



**RESOLUTION OF THE GOVERNING BODY  
OF THE  
THREE AFFILIATED TRIBES  
OF THE  
FORT BERTHOLD INDIAN RESERVATION**

**A Resolution Entitled:**” *Adoption of Tribal Criminal Code Provision Prohibiting Assaults on Tribal Law Enforcement Officers and other Tribal Employees Acting in the Course of Their Official Duties*”

**WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having adopted a Constitution and By-laws pursuant to said Act; and

**WHEREAS,** Article III of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; and

**WHEREAS,** The Constitution of the Three Affiliated Tribes authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and

**WHEREAS,** Article VI, Section 5 (l) of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council has the power to adopt resolutions regulating the procedure of the Tribal Business Council and other Tribal agencies and Tribal officials on the Reservation; and

**WHEREAS,** Article VI, Section 3 of the Constitution grants the Tribal Business Council all necessary sovereign authority, both legislative and judicial for the purpose of exercising the jurisdiction granted by Article I of the Constitution ; and

**WHEREAS,** The Tribal Business Council has adopted a Criminal Code titled Chapter IV Criminal Code of the Three Affiliated Tribes which includes Part II Article 2 *Assault, Reckless Endangerment , Threats* but does not include a specific provision governing assault on tribal law enforcement officers or tribal government employees while they are acting in the course of their official duties; and

**WHEREAS,** There have been numerous assaults against law enforcement officers that have gone unpunished because of the lack of a specific tribal statute and the Tribal Business Council finds that this constitutes an emergency situation; and





**WHEREAS,** The Tribal Business Council believes it is necessary to adopt a specific Criminal Code provision governing assaults on tribal law enforcement officers and other tribal employees while they are acting in the scope of their official duties; and

**WHEREAS,** The Tribal Council has adopted Resolution # 08-VJB which provided procedures governing the adoption of tribal code provisions or amendments thereto and requires a reading process and public notice and comment period prior to adoption of a tribal code or amendment to a tribal code; and

**WHEREAS,** said Resolution and Tribal Code procedure allows the tribal Business Council to waive any provision of the procedure in the event of an emergency as determined by the Tribal Business Council; and

**NOW, THEREFORE BE IT RESOLVED** that the Tribal Business Council of the Three Affiliated Tribes pursuant to the authority vested in it by the Constitution hereby adopts the following amendment to Chapter 4 Part II Article 2 , *Assaults* of the Three Affiliated Tribes Tribal Law and Order Code by adding the following provisions as Sections 220.4 and Section 220.5:

**SECTION 22.4. Assault on a Tribal Law Enforcement Officer.**

Any person who assaults by willfully or negligently causing bodily harm to any tribal law enforcement officer or other law enforcement officer while such officer is engaged in or account of the performance of official duties shall be guilty of a felony. A violation of this Section shall be punishable by a maximum of one year in jail and a fine Five Thousand Dollar (\$5000) or both.

**SECTION 22.5. Assault on a tribal Government employee.**

Any person who assaults by willfully or negligently causing bodily harm to any employee of the Three Affiliated Tribes or any of its sub-divisions while such employee is engaged in or account of the performance of official duties shall be guilty of a Class A Misdemeanor. A violation of this provision shall be punishable by a maximum of one year in jail and a fine of One Thousand dollars (\$1000) or both.

**BE IT FURTHER RESOLVED,** that the Tribal Business Council finds that an emergency exists and therefore waives the reading, public notice and comment period required by Resolution #08\_\_ VJB.



**CERTIFICATION**

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 5 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 10<sup>th</sup> day of July 2008; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman  voting. [ ] not voting.

Dated this 10<sup>th</sup> day of July 2008.

**ATTEST:**

  
Acting Tribal Secretary, Mervin Packineau  
Tribal Business Council  
Three Affiliated Tribes

  
Tribal Chairman, Marcus Wells Jr.  
Tribal Business Council  
Three Affiliated Tribes