



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

A Resolution Entitled: "Adoption of Amended Sex Offenders Registration and Notification Act"

- 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,** The Constitution of the Three Affiliated Tribe generally 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 III of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; and
- WHEREAS,** Article VI, Section 5 (1) 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
- WHEREAS,** The increase in sexual offenses in the United States and Indian Country by repeat sexual offenders has prompted the United States Congress and the States to enact sex offender registration and notification laws with stricter criminal penalties for violations; and
- WHEREAS,** In 2006 the United States Congress enacted into law Public Law 109-248, the Adam Walsh Child Protection and Safety Act, also entitled the Sex Offender Registration and Notification Act (SORNA) which comprehensively revises the national standards for sex offender registration and notification; and
- WHEREAS,** Prior to adoption of the SORNA, federal laws governing sex offender registration provided national standards for state sex offender registration programs, however there were no comparable provisions concerning sex offenders who are convicted in tribal courts or who enter the jurisdiction of Indian tribes following conviction in other jurisdictions and as a result there has been a lack of a consistent means for tribal authorities to be notified about sex offenders entering their jurisdictions, to track those offenders, or to make information about those offenders available to



members of tribal communities for the protection of themselves and their families; and

WHEREAS, The SORNA filled this gap by allowing Indian Tribes to participate in the national system of sex offender registration and notification programs by electing to function as a registration jurisdiction for tribes in non-Public Law 280 states; and

WHEREAS, Non-Public Law 280 Tribes who elect not to act as a registration jurisdiction can elect to delegate registration and notification functions to the state within which their jurisdiction lies provided that when a tribe delegates authority to a state the law grants the state a right of access to the Tribe's jurisdiction to implement SORNA on the Reservation; and

WHEREAS, that the Tribal Business Council pursuant to its constitutional authority and pursuant to the Sex Offender Registration and Notification Act of 2006 affirmatively elected to act as a registration jurisdiction on June 14, 2007 pursuant to TAT Resolution Number 07-107-VJB; and

WHEREAS, in 2005, prior to passage of SORNA the Tribal Business Council adopted the Three Affiliated Tribes Sex Offenders Registration and Notification Act as Title III Chapter 4 (E) of the Three Affiliated Tribes Law and Order Code, however said Act does not meet all of the requirements of the SORNA to become a registration jurisdiction and must be amended to meet those requirements; and

WHEREAS, Indian Tribes electing to become registration jurisdictions under SORNA have until July 27, 2011 to substantially implement the minimum standards required by SORNA or face delegation of this responsibility to the State with which the Tribe is located and one of the minimum standards is the adoption of a Tribal Code that meets the minimum requirements of the SORNA and the 2005 Tribal Sex Offender Registration and Notification Act does not meet those minimum standards and has been amended by the Legal Department to meet those requirements according to the Model Code developed by the SMART Office.

WHEREAS, The Tribal Business Council, pursuant to Resolution 11- 073 adopted Title III Chapter 4 (e) of the Tribal Law and Order Code entitled " Sex Offender Registration and Notification Act" on June 15th 2011 in order to substantially implement the requirements to become a registration jurisdiction under SORNA, However since that time the SMART office has implemented additional requirements for tribal sex offender codes and the Tribal Council agrees to adopt those requirements in order to become substantially implemented as a registration jurisdiction under SORNA; and



NOW THEREFORE BE IT RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes hereby adopts the attached Statute entitled “ Amended Three Affiliated Tribes Sex Offenders Registration and Notification Act”; and

BE IT FURTHER RESOLVED, that this Statute shall be adopted and codified into the Three Affiliated Tribes Tribal Criminal Code as Chapter 4 (E) of Title III.

BE IT FURTHERER RESOLVED that the adoption of this amended Code hereby repeals the prior Codes with the same Title adopted in 2005 and 2011.

BE IT FINALLY 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 and these code provisions shall take effect immediately upon adoption of this resolution

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CERTIFICATION

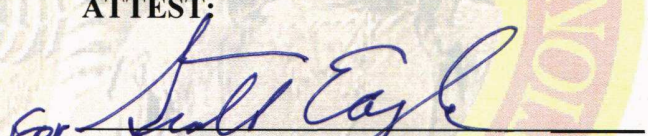
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 5 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 22nd day of February, 2012, 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. [X] Not Voting.

Dated this 22nd day of February, 2012.



Tribal Secretary V. Judy Brugh
Tribal Business Council
Three Affiliated Tribes

ATTEST:


Tribal Chairman Tex G. Hall
Tribal Business Council
Three Affiliated Tribes

