

PUBLIC COMMUNITY MEETING

Location: **Stone Child College – Vo Tech**

Date: **May 27, 2025**

Time: **3:30-5:30 PM**

Facilitators: **Tribal Court Code Contractors**

May 27, 2025 3:30-5:30 PM

Chippewa Cree Tribal Law & Order Code Title III Criminal Offenses

- 3.1 Short Title
- 3.2 Scope, Construction, Choice of Law
- 3.3 Institution of Criminal Process
- 3.4 Obtaining the Presence of the Defendant
- 3.5 Obtaining Evidence of the Crime
- 3.6 Proceedings Before Trial
- 3.7 Trial
- 3.8 Post-Trial Procedure

Chippewa Cree Tribe Law & Order Code Title IV Criminal Offenses

- Chapter 1. General Purposes and Principles of Construction
- Chapter 2. Inchoate Offenses
- Chapter 3. Offenses Against Persons
- Chapter 4. Offenses Against Children and Dependents
- Chapter 5. Abuse of Elders & Vulnerable Adults
- Chapter 6. Partner Family Member Assault
- Chapter 7. Offenses Against Public Administration
- Chapter 8. Violations Endangering Family and Public Decency
- Chapter 9. Sex Offender Registry and Notification
- Chapter 10. Dangerous Drugs
- Chapter 11. Drug Paraphernalia
- Chapter 12. Offenses Against Property
- Chapter 13. Offenses Against Public Order
- Chapter 14. CCT Trespass

NOTICE OF PROPOSED RULEMAKING- SEEKING PUBLIC COMMENT (First Reading)

The Chippewa Cree Tribe Administrative Committee passed the First Reading for the proposed Title III Criminal Procedures and Title IV Criminal Offenses.

The publication of this notice on May 19, 2025, and continues a comment period of twenty (20) days. During the next twenty (20) days, anyone with an interest in the proposed Law and Order codes can submit a written comment offering feedback on the proposed Title III & IV codes. All written feedback must be submitted either via e-mail to Elinor Nault enault@cctcourt.org or Natalie Flores natalieflores@chippewa-cree.org

via mail:

**Chippewa Cree Tribe
Attn: CCT-OAG
96 Clinic Road North
Box Elder, Montana 59521**

Please direct all feedback and questions to the e-mail address or mailing address listed above.

There will also be a community meeting scheduled to review amendments to Title III and IV. Watch for notice for a community meeting.

TITLE III
CHIPPEWA CREE TRIBAL CRIMINAL
PROCEDURE

CRIMINAL PROCEDURE TABLE OF CONTENTS

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Attachment – Bond Schedule

3.1 Short Title. This Title shall be known as the Code of Criminal Procedure of the Chippewa Cree Tribe of the Rocky Boy's Reservation.

3.2 Scope, Construction, Choice of Law.

a. Scope and Construction:

1. These rules shall govern the procedure in all criminal actions by the Chippewa-Cree Tribe of the Rocky Boy's Reservation.
2. The common law of the Chippewa and Cree peoples, as expressed in their customs and traditions, shall apply unless inconsistent with the Code or an ordinance of the Chippewa-Cree Tribe.

b. 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 criminal 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.

3.3 Institution of the Criminal Process.

a. Notice of Crime:

1. The notice to appear and complaint notifies the defendant as well as the court that a criminal charge is being filed by the prosecutor against the defendant, the facts upon which the charge is based, and the witnesses who will testify to those facts.
2. The notice to appear and complaint must be in writing and include:
 - A. The name of the Court which has authority to hear the case.
 - B. The name of the defendant.
 - C. The crime alleged to have been committed, including the Code Section.
 - D. The time, place and facts constituting the crime, including a statement of probable cause.

- E. The witnesses, who will testify to those facts. No additional witnesses may be added except for good cause and with permission of the court.
 - F. The signature of the prosecutor or an official of the Court designated by the prosecutor.
- 3. The complaint may charge more than one (1) offense and more than one (1) defendant, provided the offenses were connected in time and location or were part of a continuing criminal activity, and providing the defendants were involved together in one (1) or more of the crimes. Offenses against defendants may be joined or separated for good cause shown and by order of the Court.
 - 4. The complaint shall be filed by the prosecutor with the Court. A copy of the complaint shall be served to the defendant at the first opportunity.

3.4 Obtaining the Presence of the Defendant.

- a. Arrest:
 - 1. An arrest is taking a person into physical custody. Only reasonable or necessary force may be used.
 - 2. All arrests must be based on probable cause to believe the defendant has committed an offense.
 - A. An arrest may be without a warrant of arrest, if the arrest is made during or immediately after the commission of the offense and existing circumstances require the immediate arrest of the defendant.
 - B. An arrest may be based upon a warrant of arrest, signed by the judge.
 - 3. The police officer must inform the person arrested of the authority for the arrest and the reason for the arrest. The officer must provide the arrested person with a copy of the warrant of arrest, if one has been issued, and a copy of the complaint, if one has been filed.

3.5 Obtaining Evidence of the Crime.

- a. Interrogation: Before the defendant may be asked any questions, the arresting officer, prosecutor or judge must inform the defendant of his right to remain silent; to have counsel, at defendant's own expense, or lay counsel, or someone

else present during questioning; and that anything the defendant may say could be used against him at trial.

b. Search and Seizure:

1. All searches must be based on probable cause to believe evidence of a crime may be found at the location to be searched.
2. Police officers may search the arrested person and the area immediately around the arrested person incident to a lawful arrest for the purpose of protecting the police officer or preventing the destruction of evidence.
3. All other searches and seizures must be based on a search warrant which specifically describes evidence to be seized and the location to be searched. All search warrants must be signed and issued by a judge.

c. Discovery:

1. Either the defendant or the prosecutor may make discovery of non-parties by subpoena or deposition.
2. The defendant may, upon request, inspect and make copies of any physical evidence in the hands of the police or the prosecutor. The police and/or prosecutor must make evidence available for inspection no less than 14 days before trial. Evidence newly obtained within the 14-day window before trial must be made available to the defendant immediately.
3. The defendant shall also receive timely notice of any witnesses for the prosecution not named on the charging document.

3.6 Proceedings Before Trial.

a. Definitions.

1. Arraignment: The initial step in a criminal prosecution whereby the defendant is brought before the Court to hear the charges and to enter a plea.
2. Bail: The temporary release of a prisoner in exchange for security, usually cash bail or a surety bond, given for the prisoner's appearance at a later hearing.
3. Bail hearing: A judge will decide whether an arrested person may be released while his or her criminal case is pending.

4. Bail schedule: A written listing of amounts of money to be used in setting bail based on the offense charged, regardless of the characteristics of any individual defendant.
5. Bond: A portion of the bail amount paid by the defendant which is used to ensure the defendant's appearance before the Court or magistrate, secured by a third-party bondsperson or surety company.
6. Bail or Bond forfeiture: When a defendant released on cash bail or surety bond fails to appear in Court, or otherwise violates a condition of their bail, the Court can declare the bail or surety bond forfeit.
7. Failure to appear: The phrase typically used when a defendant or witness under subpoena does not show up for a scheduled Court appearance.
8. Pretrial services agency/program: Any organization created to perform the three primary pretrial agency or program functions of: (1) collecting and analyzing defendant information for use by the Court in assessing risk; (2) making recommendations to the Court concerning bail conditions of release to address risk; and (3) monitoring and supervising defendants who are released from secure custody during the pretrial phase of their cases in order to manage their risk.
9. Release on own recognizance: The pretrial release of an arrested person who promises, usually in writing but without supplying a surety or posting bail, to appear for trial at a later date.
10. Remission of bail: A decision by the Court to set aside a previous order of bail or bond forfeiture on equitable grounds.

b. Initial Appearance.

1. Initial Appearance. The defendant must be taken to the nearest and most accessible judge, at the next court session or before seventy-two (72) hours have passed, whichever is first.
 - A. The judge shall advise the defendant as follows:
 - i. You have the right to a bail hearing.
 - ii. You have the right to a speedy trial.
 - iii. You have the right to remain silent and any statement made by you may be used against you.

- iv. You have the right to have an attorney at your own expense, or to have lay counsel or someone else with you.
 - v. Advise the defendant of the nature of the offense charged.
 - B. If the defendant has not received a copy of the complaint or it has not been prepared, it shall be prepared, signed, and a copy given to the defendant at this time.
 - C. If the defendant appeared before the Court upon a determination of probable cause made by a police officer only, the judge must review the determination of probable cause. If the judge rejects the determination, the defendant must be released. If the judge endorses the determination, the defendant must be arraigned as soon as possible at the next court session or before seventy-two (72) hours have passed, whichever is first.
- c. Procedure for Bail and Bonds for the Chippewa Cree Tribal Court
 - 1. Purpose: This section sets forth the laws, rules, procedures and the Chippewa Cree Tribal Court policy related to the posting of bail by individuals providing secured appearance bonds on behalf of defendants or respondents in the Chippewa Cree Tribal Courts in Rocky Boy, Montana. The following procedures shall govern the release of person on bail.
 - 2. Bail
 - A. Purpose of bail. The purpose of setting bail has been to secure the presence of the person charged while recognizing there is a presumption of innocence. The purpose of bail, in recognition of the presumption of innocence, is to relieve the defendant from imprisonment prior to trial and secure his or her presence before Court at a designated time. Bail cannot be used to deprive accused of his constitutional right to speedy trial.
 - B. Right to a bail hearing. A person charged may be admitted to bail either before conviction or after conviction and pending appeal in accordance with the Constitution and laws of the Chippewa Cree Tribe. If there is unnecessary delay in bringing a person charged to trial, the Court may modify the terms for release on bail. The judge shall set a bail amount at a defendant's first court appearance after an arrest, which may be either an initial appearance, bail hearing or an arraignment. Judges can set bail or waive bail altogether and grant release on the defendant's "own recognizance."

- C. Terms. If the person charged is admitted to bail, the terms thereof shall be such as in the judgment of the Court will insure the presence of the person charged, having regard to the nature and circumstances of the offense charged, the weight of the evidence, the financial ability of the person charged to give bail, the character of the person charged and the policy against unnecessary detention of persons charged pending trial.
- D. Denial of bail. Bail may be denied if in the judgment of the Court the defendant poses a serious danger to the community or is a flight risk. Such denial must be supported by evidence set forth on the record and be made considering the general policy against the unnecessary detention of people charged pending trial.

3. Amount of Bail.

- A. Determining amount of bail. The bail amount is initially set when the defendant is booked into jail.
 - i. The judge shall use its current bail schedule, which shall be updated annually to determine the amount of bail. After the bail amount is set, the defendant has two options. First, the defendant can pay the full bail amount either as cash bail or by posting a surety bond, which is refundable after trial, to the Court. Second, if the defendant is unable to afford bail, the defendant will remain in custody pretrial at the tribal jail.
 - ii. Bail may be specifically set by a judge for any offense not listed on the posted bail schedule or may increase the amount of bail at the arraignment. In all cases in which bail is determined to be necessary, bail must be reasonable and shall not exceed \$5,000.00. A reasonable bail shall reflect an amount which is: (1) sufficient to ensure the presence of the defendant in any pending criminal proceeding; (2) sufficient to assure compliance with the conditions set forth in a bail or release order; and (3) not oppressive.
- B. Bail Schedule. The Chippewa Cree bail schedule shall be reviewed and, if necessary, updated annually by the Chippewa Cree Tribal Business Council. The Chippewa Cree Tribal Court shall post the most current bail schedule at the tribal court facility and on its website.

4. Release and Return of Bail.

- A. Release and refund of bond before disposition of a case. The release of a bond before the case concludes will only be granted in response to a motion or filing with the Court. A bond refund or release is not performed as a standard procedure until the conclusion of a case. A demand for specific action must be requested by the interested party, which can include the party who posted the bail or bond. All bonds are only released upon order of the Court. The interested party should motion the tribal Court appropriately. A motion can be made before disposition of a case, but Court fees, fines, and all other expenses may be deducted. Before the return of a bond, the Judge shall make a determination whether or not to issue a return pursuant to an internal scorecard as outlined below.
- B. Bond request scorecard. Bond return requests made prior to the conclusion of a case will be processed using a legal screening tool that measures a defendant's risk for not appearing at Court proceedings. All determinations shall be made on a case-by-case basis. In making its determination, the Court may consider: (1) whether the defendant is employed or unemployed; (2) the nature and seriousness of offense or offenses [against defendant]; (3) whether the defendant lives on or off the Rocky Boy's Indian Reservation; (4) the number of prior contempts; (5) and any other factor deemed relevant given the situation. The judge may order an option to hold a partial or total amount of the bond based upon the risk score.

5. Bail Forfeiture.

- A. Declaration. The Court may declare bail or surety bond forfeit if a condition of the bail is breached.
- B. Setting Aside. The Court may set aside a bail forfeiture in whole or in part upon any condition the Court may impose if: (1) the defendant voluntarily later surrenders into custody; or (2) it appears that justice does not require bail forfeiture.
- C. Remission. The Court may remit in whole or in part a judgment of forfeiture under the same conditions.

- 6. Exoneration. A bail bond is exonerated when the legal process or trial has finished, whether or not the defendant is found guilty or if the case has been dismissed. At this point, the bail bond is discharged. However, any unpaid fees or other amounts that are still owed may be subtracted from the bond. At the conclusion of a criminal case, the Court must release any bond minus court fees and fines and expenses.

- d. Arraignment.
1. At arraignment the judge shall call upon the defendant to plead to the charge. The defendant shall plead guilty or not guilty. If the defendant refuses to plead or remains silent, a plea of not guilty shall be entered into the record.
 2. Before a plea may be accepted, the judge must:
 - A. Ask the defendant to state his true name.
 - B. Determine if the defendant is under any disability.
 - C. Advise the defendant of the nature of the offense charged and the possible punishment.
 - D. Advise the defendant that he may plead at that time or may wait at least twenty-four (24) hours to plead and/or to obtain counsel or a lay advocate.
 - E. Advise the defendant that a plea of guilty waives defendant's right to:
 - i. A jury trial, if the offense charged carries a penalty of imprisonment.
 - ii. Compel witnesses to testify in defendant's behalf.
 - iii. Confront and cross-examine witnesses for the prosecution; and
 - iv. Testify or not to testify in the defendant's own behalf.
 3. If the judge determines the defendant's guilty plea is involuntary or without full understanding, he must reject the guilty plea and enter a plea of not guilty into the record.
 4. If the arraignment is separated by more than twenty-four (24) hours from the defendant's initial appearance, the Court shall reassess bail, if any, and again advise the defendant of his right to a bail hearing.
- e. Plea Agreement. Any plea agreement between the defendant and the prosecutor shall be noticed by the judge in open court at the time the plea is made. The judge may accept the plea only in conjunction with the agreement surrounding the plea. If the judge accepts the plea, the Judge may impose a sentence at that time or schedule a sentencing hearing in order to allow time for the involved parties to

obtain information deemed necessary for the imposition of a just sentence. If the judge rejects the agreement, then the judge must allow the defendant to withdraw the plea. Any plea so rejected is not admissible in any legal proceeding.

f. Pretrial Conference and Motions.

1. Prior to trial a conference shall be held, attended by the judge, the Defendant, defendant's counsel or lay advocate, the prosecutor and anyone invited by them with the judge's consent. The judge may set the trial date and any deadlines for motions or the completion of discovery.
2. The Order and Memorandum of the Pretrial Conference shall contain the agreements reached by the parties and the orders of the judge given at the conference. The Order and Memorandum of the Pretrial Conference shall be the only record of the conference. No statements made by any participant at the conference shall be admissible in any proceeding.
3. The defense or prosecution may at any time prior to trial, by written motion, request the judge to take whatever action seems necessary in the interest of fairness. Any motion shall be filed with the judge and a copy served on the opposing party.
 - A. The motion shall recite the defense, objection, or request made and state the reason for the motion. It shall state the action requested of the judge.
 - B. Motions include but are not limited to the following:
 - i. Substitution of the judge because of bias or other cause.
 - ii. Time to prepare.
 - iii. Continuance.
 - iv. A list of witnesses.
 - v. Suppression of a confession or of evidence claimed to have been illegally seized.
 - vi. To Dismiss.
 - vi. The production of evidence; or
 - vii. Joinder or severance of offenses or defendants.

4. The judge shall rule on all motions as soon as possible, but always before instructing the jury or, in a trial by the judge, before rendering a verdict.

3.7 Trial.

a. Trial Procedure.

1. If the defendant pleads not guilty, the judge shall set a trial date. The defendant shall be allowed a reasonable time to prepare for trial. The judge must ensure there is no unreasonable or unnecessary delay infringing the defendant's right to a speedy trial. A trial shall be initiated within 180 days of the initial appearance, with the date of the initial appearance counting as day one of the 180-day trial clock. All motions, continuances and interlocutory appeals, from the date of submittal to the date of resolution, shall toll and be excluded from the 180-day trial clock. The defendant may also agree to waive their right to a speedy trial if, in the judgment of the court, such waiver does not impact the due process rights of the defendant or undermine society's interest in the swift administration of justice.
2. All trials shall be open to the public and must accord the defendant the right to:
 - A. Be present through the trial and defend himself in person, by friend, or by lay counsel or professional attorney at his own expense.
 - B. Meet the witnesses for the prosecution face to face and to cross-examine them.
 - C. Compulsory process through the power of the Court to obtain and develop the testimony of witnesses and to obtain physical evidence in his behalf.
 - D. Testify or not testify. If the defendant does not testify, the prosecution may not comment upon the lack of testimony by the defendant, nor may it be construed against the defendant.
3. In all trials, the defendant is presumed to be innocent, the burden of proof rests on the prosecution, and the prosecution must prove beyond a reasonable doubt each element of the crime charged and that the defendant committed the crime charged. In every trial before a jury, the judge shall charge the jury with the presumption of innocence of the defendant and the prosecution's burden of proof.

4. A charge may be dismissed at the discretion of the judge at any time prior to verdict, upon the motion of the court, the defendant or the prosecutor, and upon the order of the judge.
 - A. If the order to dismiss is prior to trial, the judge must state whether the dismissal is for cause or not. If dismissed for cause, no new charge based on the same facts may be filed against the defendant. If dismissed without cause, new charges may be filed.
 - B. If the order to dismiss is made at any time after the jury is impaneled and sworn, the judge need not determine whether the order to dismiss is for cause and in no instance shall a new charge based on the same facts be filed against the defendant.
5. Objections and Motions at Trial.
 - A. Either party may make motions throughout the course of the trial, all of which shall be oral unless otherwise directed by the judge. Both parties shall have the opportunity to state their positions on any motion made.
 - B. Motions which can be made shall include, but are not limited to the following:
 - i. Motion to Exclude Witnesses.
 - ii. Motion to Exclude Evidence.
 - iii. Motion of Judicial Notice.
 - iv. Motion for Mistrial.
 - v. Motion for a New Trial.
 - vi. Motion for Directed Verdict.
- b. Jury and Non-Jury Trial. The defendant can request and receive trial either by jury or by the judge.
 1. Jury Trial.
 - A. If the defendant requests a jury trial, the jury shall consist of six (6) enrolled members of the Chippewa-Cree Tribe residing on the Rocky Boy's Reservation or within Hill, Blaine or Chouteau counties, and one alternate juror who is an enrolled member of the Chippewa-Cree Tribe residing on the Rocky Boy's Reservation or

within Hill, Blaine or Chouteau counties. Jurors may also include non-member spouses of tribal members residing on the Rocky Boy's Reservation.

B. Jury selection.

- i. Impanel jury. The Court shall describe the jury selection process and swear-in the jury panel. The oath shall be substantially as follows: Do you solemnly swear that you will answer all questions asked of you as to your respective qualifications to serve as a trial juror during this term of court, and that you will truly answer all questions asked of you by this court and counsel as to your respective qualifications to serve as a trial juror for the issue at hand?
- ii. Charges and admonition. The Court shall inform the panel of the charges against the defendant or defendants. The Court shall admonish the panel that the defendant or defendants have pled not guilty; that they are presumed innocent unless or until they are proven guilty beyond a reasonable doubt; and that they have the right to remain silent and do not have to prove innocence or to present evidence.
- iii. Court voir dire. The judge shall examine the jurors to determine if they are qualified to serve. The judge shall excuse any jurors:
 - (a) Who are related to a defendant by blood or marriage within the fourth degree.
 - (b) Who formed an opinion about the case; or
 - (c) Who, at the judge's discretion, should be dismissed.
- iv. Counsel voir dire. At the conclusion of the court's voir dire and the dismissal of unqualified jurors, counsel for the prosecution and the defense may voir dire the remaining panel members.
 - (a) The defense and prosecution each shall have as many challenges for cause as necessary and two (2) peremptory challenges per defendant.
 - (b) At the conclusion of the examination of the jury panel by both the prosecution and defense, counsel

shall present their peremptory strikes. The court shall dismiss those jurors peremptorily struck.

- (c) Counsel shall then make argument to the court with respect to challenges for cause. The prosecution shall make argument first followed by the defense. The Court shall hear argument from both the prosecution and the defense with respect to each challenge for cause and grant or deny the challenge.
 - v. Final jury selection. If there are more than seven jurors remaining on the panel after the peremptory strikes and resolution of all challenges for cause, six jurors shall be drawn at random to compose the jury, with one juror chosen thereafter at random to be the alternate. If only seven jurors remain from the panel, then one shall be drawn at random to be the alternate. If fewer than 7 jurors remain on the panel after strikes and challenges, the court shall declare a mistrial and dismiss the case without prejudice.
 - vi. Seating of jury. Upon the final selection of six jurors and one alternate, the court shall swear in the jury substantially as follows: Do you and each of you solemnly swear that you will truly and fairly try this case between the Chippewa Cree Tribe and [the defendant or defendants]?
- C. Opening instructions. The judge shall direct the jury as to the law in accordance with Rule 11(3), and in accordance with the jury instructions accepted by the judge from the parties.
- D. Trial sequence.
- i. Opening statements by the prosecution and defense. Opening statement can be waived.
 - ii. Witnesses for the prosecution. Each witness shall be sworn for testimony. Defense cross-examination of each witness.
 - iii. Prosecution rests and the defense may make a motion for a directed verdict or acquittal.
 - iv. Witnesses for the defense. Each witness shall be sworn for testimony. Prosecution cross-examination of each witness.
 - v. Defense rests.
 - vi. Rebuttal evidence.

- vii. Closing statements. The prosecutor opens the closing statements, followed by the defense, with final remarks by the prosecutor at their discretion.
 - viii. Jury deliberation instructions are given by the court.
 - ix. At the close of jury deliberations, the court is reconvened. The verdict form is obtained from the jury and read by the Court. The jury is polled if requested.
 - E. During the course of the trial, the jurors will not be permitted to discuss the trial with anyone but the other jurors. The jury may send written questions about the law to the judge for his answer. In the event the trial cannot be concluded in one day, the jurors shall be admonished to speak to nobody about the trial for its entire duration.
 - 2. Trial by Judge. In the case tried without a jury, the judge shall make a general finding of guilty or not guilty based upon the same interpretation of the law that would be given the jury, if the trial were a jury trial.
- c. Verdict. The Verdict shall be by a majority in all cases.
- 1. If the verdict is not guilty, the defendant shall be discharged, any bail posted shall be returned and any bail bond shall be exonerated. In no instance may the defendant be tried again on the same facts for the same offense.
 - 2. If the verdict is guilty, the defendant shall be sentenced at that time or within a reasonable time thereafter. The judge may require a pre-sentence investigation report or hearing before sentencing.

3.8 Post-Trial Procedure.

- a. Sentencing:
 - 1. Sentence shall be imposed without unreasonable delay. Pending sentence, the judge may commit the defendant to jail or continue or alter bail. Before imposing sentence, the judge shall afford counsel an opportunity to speak on behalf of the defendant and shall ask the defendant if he wishes to speak on his own behalf, to present any information which might lessen his punishment.

2. A motion to withdraw a plea of guilty shall be made only before the defendant is sentenced. To correct manifest injustice, the judge may on his own motion, set aside the judgment of guilt prior to sentencing and permit the defendant to withdraw his plea.
3. All persons convicted of any offense may be sentenced to imprisonment, fine, work, restitution or a combination of those punishments. However, no section of this code shall prohibit the judge from imposing any sentence deemed more appropriate than imprisonment, fines, restitution or work, under the circumstances of a particular case. Such sentences include, but are not limited to commitment to a rehabilitation or alcoholic program, or work for the benefit of the Tribe.

b. Deferred Sentences:

1. Where a sentence has been imposed, the judge may, in his discretion, defer the imposition of the sentence and impose any reasonable restrictions or conditions during the period of deferred imposition.
2. The judge may, in his discretion, revoke the suspension after giving the offender a hearing prior to the revocation.
3. Where the Court has deferred the imposition of a sentence and the time period of the deferral has expired, upon motion of the judge, the defendant or the defendant's counsel or friend, the judge may allow the defendant to withdraw his plea of guilt or may strike the guilty verdict from the record and order that the charge be dismissed.

c. Parole:

1. Any person who has without misconduct served one-half (1/2) the sentence imposed by the judge, shall be eligible for parole.
2. Anyone desiring parole may apply to any judge, who will review the circumstances of the potential parolee, and determine whether the person has served one-half (1/2) of the sentence and is not guilty of any misconduct. If all requirements are met; the prisoner may be released on parole for the remainder of his sentence subject only to the terms and conditions he has, in writing, agreed to comply with.
3. Violation of Sentence. Any parolee who violates any provision of his parole shall be apprehended and confined to serve the remainder of the original sentence without diminishment for the time the person was free on parole.

d. Commutation of Sentence: If a presiding judge is satisfied that justice will best be served by reducing a sentence, the judge may at any time reduce the amount of time

of any sentence imposed upon a person, upon a showing of proof that during the period of the sentence the person served without misconduct and did satisfactory work.

CHIPPEWA CREE TRIBAL COURT

31 Agency Square, Box Elder, MT 59521
(406) 395-4808 phone; (406) 395-5184 fax

Chippewa Cree Tribal Law and Order Code – Title IV Bonds

Title and Chapter	Offense	Class/Category	Bond	Sentencing Guidelines
Title IV, Chapter 3 Offenses Against Persons				
Chapter 3.1	Deliberate Homicide	AA	\$5,000.00	Maximum 1 year and/or \$5,000.00
Chapter 3.2	Negligent Homicide	AA	\$5,000.00	Maximum 1 year and/or \$5,000.00
Chapter 3.3	Manslaughter	AA	\$5,000.00	Maximum 1 year and/or \$5,000.00
Chapter 3.4	Kidnapping	A, C1	\$500.00	Maximum 6 months and/or \$500.00
Chapter 3.5	Rape	A, C1 or AA (<16)	\$500.00 \$5,000.00	Maximum 6 months and/or \$500.00 Maximum 1 year and/or \$5,000.00
Chapter 3.6	Sexual Assault	A	\$500.00	Maximum 6 months and/or \$500.00
Chapter 3.7	Incest	A, C1 or AA (<16)	\$500.00 \$5,000.00	Maximum 6 months and/or \$500.00 Maximum 1 year and/or \$5,000.00
Chapter 3.8	Assault	A, C2	\$100.00	Maximum 6 months and/or \$100.00
Chapter 3.9	Aggravated Assault	A, C1	\$500.00	Maximum 6 months and/or \$500.00
Chapter 3.10	Negligent Vehicular Assault	A, C2 or A, C1	\$100.00 \$500.00	Maximum 6 months and/or \$100.00 Maximum 6 months and/or \$500.00
Chapter 3.11	Assault and Battery	A, C2	\$100.00	Maximum 6 months and/or \$100.00
Chapter 3.12	Intimidation	A, C2	\$100.00	Maximum 6 months and/or \$100.00
Chapter 3.13	Negligently Endangering Another Person	A, C2	\$100.00	Maximum 6 months and/or \$100.00
Chapter 3.14	Aiding a Suicide	A, C1	\$500.00	Maximum 6 months and/or \$500.00
Chapter 3.15	Stalking	A, C2 or A, C1	\$100.00 \$500.00	Maximum 6 months and/or \$100.00 Maximum 6 months and/or \$500.00

Title IV, Chapter 4 Offenses Against Children and Dependents				
Chapter 4.1	Child Abuse and/or Neglect	A, C2	\$100.00	Maximum 6 months and/or \$100.00
Chapter 4.2	Criminal Child Endangerment	A, C3	\$100.00	Maximum of 30 days with 30 days probation and/or \$100.00
Chapter 4.3	Abandonment	A, C3	\$100.00	Maximum of 30 days with 30 days probation and/or \$100.00
Chapter 4.4	Child Sexual Abuse	A, C1 Or AA (<16)	\$500.00 \$5,000.00	Maximum 6 months and/or \$500.00 Maximum 1 year and/or \$5,000.00
Chapter 4.5	Child/Youth Sex Trafficking	AA	\$5,000.00	Maximum 1 year and/or \$5,000.00
Chapter 4.6	Incest	A, C1 or AA (<16)	\$500.00 \$5,000.00	Maximum 6 months and/or \$500.00 Maximum 1 year and/or \$5,000.00
Chapter 4.7	Aggravated Promotion of Prostitution (child)	AA	\$5000.00	Maximum 1 year and/or \$5,000.00
Chapter 4.8	Failure to Support or Care for Dependent Child	A, C3	\$100.00	Maximum of 30 days with 30 days probation and/or \$100.00
Chapter 4.9	Contributing to the Delinquency of an Underage Person	A, C4	\$100.00	Maximum of 6 months and/or \$100.00
Chapter 4.10	Failure to Send Children to School	C	\$50.00	Maximum of 30 days and/or \$50.00
Chapter 4.11	Visitation Interference	A, C4	\$100.00	Maximum of 6 months and/or \$100.00
Chapter 4.12	Curfew Violation	C	\$50.00	Maximum of 30 days and/or \$50.00
Title IV, Chapter 5 Abuse of Elders and/or Vulnerable Adults				
Chapter 5.3	Abuse/Neglect of Elder or Vulnerable Adult	A, C1 or C2	\$500.00 \$100.00	Maximum of 6 months and/or \$500.00 Maximum of 6 months and/or \$100.00

Title IV, Chapter 6 Partner Family Member Assault	Regardless of the elements of any other crime committed in conjunction, partner family member assault shall be considered a separate and distinct offense and shall be charged in addition to any other crime.	Regardless of the elements of any other crime committed in conjunction, partner family member assault shall be considered a separate and distinct offense and shall be charged in addition to any other crime.	\$0	1 st Offense: Mandatory 30 days in jail and \$100 fine with a minimum of 15 days and 6 months' probation.
Title IV, Chapter 7 Offenses Against Public Administration				
Chapter 7.1	Threat or Intimidation	A, C2	\$100.00	Maximum of 6 months and/or \$100.00
Chapter 7.2	Bribery	A, C2	\$100.00	Maximum of 6 months and/or \$100.00
Chapter 7.3	Obstructing a Law Enforcement Officer or Other Public Servant	A, C2	\$100.00	Maximum of 6 months and/or \$100.00
Chapter 7.4	Obstruction of Justice	B	\$50.00	Maximum of 3 months and/or \$50.00
Chapter 7.5	Contempt of Court	A, C3	\$100.00	Maximum of 30 days with 30 days probation and/or \$100.00
Chapter 7.6	Perjury	B	\$50.00	Maximum of 3 months and/or \$50.00
Chapter 7.7	Tampering with Witnesses, Informants or Physical Evidence	B	\$50.00	Maximum of 3 months and/or \$50.00

Chapter 7.8	Protection of Elected Officials and Tribal and Federal Employees	A, C1 AA – if use of deadly weapon	\$500.00 \$5,000.00	Maximum 6 months and/or \$500.00 Maximum 1 year and/or \$5,000.00
Chapter 7.9	Assault of a Law Enforcement Officer	AA	\$5,000.00	Maximum of 1 year and/or \$5,000.00
Chapter 7.10	Assault with Bodily Fluid	A, C2	\$100.00	Maximum of 6 months and/or \$100.00
Chapter 7.11	Resisting Arrest	A, C3	\$100.00	Maximum of 30 days with 30 days probation and/or \$100.00
Chapter 7.12	Compounding a Felony	A, C3	\$100.00	Maximum of 30 days with 30 days probation and/or \$100.00
Chapter 7.13	Escape	A, C4	\$100.00	Maximum of 6 months and/or \$100.00
Chapter 7.14	Criminal Destruction of/or Tampering with a Communication Device	A, C3	\$100.00	Maximum of 30 days with 30 days probation and/or \$100.00
Chapter 7.15	Refusing to Aid Law Enforcement Officer	C	\$50.00	Maximum of 30 days and/or \$50.00
Title IV, Chapter 8 Violations Endangering Family and Public Decency				
Chapter 8.1	Prostitution	C	\$50.00	Maximum of 30 days and/or \$50.00
Chapter 8.2	Indecent Exposure	C	\$50.00	Maximum of 30 days and/or \$50.00
Chapter 8.3	Exposure to Infection Disease	B	\$50.00	Maximum of 3 months and/or \$50.00
Chapter 8.4	Malicious Gossip	C	\$50.00	Maximum of 30 days and/or \$50.00
Chapter 8.5	Adulteration of Food or Drink	B	\$50.00	Maximum of 3 months and/or \$50.00

Title IV, Chapter 10 Dangerous Drugs				
Chapter 10.3(a)	Criminal Distribution/Sale of Prescription or Dangerous Drugs	AA or A	\$5,000.00 \$500.00	Maximum of 1 year and/or \$5,000.00 Maximum of 6 months and/or \$500.00
Chapter 10.3(b)	Criminal Possession of Prescription or Dangerous Drugs	B or C	\$50.00	Maximum of 3 months and/or \$50.00 Maximum of 30 days and/or \$50.00
Chapter 10.3(c)	Criminal Possession of Prescription or Dangerous Drugs with Intent to Sell	AA, A, B	\$5,000.00 \$500.00 \$50.00	Maximum of 1 year and/or \$5,000.00 Maximum of 6 months and/or \$500.00 Maximum of 3 months and/or \$50.00
Chapter 10.3(d)	Fraudulently Obtaining Prescription or Dangerous Drugs	AA, A, B	\$5,000.00 \$500.00 \$50.00	Maximum of 1 year and/or \$5,000.00 Maximum of 6 months and/or \$500.00 Maximum of 3 months and/or \$50.00
Chapter 10.3(e)	Altering labels on Prescription or Dangerous Drugs	A or B	\$500.00 \$50.00	Maximum of 6 months and/or \$500.00 Maximum of 3 months and/or \$50.00
Chapter 10.3(f)	Criminal Possession of Precursors to Dangerous Drugs	A or B	\$500.00 \$50.00	Maximum of 6 months and/or \$500.00 Maximum of 3 months and/or \$50.00
Chapter 10.3(g)	Criminal Distribution/Sale of Prescription or Dangerous Drugs on or near School Property	AA or A	\$5,000.00 \$500.00	Maximum of 1 year and/or \$5,000.00 Maximum of 6 months and/or \$500.00
Chapter 10.3(h)	Criminal Production or Manufacture of Dangerous Drugs	AA, A, or B	\$5,000.00 \$500.00 \$50.00	Maximum of 1 year and/or \$5,000.00 Maximum of 6 months and/or \$500.00 Maximum of 3 months and/or \$50.00
Chapter 10.3(j)	Criminal Distribution/Sale of Imitation Dangerous Drugs	A, B, or C	\$500.00 \$50.00 \$50.00	Maximum of 6 months and/or \$500.00 Maximum of 3 months and/or \$50.00 Maximum of 30 days and/or \$50.00
Chapter 10.3(k)	Criminal Possession of Imitation Dangerous	A, B, or C	\$500.00 \$50.00	Maximum of 6 months and/or \$500.00 Maximum of 3 months and/or \$50.00

	Drugs with the Purpose to Distribute/Sell		\$50.00	Maximum of 30 days and/or \$50.00
Chapter 10.3(l)	Criminal Advertisement of Imitation Dangerous Drug	A, B, or C	\$500.00 \$50.00 \$50.00	Maximum of 6 months and/or \$500.00 Maximum of 3 months and/or \$50.00 Maximum of 30 days and/or \$50.00
Chapter 10.3(m)	Criminal Manufacture of Imitation Dangerous Drug	A, B, or C	\$500.00 \$50.00 \$50.00	Maximum of 6 months and/or \$500.00 Maximum of 3 months and/or \$50.00 Maximum of 30 days and/or \$50.00
Chapter 10.3(o)	Criminal Possession of Toxic Substance	B or C	\$50.00	Maximum of 3 months and/or \$50.00 Maximum of 30 days and/or \$50.00
Chapter 10.3(p)	Continuing Criminal Enterprise			Runs Consecutive with the Conviction for the Underlying Offense
Title IV, Chapter 11 Drug Paraphernalia				
Chapter 11.2(a)	Criminal Possession of Drug Paraphernalia	B or C	\$50.00	Maximum of 3 months and/or \$50.00 Maximum of 30 days and/or \$50.00
Chapter 11.2(b)	Manufacture or Delivery of Drug Paraphernalia	B or C	\$50.00	Maximum of 3 months and/or \$50.00 Maximum of 30 days and/or \$50.00
Chapter 11.2(c)	Delivery of Drug Paraphernalia to a Minor	A, B, or C	\$500.00 \$50.00 \$50.00	Maximum of 6 months and/or \$500.00 Maximum of 3 months and/or \$50.00 Maximum of 30 days and/or \$50.00
Chapter 11.2 (d)	Advertisement of Drug Paraphernalia	B or C	\$50.00	Maximum of 3 months and/or \$50.00 Maximum of 30 days and/or \$50.00
Title IV, Chapter 12 Offenses Against Property				
Chapter 12.1(a)	Theft	A, C2 <\$50 B	\$100.00	Maximum of 6 months and/or \$100.00 Maximum of 3 months and/or \$50.00
Chapter 12.1(b)	Robbery	A, C1	\$500.00	Maximum of 6 months and/or \$500.00
Chapter 12.1(c)	Breaking and Entering	A, C2	\$100.00	Maximum of 6 months and/or \$100.00
Chapter 12.1(d)	Embezzlement	A, C2	\$100.00	Maximum of 6 months and/or \$100.00
Chapter 12.1(e)	Extortion	A, C2	\$100.00	Maximum of 6 months and/or \$100.00

Chapter 12.1(f)	Fraud	B	\$50.00	Maximum of 3 months and/or \$50.00
Chapter 12.1(g)	Forgery and Counterfeiting	A, C2	\$100.00	Maximum of 6 months and/or \$100.00
Chapter 12.1(h)	Issuing a Bad Check	C	\$50.00	Maximum of 30 days and/or \$50.00
Chapter 12.2(a)	Unauthorized Use of Property	C	\$50.00	Maximum of 30 days and/or \$50.00
Chapter 12.2(b)	Malicious Mischief	B	\$50.00	Maximum of 3 months and/or \$50.00
Chapter 12.2(c)	Injuring Public Property	B	\$50.00	Maximum of 3 months and/or \$50.00
Chapter 12.2(d)	Maintaining a Public Nuisance	C	\$50.00	Maximum of 30 days and/or \$50.00
Chapter 12.2(e)	Strong Dangerous Discarded Container	C	\$50.00	Maximum of 30 days and/or \$50.00
Chapter 12.2(f)	Criminal Trespass (Buildings)	B	\$50.00	Maximum of 3 months and/or \$50.00
Chapter 12.2(g)	Cutting Fence and Opening Gate	A, C4	\$100.00	Maximum of 6 months and/or \$100.00
Chapter 12.2(h)	Arson	A, C2	\$500.00	Maximum of 6 months and/or \$500.00
Chapter 12.3(a)	Cruelty to Animals	C	\$50.00	Maximum of 30 days and/or \$50.00
Chapter 12.3(b)	Permitting Domestic Pets to Roam	C	\$50.00	Maximum of 30 days and/or \$50.00
Chapter 12.3(c)	Livestock Trespass	A, C4	\$100.00	Maximum of 6 months and/or \$100.00
Title IV, Chapter 13 Offenses Against Public Order				
Chapter 13.1	Disorderly Conduct	B	\$50.00	Maximum of 3 months and/or \$50.00
Chapter 13.2	Firing a Weapon	B	\$50.00	Maximum of 3 months and/or \$50.00
Chapter 13.3	Carrying a Concealed Weapon	B	\$50.00	Maximum of 3 months and/or \$50.00

Chapter 13.4	Unlawful Possession of a Firearm by a Convicted Person	A, C1	\$500.00	Maximum of 6 months and/or \$500.00
Chapter 13.5	Public Drunkenness or Drug Intoxication	C	450.00	Maximum of 30 days and/or \$50.00
Chapter 13.6	Littering	C	\$50.00	Maximum of 30 days and/or \$50.00
Chapter 13.7	Gang Related Crime or Criminal Activities	A, B, or C		
Chapter 13.8	Soliciting without a License	C	\$50.00	Maximum of 30 days and/or \$50.00
Chapter 13.9	Harboring a Fugitive or Excluded Person	A, C1	\$500.00	Maximum of 6 months and/or \$500.00
Title IV, Chapter 14 Trespass Code				
Chapter 14.3	Trespass (Individual)	AA, A, B or C	\$5,000.00 \$500.00 \$50.00 \$50.00	Maximum of 1 year and/or \$5,000.00 Maximum of 6 months and/or \$100.00 Maximum 3 months and/or \$50.00 Maximum of 30 days and/or \$50.00

TITLE IV
CRIMINAL OFFENSES
AND PUBLIC SECURITY CODE

TITLE IV CRIMINAL OFFENSE AND PUBLIC SECURITY

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CHAPTER 1. GENERAL PURPOSES AND PRINCIPLES OF CONSTRUCTION

1.1 General Purpose.

- a. The general purpose of the Offenses Code is:
 - 1. To give fair warning of the nature of the conduct declared to constitute an offense.
 - 2. To forbid and prevent conduct that unjustifiably and inexcusably inflicts or threatens harm to individual or public interests.
 - 3. To prescribe penalties which are proportionate to the seriousness of the offense.
 - 4. To safeguard conduct that is without fault from condemnation as criminal.
- b. All provisions of the Offenses Code are to be construed to accomplish the Code's purposes and to promote justice.

1.2 Jurisdiction.

- a. In general, the Chippewa Cree Tribal Court shall have criminal jurisdiction over any Tribal member, American or Canadian Indian, or Alaskan Native, accused by the Tribe of the commission, within the exterior boundaries of the Rocky Boys' Indian Reservation, of an offense enumerated in this chapter.
- b. Criminal jurisdiction over non-Indian covered crimes of violence pursuant to the Violence Against Women Reauthorization Act of 2022. The Chippewa Cree Tribal Court is vested with special tribal criminal jurisdiction to enforce all provisions of this Code against a non-Indian or non-enrolled Indian who has committed any designated covered crimes by federal law against an Indian or covered non-Indian victim within the exterior boundaries of the Rocky Boys' Indian Reservation.

1.3 Non-waiver of Sovereign Immunity. Nothing contained in this Title shall be construed as a waiver of the sovereign immunity of the Chippewa Cree Tribe.

1.4 States of Mind.

- a. "Intentional." A defendant's state of mind is intentional with respect to result or to conduct if the defendant's conscious objective is to engage in such conduct or to cause such a result.
- b. "Negligent." Conduct is negligent if, with respect to a result or to a circumstance, a person should be aware of a substantial and unjustifiable risk that such result

will occur or that such a circumstance exists, and his/her conduct involves a significant deviation from the standard of care that a reasonable person would observe.

- c. “Reckless.” Conduct is reckless if, with respect to a result or to a circumstance, a person consciously disregards a substantial risk that such result will occur or that such a circumstance exists, and the risk is of such a nature and degree that its disregard involves a gross deviation from the standard of conduct that a law-abiding person would observe in the situation.

1.5 Fines and Penalties.

Offenses are divided into five (5) distinct categories:

- a. Class AA offenses, for which the maximum penalty is one (1) year imprisonment and/or a fine of five thousand dollars (\$5,000), or both.
- b. Class A offenses – Shall be divided into five categories for sentencing purposes of fines and/or sentencing:
 - 1. Category 1, Class A offenses – A person convicted of a Category A, Class A offense is subject to a sentence of six (6) months imprisonment and/or a fine of five hundred dollars (\$500).
 - 2. Category 2, Class A offenses:
 - A. First Time Offender – Subject to ten (10) days and six (6) months imprisonment and/or a fine of one hundred dollars (\$100) based on severity of the case. Penalties shall not be lowered for the first time penalty.
 - B. Second Time Offender – Subject to thirty (30) days to six (6) months imprisonment and/or a fine of more than one hundred dollars (\$100) based on severity. Penalties shall not be lowered for the first time penalty.
 - C. Third Time and Subsequent Offender – Subject to six (6) months imprisonment and/or a fine of five hundred dollars (\$500).
 - 3. Category 3, Class A offenses:
 - A. First Time Offender – Subject to five (5) days to thirty (30) days imprisonment and/or a fine of fifty dollars (\$50) with thirty (30) days probation.

- B. Second Time Offender – Subject to ten (10) days to sixty (60) days imprisonment and/or a fine of one hundred dollars (\$100) with thirty (30) days probation.
- C. Third Time Offender and Subsequent Offender – Subject to a minimum of thirty (30) days to six (6) months imprisonment and a fine of five hundred dollars (\$500).

4. Category 4, Class A offenses:

- A. First Time Offender – Subject to a minimum seventy-two (72) hours to six (6) months imprisonment and/or a fine of one hundred dollars (\$100).
- B. Second Time Offender – Subject to a minimum of five (5) days to six (6) months and/or a fine of two hundred dollars (\$200).
- C. Third Time and Subsequent Offender – Subject to a minimum thirty (30) days to six (6) months.

5. Category 5, Class A offense:

- A. First Time Offender – Subject to a minimum of twenty-four (24) hours imprisonment and a fine of two hundred dollars (\$200) and/or a court order of no driving for thirty (30) days.
- B. Second Time Offender – Subject to a minimum of forty-eight (48) hours imprisonment and/or fine of three hundred dollars (\$300) and a court order of no driving for sixty (60) days.
- C. Third Time Offender – Subject to a minimum thirty (30) days to six (6) months imprisonment and/or a fine of five hundred dollars (\$500) and a court order of no driving for six (6) months. The court shall order necessary treatment, or any corrective action offered by the Tribal Chemical Dependency Center who is sentenced under this section.
- D. Fourth and Subsequent Offense – The 4th and any subsequent conviction under this subsection shall be a Class AA offense, subject to one (1) year imprisonment and a fine of one thousand dollars (\$1,000).

c. Class B offenses:

1. First Time offense - Subject to a minimum sentence of twenty-four (24) hours to three (3) months imprisonment and/or a fine of fifty dollars (\$50).
 2. Second Time offense – Subject to a minimum seventy-two (72) hours to three (3) months imprisonment and/or a fine of more than fifty dollars (\$50).
 3. Third Time and Subsequent Offense – Subject to a minimum ten (10) days to three (3) months imprisonment and/or a fine of three hundred dollars (\$300).
- d. Class C offenses:
1. First Time offense – Subject to a minimum sentence of twenty-four (24) hours to thirty (30) days imprisonment and/or a fine of fifty dollars (\$50) or both.
 2. Second Time offense – Subject to a minimum forty-eight (48) hours to thirty (30) days imprisonment or a fine of more than fifty dollars (\$50) or both.
 3. Third Time and Subsequent Offense – Subject to a minimum five (5) days to thirty (30) days imprisonment and a fine of one hundred dollars (\$100).
- 1.6 Sentencing Guidelines. Attached.
- 1.7 Discretion. The Tribal Court has the discretion to order bonds, to levy penalties and legal costs, and to order and compel restitution of damages. For offenders who are minors, the court may specify any disposition which is in the best interest of the minor.
- 1.8 Civil Actions Not Barred. The codes of offenses do not bar, suspend or otherwise affect any right to or liability for damages, penalty, forfeiture, or other remedy authorized by law.
- 1.9 Defenses.
- a. Self-defense. The use of reasonable force is a defense when a person reasonably believes that such force is immediately necessary to protect himself/herself. However, a person is not justified in using force for the purpose of resisting arrest, execution of process, or other performance of duty by a public servant (a person holding a government office or job by election or appointment) regardless of whether the conduct of the public servant is lawful.

- b. Entrapment. It is a defense to an offense that a person's conduct was induced by a public servant or his agent for the purpose of obtaining evidence for the prosecution of that person.
- c. Coercion. It is a defense of an offense not involving death or serious bodily injury if a person commits the offense because they reasonably believe that they will suffer death or serious bodily injury unless he commits the offense.
- d. Intoxication. A person under the influence of alcohol or other drugs is not absolved of criminal liability for their actions unless such condition is involuntarily produced.
- e. Ignorance or Mistake. Ignorance of a statute or law which makes conduct an offense is not a defense.
- f. Mental disease or defect. A person is not responsible for criminal conduct if, at the time of such conduct, as a result of mental disease or defect, he/she lacks substantial capacity either to appreciate the wrongfulness of that conduct or to conform that conduct to the requirements of the law. As used in this section, "mental disease or defect" does not include an abnormality manifested only by repeated criminal or otherwise antisocial conduct such as chronic drug or alcohol abuse.

1.10 Severability.

If any provision of this Code or its application to any person, entity or circumstance is held invalid by any court of competent jurisdiction, the remainder of this Code or its application shall not be affected.

CHAPTER 2. INCHOATE OFFENSES

2.1 Attempt, Conspiracy or Solicitation.

- a. A person who/with the required mental state, does any act toward the commission of an offense but fails to accomplish the offense commits a separate offense of attempt, unless attempt is part of the offense as defined in the particular Code section.
- b. A person who, with the required mental state, agrees with another to commit the offense commits the offense of conspiracy if any party to the agreement commits any act in furtherance of the offense.
- c. A person who willfully solicits, requests, commands, induces or aids another to commit an offense, commits the offense of solicitation.
- d. A person who does not commit the offense of attempt, conspiracy, or solicitation if:
 - 1. Prior to the commission of the offense, the person gives timely warning to law enforcement authorities; or
 - 2. The person otherwise makes a reasonable effort to prevent the commission of the offense.
- e. The penalties for attempt, conspiracy, or solicitation must not exceed the maximum penalty provided for the related offense.

2.2 Responsibility.

- a. The penalty for Attempt, Conspiracy or Solicitation is the same as the penalty for being a principal in the crime and/or for the completed crime. A person who knowingly causes another, regardless of their legal capacity or mental state, to commit the conduct of an offense, commits the offense so cause.
- b. A person who attempts to commit any of the major crimes under exclusive federal court jurisdiction, Title 18, U.S.C. §1153, or who is an accessory after the fact to such crime shall upon conviction be sentenced by the Tribal Court to a confinement not to exceed one (1) year and/or a fine not to exceed \$5,000.

CHAPTER 3. OFFENSES AGAINST PERSONS

- 3.1 Deliberate Homicide. A person who knowingly causes the death of another human being, commits the offense of deliberate homicide, a Class AA offense.
- 3.2 Negligent Homicide. A person, who negligently (failure to exercise reasonable care) causes the death of another human being, commits the offense of negligent homicide, a Class AA offense.
- 3.3 Manslaughter. A person who recklessly (conscious and unjustifiable disregard of a known or obvious risk) causes the death of another human being commits the offense of manslaughter, a Class AA offense.
- 3.4 Kidnapping.
- a. A person who, by force, threat or deception:
 - 1. Removes another against his/her will from his/her place of residence or business, or a substantial distance from the vicinity from where he/she is located; or
 - 2. Confines another for a significant period against his/her will is guilty of kidnapping. Where the victim is fourteen (14) years of age or younger, it shall be presumed that the removal or confinement was against the victim's will.
 - b. Any natural or adoptive parent who by force, threat, or deception, or without knowledge or agreement of the child's custodian, removes the parent's child from the physical custody of any person who has custody of the child pursuant to a court order, and keeps the child for a significant amount of time for the purpose of this subsection, the court must evaluate the surrounding facts and circumstances, including but not limited to the age of the child and the length of the previous authorized visits with the offender. In a particular case, a relatively brief period may be considered significant.
 - c. Kidnapping is a Class A offense.
- 3.5 Rape.
- a. A person who engages in a sexual act with another, or who causes another to engage in a sexual act, is guilty of rape if:
 - 1. The defendant compels the other person to submit by force or any threat that would render a person of reasonable firmness incapable of resisting; or

2. The defendant or someone else, with the defendant's knowledge, had substantially impaired the other person's power to appraise or control the person's conduct by administering or employing, without the other person's knowledge, intoxicants, drugs or similar substance with the intent to prevent resistance; or
 3. The other person is unconscious; or
 4. The defendant knows that the other person submits because the other person falsely supposes the defendant to be someone else; or
 5. The other person is under 12 years of age; or
 6. The defendant knows that the other person who submits suffers from a mental disease or defect which renders that person incapable of understanding the nature of his/her conduct; or
 7. The person is in official custody or otherwise detained in a hospital, prison, or other similar institution and the defendant has supervisory or disciplinary authority over the detained person.
- b. Sexual act means:
1. Contact between the penis and the vulva or the anus. For the purposes of this subparagraph contact involving the penis occurs upon penetration, however, slight.
 2. Contact between the mouth and the penis, or the mouth and the vulva, or the mouth and the anus.
 3. The penetration, however slight, of the anal or genital opening, of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, arouse or gratify the sexual desire of any person; or
 4. The intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, degrade, arouse or gratify the sexual desire of any person.
- c. A person who engages in any of the sexual acts described above, commits the offense of rape, a Class A offense.
- d. A person who willfully or knowingly engages in a sexual act with a person who is not his/her spouse, who is under the age of sixteen (16), or who is mentally incompetent person of any age notwithstanding consent, commits the offense of rape, a Class AA offense.

3.6 Sexual Assault.

- a. A person who knowingly subjects another to any sexual contact without consent, commits the offense of sexual assault, a Class A offense. Sexual contact means any intentional touching of the sexual or other intimate parts of the person of another, whether clothed or unclothed, with not valid medical purpose.
- b. Consent is not effective if the person is less than fourteen (14) years old and the offender is more than three (3) years older than the victim.

3.7 Incest.

- a. A person who knowingly has sexual intercourse with an ancestor, descendant, or a brother or sister of the whole or half-blood, a nephew or niece, or any stepson or stepdaughter. The relationships referred to in this subsection include blood relationships without regard to legitimacy, relationships of parent and child by adoption, customary adoption and relationships involving a stepson or stepdaughter.
- b. Consent is a defense to incest with or upon a stepson or stepdaughter, but consent is ineffective if the stepson or stepdaughter is less than eighteen (18) years of age, and the stepparent is four (4) or more years older than the victim.
- c. Incest is a Class A offense.
- d. If the victim is under sixteen (16) years of age and the offender is three (3) or more years older than the victim or if the offender inflicts bodily injury upon anyone in the course of committing incest, the offense is then elevated to a Class AA offense.

3.8 Assault.

- a. A person commits the offense of assault if the person:
 - 1. Purposely or knowingly causes bodily injury to another.
 - 2. Negligently causes bodily injury to another with a weapon.
 - 3. Purposely or knowingly makes physical contact of an insulting or provoking nature with any individual.
- b. Purposely or knowingly causes reasonable apprehension of bodily injury to another.
- c. Assault is a Class A, Category 2 offense.

3.9 Aggravated Assault.

- a. A person commits the offense of aggravated assault if the person purposely or knowingly causes serious bodily injury to another or purposely or knowingly, with the use of physical force or contact, causes reasonable apprehension of serious bodily injury or death of another.
- b. A person convicted of aggravated assault commits a Class A, Category 1 offense.

3.10 Negligent Vehicular Assault.

- a. A person who negligently operates a vehicle, other than a bicycle, while under the influence of alcohol, a dangerous drug, any other drug including prescribed medications, or any combination of the three who causes bodily injury to another commits the offense of negligent vehicular assault.
- b. A person convicted of negligent vehicular assault who caused bodily injury to another commits a Class A, Category 2 offense.
- c. A person convicted of negligent vehicular assault who caused serious bodily injury to another commits a Class A, Category 1 offense.

3.11 Assault and Battery.

- a. A person who willfully strikes or otherwise inflicts bodily injury on another person commits the offense of Assault and Battery, a Class A, Category 2 offense.

3.12 Intimidation.

- a. A person commits the offense of intimidation when, with the purpose to cause another to perform or to omit the performance of any act, the person communicates to another, under circumstances that reasonably tend to produce a fear that it will be carried out, a threat to perform without lawful authority of any of the following acts:
 - 1. Inflict physical harm on the person threatened or any other person.
 - 2. Subject any person to physical confinement or restraint. Or:
 - 3. Commit a felony.
- b. A person commits the offense of intimidation if the person knowingly communicates a threat or false report of a pending fire, explosion, or disaster that would endanger life or property.

- c. Intimidation is a Class A, Category 2 offense.
- 3.13 Negligently Endangering Another Person. A person who negligently engages in conduct which:
- a. Threatens death or serious bodily injury to another. Or,
 - b. Causes bodily injury to another.
 - c. Negligently Endangering Another Person is a Class A, Category 2 offense.
- 3.14 Aiding a Suicide. A person who intentionally causes another person to:
- a. Commit Suicide. Or,
 - b. Attempt to commit suicide by force, duress or deception. Or,
 - c. Aids or solicits another to commit or attempt to commit suicide.
 - d. Causing or Aiding Suicide is a Class A, Category 1 offense.
- 3.15 Stalking.
- a. A person commits the offense of stalking if the person purposely or knowingly causes another person substantial emotional distress, fearing for the safety of self and others, or has reasonable apprehension of bodily injury or death by repeatedly:
 - 1. Following the stalked person. Or,
 - 2. Harassing, threatening, or intimidating the stalked person, in person or by third party, by electronic communication or monitoring, by phone, by mail, or by other action, devise or method.
 - b. Stalking is a Class A, Category 2 offense. For the second or subsequent offense or for the first offense against a victim who was under the protection of a restraining order directed at the offender shall be a Class A, Category 1 offense. A person convicted of stalking may be required to pay all medical, counseling, and other costs incurred by or on behalf of the victim as a result of the offense.
 - 1. Upon presentation of credible evidence of violation of this section, an order may be granted restraining a person from engaging in the activity described in section “a” above.

2. For the purpose of determining the number for convictions under this section, “conviction” means:
 - A. Judgment of conviction or sentence entered upon a plea of guilty of an offense rendered by a legally constituted jury, or by a court of competent jurisdiction authorized to try the case without a jury.
 - B. A conviction in another jurisdiction for a violation of a statute similar to this section. Or,
 - C. A forfeiture of bail collateral deposited to secure the defendant’s appearance in court in this jurisdiction or another jurisdiction for violation of a statute similar to this section, in which forfeiture has not been vacated.
 - D. Attempts by the accused person to contact or follow the stalked person after the accused person has been given actual notice that the stalked person does not want to be contacted or followed constitutes prima facie evidence that the accused purposely or knowingly followed, harassed, threatened or intimidated the stalked person.

CHAPTER 4. OFFENSES AGAINST CHILDREN AND DEPENDENTS

4.1 Child Abuse and Neglect.

a. As used in this section, the following definitions apply:

1. An Abused Child: One who has suffered or is likely to suffer a physical injury inflicted upon the child by other than accidental means, which causes or creates a substantial risk of death, disfigurement, impairment of bodily functions or serious physical or emotional harm, as determined by appropriate medical or professional personnel. The following examples of circumstances in which a child could be found to be an abused child, but as such are not intended to be all-inclusive:
 - A. A child who has been excessively beaten or suffered other unusual or inappropriate corporal punishment. Or
 - B. A child who suffers injury to his or her psychological functioning, as determined by an appropriate professional person, as a result of psychological or other abuse. Or
 - C. A child who has been subjected to obscene or indecent sexual activities, guidance or approval of the child's parent or guardian. Or
 - D. A child who has been a passenger in a vehicle driven by an intoxicated person, with the knowledge of the child's parent or guardian. Or
 - E. A child exposed to criminal distribution of dangerous drugs as prohibited by CCT Law and Order Code Title IV, Chapter 10.

- b. A Neglected Child: One whose parent or custodian fails to provide such food, clothing, shelter, medical attention, hygiene, education, or supervision as the child needs for development, although the parent or custodian was able to furnish such needs or has refused Tribal or other assistance for furnishing such needs, and such failure is likely to result in serious harm to the child as determined by appropriate medical or professional persons.

4.2 Criminal Child Endangerment.

a. As used in this section, the following definitions apply:

1. A person commits the offense of criminal child endangerment if the person purposely, knowingly, or negligently causes substantial risk of death or serious bodily injury to a child under 14 years of age by:
 - A. Failing to seek adequate health care for a child suffering from an apparent life-threatening condition. Or
 - B. Placing a child in the physical custody of another person who the person knows has previously purposely or knowingly caused bodily injury to a child. Or
 - C. Placing a child in the physical custody of another who the person knows has previously committed an offense against the child. Or
 - D. Manufacturing or distributing dangerous drugs in a place where a child is present. Or
 - E. Operating a motor vehicle under the influence of alcohol or dangerous drugs with a child in the vehicle. Or
 - F. Failing to provide proper nutrition for a child, resulting in a medical diagnosis of nonorganic failure to thrive. For purposes of this section, “nonorganic failure to thrive” means inadequate physical growth that is a result of insufficient nutrition and is not secondary to a diagnosed medical condition.

4.3 Abandonment.

- a. As used in this section, the following definitions apply:
 1. Any parent, guardian, or any person who has been entrusted with, or who has assumed the care of a child under the age of 18 years, who neglects or intentionally leave such child without care or abandons him under any circumstances, whereby the child may suffer from neglect, or who shall neglect the child in any manner or who shall cause such child to be exposed to bodily injuries shall be deemed guilty of an offense.

4.4 Sexual Abuse.

- a. As used in this section, the following definitions apply:
 1. “Sexual conduct” means actual or simulated:

- A. Sexual intercourse, whether between person of the same or opposite sex. Or
 - B. Penetration of the vagina or rectum by an object, except when done as part of a recognized medical procedure. Or
 - C. Bestiality. Or
 - D. Masturbation. Or
 - E. Sadomasochistic abuse. Or
 - F. Lewd exhibition of the genitals, breasts, pubic or rectal area of any person. Or
 - G. Defecation or urination for the purpose of sexual stimulation of the viewer.
- 2. “Simulated” means any depicting of the genitals or pubic or rectal area that gives the appearance of sexual conduct or incipient sexual conduct.
 - 3. “Visual medium” means:
 - A. Any film, photograph, videotape, negative slide, or photographic reproduction; or
 - B. Any disk, diskette, or other physical medium that allows an image to be displayed on a computer or other video screen and any image transmitted to a computer or other video screen by telephone line, cable, satellite, transmission, or other method.
- b. A person commits the offense of sexual abuse of children if he or she knowingly:
 - 1. Employs, uses, or permits the employment or use of a child in an exhibition of sexual conduct, actual or simulated.
 - 2. Photographs, films, videotapes, or records of a child engaging in sexual conduct, actual or simulated.
 - 3. Persuades, entices, counsels, or procures a child to engage in sexual conduct, actual or simulated.

4. Processes, develops, prints, publishes, transports, distributes, sells, possesses with intent to sell, exhibits, or advertises material consisting of or including a photograph, photographic negative, undeveloped film, videotape, or recording representing a child engaging in sexual conduct, actual or simulated. Or
 5. Finances any of the activities described in subsections (b)(1) through (b)(4) above knowing that the activity is of the nature described in those subsections.
- c. For purposes of this section, “child” means any person less than 16 years old.

4.5 Children and Youth Sex Trafficking.

- a. Protecting Children and Youth at Risk of Sex Trafficking. Under the Federal definition of Human Trafficking, 18 U.S.C. §1591 makes it illegal to recruit, entice, obtain, provide, move, harbor, solicit, or patronize a person to benefit from such activities knowing that the person will be caused to engage in commercial sex acts where the person is under the age of 18 or where force, fraud, or coercion exists. This statute does not require that either the defendant or the victim actually travel.
- b. As used in this section, the following definitions apply to Commercial Sex Act: means any sex act on account of which anything of value is given to or received by any person. This includes Prostitution, Exotic dancing/stripping, Sex tourism, Pornography/web cam, Erotic/nude messaging, Gang-based prostitution, any transactional sex with a minor.

4.6 Incest.

- a. A person commits the offense of incest if he or she has sexual contact (means any touching of the sexual or other intimate parts of the person of another for the purpose of arousing or gratifying the sexual desire of either party or for the purpose of satisfying the defendant’s aggressive impulses) or sexual intercourse with an ancestor, a descendant, a brother or sister of the whole or half blood, or any stepson or stepdaughter.
- b. Consent is a defense under this section to incest with or upon a stepson or stepdaughter, but consent is ineffective if the victim is less than 18 years old.

4.7 Aggravated Promotion of Prostitution.

- a. A person commits the offense of aggravated promotion of prostitution if he or she purposely or knowingly commits any of the following acts:
 - 1. Compels another to engage in or promote prostitution.
 - 2. Promotes prostitution of a child under the age of 18 years, whether or not he or she is aware of the child's age. Or
 - 3. Promotes the prostitution of one's child, ward, or any person for whose care, protection, or support he or she is responsible.

4.8 Failure to Support or Care for Dependent Person.

- a. A person commits the offense of failure to support or care for a dependent person by knowingly:
 - 1. Refusing or neglecting to furnish food, shelter, or proper care, which the person is physically and financially able to provide to any person recognized as legally dependent upon the person.
 - 2. Endangering the health, welfare or emotional well-being of any child under the person's care. Or
 - 3. Failing to provide financial support, which the person is legally obligated to provide, and the person is financially able to provide.
- b. It is not a defense to a charge of failure to support than any other person, organization, or agency furnishes necessary food, clothing, shelter, medical attention, or other essential needs for the support of the spouse, child or other dependent.
 - 1. A person commits the offense of aggravated failure to support if:
 - A. The person has left the reservation to avoid the duty to support.
Or
 - B. The person has been previously convicted of the offense of failure to support.

4.9 Contributing to the Delinquency of an Underage Person

- a. The term underage person used here denotes a person who is below the age designated by the particular section of the statute. A person commits the offense of contributing to the delinquency of an underage person by knowingly:
 - 1. Selling, giving, supplying or encouraging the use of any intoxicating substances by a person under the age of 21.
 - 2. Selling or giving explosives to a person under the age of 18.
 - 3. Selling or giving cigars, cigarettes, cigarette paper, smoking or chewing tobacco, medical or recreational marijuana or gummies, to anyone under the age of 18.
 - 4. Assisting, promoting, or encouraging a person under the age of 16 to:
 - A. Abandon her or his place of residence without the consent of the minor's parent or legal guardian.
 - B. Enter a place of prostitution.
 - C. Engage in sexual conduct. Or
 - D. Commit, participate, or engage in a criminal offense.

4.10 Failure to Send Children to School.

- a. A person commits the offense of failure to send children to school by repeatedly neglecting or refusing, without good cause to send any child of school age under the person's care to school. This applies to children ages six or older in grades K through 8.

4.11 Visitation Interference.

- a. A person who has legal custody of a minor child commits the offense of visitation interference if he or she knowingly or purposely frustrates the visitation rights of a person entitled to visitation under an existing court order.

4.12 Curfew Violation.

- a. Every person under the age of 18 years is subject to curfew times as follows:

1. 11:00 p.m. until 6:00 a.m. the following morning.
- b. Parents or guardians of children under the age of 18 are responsible for curfew compliance. Exceptions are permitted if the child is under the immediate supervision of a parent, guardian, or other adult approved by the parent or guardian. A child may attend authorized school function without such supervision. A child may attend religious activities without such supervision.
- c. Any parent, guardian or custodian who knowingly, purposely or negligently fails to obey curfew regulations commits the offense of curfew violation.

4.13 Penalties.

- a. A criminal offense listed in this Chapter range in nature based on the severity of the offense. Offenses range from Class AA offenses to Class C offenses. See attached Sentencing Guidelines.

4.14 Reserved.

CHAPTER 5. ABUSE OF ELDERS & VULNERABLE ADULTS

5.1 General Provisions.

- a. **Policy.** It is the policy of the Chippewa Cree Tribe to continue the traditional respect the members of the Chippewa Cree Tribe have had for the elderly. Elders are a valuable resource to the Chippewa Cree Tribe because they are repositories and custodians of tribal history, language, culture and traditions. Thus, the interests of the Chippewa Cree Tribe, now and in the future, are advanced when its elders can be confident, they are protected from abuse, neglect and exploitation.
- b. **Purpose.** The purpose of this Code is to establish tribal criminal law that protect the elderly and vulnerable adults within the jurisdiction of the Chippewa Cree Tribe from abuse, exploitation and neglect as defined in this Code. This Code shall be liberally interpreted in order to achieve its purpose and comport with the customs and traditions of the Chippewa Cree Tribe.
- c. **General Jurisdiction.** The Tribe will have exclusive jurisdiction over any misdemeanor offense in this Chapter.
 1. **Misdemeanor Jurisdiction.** Any offense classified as a misdemeanor may be a Class (A through C) offense over which the Tribe has exclusive jurisdiction.
 2. **Felony Jurisdiction.** The Tribe and the Federal Government shall have concurrent jurisdiction over any felony offense, and which shall be classified as a Class (AA) offense.

5.2 Definitions. A person is guilty of elder or vulnerable adult abuse if they knowingly and willfully commit the following:

- a. “Physical abuse” is any intentional or negligent infliction of bodily injury, unreasonable confinement, intimidation, or cruel punishment of an elder or vulnerable adult with resulting physical harm or pain or mental anguish by any person.
- b. “Sexual Abuse” is any physical contact which is not consented to by the elder or vulnerable adult intended for sexual gratification of any person making such contact or to abuse, humiliate, or degrade the elder or vulnerable adult.
- c. “Emotional Abuse” is the intentional infliction of threats, humiliation, intimidation or any other demeaning behavior towards an elder or vulnerable adult.

- d. “Exploitation” is the unauthorized or improper use of funds, property, or other resources of an elder; or the unauthorized or improper use of an elder or vulnerable adult by a caregiver or by any other person for personal gain or profit; or the failure to use the funds, property, or other resources of an elder or vulnerable adult to the elder's or vulnerable adult's benefit or according to the elder's or vulnerable adult's desires.
- e. “Neglect” is the wanton, reckless, and grossly negligent:
 - 1. Failure of a caregiver to provide for the basic needs of an elder or vulnerable adult by not supplying resources, services, or supervision necessary to maintain an elder's physical and mental health and includes the inability of an elder or vulnerable adult to supply such basic needs for her or himself.
 - 2. Interference with the delivery of necessary services and resources.
 - 3. Failure to report abuse, exploitation or neglect of an elder or vulnerable adult by any person.
 - 4. Failure to provide services or resources essential to the elder's or vulnerable adult's practice of his/her customs, traditions or religion; or
 - 5. Abandonment of an elder or vulnerable adult.
- f. “Caregiver” is:
 - 1. A person who is required by tribal law or tribal customs (or applicable state or federal law) to provide services or resources to an elderly or vulnerable adult.
 - 2. A person who has volunteered to provide care or resources to an elder or vulnerable adult.
 - 3. An institution or agency which voluntarily provides or is required by tribal law or custom (state or federal law, or tribal-state agreement) to provide services or resources to an elder or vulnerable adult; or,
 - 4. An employee of any institution or agency specified within this Code.
- g. “Consent” is agreement given without intimidation or coercion by an elder or vulnerable adult with the capacity to make an agreement.
- h. “Elder” is a person subject to the jurisdiction of the Chippewa Cree Tribe who is at least 50 years of age.

- i. “Emergency” is a situation in which an elder or vulnerable adult is immediately at risk of death or injury and is unable to consent to services which would remove the risk.
- j. “Family” means the immediate circle of relatives, including spouse, biological/clan/adopted children, grandchildren, in-laws, siblings, aunts, uncles, nieces, nephews, first, second, and third cousins, biological, clan and adopted parents.
- k. “Good Faith” is a reasonable person’s honest belief or purpose and the lack of intent to defraud.
- l. “Incapacity” is a legal determination made by the Chippewa Cree court regarding the current inability (functional inability) of a person to sufficiently understand, make, and communicate responsible decisions about themselves as a result of mental illness, mental deficiency, physical illness or disability, or chronic use of drugs or liquor, and to understand the consequences of any such decision. Incapacity may vary in degree and duration and shall not be determined solely on the basis of age.
- m. “Least Restrictive Alternative” is an approach which allows an elder or vulnerable adult independence and freedom from intrusion consistent with the elder's or vulnerable adult’s needs by requiring that the least dramatic method of intervention be used when intervention is necessary to protect the elder or vulnerable adult from harm. Caregivers, tribal/state courts and any other person/entity providing services to elderly or vulnerable adults will be controlled by this standard.
- n. “Power of Attorney” is a written document signed by an elder or vulnerable adult and notarized providing another person with the legal authority to conduct business on behalf of the elder or vulnerable adult in the name of the elder or vulnerable adult. There are two main types of power of attorney. 1) A General Power of Attorney covers all the elderly or vulnerable adult’s business activities, including signing papers, title documents, contracts, bank accounts, etc. 2) A Special Power of Attorney grants powers limited to specific areas as set forth in the document.
- o. “Protective Placement” is placement of an elder or vulnerable adult in a hospital, nursing home, residential care facility or the transfer of an elder or vulnerable adult from one such institution to another by tribal/state court or with the elder's or vulnerable adult’s consent or appropriate legal authority.
- p. “Protective Services” are services provided to an elder or vulnerable adult with the elder's or vulnerable adult’s consent or with appropriate legal authority and include, but are not limited to social case work, psychiatric and health evaluation, home care, day care, legal assistance, social services, health care, case management, guardianship and other services consistent with this Code.

Protective services include protective supervision, but they do not include protective placement.

- q. “Retaliation” is threatening of a reporter mandatory or otherwise of elder or vulnerable adult abuse or the reporter's family in any way; causing bodily harm to the reporter or the reporter's family; causing the reporter or any of the reporter's family to be terminated, suspended from employment, or reprimanded by an employer; or damaging the reporter's or the reporter's family's real or personal property in any way.
- r. “Vulnerable Adult” is a person eighteen (18) years of age or older who has the functional, mental, or physical inability to care for him or herself. “Vulnerable adults” shall include:
 - 1. Persons found incapacitated or adult persons who are otherwise eligible for the appointment of a guardian under this Code.
 - 2. A person has a disability attributable to mental retardation, cerebral palsy, epilepsy, autism, or another neurological or other condition of an individual found by the Director to be closely related to mental retardation or to require treatment similar to that required for individuals with mental retardation, which disability originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to the individual. The Agency may adopt which defines neurological or other conditions under this Subpart in a way that is not limited to intelligence quotient scores as the sole determinant of these conditions and notify the Business Council upon such adoption.
 - 3. Persons admitted to any long-term care facility or receiving services from home health, hospice, or home care agencies located or operating on the Rocky Boy’s Indian Reservation.

5.3 Mandatory Arrest Authority. An officer shall arrest and take into custody person(s) whom the officer has probable cause to believe abused/neglected a person defined as an “elder” or “vulnerable adult.” No warrant is required to make an arrest. This mandatory arrest provision means that the victims do not sign a complaint for an arrest to occur. Further, an officer may arrest under probable cause even though it may be against the express wishes of the victim. Mandatory arrest is required when:

- a. The victim is injured.
- b. The use of threatened use of a weapon is involved.
- c. The violation of a valid restraining order; or
- d. Imminent danger through abuse or neglect of a victim.

- e. Any person arrested under this provision shall be held without bail, in custody for a period of forty-eight (48) hour] as a mandatory “cooling off” period in the best interest of the Chippewa Cree Tribe

5.4 Duty to Report Abuse or Neglect of an Elder or Vulnerable Adult.

- a. Any person who has reasonable cause to suspect that an elder or vulnerable adult has been abused, neglected, self-neglected, or exploited shall immediately report the abuse, neglect, or self-neglect, or exploitation to the protective service unit of the Tribe unless they have a privileged relationship as attorney-client, doctor-patient or priest-penitent. The following individuals have a special duty in reporting abuse, neglect, self-neglect or exploitation:
 - 1. The elder's or vulnerable adult’s family or caregiver as defined within this Code.
 - 2. Any employee or elected official of the Chippewa Cree Tribe
 - 3. Any medical doctor, physical therapist, coroner, or medical examiner.
 - 4. Any nurse, physician’s assistant; or health aid.
 - 5. Any dentist or dental hygienist.
 - 6. An elder and adult program services case/social worker, or elder or vulnerable adult services provider.
 - 7. Any mental health practitioner or counselor.
 - 8. Any law enforcement officer.
 - 9. Any person with a fiduciary duty to the elder or vulnerable adult, including but not limited to a guardian or employee of an elder or vulnerable adult/nursing home, any tribal court employee.
 - 10. Any person subject to federal reporting requirements (see Title 18 United States Code Section 1169).
- b. Confidentiality. The identity of a person who in good faith reports suspected elder or vulnerable adult abuse, neglect, self-neglect or exploitation is confidential and shall not be released unless the reporter consents or the tribal/state court orders the release because it finds, after notice to the reporter and an opportunity to be heard; that the need to protect the elder or vulnerable adult outweighs the reporter's interest in confidentiality.

- c. Immunity for Reporting. A person who in good faith reports suspected abuse or neglect for an elder or vulnerable adult is immune from any civil or criminal suit based on that person's report.
- d. Failure to Report. Any person who is required by this Code to report suspected elder or vulnerable abuse and fails to do so is subject to a civil penalty of up to [\$5,000] and a term of imprisonment not to exceed [one year], or both.
- e. Bad Faith Report; Civil Penalty; Damage; Criminal Liability. Any person who makes a report of suspected elder or vulnerable adult abuse knowing it to be false maybe subject to a fine not to exceed [\$5,000] and a term of imprisonment not to exceed [one year], or both.
- f. Reports. Reports of suspected elderly or vulnerable adult abuse as defined in this Code shall be made to the protective service unit of the Tribe or the Tribal police. The person taking an oral report shall immediately complete a written incident report. Unless anonymously made, the incident report should contain the name of the reporter and, if possible, the reporter should sign the report. Anonymous reports shall be investigated as required by this Code.
- g. Privileged Communication. No evidentiary privilege, except for the attorney-client, doctor-patient or priest-penitent privilege as detailed in Section 5.4(a), may be raised as a justifiable defense or reason for failing to report suspected elder or vulnerable adult abuse or neglect or for testifying as required by this Code.

5.5 Emergency Protection Order.

- a. A. The Chippewa Cree Tribal Court shall issue an emergency protection order authorizing protective services or protective placement on an emergency basis upon petition supported by clear and convincing evidence that:
 - 1. The elder or vulnerable adult is at risk of immediate (physical) harm.
 - 2. The elder or vulnerable adult is incapacitated and cannot consent to protective services.
 - 3. The person possessing power of attorney for the elder or vulnerable adult is unavailable, or there is no one authorized by law or court order to give consent on an emergency basis; and
 - 4. An emergency exists.
- b. The emergency protection order shall:
 - 1. Set out the specific emergency services to be provided to the elderly or vulnerable adults to remove the conditions creating the emergency.

2. Provide only those services which will remove the emergency.
 3. Allow protective placement only if the evidence shows that it is necessary.
 4. Designate the [agency] required to implement the order.
 5. Be issued for a maximum of [hours/days] and may be renewed only once for a maximum of [hours/days] provided the evidence shows that the emergency is continuing.
- c. The Chippewa Cree Court may authorize forcible entry by law enforcement to enforce the emergency protection order after it has been shown that attempts to gain voluntary access to the elder or vulnerable adult have failed.
 - d. The petition for an emergency protection order shall contain the [name/address/location], and interest in the petitioner; the name/address/location], and condition of the elder or vulnerable adult; the nature of the emergency; the nature of the elder's or vulnerable adult's incapacity; the proposed protective services, and where applicable, protective placement; the attempts, if any to secure the elder's or vulnerable adult's consent to services; and, any other facts the petitioner believes will assist the Chippewa Cree Tribal Court.
 - e. The emergency protection order shall be issued only after notice. The notice accompanied by a copy of the petition shall be given to the elder or vulnerable adult, the elder's or vulnerable adult's family and caregiver at least 48 hours before a hearing on the petition is scheduled and the Chippewa Cree Tribal Court has had the opportunity to hear all parties and the evidence. The tribal court may waive the waiting period if the emergency is such that the elder or vulnerable adult will suffer immediate and irreparable harm or reasonable attempts have been made to notify the parties.
 - f. The Chippewa Cree Tribal Court shall hold a hearing on a petition to provide protective services or placement to an elder or vulnerable adult within 72 hours after an emergency protection order is issued.
 - g. The Chippewa Cree Tribal Court can set aside an emergency protection order upon a petition of any party showing good cause.
 - h. If there is good cause to believe that an emergency exists and that an elder or vulnerable adult is at risk of immediate and irreparable (physical) harm and, based on personal observation, an investigator/ law enforcement officer believes that the elder or vulnerable adult will be irreparably harmed during the time an emergency protection order is secured, the investigator/ law enforcement officer shall immediately protect the elder or vulnerable adult, including, where necessary, transporting the elder or vulnerable adult for medical treatment or to an appropriate facility. Immediately after the elder or vulnerable adult is protected, a

petition for an emergency protection order shall be filed and the procedures set out in this section followed.

- i. Any person who acts in good faith pursuant to this section is immune from any civil or criminal suit based on that person's actions.

5.6 Written Reports. In all cases of elder or vulnerable adult abuse as defined in this Code the investigator or officer involved shall make a written report with the tribal court prosecutor, setting forth the reason(s) for his/her decision within ten (10) days of the incident.

5.7 Penalties. Any violation of this Code may be subject to:

- a. 1st Offense is a Class A (Category 1 or 2) offense, and each individual can be referred to the Agency for 10 days up to six months of traditional teaching, up to a five hundred dollar (\$500.00) fine, or both. Documentation will need to be in each individual file upon completion. Individuals will be referred to court if a report of non-compliance is made.
- b. 2nd Offense is a Class A, Category 1 offense, and each individual can be referred to the Agency for up to six (6) months of traditional teaching, up to a one-thousand-dollar (\$1,000.00) fine, or both. Documentation will need to be in each individual file upon completion. Individuals will be referred to court if a report of non-compliance is made.
- c. 3rd Offense is a Class AA offense, and each individual may receive up on one (1) year in jail, up to a five thousand dollar (\$5,000.00) fine, or both.

CHAPTER 6. PARTNER FAMILY MEMBER ASSAULT CODE

6.1 General Provisions.

- a. The Chippewa Cree Partner Family Member Assault Code is construed to promote the following:
 - 1. Deliver prompt and effective responses to victims with fairness and compassion.
 - 2. Provide safety and protection to victims and their children.
 - 3. Utilize the criminal justice system in setting standards of behavior within the family system.
 - 4. Impose consequences upon offenders of Partner Family Member Assault.
 - 5. Provide the opportunity for offenders to make positive changes in their behavior.
 - 6. Prevention of future violence in all families through public education programs.

6.2 Definitions.

- a. Partner Family Member Assault – the occurrence of one or more of the following acts by a family or household member but does not include acts of self-defense.
 - 1. Purposely or knowingly causes physical harm to another family or household member.
 - 2. Purposely or knowingly places a family or household member in fear of physical harm.
 - 3. Purposely or knowingly causes a family or household member to engage involuntarily in sexual activity by force, threat, coercion or duress.
 - 4. Negligently causes bodily injury to a family member with a weapon.
- b. Family or household member include:
 - 1. Spouses or former spouses.

2. Adults or minors who have dated or are involved in an on-going intimate relationship regardless of their gender.
 3. Persons who have a child in common; and
 4. Minor children of a person in a relationship that is described in paragraphs 1 through 3.
- c. Program of intervention for perpetrators means a specialized program that accepts court orders and voluntary participants that:
1. Offers intake, orientation, and placement in a Partner Family Member Assault class.
 2. Offers a minimum of 24 re-education classes.
 3. Makes available and integrates the specialized function, knowledge and expertise of elders.
- d. Program for victims of Partner Family Member Assault means a specialized program for victims of Partner Family Member Assault and their children that includes but is not limited to advocacy, shelter, crisis intervention, supportive services and referral.
- e. Safety Plan means a written outline of action to be taken by a victim of partner family member assault to secure protection and support.
- f. Primary aggressor means the most significant aggressor and not necessarily the initial participant in the incident.
- g. Probable cause means the existence of facts and circumstances that would lead a reasonable and prudent person to believe that a specific person had committed the crime.

6.3 Criminal Penalties and Procedures.

- a. Crimes involving Partner Family Member Assault:
1. Arson.
 2. Assault offenses, Aggravated Assault, Simple Assault and Intimidation.
 3. Burglary, Breaking and Entering.

4. Destruction of Property, Damage, Vandalism of Property.
 5. Homicide Offenses (Murder, Non-negligent Manslaughter, Negligent Manslaughter, Justifiable Homicide).
 6. Kidnapping, Abduction.
 7. Sex offenses, Forcible (Forcible Rape, Forcible Sodomy, Sexual Assault with an Object, and Forcible Fondling).
 8. Stolen Property Offense.
 9. Weapon Law Violations.
 10. Disorderly Conduct.
 11. Family Offenses, Non-Violent.
 12. Stalking.
 13. Trespass of Real Property.
 14. Intoxication.
 15. Habitual Harassment.
 16. Financial Abuse/Exploitation.
- b. The use of alcohol/drugs in the committing of Partner Family Member Assault or any crime related to Partner Family Member Assault shall not diminish the seriousness of Partner Family Member Assault or take precedence over the crime of Partner Family Member Assault.
 - c. Violation of certain orders for protection is a misdemeanor.
 - d. Duties of law enforcement officer to victims of Partner Family Member Assault; required notice to victims.
 1. A law enforcement officer who responds to an allegation of Partner Family Member Assault shall use all reasonable means to protect the victim and others present from further violence, including:

- A. Transporting or obtaining transportation for the victim and any children to a shelter or any other place of safety.
- B. Assisting the victim in removing essential personal effects.
- C. Assisting the victim and children in obtaining medical treatment, including transporting them to a medical facility, if needed.
- D. Giving the victim immediate and adequate notice of the rights of victims and/or other remedies and services.
- E. As part of the notice required by subsection D:
 - i. Victims of Partner Family Member Assault who believe that law enforcement protection is needed for their physical safety, have the right to request the officer assist in providing for their safety, including asking for an emergency order for protection that will provide for their immediate protection.
 - ii. Victims may also request the law enforcement officer assist in obtaining essential person effects and locating and taking them to a safe place, including but not limited to a shelter, a family member's or friend's residence, or a similar place of safety. If needed, they also have the right to request the police officer assist in obtaining medical treatment. If needed, a copy of the report is available from law enforcement. Be advised that the prosecutor files a criminal complaint against the assailant. Victims also have the right to file a petition requesting a permanent order for protection from Partner Family Member Assault.

6.4 Mandatory Arrest for Crimes; Determination of Primary Aggressor; Required Report.

- a. The law enforcement officer shall have 24 hours, without a warrant to arrest and charge a person with the appropriate crime if the officer has probable cause to believe that the person has committed Partner Family Member Assault, whether the offense is a felony or a misdemeanor, or if it was committed in or outside the presence of the officer.
- b. Regardless of the elements of any other crime committed in conjunction, partner family member assault shall be considered a separate and distinct offense and shall be charged in addition to any other crime.

- c. If a law enforcement officer receives complaints of Partner Family Member Assault from two or more opposing persons, the officer shall evaluate each complaint separately to determine who was the primary aggressor. If the officer determines that one person was the primary physical aggressor, the officer need not arrest the other person alleged to have committed Partner Family Member Assault. In determining whether a person is the primary aggressor, the officer shall consider:
 - 1. Prior complaints of Partner Family Member Assault.
 - 2. The relative severity of the injuries inflicted on each person.
 - 3. The likelihood of future injury to each person; and
 - 4. Whether one of the persons acts in self-defense and/or in defense of others.
 - 5. The dynamics of Partner Family Member Assault.
- d. A law enforcement officer shall not threaten, suggest or otherwise indicate the possible arrest of all parties to discourage requests for intervention by any party.
- e. A law enforcement officer shall not consider the use or abuse of alcohol by either party in making a determination as to whether or not Partner Family Member Assault has been committed.
- f. The employment, economic, educational, social and political status of the alleged perpetrator and/or victim shall not be considered in making an arrest.
- g. The law enforcement officer is not required to make an arrest based on who hit who first but shall consider the dynamics of Partner Family Member Assault and the definition of primary aggressor in determining which party to arrest.
- h. In addition to any other report required, a law enforcement officer who does not make an arrest after investigating a complaint of Partner Family Member Assault or who arrests two or more person for a crime involving Partner Family Member Assault must submit a written report setting forth the grounds for not arresting or, instances where both parties are arrested, describe how the determination was made that both parties acted primarily as aggressors and that neither spouse acted primarily in self-defense.

6.5 Mandatory Arrest for Certain Violations of Orders for Protection.

- a. When law enforcement officer has probable cause to believe that a respondent has violated one of the following orders and verifies the existence of the order, the officer shall, without a warrant, arrest the apparent violator whether the violation was committed in or outside the presence of the officer if the orders are issued in accordance with this Code:
 - 1. An order enjoining the respondent from threatening to commit or committing acts of Partner Family Member Assault against the petitioner or other family or household member.
 - 2. An order prohibiting the respondent from harassing, annoying, telephoning, contacting or otherwise communicating with the petitioner, either directly or indirectly through family, relations by marriage, friends and co-workers.
 - 3. An order removing and excluding the respondent from the residence of the petitioner.
 - 4. An order requiring the respondent to stay away from the residence, school, place of employment, or a specified place frequented regularly by the petitioner and any named family or household member.
 - 5. An order prohibiting the respondent from using or possessing a firearm or other weapon specified by the court.
 - 6. An order requiring the respondent to attend Partner Family Member Assault classes.
 - 7. An order requiring the respondent to abide by all laws of the Chippewa Cree Nation.
- b. A petitioner who is granted an order of protection cannot violate or be arrested for violation or her/his own order of protection.

6.6 Officials who Batter, including Law Enforcement Officers: Procedure.

- a. Upon receiving notification that a law enforcement officer is a possible perpetrator:

1. The dispatcher shall immediately notify the Chief of Police. The Chief of Police will respond to the call.
 2. Line officers may secure the scene and ensure the safety of all parties, if necessary, and await the response of the Chief of Police. However, under no circumstances will line officers investigate calls regarding other officers.
 3. Someone of higher rank than the alleged perpetrator must always be involved in responding. The Criminal Investigator will be notified if the Chief of Police is a possible perpetrator.
- b. Upon receiving notice that a public official is a possible perpetrator:
1. A dispatcher shall notify the on-call criminal investigator who shall respond immediately.
- c. Law enforcement officers and public officials who are suspected of committing the crime of Partner Family Member Assault shall be subject to the provisions of this Code.

6.7 Authority of Law Enforcement Officers to Seize Weapons.

- a. Partner Family Member Assault incidents involving weapons – the responding law enforcement officer:
1. Shall seize all weapons that are alleged to have been involved or threatened to be used in the commission of a crime.
 2. Shall seize a weapon that is in plain view, or which is located during a search authorized by a person entitled to consent to the search. The seizure of weapons is without regard to ownership of the weapons; weapons owned by a third party are subject to confiscation when officers conclude that the weapon must be confiscated to protect law enforcement, victims of Partner Family Member Assault or others.

6.8 Immunity.

- a. Any law enforcement officer or official shall have immunity from liability in civil or criminal actions when making arrests for crimes involving Partner Family Member Assault, if they act in good faith when providing protection for Partner Family Member Assault victims. This also includes public citizens when making a citizen's arrest.

- b. Law enforcement officers shall have the same immunity with respect to participation in any court proceedings resulting from arrests made for partner family member assault or any crimes involving Partner Family Member Assault.

6.9 Conditions of Release.

- a. There shall be a mandatory jail sentence of 72 hours prior to the arraignment of any Partner Family Member Assault, including violation of an order for protection.

6.10 Mandatory Arrest for Violation of Conditions for Release. If a law enforcement officer has probable cause to believe that a person has violated the condition of release imposed with section 6.3(c.) the officer shall, without a warrant, arrest the alleged violator whether the violation was committed in or outside the presence of the officer.

6.11 Role of the Court; Sentencing; Probation Conditions.

- a. 1st Offense: If the alleged assailant pleads guilty or is found guilty, regardless of the severity, the judge shall order a mandatory 30 days in jail and \$100.00 fine with a minimum of 15 days and 6 months' probation.
- b. The offender is prohibited from substituting other services or activities such as individual counseling, alcohol treatment or participation in traditional healing practices for participation in a program except those offered through partner family member assault programs or sought out voluntarily in addition to the required partner family member assault program by the offender.
- c. In the event the offender does not comply with the Partner Family Member Assault program and/or other conditions of probation, the court will find the offender in contempt of court and shall impose service of the original sentence during which time the offender must attend the Partner Family Member Assault program and do community service. Further, the court will order that any resulting contempt of court sentence be served consecutively.
- d. Upon any second or subsequent offense, the offender shall be sentenced to a maximum of 60 days in jail and a \$300.00 fine with a 1-year probation: minimum of 30 days in jail and/or any maximum sentencing, fine, rehabilitation, and community service remedies available to the court. An offender shall participate in the program concurrent with any jail and fine sentencing imposed by the court.

6.12 Ethics, Familial Relationships of Law Enforcement, Prosecution and Judges to Defendant.

- a. All public servants shall be expected to perform their duties and proceed in accordance with this Code no matter what the employment, educational, social, and political status of the alleged perpetrator and/or victim. Public servants shall be held to the highest professional standards in responding to the crime of Partner Family Member Assault.
- b. In instances where law enforcement officers respond to a call involving a relative by blood or marriage, the officer shall note the relationship on the case report.
- c. In instances where law enforcement officers have responded to a call involving a relative by blood or marriage, the supervisor reviewing the case report shall review the case report for accuracy and ensure that appropriate action has been taken.
- d. A law enforcement officer who fails to respond within the appropriate legal parameters when a relative by blood or marriage is suspected of committing the crime of Partner Family Member Assault shall be subject to disciplinary action.
- e. In instances where prosecutors and judges are involved in making decisions when the alleged perpetrator of a Partner Family Member Assault crime is a relative by blood or marriage, the prosecutor and/or judge shall refrain from prosecuting or hearing the case of the crime of Partner Family Member Assault in the event the alleged perpetrator and/or victim is a relative by blood or marriage, whenever possible.
- f. In the event that a prosecutor or judge is a relative by blood or marriage and circumstances do not allow withdrawal from prosecuting or hearing the case, they shall be required to maintain the highest professional standards and shall conduct themselves within the legal parameters of this Code.
- g. Any perceived improprieties shall be referred to the Criminal Investigator's Office for investigation.

6.13 Stalking. See Title IV, Chapter 3, Section 3.15.

CHAPTER 7. OFFENSES AGAINST PUBLIC ADMINISTRATION

- 7.1 Threat or Intimidation. A person who willfully threatens harm to another person and intends thereby to influence a public servant, official, or voter to violate a public duty commits the offense of Threat or Intimidation, a Class A, Category 2 offense.
- 7.2 Bribery.
- a. A person knowingly gives, offers, or agrees to give a benefit to another and intends thereby to influence a public official's performance of his duty commits the offense of Bribery, a Class A, Category 2 offense.
 - b. A public official who knowingly accepts, solicits, or agrees to accept a benefit for a promise which influences his or her performance of his/her duty commits the offense of Bribery, a Class A, Category 2 offense.
- 7.3 Obstructing a Law Enforcement Officer or other Public Servant.
- a. A person commits the offense of obstructing a law enforcement officer or public servant if he/she knowingly obstructs, impairs, or hinders the enforcement of criminal law, the preservation of peace, or the performance of a governmental function, including service of process.
 - b. It is no defense to a prosecution under this section that the law enforcement officer was acting in an illegal manner, provided he/she was acting under the color of his official authority.
 - c. A person convicted of the offense of obstructing a law enforcement officer or other public servant shall be convicted of a Class A, Category 2 offense.
- 7.4 Obstruction of Justice.
- a. For the purpose of this section, "an offender" means a person who has been or is liable to be arrested, charged, convicted, or punished for a tribal offense.
 - b. A person commits the offense of obstructing justice if, knowing another person is an offender, he/she purposely:
 1. Harbors or conceals an offender.
 2. Warns the offender of impending discovery or apprehension, except this does not apply to a warning given in connection with an effort to bring an offender into compliance with the law.
 3. Provides an offender with money, transportation, a weapon, disguise, or other means of avoiding discovery or apprehension.

4. Prevents or obstructs, by means of force, deception, or intimidation, anyone from performing an act that might aid in the discovery or apprehension of an offender.
 5. Supports, by act of concealment, alteration, or destruction, any physical evidence that might aid in the discovery or apprehension of an offender; or
 6. Aids an offender who is subject to detention to escape from such detention.
- c. Obstruction of Justice is a Class B offense.

7.5 Contempt of Court.

- a. Indirect Contempt. Indirect contempt is the knowing failure to comply with an order of the 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 counsel 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.
 5. Neglect or violation of duty by a person appointed or elected to perform a judicial service.
- b. 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:
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.
 4. Disobedience of the Court during the course of judicial proceedings.

- c. Contempt of Court is a Class A, Category 3 offense.

7.6 Perjury.

- a. A person who willfully:
 - 1. Makes a false statement or affidavit under oath or affirmation before an official proceeding; or
 - 2. Causes or procures another to make such a false statement.
- b. Perjury is a Class B offense.

7.7 Tampering with Witnesses, Informants or Physical Evidence.

- a. A person commits the offense of tampering if, believing that an official proceeding or investigation is pending or about to be instituted, the person knowingly or purposely attempts to or does:
 - 1. Induce or otherwise cause a witness or informant to testify or inform falsely.
 - 2. Withhold any testimony, information, document or other material evidence.
 - 3. Cause a witness to elude legal process summoning the witness to testify or supply evidence; or
 - 4. Alter, destroy, conceal, or remove any record, document or other physical object in order to impair its availability or reliability in such proceeding or investigation.
- b. Tampering with witnesses, informants or physical evidence is a Class B offense.

7.8 Protection of Elected Officials and Tribal and Federal Employees.

- a. Whoever forcibly assaults, resists, opposes, intimidates, or interferes with:
 - 1. Any elected tribal official; or
 - 2. Any judge or acting judge of any court created by the tribe, or any officer or employee of the tribe or of the United States, on account of the performance of official duties, or while such member is engaged in official duties.

- b. Anyone convicted of the above act in section “7.8(a)” commits a Class A, Category 1 offense.
- c. Whoever, in the commission of an act described in section “a” uses a deadly or dangerous weapon is guilty of a Class AA offense.

7.9 Assault of a Law Enforcement Officer.

- a. A person commits the offense of assault on a law enforcement officer if the person purposely and knowingly causes:
 - 1. Bodily injury to a law enforcement officer.
 - 2. Reasonable apprehension of serious bodily injury in a law enforcement officer by the use of:
 - A. A weapon; or
 - B. What reasonably appears to be a weapon
 - 3. Bodily injury to a law enforcement officer with a weapon; or
 - 4. Serious bodily injury to a law enforcement officer.
- b. A person convicted of assault on a law enforcement officer shall be convicted of a Class AA offense.

7.10 Assault with Bodily Fluid.

- a. A person commits the offense of assault with bodily fluid if the person purposely causes one of the person’s bodily fluids to make physical contact with:
 - 1. A law enforcement officer, a staff person of a correctional or detention facility, or a health care provider, including a health care provider performing emergency services, while the health care provider is acting in the course and scope of the health care provider’s profession and occupation:
 - A. During or after an arrest for a criminal offense.
 - B. While the person is incarcerated in or being transported to or from any detention facility, or a health care facility; or

- C. If the person is a minor, while the youth is detained in or being transported to or from detention any detention facility or health care facility or shelter care facility.
- b. A person convicted of the offense of assault with a bodily fluid shall be convicted of a Class A, Category 2 offense.

7.11 Resisting Arrest.

- a. A person commits the offense of resisting arrest if the person knowingly prevents or attempts to prevent a law enforcement officer from effecting an arrest by:
 - 1. Using or threatening to use physical force or violence against the law enforcement officer or another; or
 - 2. Using any other means that creates a risk of causing physical injury to the law enforcement officer or another.
- b. It is no defense to a prosecution under this section that the arrest was unlawful, if the law enforcement officer was acting under color of the officer's official authority.
- c. A person convicted of the offense of resisting arrest commits a Class A, Category 3 offense.

7.12 Compounding of felony.

- a. A person commits the offense of compounding a felony if the person knowingly accepts or agrees to accept any pecuniary benefit in consideration for:
 - 1. Refraining from seeking prosecution of a felony; or
 - 2. Refraining from reporting to law enforcement authorities the commission or suspected commission of any felony or information relating to a felony.
- b. A person convicted of compounding a felony commits a Class A, Category 3 offense.

7.13 Escape.

- a. A person willfully removes or attempts to remove themselves from the lawful custody of a law enforcement officer commits the offense of escape, a Class A, Category 4 offense.

- b. A person who willfully aids or attempts to aid another person to remove themselves from lawful custody commits the offense of escape, a Class A, Category 4 offense.
- c. A person who knowingly fails to return to official detention following leave granted for a specific purpose and a limited time (excluding probation, parole, or release on bail) commits the offense of escape, a Class A, Category 4 offense.

7.14 Criminal Destruction of or Tampering with a Communication Device.

- a. A person commits the offense of criminal destruction of or tampering with a communication device if the person purposely or knowingly destroys or tampers with a telephone or other communication device to obstruct, prevent, or interfere with:
 - 1. The report of any law enforcement agency of any actual criminal offense.
 - 2. The report to any law enforcement agency of any actual bodily injury or property damage; or
 - 3. A request made to any governmental agency or to any hospital, doctor, or other medical provider for necessary ambulance or emergency medical assistance.
- b. A person destroys or tampers with a communication device by making the communication device unusable or inoperable, by interrupting its use, or by making it inaccessible.
- c. A person convicted of criminal destruction of or tampering with a communication device will be convicted of a Class A, Category 3 offense.

7.15 Refusing to aid a Law Enforcement Officer.

- a. A person who knowingly and negligently refuses to aid a law enforcement officer upon the law enforcement officer's official request for assistance in:
 - 1. Arresting a person.
 - 2. Securing an apprehended person; or
 - 3. Conveying the apprehended person to the nearest place of confinement.

- b. A person convicted of refusing to aid a law enforcement officer commits a Class C offense.

CHAPTER 8. VIOLATIONS ENDANGERING FAMILY AND PUBLIC DECENCY

8.1 Prostitution.

- a. A person who knowingly engages in providing or procuring sexual activities as a business commits the offense of Prostitution, a Class C offense.
- b. A person who knowingly keeps, maintains, rents, or leases property for the business of sexual activities commits the offense of prostitution, a Class C offense.

8.2 Indecent Exposure. A person who willfully exposes his or her genitalia or other intimate parts in public if this conduct is likely to cause or affront or alarm commits the offense of Indecent Exposure, a Class C offense.

8.3 Exposure to Infectious Disease.

- a. A person inflicted with syphilis, gonorrhea, tuberculosis, or other dangerous communicable disease that knowingly exposes another to infection commits the offense of Exposure to Infectious Disease, a Class B offense.
- b. The court has the power to order and compel a person to submit to medical examination and necessary treatment if it reasonably believes he/she is afflicted with a dangerous communicable disease.

8.4 Malicious Gossip. A person who willfully defames the character of another with written or spoken statements, which are false and malicious, commits the offense of Malicious Gossip, a Class C offense.

8.5 Adulteration of Food and/or Drink. A person who knowingly manufactures, sells, keeps for sale, or offers for sale any food, drug, or drink which contains any harmful substance commits the offense of Adulteration of Food and/or Drink, a Class B offense.

CHAPTER 9. SEX OFFENDER REGISTRY AND NOTIFICATION

9.1 Purpose.

The intent of this Code is to implement the federal Sex Offender Registration and Notification Act (SORNA) (Title I of Public Law 109-248) (42 USC 16901 et. seq.) and shall be interpreted liberally to comply with the terms and conditions of SORNA as presently written or hereafter amended.

9.2 Need.

Violent crime in Indian Country is more than twice the national average. On some reservations it is twenty times the national average. An astounding thirty percent of Indian and Alaska Native women will be raped in their lifetimes. Tribal nations are disproportionately affected by violent crime and sex offenses in particular from both Indian and non-Indian perpetrators; consequently, the conduct and presence of convicted sex offenders in Indian Country threatens the political integrity, economic security, health and welfare of tribal nations even to the point of imperiling the subsistence of tribal Communities.

9.3 Creation of Registries.

- a. Sex Offender Registry. There is hereby established a sex offender registry program, which the Tribe or designee shall maintain and operate pursuant to the provisions of this Code, as amended.
- b. Public Sex Offender Registry Website. There is hereby established the Chippewa Cree Tribe Sex Offender Website, <http://chippewacree.nsopw.gov/>, which the Chippewa Cree Tribal Human Services Department (Human Services Department) or designee shall maintain and operate pursuant to the provisions of this Code, as amended.

9.4 The Definitions below apply to this Code only.

- a. Convicted. An adult sex offender is "convicted" for the purposes of this Code if the sex offender has been subjected to penal consequences based on the conviction, however the conviction may be styled.
- b. A juvenile offender is "convicted" for purposes of this Code if the juvenile offender is either:
 1. Prosecuted and found guilty as an adult for a sex offense; or
 2. Is adjudicated delinquent as a juvenile for a sex offense, but only if the offender is 14 years of age or older at the time of the offense and the

offense adjudicated was comparable to or more severe than aggravated sexual abuse (as described in either (a) or (b) of section 2241 of title 18, United States Code), or was an attempt or conspiracy to commit such an offense.

- c. Foreign Convictions. A foreign conviction is one obtained outside of the United States.
- d. Employee. The term "employee" used in this Code includes, but is not limited to, an individual who is self-employed or works for any other entity, regardless of compensation. Volunteers of a tribal agency or organization are included within the definition of employee for registration purposes.
- e. Immediate. "Immediate" and "immediately" mean within 3 business days.
- f. Imprisonment. The term "imprisonment" refers to incarceration pursuant to a conviction, regardless of the nature of the institution in which the offender serves the sentence. The term is to be interpreted broadly to include, for example, confinement in a state "prison," as well as in a federal, military, foreign, BIA, private or contract facility, or a local or tribal "jail". Persons under "house arrest" following conviction of a covered sex offense are required to register pursuant to the provisions of this Code during their period of "house arrest".
- g. Jurisdiction. The term "jurisdiction" as used in this Code refers to the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, and any Indian Tribe that elected to function as a SORNA registration and notification jurisdiction pursuant to PL 109-248 Section 127 (42 USC § 16927).
- h. Minor. The term "minor" means an individual who has not attained the age of 18 years.
- i. Resides. The term "reside" or "resides" means, with respect to an individual, the location of the individual's home or other place where the individual habitually lives or sleeps.
- j. Sex Offense. The term "sex offense" as used in this Code includes those offenses contained in 42 U.S.C. §16911(5) (as amended) and those offenses enumerated in Section 2.02 of this Code or any other registerable offense under tribal law.
- k. An offense involving consensual sexual conduct is not a sex offense for the purposes of this Code if the victim was an adult, unless the adult was under the

custodial authority of the offender at the time of the offense, or if the victim was at least 13 years old and the offender was not more than 4 years older than the victim.

- l. Sex Offender. A person convicted of a sex offense is a "sex offender".
- m. Sexual Act. The term "sexual act" means:
 - 1. Contact between the penis and the vulva or the penis and the anus, and for purposes of this definition contact involving the penis occurs upon penetration, however slight.
 - 2. Contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus.
 - 3. The penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or
 - 4. The intentional touching, not through the clothing, of the genitalia of another person that has not attained the age of 18 years with intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.
- n. Sexual Contact. The intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desires of another person.
- o. Student. A "student" is a person who enrolls in or attends either a private or public education institution, including a secondary school, trade or professional school, or an institution of higher education.
- p. SORNA. The Sex Offender Registration and Notification Act (Title I of the Adam Walsh Child Protection and Safety Act of 2006 P.L. 109-248), 42 U.S.C. § 169111 et. seq., as amended.
- q. Sex Offender Registry. The term "sex offender registry" means the registry of sex offenders, and a notification program, maintained by the Chippewa Cree Tribe or designee.
- r. National Sex Offender Registry (NSOR). The national database maintained by the Federal Bureau of Investigation pursuant to 42 U.S.C. §16919.

- s. SMART Office. The Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking, which was established within the United States Department of Justice under the general authority of the Attorney General of the United States pursuant to 42 U.S.C. §16945.
- t. Dru Sjodin National Sex Offender Public Website (NSOPW). The public website maintained by the Attorney General of the United States pursuant to 42 U.S.C. §16920.
- u. Tribal Court. "Tribal Court" means the Chippewa Cree Tribal Court of the Rocky Boy's Indian Reservation, or such other court as may from time to time be established or approved by the Chippewa Cree Tribe.

9.5 Registerable Offense.

- a. An individual who resides, is employed or attending school within the exterior boundaries of the Rocky Boy's Indian Reservation or on property owned by the Tribe in fee or trust regardless of location, that have been convicted of any of the registerable offenses listed, or convicted of an attempt or conspiracy to commit any of the following registerable offenses listed, shall be subject to lifetime registration, quarterly verification appearances, and full website posting.
- b. Tribal offenses. A conviction under the Chippewa Cree Tribal Law and Order Code (CCT-LOC) for any of the following:
 - 1. CCT-LOC Title IV, Chapter 3, section 3.5 (rape).
 - 2. CCT-LOC Title IV, Chapter 3, section 3.6 (sexual assault).
 - 3. CCT-LOC Title IV, Chapter 4, section 4.4 (sexual abuse of children).
 - 4. CCT-LOC Title IV, Chapter 8, section 8.1 (prostitution).
- c. Federal offenses. A conviction, for or a conviction for an attempt or conspiracy to commit any of the following, and any other offense hereafter included in the definition of "sex offense" at 42 U.S.C. §16911(5): Including any offenses under the Assimilative Crimes Act (18 U.S.C. §1152 or §1153).
 - 1. 18 U.S.C. §1591 (sex trafficking of children).
 - 2. 18 U.S.C. §1801 (video voyeurism of a minor).

3. 18 U.S.C. §2241 (aggravated sexual abuse).
 4. 18 U.S.C. §2242 (sexual abuse).
 5. 18 U.S.C. §2243 (sexual abuse of a minor or ward).
 6. 18 U.S.C. §2244 (abusive sexual contact).
 7. 18 U.S.C. §2245 (offenses resulting in death).
 8. 18 U.S.C. §2251 (sexual exploitation of children).
 9. 18 U.S.C. §2251A (selling or buying of children).
 10. 18 U.S.C. §2252 (material involving the sexual exploitation of a minor).
 11. 18 U.S.C. §2252A (material containing child pornography).
 12. 18 U.S.C. §2252B (misleading domain names on the internet).
 13. 18 U.S.C. §2252C (misleading words or digital images on the internet).
 14. 18 U.S.C. §2260 (production of sexually explicit depictions of a minor for import into the U.S.).
 15. 18 U.S.C. §2421 (transportation of a minor for illegal sexual activity),
 16. 18 U.S.C. §2422 (coercion and enticement of a minor for illegal sexual activity).
 17. 18 U.S.C. §2423 (), (Transportation of Minors for Illegal Sexual Activity, Travel with the Intent to Engage in Illicit Sexual Conduct with a Minor, Engaging in Illicit Sexual Conduct in Foreign Places),
 18. 18 U.S.C. §2424 (failure to file factual statement about an alien individual),
 19. 18 U.S.C. §2425 (transmitting information about a minor to further criminal sexual conduct).
- d. Foreign Offenses. Any conviction for a sex offense involving any conduct listed in this Section that was obtained under the laws of Canada, the United Kingdom, Australia, New Zealand, or under the laws of any foreign country when the United States State Department in its Country Reports on Human Rights Practices has concluded that an independent judiciary generally or vigorously enforced the

right to a fair trial in that country during the year in which the conviction occurred.

- e. Military Offenses. Any military offense specified by the Secretary of Defense under section 115(a) (8) (C) (i) of Public Law 105-119 (codified at 10 U.S.C. 951 note).
- f. Juvenile Offenses or Adjudications. Any sex offense or attempt or conspiracy to commit a sex offense that is comparable to or more severe than the federal crime of aggravated sexual abuse (as codified in 18 U.S.C. § 2241(a) and (b) and committed by a minor who is 14 years of age or older at the time of the offense. This includes engaging in sexual acts with another by force or the threat of serious violence; or engaging in a sexual act with another by rendering unconscious or involuntarily drugging the victim.
- g. Jurisdiction Offenses. Any sex offense in any jurisdiction, including the Tribe, that involves:
 - 1. Any conduct that by its nature is a sex offense against a minor.
 - 2. Any type or degree of genital, oral, or anal penetration.
 - 3. Any sexual touching of or sexual contact with a person's body, either directly or through clothing.
 - 4. Criminal sexual conduct that involves physical contact with a minor or the use of the Internet to facilitate or attempt such conduct. This includes offenses whose elements involve the use of other persons in prostitution, such as pandering, procuring, or pimping in cases where the victim was a minor at the time of the offense, such as:
 - A. False imprisonment of a minor.
 - B. Kidnapping of a minor.
 - 5. Possession, production, or distribution of child pornography.
 - 6. Solicitation of a minor to practice prostitution.
 - 7. Solicitation to engage a minor in sexual conduct understood broadly to include any direction, request, enticement, persuasion, or encouragement of a minor to engage in sexual conduct,
 - 8. Use of a minor in a sexual performance.
 - 9. Any offense similar to those outlined in:

- A. 18 U.S.C. §1591 (sex trafficking by force, fraud, or coercion).
 - B. 18 U.S.C. §1801 (video voyeurism of a minor).
 - C. 18 U.S.C. §2241 (aggravated sexual abuse).
 - D. 18 U.S.C. §2242 (sexual abuse).
 - E. 18 U.S.C. §2244 (abusive sexual contact).
 - F. 18 U.S.C. §2422 (6) (coercing a minor to engage in prostitution),
or
 - G. 18 U.S.C. §2423(a) (transporting a minor to engage in illicit
conduct).
- h. Sex Offense. Except as limited by subsections 6 and 7 below, the term “sex offense” means:
- 1. A criminal offense that has an element involving a sexual act or sexual contact with another.
 - 2. A criminal offense that is a "specified offense against a minor". The term "specified offense against a minor" means an offense against a minor that involves any of the following:
 - A. An offense (unless committed by a parent or guardian) involving kidnapping.
 - B. An offense (unless committed by a parent or guardian) involving false imprisonment.
 - C. Solicitation to engage in sexual conduct.
 - D. Use in a sexual performance.
 - E. Solicitation to practice prostitution.
 - F. Video voyeurism as described in 18 U.S.C. §1801.
 - G. Possession, production, or distribution of child pornography.

- H. Criminal sexual conduct involving a minor, or the use of the Internet to facilitate or attempt such conduct.
 - I. Any conduct that by its nature is a sex offense against a minor.
3. A Federal offense (including an offense prosecuted under section 1152 or 1153 of Title 18 of the United States Code) under section 1591, or chapter 109A, 110 (other than section 2257, 2257A, or 2258), or 117, of Title 18 of the United States Code.
 4. A military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-19 (10 U.S.C. 951 note); or
 5. An attempt or conspiracy to commit an offense in clauses (1) through (4).
 6. Offenses involving Consensual Sexual Conduct. An offense involving consensual sexual conduct is not a sex offense for the purposes of this Code if the victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense, or if the victim was at least thirteen (13) years old and the offender was not more than four (4) years older than the victim.
 7. Foreign Offenses. A foreign conviction is not a sex offense for the purposes of this Code unless it was either:
 - A. Obtained under the laws of Canada, the United Kingdom, Australia, New Zealand, or
 - B. Offenses involving Consensual Sexual Conduct. An offense involving consensual sexual conduct is not a sex offense for the purposes of this Code if the victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense, or if the victim was at least thirteen (13) years old and the offender was not more than four (4) years older than the victim.

9.6 General Requirements.

- a. Duties. A sex offender covered by this Code who is required to register with the Tribe pursuant to Section 4 shall provide all of the information detailed in this Section to the Chippewa Cree Tribal Police Department (Police Department) or designee and the Police Department or their designee shall obtain all of the information detailed in this Section from covered sex offenders who are required to register with the Tribe in accordance with this Code and shall implement any relevant policies and procedures.

- b. Digitization. All information obtained under this Code shall be, at a minimum, maintained by the Chippewa Cree Tribal Police Department or their designee in a digitized format.
- c. Electronic Database. A sex offender registry shall be maintained in an electronic database by the Chippewa Cree Tribal Police Department (CCT PD) or designee and shall be in a form capable of electronic transmission.
- d. Criminal History. The Chippewa Cree Tribal Police Department or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's criminal history:
 - 1. The date of all arrests.
 - 2. The date of all convictions.
 - 3. The sex offender's status of parole, probation, or supervised release.
 - 4. The sex offender's registration status, and
 - 5. Any outstanding arrest warrants.
- e. Date of Birth. The CCT PD or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's date of birth:
 - 1. The sex offender's actual date of birth. And
 - 2. Any other date of birth used by the sex offender.
- f. DNA Sample.
 - 1. DNA. If the sex offender's DNA is not already contained in the Combined DNA Index System (CODIS), the sex offender shall provide the Police Department or their designee a sample of his DNA.
 - 2. CODIS. Any DNA sample obtained from the sex offender shall be submitted either to the state DNA laboratory or to the Federal Bureau of Investigation Laboratory for submission in CODIS.
- g. Driver's Licenses, Identification Cards, Passports and Immigration Documents.

1. Driver's License. A covered sex offender shall provide all of the sex offender's valid driver's licenses issued by any jurisdiction and the Police Department or designee shall make a photocopy of any such licenses.
 2. Identification Cards. A covered sex offender shall provide all of the sex offender's identification cards including the sex offender's tribal enrollment card issued by any jurisdiction and the Police Department or designee shall make a photocopy of any such identification cards.
 3. Passports. The Police Department or designee shall obtain, and a covered sex offender shall provide, a photocopy of any passports used by the sex offender.
 4. Immigration Documents. The Police Department or designee shall obtain, and a covered sex offender shall provide, a photocopy of any and all immigration documents.
- h. Employment Information.
1. Employment. The Police Department or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's employment, to include any and all places where the sex offender is employed in any means including volunteer and unpaid positions:
 - A. The name of the sex offender's employer.
 - B. The address of the sex offender's employer, and
 - C. Similar information related to any transient or day labor employment.
- i. Finger and Palm Prints.
1. Finger and Palm Prints. The Police Department or designee shall obtain, and a covered sex offender shall provide, both fingerprints, which must be submitted to IAFIS and palm prints, which must be submitted to FBI Next Generation Identification Program.
- j. Internet Identifiers.
1. Internet Names. The Police Department or designee shall obtain, and a covered sex offender shall provide, the following information related to

the sex offender's Internet related activity: Any and all email addresses used by the sex offender,

- A. Any and all Instant Message addresses and identifiers.
- B. Any and all other designations or monikers used for self-identification in Internet communications or postings, and
- C. Any and all designations used by the sex offender for the purpose of routing or self-identification in internet communications or postings, including but not limited to social network identifications, Twitter accounts, video posting site identifications such as YouTube etc.

k. Name.

- 1. Name. The Police Department or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's name:

- A. The sex offender's full primary given name.
- B. Any and all nicknames, aliases, and pseudonyms regardless of the context in which it is used, and
- C. Any and all ethnic or tribal names by which the sex offender is commonly known. This does not include any religious or sacred names not otherwise commonly known.

l. Telephone Numbers.

- 1. Name. The Police Department or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's name:

- A. The sex offender's full primary given name.
- B. Any and all nicknames, aliases, and pseudonyms regardless of the context in which it is used, and

- C. Any and all ethnic or tribal names by which the sex offender is commonly known. This does not include any religious or sacred names not otherwise commonly known.
- m. Picture.
 - 1. Photograph. The Police Department or designee shall obtain, and a covered sex offender shall provide, a current photograph of the sex offender. A covered sex offender shall permit his photograph to be taken by the Police Department or designee every ninety (90) days.
 - 2. Update Requirements. Unless the appearance of a sex offender has not changed significantly a digitized photograph shall be collected at each appearance indicated in 9.6(m)(1).
- n. Physical Description.
 - 1. Physical Description. The Police Department or designee shall obtain, and a covered sex offender shall provide, an accurate description of the sex offender as follows:
 - A. A physical description.
 - B. A general description of the sex offender's physical appearance or characteristics, and
 - C. Any identifying marks, such as, but not limited to, scars, moles, birthmarks, or tattoos.
- o. Professional Licensing Information.
 - 1. Professional licenses. The CCT PD or designee shall obtain, and a covered sex offender shall provide, all licensing of the sex offender that authorizes the sex offender to engage in an occupation or carry out a trade or business.
- p. Residential Address.
 - 1. Address. The Police Department or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's residence:

- A. The address of each residence at which the sex offender resides or will reside, and
 - B. Any location or description that identifies where the sex offender habitually resides regardless of whether it pertains to a permanent residence or location otherwise identifiable by a street or address.
- q. School.
 - 1. School Location. The Police Department or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's school:
 - A. The address of each school where the sex offender is or will be a student, and
 - B. The name of each school the sex offender is or will be a student.
- s. Social Security Number.
 - 1. Social Security Number. The Police Department or designee shall obtain, and a covered sex offender shall provide, the following information:
 - A. A valid social security number for the sex offender, and
 - B. Any social security number the sex offender has used in the past, valid or otherwise.
- t. Temporary Lodging.
 - 1. Lodging Information. The Police Department or designee shall obtain, and a covered sex offender shall provide, the following information when the sex offender will be absent from his residence for seven (7) days or more:
 - A. Identifying information of the temporary lodging locations including addresses and names.
 - B. The dates the sex offender will be staying at each temporary lodging location, and
 - C. The registered sex offender shall provide the information in section 9.6(t)(1) (A) and (B) no later than seven (7) days before his scheduled travel. The information shall be provided in person.

- u. International Travel.
 - 1. Travel Abroad. Sex offenders must inform their residence jurisdictions twenty-one (21) days in advance if they intend to travel outside of the United States. Jurisdictions must notify the U.S. Marshals Service and immediately notify any other jurisdiction where the sex offender is either registered, or is required to register, of that updated information. An update also must be made to NCIC/NSOR.
- v. Offense Information.
 - 1. Offense information. The CCT PD or designee shall obtain the text of each provision of law defining the criminal offense(s) for which the sex offender is registered.
- w. Vehicle Information.
 - 1. Detailed Information. The CCT PD or designee shall obtain, and a covered sex offender shall provide, the following information related to all vehicles owned or operated by the sex offender for work or personal use including land vehicles, aircraft, and watercraft:
 - A. License plate numbers.
 - B. Registration numbers or identifiers, vehicle identification number.
 - C. General description of the vehicle to include color, make, model, and year, and
 - D. Any permanent or frequent location where any covered vehicle is kept.
- x. Frequency, Duration and Reduction.
 - 1. Frequency. A sex offender who is required to register shall, at a minimum, appear in person at the CCT PD or designee for purposes of verification and keeping their registration once every ninety (90) days for the rest of their lives.
 - 2. Reduction of Registration Periods. A sex offender may have their period of registration reduces to twenty-five (25) years if he or she was adjudicated delinquent of an offense as a juvenile that required registration once very ninety (90) days for the rest of their lives and he or she has maintained a clean record for twenty-five (25) consecutive years.

- y. Requirements for In Person Appearances.
 - 1. Photographs. At each in person verification, the sex offender shall permit the Police Department or designee to take a photograph of the offender.
 - 2. Review of Information. At each in person verification the sex offender shall review existing information for accuracy.
 - 3. Notification. If any new information or change in information is obtained at an in-person verification, the Police Department or designee shall immediately notify all other jurisdictions in which the sex offender is required to register of the information or change in information.
 - 4. If any new information or change in information is obtained at an in-person verification, the Police Department or designee shall immediately notify the Human Services Department to update the public website, if applicable, and update information in NCIC/NSOR.
- z. Sex offender acknowledgement form.
 - 1. The sex offender shall read, or have read to them, and sign a form stating that the duty to register has been explained to them by the Police Department or designee and that the sex offender understands the registration requirement.
 - 2. The form shall be signed and dated by the Police Department personnel registering the sex offender.
 - 3. The Police Department or designee shall immediately upload the acknowledgement form into the Tribe's sex offender registry.

9.7 Registration.

- a. Where registration is required.
 - 1. Jurisdiction of Conviction. A sex offender must initially register in person with the Police Department or designee of the Rocky Boy's Indian Reservation if the sex offender was convicted by the Tribal Court of a covered sex offense regardless of the sex offender's actual or intended residency.
 - 2. Jurisdiction of Incarceration. A sex offender must register in person with the Police Department or designee of the Rocky Boy's Indian Reservation if the sex offender is incarcerated by the Tribe while completing any

sentence for a covered sex offense, regardless of whether it is the same jurisdiction as the jurisdiction of conviction or residence.

3. Jurisdiction of Residence. A sex offender must register in person with the Police Department or designee of the Rocky Boy's Indian Reservation if the sex offender resides within the exterior boundaries of the Rocky Boy's Indian Reservation or on property owned by the Tribe in fee or trust regardless of location.
 4. Jurisdiction of Employment. A sex offender must register in person with the Police Department or designee of the Rocky Boy's Indian Reservation if he or she is employed by the Tribe in any capacity or otherwise is employed within the exterior boundaries of the Rocky Boy's Indian Reservation or on property owned by the Tribe in fee or trust regardless of location.
 5. Jurisdiction of School Attendance. A sex offender must register in person with the Police Department or designee of Rocky Boy's Indian Reservation if the sex offender is a student in any capacity within the exterior boundaries of the Rocky Boy's Indian Reservation or on property owned by the Tribe in fee or trust regardless of location.
- b. Timing of registration.
1. Timing. A sex offender required to register with the Tribe under this Code shall do so in the following timeframe:
 - A. If convicted by Tribal Court for a covered sex offense and incarcerated, the sex offender must register before being released from incarceration.
 - B. If convicted by Tribal Court but not incarcerated, within three (3) business days of sentencing for the registration offense, and
 - C. Within three (3) business days of establishing a residence, commencing employment, or becoming a student within the exterior boundaries of the Rocky Boy's Indian Reservation or on property owned by the tribe in fee or trust regardless of location must appear in person to register with the Police Department or designee.

2. Additional Duties of the Police Department or designee. The Police Department or designee shall have policies and procedures in place to ensure the following:
 - A. That any sex offender incarcerated or sentenced by the Tribe for a covered sex offense completes their initial registration with the Tribe.
 - B. That the sex offender reads, or has read to them, and signs a form stating that the duty to register has been explained to them and that the sex offender understands the registration requirement.
 - C. That the sex offender is registered, and added to the public website if applicable, and
 - D. That upon entry of the sex offender's information into the registry, that information is immediately forwarded to all other jurisdictions in which the sex offender is required to register due to the sex offender's residency, employment, or student status.
 - E. That all information is entered and updated in NCIC/NSOR.
- c. Retroactive registration.
 1. Retroactive Registration. The Police Department or designee shall have in place policies and procedures to ensure the following three categories of sex offenders are subject to the registration and updating requirements of this Code:
 - A. Sex offenders incarcerated or under the supervision of the Tribe, whether for a covered sex offense or other crime.
 - B. Sex offenders already registered or subject to a pre-existing sex offender registration requirement, and
 - C. Sex offenders reentering the justice system due to conviction for any crime.
 2. Timing of Recapture. The Police Department or designee shall ensure recapture of the sex offenders mentioned in section 9.8(c)(1) within the following timeframe to be calculated from the date of passage of this Code ninety (90) days.

d. Keeping registration current.

1. Jurisdiction of Residency. All sex offenders who reside within the exterior boundaries of the Rocky Boy's Indian Reservation or on property owned by the Tribe in fee or trust regardless of location, who are required to register in this jurisdiction shall immediately appear in person at the Police Department or designated agency to update any changes to their name, residence (including termination of residency), employment, or school attendance. All sex offenders required to register in this jurisdiction shall immediately inform the Police Department or designee in person of any changes to their temporary lodging information, of any changes to their vehicle information, Internet identifiers, or telephone numbers. In the event of a change in temporary lodging, of over seven (7) days the sex offender shall immediately notify the registry official of the residence jurisdiction, and the Police Department or designee shall notify the jurisdiction in which the sex offender will be temporarily staying. Jurisdictions must notify the U.S. Marshals Service and immediately notify any other jurisdiction where the sex offender is either registered, or is required to register, of that updated information. An update also must be made to NCIC/NSOR.
2. Jurisdiction of School Attendance. Any sex offender who is a student in any capacity within the exterior boundaries of the Rocky Boy's Indian Reservation or on property owned by the Tribe in fee or trust regardless of location that change their school, or otherwise terminate their schooling, shall immediately appear in person at the Police Department or designated agency to update that information. The Police Department or designee shall ensure that each jurisdiction in which the sex offender is required to register or was required to register prior to the updated information being given, are immediately notified of the change.
3. Jurisdiction of Employment. Any sex offender who is employed by the Tribe in any capacity or otherwise is employed within the exterior boundaries of the Rocky Boy's Indian Reservation or on property owned by the Tribe in fee or trust regardless of location that change their employment, or otherwise terminate their employment, shall immediately appear in person at the Police Department or designated agency to update that information. The Police Department or designee shall ensure that each jurisdiction in which the sex offender is required to register or was required to register prior to the updated information being given, are immediately notified of the change.

- e. Failure to appear for registration and absconding.
 - 1. Failure to Appear. In the event a sex offender fails to register with the Tribe as required by this Code, the Police Department or designee shall immediately inform the jurisdiction that provided notification that the sex offender was to commence residency, employment, or school attendance with the Tribe that the sex offender failed to appear for registration.
 - 2. Absconded Sex Offenders. If the Police Department or designee receives information that a sex offender has absconded the Tribe shall make an effort to determine if the sex offender has actually absconded.
 - A. In the event no determination can be made, the Police Department or their designee shall ensure the Chippewa Cree Tribal Police, and any other appropriate law enforcement agency is notified.
 - B. If the information indicating the possible absconding came through notice from another jurisdiction or federal authorities, they shall be informed that the sex offender has failed to appear and register.
 - C. If an absconded sex offender cannot be located then the Police Department shall take the following steps:
 - i. Update the registry/public website to reflect the sex offender has absconded or is otherwise not capable of being located.
 - ii. Notify the U.S. Marshals Service.
 - iii. Seek a warrant for the sex offender's arrest. The U.S. Marshals Service or FBI may be contacted in an attempt to obtain a federal warrant for the sex offender's arrest.
 - iv. Update the NCJC/NSOR to reflect the sex offender's status as an absconder, or is otherwise not capable of being located, and
 - v. Enter the sex offender into the National Crime Information Center Wanted Person File.
 - 3. Failure to Register. In the event a sex offender who is required to register due to their residence, employment or school attendance status fails to do so or otherwise violates a registration requirement of this Code, the Police

Department shall take all appropriate follow-up measures including those outlined in section 9.7(e)(2). The Police Department shall first make an effort to determine if the sex offender actually resides, is employed or attending school within the exterior boundaries of the Rocky Boy's Indian Reservation or on property owned by the Tribe in fee or trust regardless of location.

9.8 Public Sex Offender Registry Website.

a. Website.

1. Website. The Human Services Department shall maintain the Chippewa Cree Tribe Sex Offender Website, <http://chippewacree.nsopw.gov/>.
2. Links. The Tribe's sex offender registry website shall include links to sex offender safety and education resources.
3. Instructions. The Tribe's sex offender registry website shall include instructions on how a person can seek correction of information that the individual contends is erroneous.
4. Warnings. The Tribe's sex offender registry website shall include a warning that the information contained on the website should not be used to unlawfully injure, harass, or commit a crime against any individual named in the registry or residing or working at any reported addresses and that any such action could result in civil or criminal penalties.
5. Search Capabilities. The Tribe's sex offender registry website shall have the capability of conducting searches by (1) name; (2) county, city, and/or town; and (3) zip code and/or geographic radius.
6. Dru Sjodin National Sex Offender Public Website. The Human Service Department or designee shall include in the design of its registry website all field search capabilities needed for full participation in the Dru Sjodin National Sex Offender Public Website and shall participate in that website as provided by the Attorney General of the United States.
7. Juvenile Delinquency Adjudications. Juvenile delinquency adjudications are exempt from public web site posting.

b. Required and prohibited information.

1. Required Information. The following information shall be made available to the public on the Tribe's sex offender registry website:
 - A. Notice that an offender is in violation of their registration requirements or cannot be located if the sex offender has absconded.
 - B. All sex offenses for which the sex offender has been convicted.
 - C. The sex offense(s) for which the offender is currently registered.
 - D. The address of the sex offender's employer(s).
 - E. The name of the sex offender including all aliases.
 - F. A current photograph of the sex offender.
 - G. A physical description of the sex offender.
 - H. The residential address and, if relevant, a description of a habitual residence of the sex offender.
 - I. All addresses of schools attended by the sex offender, and
 - J. The sex offender's vehicle license plate number along with a description of the vehicle.
2. Prohibited Information. The following information shall not be available to the public on the Tribe's sex offender registry website:
 - A. Any arrest that did not result in conviction.
 - B. The sex offender's social security number.
 - C. Any travel and immigration documents.
 - D. The identity of the victim.
 - E. Internet identifiers (as defined in 42 U.S.C. §16911), and
 - F. Juvenile delinquency adjudications.

3. Witness Protection. For sex offenders who are under a witness protection program, the Police Department may honor the request of the U.S. Marshals Service or other agency responsible for witness protection by not including the original identity of the offender on the publicly accessible sex offender registry website.
- c. Community Notifications.
1. Law Enforcement Notification. Whenever a sex offender registers or updates his or her information with the Police Department or designee shall:
 - A. Monitor and utilize the SORNA Exchange Portal for inter-jurisdictional change of residence, employment or student status.
 - B. Immediately update NCIC/NSOR.
 - C. Immediately notify any agency, department, or program within the Tribe that is responsible for criminal investigation, prosecution, child welfare or sex offender supervision functions, including but not limited to, police, whether BIA, tribal, or FBI, tribal prosecutors, and tribal probation.
 - D. Immediately notify any and all other registration jurisdictions where the sex offender is registered due to the sex offender's residency, school attendance, or employment.
 - E. Immediately notify National Child Protection Act agencies, which includes any agency responsible for conducting employment-related background checks under section 3 of the National Child Protection Act of 1993 (42 U.S.C. 5119a) when a sex offender registers or updates registration.
 - F. Enter or update information posted on the public website.
 2. Community Notification. The Police Department or designee shall ensure there is an automated community notification process in place that ensures the following:
 - A. Upon a sex offender's registration or update of information with the Police Department, the Tribe's public sex offender registry website is immediately updated within three (3) business days.

- B. The Tribe's public sex offender registry website has a function that enables the general public to request an e-mail notice that will notify them when a sex offender commences residence, employment, or school attendance with the Tribe, within a specified zip code, or within a certain geographic radius. This email notice shall include the sex offender's identity so that the public can access the public registry for the new information.

9.9 Crimes and Civil Sanctions.

a. Crimes and civil sanctions.

1. Criminal penalty. Each violation of a provision of this Code by a sex offender who is an Indian shall be considered a crime and subject to a period of incarceration for a term of up to one (1) year and/or a fine of five thousand dollars (\$5,000) or both.
2. Civil Penalty. Each violation of a provision of this Code by a sex offender who is not an Indian shall be considered a civil violation subject to enforcement by any means not prohibited by federal law, including, but not limited to the issuance of a fine of five thousand dollars (\$5,000), forfeitures, civil contempt, or any combination thereof.
3. Federal Penalty. Under 18 U.S.C. 2250, the federal failure-to-register offense, a federal criminal penalty of up to 10 years of imprisonment exists for sex offenders required to register under SORNA who knowingly fail to register or update a registration as required where circumstances supporting federal jurisdiction exist, such as interstate or international travel or travel on or off an Indian reservation by a sex offender, or conviction of a federal sex offense for which registration is required.
4. Customs and traditions and banishment/exclusion. Expulsion and Exclusion from Tribal Lands.
 - A. Any person may be excluded from the Rocky Boy's Indian Reservation including enrolled tribal members.
5. Hindrance of sex offender registration.
 - A. A person is guilty of an offense if they:
 - i. Knowingly harbors or knowingly attempts to harbor, or knowingly assists another person in harboring or

attempting to harbor a sex offender who is in violation of this Title.

- ii. Knowingly assists a sex offender in eluding a law enforcement agency that is seeking to find the sex offender to question the sex offender about, or to arrest the sex offender for, noncompliance with the requirements of this Title; or
- iii. Provides information to law enforcement agency regarding a sex offender which the person knows to be false.

CHAPTER 10. DANGEROUS DRUGS

10.1 General Provisions.

- a. The Tribe will have exclusive jurisdiction over any misdemeanor offense in this Chapter.
- b. Any offense classified as a misdemeanor under subsection (1) above is a Class (A or C) offense over which the Tribe has exclusive jurisdiction.
- c. The Tribe and the Federal Government shall have concurrent jurisdiction over any felony offense, and which shall be classified as a Class (AA, A, or B) offense.
- d. For youth under the age of 18, formal proceedings must commence prior to the juvenile reaching adulthood or within two years of the alleged incident, whichever comes first.
- e. It is an affirmative defense to prosecution for the possession/distribution/use of any/all drugs or drug compounds that have historical, cultural, sacred or religious significance.

10.2 Definitions.

- a. “Administer” means the direct application of a dangerous drug, whether by injection, inhalation, ingestion, or other means, to the body of a patient or research subject by:
 - 1. A practitioner or by the practitioner's authorized agent; or
 - 2. The patient or research subject at the direction and in the presence of the practitioner.
- b. “Agent” means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. The term does not include a common or contract carrier, public warehouse operator, or employee of the carrier or warehouse operator.
- c. “Anabolic steroid” means any drug or hormonal substance, chemically and pharmacologically related to testosterone, other than estrogens, progestin's, and corticosteroids that promotes muscle growth. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation containing any quantity of the following substances is an anabolic steroid, including salts, isomers, and salts of isomers whenever the existence of those salts of isomers is possible within the specific chemical designation.
- d. “Controlled substance” means any substance that is defined in Schedules I through V as set forth in the Federal Schedules of Controlled Substances, found at Title 21 U.S.C. Section 812, with the exception of marijuana or its derivatives.

- e. “Dangerous drug” means a drug, substance, or immediate precursor that is defined in Schedules I through V as set forth in the Federal Schedules of Controlled Substances, found at Title 21 U.S.C. Section 812, with the exception of marijuana or its derivatives.
- f. “Dangerous Drug analogue” means any material, compound, mixture, or preparation that is structurally related to or chemically derived from any dangerous drug that is defined in Schedules I through V as set forth in the Federal Schedules of Controlled Substances, found at Title 21 U.S.C Section 812, or that is expressly or impliedly represented to produce or does produce a physiological effect similar to or greater than the effect of a dangerous drug in Schedules I through V.
- g. “Delivers” or “delivery” means the actual, constructive, or attempted transfer from one person to another of a dangerous drug, whether or not there is an agency relationship.
- h. “Dispense” means to deliver a dangerous drug to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the drug for that delivery.
- i. “Dispenser” means a practitioner who dispenses.
- j. "Distribute" means to deliver other than by administering or dispensing a dangerous drug.
- k. "Distributor" means a person who distributes.
- l. "Forfeiture" means the legal process by which the Chippewa Cree Tribal Court System shall take control of any property used in the manufacture, or transport, sale of any dangerous drug, and includes property gained or acquired by the perpetrator as a result of the manufacture, transport, or sale of any dangerous drug.
- m. "Imitation dangerous drug" means a substance that is not a dangerous drug but that is expressly or impliedly represented to be a dangerous drug or to simulate the effect of a dangerous drug and the appearance of which, including the color, shape, size, and markings.
- n. "Immediate precursor" means a substance that is being used as the principal compound commonly used or produced primarily for use and that is an immediate chemical intermediary used or likely to be used in the manufacture of a dangerous drug, the control of which is necessary to prevent, curtail, or limit manufacture.

- o. "Manufacture" means production, preparation, propagation, compounding, conversion, or processing of a dangerous drug either directly or indirectly by extraction from substances of natural origin, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis and includes the packaging or repackaging of the drug or labeling or relabeling of its container.
 - 1. Manufacture does not include the preparation or compounding of a dangerous drug by an individual for personal use or the preparation, compounding, packaging, or labeling of a dangerous drug:
 - A. By a practitioner as an incident to the administering or dispensing of a dangerous drug in the course of a professional practice; or
 - B. By a practitioner or the practitioner's authorized agent under the practitioner's supervision for the purpose of or as an incident to research, teaching, or chemical analysis and not for sale.
- p. "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:
 - 1. Opium and opiate and a salt, compound, derivative, or preparation of opium or opiate.
 - 2. A salt, compound, isomer, derivative, or preparation of a salt, compound, isomer, or derivative that is chemically equivalent or identical with any of the drugs referred to in subsection 10.2(p)(1), but not including the isoquinoline alkaloids of opium.
 - 3. Opium poppy and poppy straw; or
 - 4. Coca leaves and a salt, compound, derivative, or preparation of coca leaves and a salt, compound, isomer, derivative, or preparation of a salt, compound, isomer, or derivative that is chemically equivalent or identical with any of these drugs, but not including de-cocainized coca leaves or extractions of coca leaves that do not contain cocaine or ecgonine.
- q. Opiate" means a drug having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction sustaining liability.
- r. "Opium poppy" means the plant of the species *Papaver somniferum* L., except its seeds.

- s. "Person" includes any individual, business association, partnership, or corporation.
- t. "Poppy straw" means all parts, except the seeds, of the opium poppy after mowing.
- u. "Practitioner" means:
 - 1. A physician, dentist, veterinarian, scientific investigator, or other person licensed, registered, or otherwise permitted to distribute, dispense, or conduct research with respect to or to administer a dangerous drug in the course of professional practice or research.
 - 2. A pharmacy or other institution licensed, registered, or otherwise permitted to distribute, dispense, or conduct research with respect to or to administer a dangerous drug in the course of professional practice or research.
- v. "Prescription" means an order given individually for the person for whom prescribed, directly from the prescriber to the furnisher or indirectly to the furnisher, by means of an order signed by the prescriber and bearing the name and address of the prescriber, the prescriber's license classification, the name of the patient, the name and quantity of the drug or drugs prescribed, the directions for use, and the date of its issue. These stipulations apply to written, electronically transmitted, and telephoned prescriptions.
- w. "Production" includes the manufacture, planting, cultivation, growing, or harvesting of a substance or drug regulated under the provisions of this chapter.
- x. "Ultimate user" means a person who lawfully possesses a dangerous drug for personal use or for the use of a member of the person's household or for administering to an animal owned by the person or by a member of the person's household.

10.3 Offenses Involving Dangerous Drugs.

- a. Criminal distribution/sale of prescription or dangerous drugs.
 - 1. A person commits the offense of criminal distribution/sale of prescription or dangerous drugs if the person sells, barter, exchanges, gives away, or offers to sell, barter, exchange, or give away any prescription or dangerous drug.
 - 2. The criminal distribution/sale of prescription or dangerous drugs is a Class AA or A offense for which the offender may be imprisoned in the CCT

Jail for any term not to exceed one (1) year or be fined an amount not to exceed \$5,000.00 payable to the CCT Court, or both.

3. The Youth Court has jurisdiction of any violation of subsection 10.3(a)(1) by a person less than eighteen (18) years of age.

b. Criminal possession of prescription or dangerous drugs.

1. A person commits the offense of criminal possession of prescription or dangerous drugs if he/she possesses any dangerous drug or prescription drug not issued by a licensed practitioner in their name.
2. Possession of an anabolic steroid is a Class (B or C) offense for which the offender may be imprisoned in the CCT Jail for any term not to exceed six (6) months or be fined an amount not to exceed \$500.00 payable to the CCT Court, or both.
3. Possession of an opiate or any dangerous drug is a Class (B or C) offense for which the offender may be imprisoned in the CCT Jail for any term not to exceed six (6) months or be fined an amount not to exceed \$500.00 payable to the CCT Court, or both.
4. Possession of more than nine (9) grams of a drug product containing any detectable quantity of ephedrine, pseudoephedrine, their salts or optical isomers, or salts of optical isomers is a Class (B or C) offense for which the offender may be imprisoned in the CCT Jail for any term not to exceed three (3) months or be fined an amount not to exceed \$300.00 payable to the CCT Court, or both. There is a rebuttable presumption of the intent to use the product as a precursor to methamphetamine or another controlled substance.
5. Possession of a prescription drug not issued in their name is a Class (B or C) offense for which the offender may be imprisoned in the CCT Jail for any term not to exceed six (6) months or be fined an amount not to exceed \$500.00 payable to the CCT Court, or both.
6. The Youth Court has jurisdiction of any violation of subsections 10.3(b)(1) by a person less than eighteen (18) years of age.

c. Criminal possession of prescription or dangerous drugs with intent to sell.

1. A person commits the offense of criminal possession with the intent to sell if he/she possesses with the intent to distribute/sell any prescription or dangerous drug.
2. (2) Criminal possession of any prescription or dangerous drug with the intent to sell is a Class (AA, A, or B) offense for which the offender may

be imprisoned in the CCT Jail for any term not to exceed one (1) year or be fined an amount not to exceed \$5,000.00 payable to the CCT Court, or both.

3. The Youth Court has jurisdiction against any violation of subsection 10.3(c)(1) by a person less than eighteen (18) years of age.
- d. Fraudulently obtaining prescription or dangerous drugs.
 1. A person commits the offense of fraudulently obtaining prescription or dangerous drugs if he/she obtains or attempts to obtain a dangerous drug by:
 - A. Fraud, deceit, misrepresentation, or subterfuge.
 - B. Falsely assuming the title of or representing himself/herself to be a manufacturer, wholesaler, practitioner, pharmacist, owner of a pharmacy, or other person authorized to possess dangerous drugs.
 - C. The use of forged, altered, or fictitious prescriptions.
 - D. The use of a false name or a false address on a prescription; or
 - E. The concealment of a material fact.
 2. Fraudulently obtaining prescription or dangerous drugs is a Class (AA, A or B) offense for which the offender may be imprisoned in the CCT Jail for any term not to exceed one (1) year or be fined an amount not to exceed \$5,000.00 payable to the CCT Court, or both.
 3. The Youth Court has jurisdiction of any violation of subsection 10.3(d)(1) by a person less than eighteen (18) years of age.
- e. Altering labels on prescription or dangerous drugs.
 1. A person commits the offense of altering labels on prescription or dangerous drugs if he/she affixes a false, forged, or altered label to or otherwise misrepresents a package or receptacle containing a dangerous drug.
 2. Altering labels on prescription or dangerous drugs is a Class (A or B) offense for which the offender may be imprisoned in the CCT Jail for any term not to exceed six (6) months or be fined an amount not to exceed \$500.00 payable to the CCT Court, or both.
 3. The Youth Court has jurisdiction of any violation of subsection 10.3(e)(1) by a person less than eighteen (18) years of age.
- f. Criminal possession of precursors to dangerous drugs.

1. A person commits the offense of criminal possession of precursors to dangerous drugs if he/she possesses:
 - A. Phenyl-2-propanone (phenylacetone) with the intent to manufacture amphetamine or methamphetamine, or both.
 - B. Both piperidine and cyclohexane at the same time, or a combination product thereof, with the intent to manufacture phencyclidine (PCP).
 - C. Ephedrine; lead acetate; methylamine; methylformamide; phenylpropanolamine; pseudoephedrine; anhydrous ammonia; hydriodic acid; red phosphorus.
 - D. Iodine in conjunction with ephedrine, pseudoephedrine, or red phosphorus; or
 - E. Lithium in conjunction with anhydrous ammonia; or
 - F. If the person knowingly possesses anhydrous ammonia for the purpose of manufacturing dangerous drugs.
 2. Criminal possession of precursors to dangerous drugs is a Class (A or B) offense for which the offender may be imprisoned in the CCT Jail for any term not to exceed one (1) year or to be fined an amount not to exceed \$1,000.00 payable to the CCT Court, or both.
 3. The Youth Court has jurisdiction of any violation of subsection 10.3(f)(1) by a person less than eighteen (18) years of age.
- g. Criminal distribution/sale of prescription or dangerous drugs on or near school property - penalty - affirmative defense.
1. A person commits the offense of criminal distribution/sale of prescription or dangerous drugs on or near school property if he/she is in, on or within 2,000 feet of the real property comprising a public or private elementary or secondary school.
 2. It is not a defense to prosecution under subsection 10.3(g)(1) that the person did not know the distance involved.
 3. It is an affirmative defense to prosecute for a violation of this section that:
 - A. The prohibited conduct took place entirely within a private residence; and
 - B. No person seventeen (17) years of age or younger was present in the private residence at any time during the commission of the offense.

4. A conviction under this section is a Class (AA or A) offense for which the offender may be imprisoned in the CCT Jail for any term not to exceed one (1) year or be fined an amount not to exceed \$5,000.00 payable to the CCT Court, or both.
- h. Criminal production or manufacture of dangerous drugs.
1. A person commits the offense of criminal production or manufacture of dangerous drugs if the person knowingly or purposely produces, manufactures, prepares, cultivates, compounds or processes a dangerous drug.
 2. Criminal manufacture or production of dangerous drugs is a Class (AA, A or B) offense for which the offender may be imprisoned in the CCT Jail for any term not to exceed one (1) year or be fined an amount not to exceed \$5,000.00 payable the CCT Court, or both.
 3. The Youth Court has jurisdiction of any violation of subsection 10.3(h)(1) by a person less than eighteen (18) years of age.
- i. Dangerous or Prescription drugs – exemptions.
1. Sections 10.3(a) through 10.3(f), 10.3(h) and 10.3(i) do not apply to:
 - A. A person authorized to possess with purpose to sell or sell dangerous or prescription drugs.
 - B. Law enforcement personnel selling or possessing with the purpose to sell dangerous or prescription drugs while acting within the scope of their employment; and
 - C. Practitioners and agents acting under their supervision during professional practice.
 2. The provisions of section 10.3(f) do not apply to:
 - A. A person employed by or enrolled as a student in a college or university within the exterior boundaries of the Rocky Boy's Indian Reservation who possesses any combination of substances listed in 10.3(f) for the purpose of teaching or research that is authorized by the college or university.
- j. Criminal distribution/sale of imitation dangerous drug-penalty
1. A person commits the offense of criminal distribution/sale of an imitation dangerous drug if he/she knowingly or purposely sells, barter, exchanges, gives away, or offers to sell, barter, exchange, or give away any imitation dangerous drug.

2. Criminal distribution/sale of an imitation dangerous drug is a Class (A, B, or C) offense for which the offender may be imprisoned in the CCT Jail for any term not to exceed one (1) year or be fined an amount not to exceed \$1,000.00 payable to the CCT Court, or both
 3. The Youth Court has jurisdiction of any violation of subsection 10.3(j)(1) by a person less than eighteen (18) years of age.
- k. Criminal possession of imitation dangerous drugs with the purpose to distribute/sell – penalty.
1. A person commits the offense of criminal possession of an imitation dangerous drug with the purpose of distributing/sell if he/she possesses with purpose to sell any imitation dangerous drug.
 2. Criminal possession of an imitation dangerous drug to distribute is a Class (A, B, or C) offense for which the offender may be imprisoned in the CCT Jail for any term not to exceed one (1) year or be fined an amount not to exceed \$1,000.00 payable to the CCT Court, or both.
 3. The Youth Court has jurisdiction of any violation of subsection 10.3(k)(1) by a person less than eighteen (18) years of age.
- l. Criminal advertisement of imitation dangerous drug - penalty
1. A person commits the offense of criminal advertisement of an imitation dangerous drug if he/she knowingly or purposely places in any newspaper, magazine, handbill, or other publication or posts or distributes any advertisement or solicitation to promote the manufacture, sale, exchange or distribution of an imitation dangerous drug.
 2. Criminal advertisement of an imitation dangerous drug is a Class (A, B, or C) offense for which the offender may be imprisoned in the CCT Jail for any term not to exceed one (1) year or be fined an amount not to exceed \$1,000.00 payable to the CCT Court, or both.
 3. The Youth Court has jurisdiction of any violation of subsection 10.3(l)(1) by a person less than eighteen (18) years of age.
- m. Criminal manufacture of imitation dangerous drug-penalty.
1. A person commits the offense of criminal manufacture of an imitation dangerous drug if he/she knowingly or purposely manufactures, prepares, or cultivates any dangerous drug imitation.
 2. Criminal manufacture of an imitation dangerous drug is a Class (A, B, or C) offense for which the offender shall be imprisoned in the CCT Jail for any term not to exceed one (1) year or be fined an amount not to exceed \$1,000.00 payable to the CCT Court, or both.

3. The Youth Court has jurisdiction of any violation of subsection 10.3(m)(1) by a person less than eighteen (18) years of age.
- n. Imitation dangerous drugs- exemptions – rules.
1. Sections 10.3(j) through 10.3(m) do not apply to:
 - A. A person authorized to possess with purpose to sell or sell imitation dangerous drugs.
 - B. Law enforcement personnel selling or possessing with the purpose to sell imitation dangerous drugs while acting within the scope of their employment; and
 - C. A person registered to sell or possess with purpose to sell imitation dangerous drugs for use as a placebo, by that person or any other person so registered, during professional practice or research.
- o. Criminal possession of toxic substance – penalty.
1. A person commits the offense of criminal possession of a toxic substance if the person inhales or ingests or possesses with the purpose to inhale or ingest, for the purpose of altering the person's mental or physical state, any substance with toxic effects that is not manufactured for human consumption or inhalation, including but not limited to glue, fingernail polish, paint and paint thinners. petroleum products. aerosol propellants. and chemical solvents.
 2. The provisions of subsection 10.3(o)(1) do not apply to institutions of higher education conducting research with human volunteers pursuant to guidelines adopted by the institution or any Federal or Tribal agency.
 3. Criminal possession of a toxic substance is a Class (B or C) offense for which the offender may be imprisoned in the CCT Jail for a term not to exceed six (6) months or be fined an amount not to exceed \$500.00 payable to the CCT Court, or both.
 4. The Youth Court has jurisdiction of any violation of subsection 10.3(o)(1) by a person less than eighteen (18) years of age.
- p. Continuing criminal enterprise - penalty.
1. A person who engages in a continuing criminal enterprise is guilty of a crime and upon conviction is punishable by a term of imprisonment and a fine not exceeding two (2) times those authorized for the underlying offense. For purpose of this subsection, a person engages in a continuing criminal enterprise if:

- A. The person violates any provision of this chapter that is a felony; and
- B. The violation is a part of a continuing series of two or more violations of this chapter on separate occasions; that:
 - i. Are undertaken by the person in concert with five or more people with respect to whom the person occupies a position of organizer, supervisor, or any other position of management; and
 - ii. From which the person obtained substantial income or resources.
- 2. A sentence for a conviction under this section runs consecutively with the conviction for the underlying offense.
- 3. The Youth Court has jurisdiction for any violation of subsection 10.3(p)(1) by a person less than eighteen (18) years of age.

10.4 Procedural Provisions.

- a. Alternative sentencing authority.
 - 1. A person convicted of a dangerous drug misdemeanor offense under this chapter may, in lieu of imprisonment, be sentenced according to the alternatives provided in subsection 10.4(a)(2).
 - 2. If the Court determines, either from the face of the record or from a presentence investigation and report, that incarceration of the defendant is not appropriate, the Court may, as a condition of a suspended or deferred sentence, impose one or more of the following alternatives:
 - A. Commitment to a residential drug treatment facility licensed and approved for rehabilitative treatment for not less than the minimum recommended time determined necessary by the facility and not more than one (1) year.
 - B. Mandatory service of not more than 2,000 hours in a community-based drug treatment or drug education program with compliance to be monitored by the probation department.
 - C. Placement in a probation program that requires that the defendant comply with all of the following conditions:
 - i. Maintain employment, full-time student status, or be involved in job searches or community service work designated by the probation officer.

- ii. Remain drug free and submit to drug and alcohol tests administered randomly.
 - iii. Perform not less than ten (10) hours of community service each month, full-time employees/students are exempt from this requirement.
 - iv. Enroll or make satisfactory effort to seek enrollment in an approved drug rehabilitation program; and
 - v. Comply with any other conditions imposed by the Court to meet the needs of the community and the defendant.
- 3. The Youth Court has jurisdiction of any violation of subsection 10.4(a)(1) by a person less than eighteen (18) years of age.
- b. Use or possession of property subject to criminal forfeiture - property subject to criminal forfeiture.
 - 1. A person commits the offense of use or possession of property subject to criminal forfeiture if the person knowingly possesses, owns, uses, or attempts to use property that is subject to criminal forfeiture under this section.
 - A. Use or possession of property subject to criminal forfeiture or property subject to criminal forfeiture is a Class (A or B) offense for which the offender may be imprisoned in the CCT Jail for any term not to exceed one (1) year or to be fined an amount not to exceed \$1,000.00 payable to the CCT Court, or both.
 - 2. The following property is subject to criminal forfeiture under this section:
 - A. Money, raw materials, products, equipment, and other property of any kind including vehicles that is used or intended for use in manufacturing, preparing, cultivating, compounding, processing, delivering, importing, or exporting a dangerous drug in violation of sections 10.3(a), 10.3(c) or 10.3(h) when the object of the conspiracy was a violation of 10.3(a), 10.3(c) or 10.3(h).
 - B. Property used or intended for use as a container for property enumerated in subsection 10.4(b)(3)(A).
 - C. Except as provided in subsection 10.4(b)(3), a conveyance, including an aircraft, vehicle, or vessel, used or intended for use to facilitate a violation of sections 10.3(a), 10.3(c) or 10.3(h) when the object of the conspiracy was a violation of sections 10.3(a), 10.3(c) or 10.3(h).

- D. Book, records, research products and materials, formulas, microfilm, tapes, and data used or intended for use in connection with a violation of sections 10.3(a), 10.3(c) or 10.3(h) when the object of the conspiracy was a violation of sections 10.3(a), 10.3(c) or 10.3(h).
 - E. Everything of value furnished or intended to be furnished in exchange for a dangerous drug in violation of sections 10.3(a), 10.3(c) or 10.3(h) when the object of the conspiracy was a violation of sections 10.3(a), 10.3(c) or 10.3(h) and all proceeds traceable to such an exchange.
 - F. Money, negotiable instruments, securities, and weapons used or intended to be used to facilitate a violation of sections 10.3(a), 10.3(c) or 10.3(h) when the object of the conspiracy was a violation of sections 10.3(a), 10.3(c) or 10.3(h).
 - G. Personal property constituting or derived from proceeds obtained directly from a violation of sections 10.3(a), 10.3(c) or 10.3(h) when the object of the conspiracy was a violation of sections 10.3(a), 10.3(c) or 10.3(h); and
 - H. Real property, including any right, title, and interest in a lot or tract of land, land assignment, and any appurtenances or improvements, that is directly used or intended to be used in any manner to facilitate a violation of or that is derived from or maintained by proceeds resulting from a violation of sections 10.3(a), 10.3(c) or 10.3(h) when the object of the conspiracy was a violation of sections 10.3(a), 10.3(c) or 10.3(h). An owner's interest in real property is not subject to criminal forfeiture by reason of act or omission unless it is proved that the act or omission was the owner's or was with the owner's express consent.
3. A conveyance is not subject to criminal forfeiture under this section unless the owner or other person in charge of the conveyance knowingly used the conveyance to violate or knowingly consented to its use for the purpose of violating sections 10.3(a), 10.3(c) or 10.3(h) when the object of the conspiracy was a violation of sections 10.3(a), 10.3(c) or 10.3(h).
 4. Criminal forfeiture under this section of property that is encumbered by a bona fide security interest is subject to that interest if the secured party did not use or consent to the use of the property in connection with the violation of sections 10.3(a), 10.3(c) or 10.3(h) when the object of the conspiracy was a violation of sections 10.3(a), 10.3(c) or 10.3(h).

5. Property subject to criminal forfeiture under this section may be seized under the following circumstances:
 - A. A Police Officer who has probable cause to make an arrest for a violation of sections 10.3(a), 10.3(c) or 10.3(h) when the object of the conspiracy was a violation of sections 10.3(a), 10.3(c) or 10.3(h) may seize a conveyance obtained with the proceeds of the violation or used to facilitate the violation and shall immediately deliver the conveyance to the Police Officer's law enforcement agency, to be held as evidence until a criminal forfeiture is declared or release ordered.
 - B. Property subject to criminal forfeiture under this section may be seized by a Police Officer under a search warrant issued by a court having jurisdiction over the property.
 - C. Seizure without a warrant may be made if:
 - i. The seizure is an incident to an arrest or a search under a search warrant issued for another purpose or an inspection under an administrative inspection warrant.
 - ii. The property was the subject of a prior judgment in favor of the CCT in a criminal proceeding or a criminal forfeiture proceeding.
 - iii. A Police Officer has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or
 - iv. A Police Officer has probable cause to believe that the property was used or intended to be used in violation of sections 10.3(a), 10.3(c) or 10.3(h) when the object of the conspiracy was a violation of sections 10.3(a), 10.3(c) or 10.3(h).
6. A prosecution under subsection 10.4(b)(1) must commence within 45 days of the seizure of the property involved.
7. The Youth Court has jurisdiction of any violation of subsection 10.4(b)(1) by a person less than eighteen (18) years of age.

CHAPTER 11. DRUG PARAPHERNALIA

11.1 General Provisions.

a. Definitions.

1. "Drug paraphernalia" means all equipment, products, and materials of any kind that are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a dangerous drug. It includes but is not limited to:
 - A. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing, or harvesting of any species of plant that is a dangerous drug or from which a dangerous drug can be derived.
 - B. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing dangerous drugs.
 - C. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant that is a dangerous drug.
 - D. Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness, or purity of dangerous drugs.
 - E. Scales and balances used, intended for use, or designed for use in weighing or measuring dangerous drugs.
 - F. Dilutants and adulterants, such as quinine, hydrochloride, mannitol, mannite, dextrose, and lactose, used, intended for use, or designed for use in cutting dangerous drugs.
 - G. Blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed for use in compounding dangerous drugs.
 - H. Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of dangerous drugs.
 - I. Containers and other objects used, intended for use, or designed for use in storing or concealing dangerous drugs.

- J. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing methamphetamine, cocaine, prescription drugs, or other dangerous drugs into the human body, such as, but not limited to the following:
 - i. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, punctured metal bowls, or punctured pop cans.
 - ii. Water pipes.
 - iii. Carburation, tubes and devices.
 - iv. Smoking and carburation masks.
 - v. Roach clips, meaning objects used to hold burning material that have become too small or too short to be held in the hand.
 - vi. Miniature cocaine spoons and cocaine vials.
 - vii. Chamber pipes.
 - viii. Carburetor pipes.
 - ix. Electric pipes.
 - x. Air-driven pipes.
 - xi. Chillums.
 - xii. Bongs.
 - xiii. Ice pipes or chillers.
- b. Determination of what constitutes paraphernalia. In determining whether an object is drug paraphernalia, law enforcement, the Court or other authority should consider, in addition to all other logically relevant factors, the following:
 - 1. Statements by an owner or by anyone in control of the object concerning its use.
 - 2. Prior convictions, if any, of an owner or of anyone in control of the object, under any Tribal or Federal law relating to any controlled substance or dangerous drug.
 - 3. The proximity of the object, in time and space, to a direct violation of this part.
 - 4. The proximity of the object to dangerous drugs.
 - 5. The existence of any residue of dangerous drugs on the object.

6. Direct or circumstantial evidence of the intent of an owner or of anyone in control of the object to deliver it to people whom he knows, or should reasonably know, intend to use the object to facilitate a violation of sections 11.2(a) through 11.2(d). The innocence of an owner or of anyone in control of the object as to a direct violation of sections 11.2(a) through 11.2(d) does not prevent a finding that the object is intended for use or designed for use as drug paraphernalia.
7. Instructions, oral or written, provided with the object concerning its use.
8. Descriptive materials accompanying the object which explain or depict its use.
9. National or local advertising concerning its use.
10. The manner in which the object is displayed for sale.
11. Whether the owner or anyone in control of the object is a legitimate supply of like or related items to the community, such as a licensed distributor or dealer of tobacco products.
12. Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise.
13. The existence and scope of legitimate use for the object in the community.
14. Expert testimony concerning its use.

11.2 Offenses involving Drug Paraphernalia.

- a. Criminal possession of drug paraphernalia
 1. It is unlawful for any person to use or possess with intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a dangerous drug.
 2. Criminal possession of drug paraphernalia is a Class (B or C) offense for which the offender may be imprisoned in the CCT Jail for any term not to exceed six (6) months or be fined an amount not to exceed \$500.00 payable to the CCT Court, or both.
 3. The Youth Court has jurisdiction of any violation of subsection 11.2(a)(1) by a person less than eighteen (18) years of age.
- b. Manufacture or delivery of drug paraphernalia

1. It is unlawful for any person to deliver, or possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia, knowing or under circumstances where one reasonable should know that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, prepare, test, analyze, pack, re-pack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a dangerous drug.
 2. The manufacture or delivery of drug paraphernalia is a Class (B or C) offense for which the offender may be imprisoned in the CCT jail for any term not to exceed six (6) months or be fined an amount not to exceed \$500.00 payable to the CCT Court, or both.
 3. The Youth Court has jurisdiction of any violation of subsection 11.2(b)(1) by a person less than eighteen (18) years of age.
- c. Delivery of drug paraphernalia to minor.
1. Any person eighteen (18) years of age or over who violates § 4-10-102 by delivering drug paraphernalia to a person under eighteen (18) years of age is guilty of delivering drug paraphernalia to a minor.
 2. Delivery of drug paraphernalia to a minor is a Class (A, B, or C) offense for which the offender may be imprisoned in the CCT Jail for any term not to exceed one (1) year or be fined an amount not to exceed \$1,000.00 payable to the CCT Court, or both.
- d. Advertisement of drug paraphernalia
1. It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication of any advertisement knowing or under circumstances where one reasonably should know that the purpose of the advertisement in whole or part, is to promote the sale of objects designed or intended for use as drug paraphernalia.
 2. Advertisements of drug paraphernalia is a Class (B or C) offense for which the offender may be imprisoned in the CCT jail for any term not to exceed six (6) months or be fined an amount not to exceed \$500.00 payable to the CCT Court, or both.
 3. The Youth Court has jurisdiction of any violation of subsection 11.2(d)(1) by a person less than eighteen (18) years of age.
- e. Exemptions. Practitioners and agents under their supervision acting in the course of professional practice are exempt from this chapter

CHAPTER 12. OFFENSES AGAINST PROPERTY

12.1 Theft and Related Offenses.

a. Theft.

1. A person knowingly takes or exercises unauthorized control over property not his or her own with a purpose which will deprive the owner of property commits the offense of theft.
2. A person who knowingly: (a) receives; (b) conceals; or (c) aids in the reception or concealed the property obtained by illegal means commits the offense of theft.
3. A person commits the offense of theft when the person purposely or knowingly obtains control over stolen property knowing the property to have been stolen by another and:
 - A. Has the purpose of depriving the owner of the property.
 - B. Purposely or knowingly uses, conceals, or abandons the property in a manner that deprives the owner of the property; or
 - C. Uses, conceals, or abandons the property knowing that the use, concealment, or abandonment probably will deprive the owner of the property.
4. Theft is a Class A, Category 2 offense unless the property is worth less than fifty (\$50) dollars which is a Class B offense.

b. Robbery.

1. A person commits the offense of robbery if in the course of committing a theft, the person:
 - A. Inflicts bodily injury upon another.
 - B. Threatens to inflict bodily injury upon any person or purposely or knowingly puts any person in fear of immediate bodily injury; or
 - C. Commits or threatens immediately to commit any felony other than theft.
2. Robbery is a Class A, Category 1 offense.

- c. Breaking and Entering – A person knowingly: (1) enters or attempts to enter any building, dwelling, or other property without authorization; and (2) intends to commit any crimes therein commits the offense of Breaking and Entering, a Class A, Category 2 offense.
- d. Embezzlement - A person who knowingly: (1) appropriates to his own use, property not his, but in his lawful custody; and (2) intends to deprive the lawful owner of the property by such appropriation commits the offense of Embezzlement, a Class A, Category 2 offense. Embezzlement includes misappropriation of a minor’s funds in the custody of parents or guardians.
- e. Extortion - A person who willfully (1) intimidates or threatens another person and (2) intends to obtain any property thereby commits the offense of extortion, a Class A, Category 2 offense.
- f. Fraud - A person who knowingly misrepresents or deceives another in order to obtain property commits the offense of fraud, a Class B offense.
- g. Forgery and Counterfeiting - A person who willfully executes, alters, counterfeits, or falsely signs any written instrument or currency to defraud commits the offense of forgery, a Class A, Category 2 offense.
- h. Issuing a Bad Check - A person who: (1) knowingly makes or delivers a check, draft, or other written order, or verbally makes an order upon any bank or depository for payment of money; and (2) knows that there are insufficient funds or that the bank depository will not pay or credit the check, draft, or order; commits the offense of issuing a Bad Check, a Class C offense.

12.2 Conduct Violating Property Protection.

- a. Unauthorized Use of Property - A person who knowingly uses any property not his own or operates a vehicle not his own without the permission of the owner commits the offense of unauthorized use of property, a Class C offense.
- b. Malicious Mischief - A person who willingly disturbs, injures, destroys, or defaces any property not his own, commits the offense of malicious mischief, a Class B offense.
- c. Injuring Public Property - A person who willfully disturbs, injures, destroys, or defaces any public building or other property of the Tribe, state, or the United States Government commits the offense of Injuring Public Property, a Class B offense.

- d. Maintaining a Public Nuisance - A person who knowingly causes or negligently permits his property to fall into a condition, which could injure or endanger the safety, health, comfort, or property of another commits the offense of Maintaining a Public Nuisance, a Class C offense. The Court may order renewal or correction of the nuisance.
- e. Strong Dangerous Discarded Container - A person who knowingly possesses an unused chest, icebox, refrigerator, or other container:
 - 1. which has a door with an automatic latch or lock which cannot be readily opened from the inside; and
 - 2. from which the danger of entrapment has not been eliminated by removal of the door, lock, or latch or by other means commits the offense of Storing dangerous Discarded Containers, a Class C offense. The person must remedy the situation at his own expense.
- f. Criminal Trespass – Buildings.
 - 1. A person who knowingly and unlawfully enters or remains in a building commits the offense of Criminal Trespass to Buildings, a Class B offense.
 - 2. For the purpose of this section “unlawfully” means without license, privilege, or other proper authorization.
- g. Cutting fence and Opening Gate - A person who willfully: (1) leaves any gate of another; or (2) tears down, carries away, or destroys any part of a fence of another commits the offense of Cutting Fence or the offense of Opening gates, Class A, Category 4 offenses.
- h. Arson - A person who, by means of fire or explosions, knowingly or negligently (1) damages or destroys an occupied structure which is property of another without consent; or (2) places another person in danger of death commits the offense of arson, a Class A, Category 2 offense.

12.3 Conduct Violating Animal Property Protection.

- a. Cruelty to Animals - Any person knowingly or negligently mistreats any animal which is his own or in his custody commits the offense of Cruelty to Animals, a Class C offense.

- b. Permitting Domestic Pets to Roam - A person who knowingly allows a diseased or dangerous dog or other animal which is his own or in his custody, to roam at large or wander through populated areas commits the offense of Permitting Domestic Pets to Roam, a Class C offense.
- c. Livestock Trespass.
 - 1. Purpose – The purpose of this Section is to regulate the trespassing of domestic and stray animals.
 - 2. Definitions.
 - A. Stray or Trespassing Animal: Livestock found on lands other than range units, agriculture leases or designated land assignments within the exterior boundaries of the Rocky Boy Indian Reservation whose owner is unknown or cannot be located.
 - B. Livestock: Domestic animals commonly used or raised on a ranch or farm. (Cows, calves, bulls, horses, colts, pigs, sheep, llamas, buffalo).
 - C. Rocky Boy Indian Reservation: Any land under the ownership, control, and jurisdiction of the Chippewa Cree Tribe.
 - D. Landholder: A lessee, permittee, land assignment holder or owner of fee land within the exterior boundaries of the Rocky Boy Indian Reservation.
 - 3. Trespass Violations.
 - A. Any person who allows his livestock to trespass upon or pass over any cultivated or other enclosed lands of another person without his consent shall be deemed a Trespasser, a Class A, Category 4 Offense and shall be fined in an amount not to exceed \$100.00.
 - B. Any livestock owner who allows his livestock to run at large upon any public roadway and/or right of way within the reservation.
 - C. Any livestock owner who allows his trespass livestock to cause any damage to public or private premises, which include consumed forages.

4. Notice of Stray or Trespass Animals – A landowner finding stray or trespassing animals on lands under his/her control:
 - A. May remove livestock to rightful pasture provided that the moving of the livestock does not constitute trespass on another person or pasture and can be done without undue hardship.
 - B. May confine livestock to decrease damage to crops or grazing lands or injury or damages to livestock. If livestock is confined, the landowner shall report such confinement to the livestock owner or Livestock inspector. The Livestock Inspector shall have authority to remove confined livestock to the proper area. The livestock owner may be assessed the expense of the removal.
 - C. May notify the Range Management Department or their designee, or the Livestock Inspector; or
 - D. May elect to bring an action for damages.
 - E. If no resolution occurs, the following will apply:
 - i. First Offense: Notice and Order to Remove served by the Range Management Department within five (5) business days allowed for compliance.
 - ii. Second Offense: Immediate impoundment and transport to local livestock yards.
5. Penalties.
 - A. The owner of any livestock, as determined to be in trespass by authorized personnel, shall be liable to the CCTBC for a penalty in the amount of fifty dollars (\$50.00) per head for each day of trespass, in addition to the reasonable value of the forage consumed, property injured or destroyed, and for expense incurred for impoundment and disposal of the animals.
 - B. The Natural Resources Department, with the assistance of the CCTBC, shall take all appropriate action to collect such penalties and damages as may be applicable, as well as seek punitive damages, where appropriate.

- C. Settlement shall take place before the owner takes repossession of the trespass livestock. Payment shall be made by cashier's check, bank certified check, or money order.
 - D. All payments for such penalties and damages shall be credited to the Range Improvement Fund, after the appropriate allowance for expenses incurred in impoundment and disposal have been credited to those party's due payment.
- 6. Notice and Order to Remove.
 - A. When it has been determined that a trespass violation exists and the owner of the unauthorized livestock is known, written notice shall be promptly served upon the alleged violator by appropriate law enforcement personnel, or certified mail, return receipt requested.
 - B. The notice shall set forth the act constituting the violation, the legal description of the land where the livestock was observed, and the verification of the brand of mark on the animal.
 - C. The notice shall instruct the alleged violator to remove the livestock within five (5) days from the receipt of notice.
 - D. If the violator does not comply with the order to remove, the trespass livestock shall be impounded and disposed of by authorized personnel.
- 7. Seizure and Impoundment of Trespass Animals.
 - A. The Natural Resources Department or their designee, shall impound all unauthorized livestock not claimed and removed after five (5) days if the owners are unknown or the known owner refuses to accept delivery of Notice and Order to Remove. The unauthorized livestock shall immediately become the property of the Chippewa Cree Tribe.
 - B. When determined by authorized personnel that there is imminent danger and that trespassing livestock will endanger public safety, severely injure a growing crop or substantially destroy range forage, the livestock shall be immediately impounded.
- 8. Sale of Unclaimed Impounded Animals.

- A. Following the impoundment of the unauthorized livestock, a notice shall be placed in public places within five (5) business days immediately following the day of impoundment.
- B. The owner of the impounded livestock may redeem the animal any time before the established sale date, by submitting proof of ownership, and after the settlement of all applicable fees, costs and obligations.
- C. The notice shall describe the livestock to be sold, specify the date, time, and place of sale.
- D. Any known lien holder shall be served notice by law enforcement officials, or certified mail, return receipt requested. The notice shall describe the procedures by which the impounded livestock may be redeemed.
- E. If the livestock are not redeemed before the date of sale, they shall be sold to the highest bidder.
- F. The net proceeds of the sale, after deduction of all impoundment and sale costs, shall be placed in the Range Improvement Fund.

CHAPTER 13. OFFENSES AGAINST PUBLIC ORDER

13.1 Disorderly Conduct.

- a. A person who knowingly or negligently:
 - 1. engages in fighting or violence.
 - 2. makes unreasonable noise.
 - 3. disrupts public or religious assembly.
 - 4. uses abusive language in a public space.
 - 5. creates a hazard, offensive, or disruptive condition in a public place which serves no legitimate purpose commits the offense of disorderly conduct, a Class B offense.
- b. Reserved. Add in standards of operation for officers picking up a person experiencing a mental health crisis.
- c. An individual convicted of disorderly conduct for the first time subject to a maximum penalty of thirty (30) days imprisonment or a fine of one hundred dollars (\$100), or both.

13.2 Firing a Weapon.

- a. A person knowingly fires a weapon within a settled community on the Rocky Boy's Indian Reservation at any time commits the offense of Firing a Weapon, a Class B offense.
- b. A person who knowingly fires a weapon in any place within the boundaries of the reservation with careless disregard for human life commits the offense of firing weapon, a Class B offense.

13.3 Carrying a Concealed Weapon. A person who knowingly carries a dangerous weapon concealed upon his person without (1) a permit signed by a Tribal Court; or (2) a license issued by the Tribal Counsel commits the offense of Carrying a Concealed Weapon, a Class B offense.

13.4 Unlawful Possession of a Firearm by a Convicted Person.

- a. A person commits the offense of unlawful possession of a firearm by a convicted person if the person purposely or knowingly purchases or possesses a firearm after the person has been convicted of:

1. Class AA or Class A, Category 1 offense.
 2. A felony under the law of the State of Montana, another state or the United States; or
 3. A felony for which the person is currently required to register for the sexual or violent offender registry.
 4. A felony for Partner Family Member Assault.
- b. A person convicted of the unlawful possession of a firearm by a convicted person shall be guilty of a Class A, Category 1 offense.

13.5 Public Drunkenness or Drug Intoxication.

- a. A person who knowingly or negligently appears in a public place under the influence of alcohol, drugs, or other substances for ceremonial use by the Tribe and is endangering himself, other, or property; or is disturbing others commits the offense of Public Drunkenness or Drug Intoxication, a Class C offense.
- b. The Court may order the offender upon conviction to undertake and complete any available alcoholic or drug abuse program in lieu of penalties. The Court may reinstate the penalties if the offender fails to follow the order for treatment.

13.6 Littering. A person who knowingly disposes of any garbage or other form of waste except in disposal areas designated by the Tribe commits the offense of littering, a Class C offense.

13.7 Gang Related Crime and Criminal Activities.

- a. If two or more people commit any kind of offense or are involved in any criminal enterprises under Title IV of the Law and Order Code, the action shall be considered a gang related crime.
- b. If a person is convicted of a crime under the Title IV of the Law and Order Code committed for the benefit of, at the direction of or in association with any criminal gang, with the specific intent or promote, further or assist in any criminal conduct by criminal gang members, the penalties for the underlying crime are increased as provided in par.
- c. Minors from age 14 to 18 may be prosecuted as an adult if her/she is involved in gang related criminal activities. Parents or legal guardians of such minor shall be held responsible for their children's activities. Minors under the age of 14 who

are involved in gang related crime or criminal activities shall be treated under the Title IV of the Law-and-Order Code and parents or legal guardian of such minor shall be held responsible and punished for their children's activities.

- d. The maximum term of imprisonment for a Class A offense may be increased by not more than 6 months imprisonment. This subdivision does not change the status of the crime from Class A to Class AA offense.
- e. The maximum term of imprisonment for a Class B offense may be increased by not more than 3 months imprisonment. This subdivision does not change the status of the crime from Class B to Class A offense.
- f. The maximum term of imprisonment for a Class C offense may be increased by not more than 1 month imprisonment. This subdivision does not change the status of the crime from Class C to Class B offense.

13.8 Soliciting Without a License.

- a. A person commits the offense of soliciting without a license, if the person begs or solicits gifts or donations or money or property door to door or by telephone or on the streets, sidewalks or other public places, without a license issued by the Tribe.
- b. A person convicted of soliciting without a license shall be convicted of a Class C offense.

13.9 Harboring a Fugitive or Excluded Person.

- a. Any person who knowingly feeds, lodges, clothes, arms, equips in whole or in part, harbors aids, assists or conceals in any manner any person guilty of a crime or felony, or outlaw, or fugitive from justice, or any person seeking to escape arrest for any crime or felony or a person who has been excluded from the Rocky Boys' Reservation within the exterior boundaries of the Rocky Boys' Indian Reservation; commits the offense of harboring a fugitive or excluded person.
- b. Any person convicted of harboring a fugitive is deemed to have committed a Class A, Category 1 offense.

CHAPTER 14. CCT TRESPASS CODE

14.1 Definitions.

- a. “Authorized Official” means any person or persons designated and empowered by the CCT Business Committee to enforce the provisions of the Trespass Code.
- b. “Business Committee” means the Chippewa Cree Tribal Business Committee.
- c. “Easement” or “License” or “Permit” or “Right of Way” means the right granted by the Tribe to use or enter the reservation for permitted purposes.
- d. “Person” means a citizen of the Chippewa Cree Tribe 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.
- e. “Reservation” or “Tribal Land” means the land within the exterior boundaries of the Chippewa Cree Tribe’s reservation, or any other land or property owned or controlled by the Tribe or adjacent dependent Indian Communities.
- f. “Tribal Court” means the Chippewa Cree Tribal Court.
- g. “Tribe” means the Chippewa Cree Tribe of the Rocky Boy’s Reservation, a federally recognized Indian tribe, its governmental departments and agencies, and/or its tribally owned businesses.

14.2 Applicability.

A person who trespasses on or makes unconsented use of Chippewa Cree reservation land shall be subject to the penalties and other enforcement actions set forth in this Code.

14.3 Violation.

- a. A trespass is committed when:
 - 1. A person enters the property of the Tribe or a tribal member without their consent or causes an object or third party to do so.
 - 2. A person is a non-tribal member and remains on Tribal reservation land; or
 - 3. A person fails to remove an object from Tribal reservation land when he/she has a duty to remove; or

4. A person commits an unauthorized use under an existing permit, license, easement, or right of way, or fails to remove improvements or materials from the Tribal land at the expiration of a valid permit, license, easement or right of way.

14.4 Separate Offense.

A separate violation of the Trespass Code is committed with respect to each parcel of land on which a trespass is committed.

14.5 Citation of Trespass.

- a. An Authorized Official, on behalf of the Tribe, shall serve or cause to be served, a written citation of trespassing on any person trespassing on the CCT's Reservation. The citation shall be served personally or by certified mail pursuant to the last known address of the trespasser. The returned postal receipt or an affidavit of service by the person making the service, returned to the Clerk of Tribal Court, shall constitute proof of service.
- b. The citation shall identify the name and address of the person who is accused of trespassing, the location and date(s) of the trespass, a description and location of the alleged trespass, the action to be taken to cure the trespass, the time period within the action to cure must take place, and any other information as necessary.

14.6 Jurisdiction and Enforcement.

The Tribal Court shall have jurisdiction to hear cases brought pursuant to the Trespass Code by either the Tribe or the person(s) subject to notice of trespass. If the Tribal Court finds that a trespass was committed, it shall have the power to enjoin trespassers on tribal land, enforce penalties, order removal of persons and property from tribal land, and provide any other appropriate relief.

14.7 Enforcement by the United States.

The Business Committee, or its designee, may request the area director of the Bureau of Indian Affairs to enforce applicable federal law or regulations governing trespass on the reservation at any time that it appears appropriate, including any time subsequent to any enforcement action having been taken by the Tribe, Tribal Court, or Authorized Official pursuant to Sections 14.5, 14.6 and 14.8 of this Trespass Code.

14.8 Remedies.

- a. At the discretion of an Authorized Official or the Business Committee, the following remedies may be pursued:

1. Cease and Desist: A trespasser may be subject to immediate cease and desist of activities from tribal reservation lands at the trespasser's expense.
2. Ejectment: A trespasser shall be subject to immediate ejectment at the trespasser's expense. In lieu of ejectment, the Tribe, at its discretion, may order the trespasser to apply for a lease or right of way, if applicable.
3. Damages and Penalties: For each act of trespass, the Tribe shall be entitled to the greater of:
 - A. An amount equal to:
 - i. Rent, profits, and any avoided costs derived from the trespassed property.
 - ii. Cost of personnel, use of tribal property; and
 - ii. Damages caused to the trespassed property.
 - B. A penalty determined by the Tribal Court, which shall be no less than \$100 but no more than \$5,000 for each day that a trespass occurs or occurred, based on the size, scope, and impact of the trespass, and whether the trespasser knew or should have known it was Tribal land.
4. Interest and Penalties: Interest on any delinquent payment of penalties shall accrue at the current prime rate plus five (5) % compounded monthly until paid. The interest shall be prorated daily from the due date until the date of receipt. The interest monies shall be deposited in the account established by the Business Committee.

14.9 Emergency Action.

If an Authorized Official determines that a trespass has occurred and may present an imminent and substantial threat to the health, safety or welfare of the Tribe or community, the Authorized Official may take emergency action in the form of a request for a temporary restraining order or injunction, provided that a citation for violation under the Trespass Code was served on the accused party(ies) in accordance with Section 14.4 of the Trespass Code.

14.10 Criminal Liability.

Nothing in this Trespass Code shall prohibit the Tribe from prosecuting and punishing any person the commits criminal trespass under Title IV, Criminal Offenses, of the Tribal Law and Order Code.

14.11 Statute of Limitations.

- a. Alternative 1: Any action pursuant to the Trespass Code may be brought within three (3) years from the date the citation of trespass was issued pursuant to Section 14.3 of this Trespass Code.
- b. Alternative 2: Notwithstanding Title 1, Chapter 4 of the Chippewa Cree Tribal Law and Order Code, a trespass action under one of the violations set forth in Section 14.3 of this Trespass Code may be brought at any time during the violation provided it is in regards to property or a facility for the use or future use of a public utility, or generation, transmission or distribution of electricity for light, heat, power or other uses.

CHIPPEWA CREE TRIBE SENTENCING GUIDELINES

	Class AA	Class A, Category 1	Class A, Category 2	Class A, Category 3	Class A, Category 4	Class A, Category 5	Class B	Class C
Types of Offenses that Fit Each Class	<ul style="list-style-type: none"> - Deliberate homicide - Negligent homicide - Manslaughter - Rape (under 16 years of age) - Incest (Under 16 and offender is 3 years or more older) - Children and youth sex trafficking - Aggravated Promotion of child Prostitution - Committing assault with or without using deadly or dangerous weapons against elected officials and Tribal and federal employees 	<ul style="list-style-type: none"> - Kidnapping - Rape - Sexual Assault - Incest - Aggravated Assault - Causing or aiding suicide - Stalking with restraining order - Child Molestation - Negligent Vehicular Assault causing serious bodily injury to another - Robbery - Offense against elected officials and Tribal and federal employees - Unlawful possession of a firearm by a convicted person - Harboring a fugitive or excluded person 	<ul style="list-style-type: none"> - Assault - Assault and Battery - Negligent Vehicular Assault causing Bodily Injury to Another - Negligent endangering of another person - Stalking - Child or Elder or Vulnerable Adult Abuse - Assault with a Bodily Fluid on a Law Enforcement Officer, etc. - Obstructing a Law Enforcement Officer or Public Servant - Bribery - Breaking and Entering - Theft (>\$50) - Embezzlement - Extortion - Arson - Threat or intimidation - Unlawful Use or possession of drugs - Forgery - Counterfeiting 	<ul style="list-style-type: none"> - Criminal Child Endangerment - Abandonment - Failure to Support or Care for Dependent Child - Criminal contempt of court - Criminal Destruction of or Tampering with a Communication Device - Resisting arrest - Compounding a felony 	<ul style="list-style-type: none"> - Contributing to the delinquency of a minor - Visitation Interference - Escape - Cutting fence and Opening Gate - Livestock Trespass 	<ul style="list-style-type: none"> - Driving while under the influence of alcohol or drugs 	<ul style="list-style-type: none"> - Obstruction of justice - False Arrest - Theft (<\$50) - Fraud - Malicious mischief - Injuring public property - Criminal trespass – building - Disorderly Conduct - Firing a Weapon - Carrying concealed weapons - Perjury - Destruction of evidence - Tampering with witnesses, informants or physical evidence - Disposing of property of an estate - Exposing of infectious Disease - Adulteration of food or drink 	<ul style="list-style-type: none"> - Desertion and non-support of dependents - Failure to send children to school - Violation of curfew - Refusing to aid an officer - Issuing a bad check - Unauthorized use of property - Maintaining a public nuisance - Storing dangerous discarded containers - Cruelty to animals - Prostitution - Indecent exposure - Public drunkenness - Drug intoxication - Malicious gossip - Littering - Soliciting without a license - Permitting Domestic Pets to Roam

Sentencing Guidelines	Sentencing Guidelines	Sentencing Guidelines	Sentencing Guidelines	Sentencing Guidelines	Sentencing Guidelines	Sentencing Guidelines	Sentencing Guidelines	Sentencing Guidelines
First Time Offense	Subject to a sentence of one (1) year imprisonment and a fine of five thousand dollars (\$5,000)	Subject to a sentence of six (6) months imprisonment and a fine of five hundred dollars (\$500)	Subject to a sentence of ten (10) days to six (6) months imprisonment and a fine of one hundred dollars (\$100) based on severity of the case	Subject to five (5) days to thirty (30) days imprisonment and a fine of fifty dollars (\$100) with thirty (30) days probation	Subject to a minimum seventy-two (72) hours to six (6) months imprisonment and a fine of one hundred dollars (\$100).	Subject to a minimum of twenty-four (24) hours imprisonment and a fine of two hundred dollars (\$200) and a court order of no driving for thirty (30) days.	Subject to a minimum sentence of twenty-four (24) hours to three (3) months imprisonment and a fine of fifty dollars (\$50).	Subject to a minimum sentence of twenty-four (24) hours to thirty (30) days imprisonment or a fine of fifty dollars (\$50) or both.
Second Time Offense			Subject to thirty (30) days to six (6) months imprisonment and a fine of more than one hundred dollars (\$100) based on the severity. Penalty shall not be lowered for the first time penalty	Subject to ten (10) days to sixty (60) days imprisonment and a fine of one hundred dollars (\$200) with thirty (30) days probation.	Subject to a minimum of five (5) days to six (6) months and a fine of two hundred dollars (\$200).	Subject to a minimum of forty-eight (48) hours imprisonment and a fine of three hundred dollars (\$300) and a court order of no driving for sixty (60) days.	Subject to a minimum of seventy-two (72) hours to three (3) months imprisonment and a fine of more than fifty dollars (\$50).	Subject to a minimum forty-eight (48) hours to thirty (30) days imprisonment or a fine of more than fifty dollars (\$50) or both.
Third Time Offense			Subject to six (6) months imprisonment and a fine of five hundred dollars (\$500)	Subject to a minimum of thirty (30) days to six (6) months imprisonment and a fine of five hundred dollars (\$500).	Subject to a minimum thirty (30) days to six (6) months.	Subject to a minimum thirty (30) days to six (6) months imprisonment and a fine of five hundred dollars (\$500) and a court order of no driving for six (6) months. The court shall order necessary treatment, or any corrective action offered by the Tribal Chemical Dependency Center who is sentenced under this section.	Subject to a minimum ten (10) days to three (3) months imprisonment and a fine of three hundred dollars (\$300).	Subject to a minimum five (5) days to thirty (30) days imprisonment and a fine of one hundred dollars (\$100).

Fourth & Subsequent Offense						<u>The 4th and any subsequent conviction under this subsection shall be a Class AA offense, subject to one (1) year imprisonment and a fine of one thousand dollars \$1,000).</u>		
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- Sentencing guidelines for the offense under the Tribal Law other this part shall be in the Judge's discretion.
- The Tribal Court has the discretion to order bonds, to levy penalties and legal costs, and to order and compel restitution of damages. For offenders who are minors, the court may specify any disposition which is in the best interest of the minor.