary meaning is clearly indicated.
- (4) This Code shall be construed as a whole to give effect to all its parts in a logical, consistent manner.
- (5) If any provisions of this Code or the application of any provisions to any person or circumstances is held invalid, the remainder of this Code shall not be affected. The provisions of this Code are declared to be severable.
- (6) Any typographical errors or omissions shall be ignored whenever the intended meaning of the provisions containing the error or omission is otherwise reasonably certain to the Court.
- (7) In the resolution of any other issues of construction due regard shall be given to the underlying principles and purpose of this Code.

## **CONTEMPT OF COURT**

### **6.1 Power to Impose Penalty**

The Tribal Court and Court of Appeals have the power to penalize or punish anyone for contempt of the Court's judgment, orders or decrees and for conduct in or near the Court which shows disrespect for the Court.

### **6.2 Indirect Contempt**

Indirect contempt is the knowing failure to comply with an order of Court to do, or not do, something for the benefit of a party, or is an interference with the process of the Court. Indirect contempt includes but is not limited to:

- (1) Disobedience of a subpoena, judgment or other order of the Court
- (2) Falsely presenting oneself as an officer, attorney or council of court.
- (3) Detaining a witness, party to an action, or officer of the Court while the witness, party or officer is going to, remaining at or returning from a judicial proceeding;
- (4) Any other interference with the process or proceeding of the Court; and
- (5) Neglect or violation of duty by a person appointed or elected to perform a judicial service.

### **6.3 Direct Contempt**

Direct contempt is a disrespectful act done in the presence of the Court or near to the court, which offends the dignity of the Court. Direct Contempt includes but is not limited to the following:

- (1) Disorderly, contemptuous or insulting behavior directed toward the Court during the course of a judicial proceeding;
- (2) Conduct or speech which tends to interrupt the course of a trial or other judicial proceeding;
- (3) Conduct which deceives the Court; and
- (4) Disobedience of the Court during the course of a judicial proceeding.

### **6.4 Procedure.**

- (1) Contempt committed in the presence of the Court may be penalized by the court without a hearing to determine the facts which constitutes the contempt.
- (2) Contempt allegedly committed outside the presence of the Court may be penalized only after a hearing which establishes the facts constituting the contempt.

### **6.5 Fine for Contempt of Court**

Contempt of Court may be penalized by a civil fine not to exceed \$500 for each instance of contempt.

## **Chapter 7 DEFINITIONS**

### **7.1 Signature, Written Instrument**

As used in this Code, “signature” shall mean any written signature, or any mark or thumbprint witnessed by the written signature of at least one (1) witness to the act. Wherever this Code shall refer to a “Written Instrument” that shall be construed to mean an instrument typed, printed, or written out in hand, and signed by the person who makes it.

### **7.2 Oath**

As used in this Code, “Oath” shall mean “Oath or affirmation,” and “sworn” shall mean “Sworn by oath or affirmation.”

### **7.3 Court Date**

As used in this Code, “Court Day” shall mean any and every day of the week, except Saturday, Sunday, and legal holidays, provided, that whenever a legal holiday shall fall on a Monday, the Saturday preceding that Monday shall also be a court day.

#### **7.4 Enrolled Member**

As used in this Code, “enrolled member” shall mean any person validly and currently listed on the official membership roll of the Chippewa-Cree Tribe of Indians of the Rocky Boy’s Reservation.

#### **7.5 Jail, Juvenile Detention Facility, Detoxification Facilities, Overnight Facilities**

As used in this Code, “Jail”, “Juvenile Detention Facility”, “Detoxification Facility”, and “Overnight Facility” shall mean whatever building or facilities are designated for those purposes by the Business Committee.

#### **7.6 Person**

As used in this Code, a “person” may be a citizen of this or any recognized tribe, or any state or territory and includes, but is not limited to, natural persons, corporations, partnerships, trusts, unincorporated organizations, business associations and any other organizations or entities involved in private or commercial activity.

#### **7.7 Status or Treaty Indians**

As used in this Code, “Status Indians” or “Treaty Indians” shall mean enrolled members of recognized Tribes.

#### **7.8 Non-Status Indians**

As used in this Code, “non-status Indians” means Indians who are not enrolled members of a recognized Tribe.