

TITLE IV

CRIMINAL OFFENSES

[Resolution #50-07 was approved on April 5, 2007 to amended Title IV of the Public Security of the Law and Order Code authorizing the rescission of the mandatory sentencing guidelines under Title IV of the Chippewa Cree Law and Order Code.]

TITLE IV

PUBLIC SECURITY

PART ONE: Official Conduct

CHAPTER 1. ORGANIZATION AND PROCEDURES OF TRIBAL POLICE

1.1 Composition.

The Tribal Police shall consist of the Chief of Police and such number of policemen as the Business Committee or Public Safety Commission designates.

1.2. Tribal Police Powers and Duties

- (1) It is the duty of the Chief of Police and all Tribal Policemen to enforce the ordinances of the Tribe and preserve and maintain peace and the law and order of the Tribe.
- (2) Tribal police shall have authority to enforce the Chippewa –Cree Tribal Code at all points within the exterior boundary of the Rocky Boy’s Reservation.

(a) Arrest Power

- (i) Tribal police may arrest and take into custody with or without warrant of process, any person doing any act of violation of the Chippewa-Cree Tribal Code, and shall bring him/her before the Tribal Court judge.
- (ii) Tribal police, in execution of their powers and duties in arresting a person accused or suspected of crime, or in suppression of any riot or unlawful assembly, or in preventing the violation of any provision of the Chippewa-Cree Tribal Code, have the power to require and aid any member of the Tribe. A person so called upon who refuses to obey without good reason, is subject to Section 6.4 of the Offenses Code.
- (iii) Tribal police have authority to apprehend, arrest, and hold a person or Public Safety Commission as described in Section 1.12 of this Chapter who is alleged to have committed a state, Tribal or federal crime, whether off or on the reservation, when such person is on the reservation. If a person is a nonmember, the Tribe may enter into a

MOU with appropriate State authority to implement this provision.

- (b) Tribal police have the authority to:
 - (i) Enforce any lawful order or ordinance of the Business committee;
 - (ii) Enforce any lawful decree, order or judgment of the Tribal Court;
 - (iii) Enforce Traffic Code and regulations and issue citations for violations of the Traffic Code and regulations’
 - (iv) Issue warnings for minor infractions of Traffic Code.
 - (v) Serve summons as required by the Tribal Court;
 - (vi) Prevent actual or impending unlawful threats of injury to any person or property.
- (c) Tribal police may act in any legal and reasonable manner to any prevent, reduce, and terminate criminal events or actions.
- (3.) Tribal police must:
 - (a) Administer the Chippewa Cree Tribal Code provisions in a fair and impartial manner;
 - (b) Keep at least one (1) police officer immediately available at all times;
 - (c) Have readily available for Tribal Court and Business Committee inspection, information, or action, annual reports of crime statistics and expenses and budget requests.
 - (d) Comply with Tribal Court orders, decrees, and judgments, and Business Committee orders and ordinances;
 - (e) Maintain Tribal Vehicles and equipment;
 - (f) Successfully complete basic academy training within one (1) year of their employment or at the earliest space available for training;
 - (g) Comply with law enforcement manual adopted by the Business Committee.

1.3 Repealed (9/11/03):

1.4 Police Subject to Penalty for Unlawful Actions:

- (1.) A police officer who at any time willfully or neglectfully commits any of the offenses enumerated in the Chippewa-Cree Tribal Code is subject to the same punishment and penalties as any other person.
- (2.) A police officer who willfully or neglectfully commits any action resulting in personal or property injury to another is subject to the same civil liabilities as any other person on the reservation who commits such wrongful acts.
- (3.) Notwithstanding Subsection (1) above section, a police officer can ignore traffic or other code provisions when necessary to reasonably carried out his duties in the administration of justice.

1.5 Qualifications and Selection of Tribal Police Officers:

Qualification and selection of tribal police officer shall be as described in the policy of the Law Enforcement Department approved by the Business Committee.

1.6 Use of Reasonable Force by Police Officers:

A police officer must not use unnecessary or unreasonable force in carrying out the apprehension, arrest, search, summons, interrogation, traffic supervision, and other procedures the police force is authorized or obligated to perform.

1.7 Search and Seizure by Tribal Police:

Arrests of any person or searches and seizures of any person, house, papers, and effects may not be conducted unless probable cause for such actions exists or unless a proper warrant has been obtained according to the provisions of this Code.

1.8 Police Must Respect an Individual's Rights:

- (1.) Tribal police must at all times while acting in their capacity as police officers, comply with the provisions of this Code and respect the rights of every individual on the reservation.
- (2.) A police officer must not, after having arrested any person, willfully delay taking such person before a Tribal judge for arraignment.

1.9 Tribal Police Officers in Tribal Court:

A police officer may not act at a Tribal Court hearing or trial in any capacity other than a witness or bailiff. A police officer may not act in a capacity as representative or legal counsel in any criminal, traffic, or civil action.

1.10 Mistreating Prisoners:

- (1.) A police officer or other person is responsible for the care or custody of a prisoner must not willfully or knowingly;
 - a. assault or otherwise injure a prisoner; or
 - b. intimidate, threaten, endanger, or withhold reasonable necessities from a prisoner for the purpose of obtaining a confession from him, or for any other purpose; or
 - c. violate any civil rights of a prisoner.
- (2.) A person convicted of the offense of mistreating a prisoner shall be removed from office and shall be subject to a fine not to exceed \$500 or imprisonment or labor not to exceed six months, or both, and shall be subject to punishment for any other Tribal Code of offenses including in such wrongful action. In case of mistreatment of a prisoner, prisoner himself or his/her relative may file complaint to the Public Safety Commission against a mistreating police officer. The Public

Safety Commission shall serve as a Grievance Committee for the purpose of this section.

1.11 Termination of Employment as a Tribal Police Officer:

Chief of police shall be terminated by the Business Committee. Termination of all other police officers other than Chief of Police shall be terminated either with the recommendation of the Chief of police or without a recommendation of the chief of police by the Public Safety Commission. Chief of police shall have authority to suspend any police officer for reason. Suspension and termination or removal policy of the Chief of police and all other police officers shall be described in the Law Enforcement policy of the Tribe.

- (1.) Repealed (9/11/03);
- (2.) An officer terminated by the Business Committee or Public Safety Commission shall have a right of appeal to the Tribal Court, but no Business Committee decision on termination may be revised except by the majority of all judges sitting as an appellate body following a review on the record of the Business Committee hearing or, if no such record exists, by a new hearing on the facts presented for and against the officer.

1.12 Arrest of Alleged Fugitives:

- (1.) Tribal Police have authority to apprehend, arrest, and hold a person who is alleged to have committed a state, tribal, or federal crime off or on the reservation when such person is on the reservation.
- (2.) An alleged fugitive may not be turned over to state or federal authorities until after that person has been afforded a hearing in Tribal Court to determine whether probable cause exists as to the allegation of a crime by that person.

1.13 Repealed (9/11/03).

PART TWO – CRIMINAL OFFENSES AND PENALTY

CHAPTER 2. GENERAL PROVISIONS

2.1 General Purposes and Principles of Construction:

- (1.) The general purpose of the Offenses Code are;
 - (a.) to give fair warning of the nature of the conduct declared to constitute an offense.
 - (b.) to forbid and prevent conduct that unjustifiably and inexcusably inflicts or threatens harm to individual or public interests; and

- (c.) to safeguard conduct that is without fault from condemnation as criminal.
- (2.) All the provisions of the Offenses Code are to be construed to accomplish the Code's purposes and to promote justice.

2.2 Definitions of Mental States:

- (1.) Action: a person acts when he takes affirmative action or omits taking any action.
- (2.) Willfully: a person acts willfully if he acts with the purpose to do the act or achieve the result of his act.
- (3.) Knowingly: a person acts knowingly with respect to:
- (a.) his conduct when he is aware of his conduct;
 - (b.) a circumstance when he is aware that the circumstance exists;
 - (c.) the result of conduct when he is aware that it is highly probable that such result will be caused by conduct;
 - (d.) a fact when he is aware of the high probability of the fact's existence.
- (4.) Negligently - a person acts negligently when he acts without regard to the reasonably foreseeable consequences of his act, whether or not he actually is aware of the probable consequences of his act.

2.3 Penalties:

~~Offenses are divided into five (5) distinct classes:~~

- ~~(1.) Class AA offenses, for which the maximum penalty is one (1) year imprisonment or a fine of five thousand dollars (\$5,000), or both;~~
- ~~(2.) Class A offenses, for which the maximum penalty is six (6) months imprisonment or a fine of five hundred dollars (\$500), or both;~~
- ~~(3.) Class B offenses, for which the maximum penalty is three (3) months imprisonment or a fine of three hundred dollars (\$300), or both;~~
- ~~(4.) Class C offenses, for which the maximum penalty is thirty (30) days or a fine of one hundred dollars (\$100) or both and;~~
- ~~(5.) Class D offenses, for which the maximum penalty is one hundred dollars (\$100).~~

2.4 Minimum Sentences and Sentencing Guidelines (added 9/11/03):

- ~~(1.) Class AA offenses—Production or sale of unlawful drugs; deliberate homicide; negligent homicide; rape; child molestation; sexual assault; and committing an offense using deadly or dangerous weapons against elected officials and~~

~~Tribal and Federal employees. Minimum mandatory sentence for these offenses is one year imprisonment and five thousand dollars.~~

~~(2.) Class A offenses—they are divided into five categories for minimum mandatory sentences purposes:~~

~~2.1 Category class A offenses—Kidnapping, possession of drugs, offense against elected officials and Tribal and federal employees. Minimum sentence for these offenses is six months imprisonment and a fine of five hundred dollars.~~

~~2.2 Category B class A offense—Assault and Battery, Breaking and Entering, embezzlement, extortion, arson, threat or intimidation, use of drugs, and forgery and counterfeiting. In the case of Breaking and entering, embezzlement, and forgery and counterfeiting, the court shall order full restitution, when necessary.~~

~~a. First Time Offender—Minimum mandatory sentence is 10 days to 6 months imprisonment and a fine of \$100 based on severity of the case.~~

~~b. Second Time Offender—30 days to 6 months imprisonment and a fine of more than one hundred dollars base on severity. Penalty shall not be lowered for the first time penalty.~~

~~c. Third Time and Over—Six months imprisonment and a fine of five hundred dollars.~~

~~2.3 Category C class A Offense—Child abuse and Criminal Contempt of Court.~~

~~A. First Time Offender—Five days to thirty days imprisonment and a fine of fifty dollars with thirty days probation.~~

~~B. Second Time Offender—Ten days to sixty days imprisonment and a fine of one hundred dollars with thirty days probation.~~

~~C. Third Time Offender—Minimum of thirty days to six months imprisonment and a fine of five hundred dollars.~~

~~2.4 Category D Class A Offenses—Contributing to the Delinquency of a Minor and Escape.~~

~~a. First Time Offender—Minimum seventy two hours to six months imprisonment and a fine of one hundred dollars.~~

~~b. Second Time Offender—Minimum five days to six months and a fine of two hundred dollars.~~

~~c. Third Time and Offender—Minimum thirty days to six months~~

~~2.5 Category E class A Offense – Driving while Under the Influence of Alcohol or Drugs.~~

- ~~a. First Time Offender – Minimum of 24 hours imprisonment and a fine of two hundred dollars and a court order of no driving for thirty days.~~
- ~~b. Second Time Offender – 48 hours imprisonment and a fine of three hundred dollars and a court order of no driving for sixty days.~~
- ~~c. Third Time Offender – 30 days to six months imprisonment and a fine of five hundred dollars and a court order of no driving for six months. The court shall order necessary treatment or any corrective action offered by the Tribal Chemical Dependency Center who is sentenced under this section.~~

~~(3) Class B Offenses – Assault, Negligently endangering another person, obstruction of justice, false arrest, theft, fraud, malicious mischief, injuring public property, criminal trespass buildings, disorderly conduct, firing weapons, carrying concealed weapons, bribery, perjury, destruction of evidence, disposing of property of an estate, exposing to infectious disease, and adulteration of food and drink.~~

- ~~a. First Time Offense – Minimum mandatory sentence is 24 hours to three months imprisonment and a fine of fifty dollars.~~
- ~~b. Second Time Offense – 72 hours to three months imprisonment and a fine of more than fifty dollars.~~
- ~~c. Third Time and Over – Ten days to three months imprisonment and a fine of three hundred dollars.~~

~~(4) Class C offenses – 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 or drug intoxication and malicious gossip.~~

- ~~a. First Time Offense – Minimum mandatory sentence is 24 hours to thirty days imprisonment or a fine of fifty dollars or both.~~
- ~~b. Second Time Offender – 48 hours to thirty days imprisonment or a fine of more than fifty dollars or both.~~
- ~~c. Third Time and Over – Five days to thirty days imprisonment and a fine of one hundred dollars.~~

2.5 Sentencing guidelines for the offenses under the Tribal Law other than this part shall be the Judge's discretion governed by this subsection IV of this part.

- 2.6 Discretion of Court - 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.
- 2.7 Civil Actions Not Barred - The code of offenses does not bar, suspend, or otherwise affect any right to or liability for damages, penalty, forfeiture, or other remedy authorized by law.
- 2.8 Defenses:
- (1) Reasonable Force - Reasonable force is defense of person or property is an affirmative defense.
 - (2) 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.
 - (3) Coercion - It is a defense to an offense not involving death or serious bodily injury if a person commits the offense because he reasonably believes that he will suffer death or serious bodily injury unless he commits the offense.
 - (4) Intoxication - A person under the influence of alcohol or other drug is not absolved of criminal liability for his actions unless such condition is involuntary produced.
 - (5) Ignorance or Mistake - Ignorance of a statute which makes conduct an offense is not a defense.

CHAPTER 3. INCHOATE OFFENSES

3.1 Attempt, Conspiracy, and Solicitation:

- (1) 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.
- (2) 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.
- (3) A person who willfully solicits, requests, commands, induces, or aids another to commit an offense, commits the offense of solicitation.
- (4) A person does not commit the offense of attempt, conspiracy, or solicitation if:
 - a. Prior to the commission of the offense, he gives timely warning to law enforcement authorities; or
 - b. He otherwise makes a reasonable effort to prevent the commission of the offense.

- (5) The penalties for attempt, conspiracy, or solicitation must not exceed the maximum penalty provided for the related offense.

3.2 Responsibility:

- A.** 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 4. OFFENSES AGAINST PERSONS

4.1 Deliberate Homicide - A person, who knowingly causes the death of another human being, commits the offense of deliberate homicide, a Class AA offense.

4.2 Negligent Homicide - A person, who negligently causes the death of another human being, commits the offense of negligent homicide, a Class AA offense.

4.3 Kidnapping -

1. Any person who by force, threat or deception;
 - a. 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
 - b. Confines another for a significant period against his/her will is guilty of kidnapping. Where the victim is fourteen (14) years of age or less, it shall be presumed that the removal or confinement was against the victim's will. (added 9/11/03)

- (2) 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 for a 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 previous authorized visits with the offender. In a particular case, a relatively brief period may be considered significant.(added 9/11/03)

Kidnapping shall be a class A offense.

4.4 Rape:

- (1) A person who willfully or knowingly; (a) forces or attempts to force sexual intercourse; or (b) assist in a forced or attempt at forced sexual intercourse upon another without their consent, commits the offense of Rape, a Class A offense.
- (2) A person who willfully or knowingly has sexual intercourse with one who is not his 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.

4.5 Sexual Assault:

- (1) A person, who knowingly subjects another to any sexual contact without consent, commits the offense of Sexual assault, a Class AA offense.
- (2) Consent is not effective if the victim is less than fourteen (14) years old and the offender is more than three (3) years older than the victim.

4.6 Incest:

- (1) A person who knowingly has sexual intercourse with an ancestor, descendant, or a brother or sister of the whole or half blood commits the offense of incest, a Class A offense.
- (2) The relationships referred to include blood relationships without regard to legitimacy and relationships of parents and child by adoption.

4.7 Assault - A person who knowingly threatens another with bodily injury, verbally or by a threatening gesture of force, which creates a reasonable fear of bodily injury in that person, commits the offense of assault, a Class B offense.

4.8 Assault and Battery:

- (1) A person who willfully strikes or otherwise inflicts bodily injury on another person commits the offense of Assault and Battery, a Class A offense.
- (2) A person who willfully causes another to injure himself bodily commits the offense of Assault and Battery, a Class A offense.

4.9 Negligently Endangering Another Person - A person who negligently engages in conduct, which: (1) Threatens death or serious bodily injury to another; or (2) Causes bodily injury to another, commits the offense of Negligently Endangering Another Person, a Class B offense.

4.10 Cause or Aiding Suicide - A person who willfully aids another to:

- (1) Commit suicide; or

- (2) Attempt to commit suicide commits the offense of causing or aiding suicide, a Class A offense.

4.11 Stalking (added 9/11/06):

- (1) A person commits the offense of stalking if the person purposely or knowingly causes another person substantial emotional distress or reasonable apprehension of bodily injury or death by repeatedly;
 - (a) following the stalked person; or
 - (b) harassing, threatening, or intimidating the stalked person, in person or by phone, by mail, or by other action, devise or method.
- (2) Stalking is a Class A offense. For the second or subsequent offense or for a first offense against a victim who was under the protection of a restraining order directed at the offender shall be a Class A category A offense. A person convicted of stalking may be sentenced to pay all medical, counseling, and other costs incurred by or on behalf of the victim as a result of the offense.
- (3.) 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 subsection 1.
- (4.) For the purpose of determining the number of 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 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, 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 person purposely or knowingly followed, harassed, threatened, or intimidates the stalked person.

CHAPTER 5. OFFENSES AGAINST CHILDREN AND DEPENDANTS

5.1 Child Molestation:

- (1) A person who willfully engages in any indecent act with a child less than sixteen (16) years of age commits the offense of child molestation, a Class A offense.
- (2) A person who willfully detains a child under the age of sixteen (16) with intent to engage in an indecent act commits the offense of child molestation, a Class A offense.

5.2 Child Abuse –

A person who willfully (1) commits acts of violence against a minor child; or (2) harmfully neglects the care of a minor child commits the offense of child abuse, a Class A offense.

5.3 Contributing to the Delinquency of a Minor - A person including parent who willfully, negligently, or recklessly cause, encourage or contribute to or aids a minor in committing a delinquent act or any offense, shall be guilty of a Class A offense.

5.4 Possession of Intoxicating Substance by a Minor:

A person under the age of eighteen (18) years who knowingly

- (1) is under the influence of; or
- (2) Possession an intoxication substance; or other intoxicating substance commits the offense of Possession of Intoxicating Substance, a Class C offense. In addition to the penalty prescribed for such offense, all alcoholic substances possessed in violation of this section will be forfeited to the Tribe. And disposed of in accordance with the order of the Court.

5.5 Desertion and Non-Support of Dependents:

- (1) A person who, because of gambling or misuse of alcohol or for any other reason, willfully or negligently deserts or refuses support; (a) dependents child; (b) a dependant child born out of wedlock; or (c) any dependants person commits the offense of desertion and non-support of dependants, a Class A offense.
- (2) For purpose of this section, the laws and customs of the Tribe determine the status of dependency.

5.6 Failure to Send Child to School –

- (1) a person who neglects or knowingly and without a legitimate reason refuses to send a Minor child to school who:
 - a. Is under the age of ~~sixteen (16);~~ eighteen (18);

- b. ~~Has not completed the eighth (8th) grade~~; and that a school day curfew is established between the hours of 8:00 a.m. through 4:30 p.m. for public schools and a curfew for alternative schools in the Chippewa Cree Tribal Law & Order Code; and
- c. Is under his charge or care, without a legitimate reason, commits the offense of Failure to sent children to school, a Class C offense.

5.7 Violation of Curfew:

All persons who are parents or legal guardians of any child under the age of eighteen (18) knowingly permits a minor child in his charge to be on the streets, highways, or public premises of the Rocky Boy's Indian Reservation between the hours of 10:00 P.M. and 6:00 A.M. Commencing Sunday evening through Friday Morning, and between the hours of midnight and 6:00 a.m. commencing Friday evening through Sunday morning, without legitimate reason commits the offense of Violation of Curfew, a Class C offense. A child who is 14 to 18 years old and violates the curfew may be detained in the juvenile detention center.

CHAPTER 6. OFFENSES AGAINST LAW ENFORCEMENT

6.1 Escape:

- (1) A person who willfully removes or attempts to remove himself from the lawful custody of a law enforcement officer commits the offense of escape, a Class A offense.
- (2) A person who willfully aids or attempts to aid another person to remove himself form lawful custody commits the offense of escape, a Class A offense.
- (3) A person 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 offense.

6.2 Obstruction of Justice - A person willfully hinders the apprehension, prosecution, conviction, or punishment of another for a crime commits the offense of Obstruction of Justice, a Class B offense.

6.3 False Arrest - A person who willfully or knowingly causes or makes the unlawful arrest, detention, or confinement of anther person commits the offense of False arrest, a Class B offense.

6.4 Refusing to Aid an Officer - A person who knowingly or negligently refuses to aid a law enforcement officer upon his official request for assistance in:

- (1) arresting a person;
- (2) securing an apprehended person; or

- (3) conveying an apprehended person to the nearest place of confinement commits the offense of Refusing to Aid an Officer, a Class C Offense.

CHAPTER 7. OFFENSES AGAINST PROPERTY

SUBCHAPTER A: Theft and Related Offenses:

7.1 Theft:

- (1) A person who knowingly takes or exercises unauthorized control over property not his own with a purpose which will deprive the owner of the property commits the offense of theft, a Class A offense unless the property is worth less than fifty dollars (\$50), in which it is a Class B offense.
- (2) A person who knowingly; (a) receives; (b) conceals; or (c) aids in the reception or concealment of property obtained by illegal means commits the offense of theft.
- (3) A person who; (a) is in possession of a slaughtered beef; and (b) fails to produce the hide or fails to explain satisfactorily a defaced hide is presumed to have committed theft. This presumption is rebuttable.

7.2 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 offense.

7.3 Embezzlement - A person 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 offense. Embezzlement includes the misappropriations of a minor's funds in the custody of parents or guardians.

7.4 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 offense.

7.5 Fraud - A person who knowingly misrepresents or deceives another in order to obtain property commits the offense of fraud, a Class B offense.

7.6 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 offense.

7.7 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.

SUBCHAPTER B: Conduct Violating Property Protection:

- 7.8 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.
- 7.9 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.
- 7.10 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.
- 7.11 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.
- 7.12 Strong Dangerous Discarded Container - A person who knowingly possesses an unused chest, icebox, refrigerator, or other container;
- 7.12.1 which has a door with an automatic latch or lock which cannot be readily opened from the inside; and
 - 7.12.2 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.
- 7.13 Criminal Trespass-Buildings;
- 7.13.1 a person who knowingly and unlawfully enters or remains in a building commits the offense of Criminal Trespass to Buildings, a Class B offense.
 - 7.13.2 For purpose of this section “unlawfully” means without license, privilege, or other proper authorization.

7.14 Cutting fence or Opening Gate - A person who willfully: (1) leaves open 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 D offenses.

7.15 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 offense.

SUBCHAPTER C: Conduction Violating Animal Property Protection:

7.16 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.

7.17 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 D offense.

7.18 Live Stock Trespass;

1. Purpose - The purpose of this Section is to regulate the trespassing of domestic and stray animals.

2. Definitions;

a. Stray or Trespassing Animals: 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 lease, permittee, land assignment holder, or owner of fee land within the exterior boundaries of the Rocky boy Indian Reservation.

3. Trespass Violations;

The owner must file his complaint objecting to such appraisal with ten (10) days of being notified.

6. When livestock are on any public roadway, the Chief of Police, or his designee, or the Livestock Inspector shall notify the livestock owner to remove trespass livestock within one (1) hour. Livestock not removed from public roadway immediately will be impounded.
7. The Chief of Police, of his designee, or the Livestock Inspector shall notify the livestock owner or his agent allowing him three (3) days to remove his livestock from the confinement area. A confinement fee of twenty-five dollars (\$25) per head per day shall be assessed against the livestock while in confinement. When a three day (3) notice is given to any livestock owner or his agent, such notice is given within that trespass area shall be effective notice for a period of six (6) months from the date of notice.
8. Any Indian livestock owner who makes a practice of allowing his livestock to stray or trespass may be sued for damages in Tribal Court for nuisance. Non-Indian owners will be subject to the provisions of this Title and implementing regulations and civil action.

7.19 Seizure and Impoundment of Stray of Trespass Animals;

1. The Chief of Police, or his designee, shall impound all animals not claimed and removed after three (3) days if the owners are unknown or cannot be found. During impoundment he will see that they are fed and watered.
2. The Chief of Police, or his designee, shall notify the Rocky Boy's Tribal Court and give the Court all information and the appraisal of damages.
3. The Court shall post a Notice of Impoundment in not less than five (5) public conspicuous places on the Rocky Boy's Indian reservation for ten (10) days.
4. During the ten (10) days Notice of Impoundment the livestock owner can redeem his livestock by paying the assessed damages, confinement fee of twenty-five dollars (\$25) per head per day, cost of impoundment at fifty dollars (\$50) per head, cost of posting notices, and showing proof of adequate pasturage.
5. Impounded animals shall be available for the public inspection during daylight hours.

6. If more than one (1) person claims ownership of impounded animal or if satisfactory proof of ownership is not furnished, claimant may seek determination through Tribal Court.
7. Unbranded livestock one (1) year or older that are normally braded shall become the property of the Chippewa Cree Tribe Business Committee, provided proof of ownership has not been established.

7.20 Sale of Unclaimed Impounded Animals;

1. Animals, which have been impounded, with notice posted for ten (10) days, without any contested ownership of any contested damages being heard in Tribal Court, shall be sold at a public sale to the highest bidder and the Judge shall execute or deliver a Bill of Sale to the purchaser.
2. Disposition of sale proceeds shall be applied to the following priorities;
 - a. cost of sale
 - b. cost of impoundment (feed, care, veterinarian services);
 - c. cost of Impoundment notices;
 - d. reasonable value of forages consumed and damages to the land trespassed; and
 - e. payment to the former owners of the animals of any surplus.
3. If the former owner of any animal should, pursuant to this Chapter, fail to refuse to claim any balance due within one (1) year after the date of sale, such balance shall be paid into the treasury of the Chippewa Cree Tribal Business Committee and the former owner's entitlement thereto shall cease to exist.

CHAPTER 8. OFFENSES AGAINST PUBLIC ORDER

8.1 Disorderly Conduct –

- (1) A person who knowingly or negligently; (a) engages in fight or violence; (b) makes unreasonable noise; (c) disrupts public or religious assembly; (d) uses abusive language in a public place; or (e) 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.

- (2) An individual convicted of Disorderly Conduct for the first time is subject to a maximum penalty of thirty (30) days imprisonment or a fine of one hundred dollars (\$100), or both.

8.2 Firing Weapon:

(1) A person who 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.

(2) A person 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.

8.3 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.

8.4 Public Drunkenness or Drug Intoxication:

- (1) 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, others, or property; or is disturbing others commits the offense of Public Drunkenness or Drug Intoxication, a Class C offense
- (2) 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 of the offender fails to follow the order for treatment.

8.5 Driving While Under the Influence of Alcohol or Drugs:

- (1) A person who while under the influence of alcohol or drugs knowingly or negligently drives or is in actual control of a motor vehicle upon the roads or highways within the boundaries of the reservation commits the offense of Driving While Under the Influence of Alcohol or Drugs, a Class A offense.
- (2) Upon the trial of any civil or criminal action or proceeding arises out of acts alleged to have been committed by any person driving or in actual physical control of a vehicle while under the influence of alcohol, the concentration of alcohol in the person's blood at the time alleged, as shown by chemical analysis of the person's blood, urine, breath, or other bodily substance, shall give rise to the following presumptions;

- (a) If there was at the time an alcohol concentration of 0.05 or less, it shall be presumed that the person was not under the influence of alcohol.
- (b) If there was at that time an alcohol concentration in excess of 0.05 but less than 0.10, that fact shall not give rise to any presumption that the person was or was not under the influence of alcohol but such fact may be considered with other competent evidence in determining the guilt or innocence of the person.
- (c) If there was at that time an alcohol concentration of 0.10 or more, it shall be presumed that the person was under the influence of alcohol. Such presumption is rebuttable.

8.6 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 D offense.

8.7 Gang Related Crime and Criminal Activities (added 9/11/03):

- (1) If two or more persons commit any kind of offense or involve in any criminal enterprises under the Title IV of the Law and Order code, shall be a gang related crime.
- (2) 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 to promote, further or assist in any criminal conduct by criminal gang members, the penalties for the underlying crime are increased as provided in par.
- (3) Minor from age 14 to 18 may be prosecuted as an adult if her/she involves in gang related criminal activities. Parents or legal guardian of such minor shall be held responsible for their children's activities. Minor under the age 14 who involve in gang related crime or criminal activities shall be treated under the Title VI 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.
- (4) 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.
- (5) 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.
- (6) 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.

CHAPTER 9. OFFENSES AGAINST PUBLIC ADMINISTRATION

9.1 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 Treat or Intimidation, a Class A offense.

9.2 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 B offense.
- B. A public official who knowingly accepts, solicits, or agrees to accept a benefit for a premise which influences his performance of his duty commits the offense of Bribery, a Class B offense.

9.3 Criminal Contempt of Court - A person who knowingly:

- A. fails to comply with an order of the Court;
- B. interferes with the process of the Court; or
- C. offends the dignity of the Court by a disrespectful act done in or near the presence of the Court, commits the offense of Criminal Contempt of Court, a Class A offense.

9.4 Perjury - A person who willfully: (1) makes a false statement or affidavit under oath or affirmation before and official proceeding; or (2) causes or procures another to make such a false statement commits the offense of perjury, a Class B offense.

9.5 Destruction of Evidence - A person who willfully: (1) destroys or withholds evidence; or (2) intends to prevent the use of that evidence in an official proceeding commits the offense of Destruction of Evidence, a Class B offense.

9.6 Disposing of Property of an Estate - A person, who sells, exchanges, or otherwise disposes of property in an estate, without proper authority, commits the offense of Disposing of Property of an Estate, a Class B offense.

9.7 Protection of Elected Officials and Tribal and Federal Employees, (added 9/11/03):

- (1) Whoever forcible assaults, resists, opposes, intimidates, or interferes with:
- (2) any elected tribal official, or (3) 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, judge, officer or employee is engaged in official duties, shall be guilty of a Class A offense.

- (2) Whoever, in the commission of an act described in subsection (1), uses a deadly or dangerous weapon shall be guilty of a Class AA offense.

CHAPTER 10. VIOLATION ENDANGERING FAMILY AND PUBLIC DECENCY

10.1 Prostitution:

- (1) a person who knowingly engages in providing or procuring sexual activities as a business commits the offense of Prostitution, a Class C offense.
- (2) 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.

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

10.3 Exposing to Infectious Disease:

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

10.4 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.

10.5 Unlawful production, sale or possession of drugs:

- (2) Whoever knowingly produces, sells or possesses marijuana or any narcotic drug, including any substance containing opium, coca leaves, any opiate or any substance, compound or derivative thereof, any salt, compound, isomer, derivative, or preparation thereof which chemically equivalent or identical with any of the substances referred to above but not including the isoquinoline alkaloids of opium, or who shall inhale the fumes of any gasoline, airplane glue, or any other similar noxious substance including methamphetamine for the purpose of producing intoxication is guilty of unlawful production, sale, possession or use of drugs.

- (3) Unlawful sale or production of drugs shall be a Class AA offense.
Unlawful use or possession of drugs shall be a Class A offense.

10.6 Adulteration of Food and Drink - A person who knowingly manufacturers, 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 Drink, a Class B offense.

PART THREE: TRAFFIC CODE

CHAPTER 11. TRAFFIC OFFENSES

11.1 Territory - This traffic Code covers any traffic violations herein listed which occurs within the exterior boundaries of the Rocky Boy's Indian Reservation.

11.2 Power - The Tribal police have the power to control and supervise all public roadways within the exterior boundaries of the Rocky Boy's Indian Reservation, and issue warnings for minor infractions.

11.3 Citations - The Tribal Police may issue citations appropriate for any violation of the Traffic Code, ordering the cited party to appear before any Tribal Court of the Rocky Boy's Indian Reservation at a reasonable time.

11.3.1 Use of Radar-Evidence Admissible - The Tribal police are authorized to employ the use of radio microwaves or other equivalent electrical devise for the purpose of measuring the speed of motor vehicles within the Reservation. The results of such measurements shall be admissible as evidence of the speed of a motor vehicle in the Tribal Court in any legal proceeding where the speed of such motor vehicle is issue.

11.3.2 Arrest Without Warrant in Radar Cases:

1. the driver of any motor vehicle determined to be traveling in excess of the posted speed limit may be arrested without a warrant, provided the arresting officer is in uniform or displays his badge of authority and has;
 - a. Observed the recording of the speed of the vehicle by radio microwaves or other equivalent electrical devise; or
 - b. Received, from the officer who has observed the speed of the vehicle recorded by such devise, a radio message giving the license number or other sufficient identification of the vehicle and the recorded speed, dispatched immediately after the speed of the vehicle was recorded.

2. The arrest without warrant of an such driver must be made immediately after such observation or radio message and as a result of interrupted pursuit

11.4 Class D Offense.

Unless otherwise designated, all offenses of the Traffic Code are Class D Offenses.

11.5 Court Discretion.

The Tribal Court may suspend or revoke driving privileges for a violation of the Traffic Code.

11.6 Contempt of Court for Failure to Pay Traffic Fines.

If an offender fails to pay a fine imposed under this Chapter, the Court may hold the offender in Contempt of Court for which the maximum penalty not to exceed thirty (30) days or payment of the original fine.

11.7 Arrest.

The Tribal Police may arrest any person without warrant for any violation of the Traffic Code which is committed in their presence.

11.8 Inspection and Investigation.

The Tribal police may inspect any vehicle in a public garage or repair shop or wrecking yard in order to investigate the title and registration.

11.9 Tribal Children's Driving Permit.

(1) It is unlawful for a child under the age of thirteen (13) years to drive a motor vehicle within the exterior boundaries of the reservation, except with the authorization of the Business Committee.

(2) a child who is at least thirteen (13) years of age and less than seventeen (17) years of age may drive a motor vehicle with then exterior boundaries of the reservation only if he or she possesses a valid Tribal children's driving permit or a state of Montana Driver's license.

(3) The Tribe shall maintain a place and provide the necessary staff to license children to drive within the boundaries of the reservation.

(4) Any child who is at least thirteen (13) years of age and who passes the Tribal driving test shall be issued a Tribal children's permit.

11.10 Failure to Possess a Valid Tribal Children's Driving Permit. A child who violates Section 11.9 commits a delinquent act within the meaning of Chapter 2, Section 2.6 of the Tribal Juvenile Code.

11.11 Responsibility for Unlicensed Drivers. A person who permits a child to drive a motor vehicle in violation of Section 11.9 commits an offense.

- 11.12 Driving When Driving Privileges Have Been Suspended. A person who operates a motor vehicle upon the public roadways when his driving privileges have been suspended by the Court's order commits a Class b OFFENSE. In addition to the other penalties imposed for the Class B offense, the Court may suspend the person's driving privileges for the period not to exceed one (1) year in addition to the previous suspension from which this offense arose.
- 11.13 Failure to Operate a Vehicle in a Safe Condition. A person who operates a motor vehicle which is in unsafe mechanical or electrical condition commits an offense.
- 11.14 Driving at Night with Substandard Lights.
(1) A person who operates a motor vehicle on the roadway at night without standard lights commits an offense.
(2) Standard lights must be clearly visible for a distance of five hundred (500) feet and are, on a vehicle with four (4) or more wheels, two (2) regular white light head lamps and two (2) red tail lights, or on a motorcycle, one (1) which head lamp and one (1) red tail light.
- 11.15 Failure to Drive upon the Right Side of the Roadway. A person who drives a motor vehicle on the left side of the roadway unless posted as a one (1) way roadway or when safely overtaking another vehicle commits an offense.
- 11.16 Failure to Drive in a Careful and Prudent Manner. A person who fails to operate a motor vehicle in a careful and prudent manner and thereby endangers the life, health, safety, property or rights of a person entitled to the use of the roadway commits an offense.
- 11.17 Failure to Obey Traffic Signs. A person who while operating a motor vehicle fails to conform to any highway sign, any road marking, or any traffic signal put into use by any traffic official for the purpose of traffic safety and movement commits an offense.
- 11.18 Maneuvering without Regard to Safety. A driver of a motor vehicle who starts, stops, or turns a vehicle when it is not reasonable and prudent commits an offense.
- 11.19 Tailgating. A driver of a motor vehicle who follows another vehicle more closely than is reasonable and prudent commits an offense.
- 11.20 Improper Passing.
(1) A driver of a motor vehicle overtaking another vehicle proceeding in the same direction
(a) who drives to the left side of the center line of the roadway when it is not clearly visible and free from oncoming traffic for a sufficient distance to permit overtaking safely; or
(b) who, when passing on the left, returns to the right side of the roadway before he is safely clear of the overtaking vehicle; or (c) who, when passing on the left, fails to pass at a safe distance to the left commits an offense.

11.21 Exceeding the Maximum Speed Limit.

(1) A person who exceeds the speed limit while driving on the roadways commits an offense.

(2) The speed limit on roadways shall be fifty-five (55) miles per hour unless otherwise posted on unless driving conditions require a lesser speed. The maximum speed limit in residential areas and in the Tribal Officers zones shall be twenty-five (25) miles per hour. The maximum speed limit in a posted school zone is twenty (20) miles per hour.

11.22 Failure to Stop for a School Bus.

A driver of a motor vehicle who approaches from either direction and

(1) fails to stop for a school bus with flashing lights in operation which is receiving or discharging children; or

(2) having stopped for a school bus, proceeds before the bus resume motion or before the bus driver signals him to proceed commits and offense.

11.23 Failure to Yield Right of Way.

(1) A person driving a vehicle:

(a) who approaches an intersection posted with a “YEILD” sign must slow to fifteen (15) miles per hour or less and yield right of way to all vehicles on the intersecting roadway which are close enough to present a hazard;

(b) Who approaches a roadway, whether or not posted, has a duty to stop and yield right of way to all approaching vehicles which are close enough to present a hazard or

(c) Who will reach an intersection at the same time as another vehicle must yield the right of way if the other vehicle is on his right.

11.24 Failure to Stop Before Driving Onto a Roadway.

A person driving a motor vehicle who enters a roadway without stopping commits an offense.

11.25 Parking on the Roadway.

A person who parks a vehicle in manner which interferes with the safety and movement of other vehicles upon a roadway commits and offense.

11.26 Obstructing or Interfering with a Driver.

(1) A person who drives a motor vehicle which carries passengers or cargo in a manner which unreasonably

(a) obstructs the view of the driver; or

(b) interferes with the driver’s control over the vehicle commits and offense.

(2) A passenger in a motor vehicle who unreasonably

(a) obstructs the view of the driver; or

(b) interferes with the driver’s control over the vehicle commits an offense.

11.27 Responsibility for and of Passengers.

- (1) A person who (a) drives a motor vehicle and permits another to ride on the fender, bumper, hood, or any other exterior part of the motor vehicle or attach himself so as to be propelled or pulled by the motor vehicle commits an offense.
- (2) Riding in the back of a truck is not prohibited and reasonable exceptions shall be made for activities such as parades.

11.28 Failure to Use Protective Headgear.

A person who operates or rides a motorcycle or moped without protective headgear commits an offense. Protective headgear must be designed to lessen the change of injury upon impact.

11.29 Pedestrians on Roadways Without Regard for Safety.

A pedestrian who

- (1) fails to yield the right of way to all vehicles upon the roadway when crossing a roadway at any point other than a marked crosswalk or an unmarked crosswalk at an intersection; or
- (2) walks along or upon a roadway while intoxicated; or
- (3) walks along or upon a roadway when a sidewalk is provided commits an offense.

11.30 Implied Consent to Chemical Breath Test.

- (1) Any person who operates a motor vehicle upon roads or highways within the exterior boundaries of the Rocky Boy's Reservation and is arrested under Section 8.5 of this Title, Driving While Under the Influence of Alcohol or Drugs, shall be considered to have consented to a chemical breath test for the purpose of determining the alcohol content of his blood. Such a test may be given by or at the direction of the Tribal police officer who has reasonable cause to believe that the person has been driving under the influence of alcohol and drugs.
- (2) Unconsciousness or any other condition which makes a person incapable of refusal shall not be considered as withdrawal of consent to a chemical breath test.
- (3) If a person refuses the request of the Tribal police officer to submit to a chemical breath test, none shall be given. However, the Tribal police officer shall prepare a sworn report that he has reasonable ground to believe the arrested person has been driving or was in actual physical control of a motor vehicle upon the public highways of the Rocky Boy's Indian Reservation while under the influence of intoxicating liquor, and that the person had refused to submit to the test upon the request of the Tribal police officer. That report shall be submitted to the Tribal administrative body which determines who has the privilege to drive on the Reservation. The administrative body shall suspend that person's privilege or license to drive on the highways of the Rocky Boy's Indian Reservation for a period of sixty (60) days.

REFER TO COURT OF APPEALS

11.31 Right of Appeal.

- ~~(1) The Tribal administrative body which determine who has the privilege to drive on the Reservation shall immediately, in writing, notify any person who license or privilege to drive has been suspended under Section 11.30 (3) of this Title. Such person shall have the right to file a petition within thirty (30) days for a hearing in the matter I Tribal Court. The Court shall set the matter for hearing, and the prosecuting attorney for the Chippewa Cree Tribe shall represent the Tribe.~~
- ~~(2) The haring shall be limited to the following issues: person had been driving or was in actual physical control of the vehicle under the influence of alcohol or drugs, whether the person was placed under arrest, and whether the person refused to submit to the test. The Court shall then determine whether the person is subject to suspension of driving privileges.~~