



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

A Resolution Entitled: “Approving the Human Trafficking Code (Loren’s Law).”

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 and By-laws of the Three Affiliated Tribes was adopted By the membership of the Tribes on May 15, 1936 pursuant to the Indian Reorganization Act of 1934 and duly approved by the Secretary of Interior, 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, Pursuant to the inherent sovereignty of the MHA Nation, the MHA Nation possesses the sovereign authority to establish practices on Tribal lands; and

WHEREAS, The Three Affiliated Tribes seeks to prevent human trafficking.

NOW THEREFORE BE IT RESOLVED, That the Tribal Business Council approves the Human Trafficking Code (Loren’s Law).

(Certification page to follow)

Loren's Laws

Article _____

Section _____

Human Trafficking

Definitions

a. Human Trafficking is defined as either sex or labor trafficking.

b. Debt bondage is defined as the status or condition of a debtor arising from a pledge by the debtor of the debtor's personal services or those of a person under the debtors control as a security for a debt, if the value of those services as a reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.

c. Forced labor or services is defined as labor or services that are performed or provided by another individual and are obtained or maintained through any one or more of the following:

- 1) Threat, either implicit or explicit, scheme, plan, or pattern, or other action intended to cause the victim to believe that if they did not perform or provide the labor or services, that the victim or another individual would suffer bodily harm or physical restraint; that any fact tending or alleged fact tending to cause shame or to subject any person to hatred, contempt, or ridicule would be exposed.
- 2) Physically restraining or threatening to physically restrain a person;
- 3) Abuse or threatened abuse of the legal process;
- 4) Knowingly destroying, concealing, confiscating, removing or possessing any actual or purported passport or other immigration document;
- 5) Knowingly destroying, concealing, confiscating, removing, or possessing any actual or purported domestic documents such as driver's license, social security card, birth certificate, or legal documents proving identity or citizenship;
- 6) Use of blackmail.

d. Slavery is defined as controlling a person through force, fraud, or coercion to exploit said person.

e. Minor is defined as any persons under the age of 18.

f. Prostitution is defined as the performance for hire, or offering or agreeing to perform for hire, where there is an exchange of anything of value, or an offer to exchange anything of value for any of the following acts:

1. Sexual intercourse; or
2. Sexual contact.

g. Sexual intercourse is defined as vaginal intercourse, anal intercourse, fellatio or cunnilingus between persons regardless of sex. Penetration, however slight, is sufficient to complete vaginal intercourse, anal intercourse or fellatio and does not require emission of semen. Penetration may be committed by an object manipulated by the actor into the genital or anal opening of the complainant's body.

h. Sexual contact is 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 desire of any person.

i. John/Jane Doe is defined as a defendant/suspect whose identity is unknown.

j. Traditional restitution is defined as any customary or traditional compensation, as determined by judicial notice, as part of a custom-law finding of a tribal judge following custom-law finding hearing; or as directed by a formally established custom law advisory board and certified to the sitting judge.

k. Victim restitution is defined as any payment of victim's documented cost for medical treatment, counseling, substance abuse treatment, or any financial damage caused by the act of human trafficking regardless of the race of the victim.

Labor Trafficking

The recruitment, transportation, transfer, harboring, enticement, provision, obtaining, or receipt of a person by any means (including electronic/telephonic), for the purpose of debt bondage, forced labor or services, slavery or practices similar to slavery. A person is guilty of labor trafficking if the individual commits or benefits from any one or more of the following;

- 1) Benefits financially or receives anything of value from knowing participation in the labor trafficking, knowing or having reason to know it is derived from an act of labor trafficking, or;
- 2) Promotes, recruits, entices, harbors, transports, provides or obtains by any means another person knowing that person may be subjected to labor trafficking; or
- 3) Attempts or conspires or has the intent to promote, recruit, entice harbor, transport, provide or obtain by any means another person knowing that person may be subjected to labor trafficking.

Labor Trafficking of a Minor

The recruitment, transportation, transfer, harboring, enticement, provision, obtaining, or receipt of a person under the age of 18 by any means (including electronic/telephonic), for the purpose of debt bondage, forced labor, or services, slavery or practices similar to slavery. A person is guilty of labor trafficking of a minor if the individual commits or benefits from one or more of the following:

- 1) Benefits financially or receives anything of value from knowing participation in the labor trafficking of a minor, knowing or having reason to know it is derived from an act of labor trafficking of a minor.
- 2) Promotes, recruits, entices, harbors, transports, provides or obtains by any means another person under the age of 18, knowing that person will be subjected to labor trafficking.
- 3) Attempts or conspires, or has the intent to promote, recruit, entice, harbor, transport, provide or obtain by any means another person under the age of 18, knowing that person may be subjected to labor trafficking.

There is no limitation on the time in which a charge may be filed or prosecution may commence for any offense under Loren's Law involving a victim who is under 18 years of age at the time of alleged offense.

The Tribe shall file a criminal complaint against a "John/Jane Doe" where there is physical evidence (forensic interview/examination, DNA, fingerprints, false name given, etc) that a child is a victim of a human trafficking crime but where the perpetrator is unknown.

Sex Trafficking

The recruitment, transportation, transfer, harboring, enticement, providing, obtaining, or receipt of any sexual act (sexual intercourse or contact) from a person over the age of 18 by any means (including electronic/telephonic), for the purpose of prostitution or practices similar to prostitution. A person is guilty of sex trafficking if the individual commits or benefits from any one or more of the following:

- 1) Benefits financially or receives anything of value from knowing participation in the sex trafficking of a person over the age of 18, knowing or having reason to know it is derived from an act of sex trafficking.
- 2) Promotes, recruits, entices, harbors, transports, provides or obtains by any means another person over the age of 18, knowing that person may be subjected to sex trafficking.
- 3) Attempts or conspires, or has the intent to promote, recruit, entice harbor, transport, provide or obtain by any means another person over the age of 18, knowing that person will be subjected to sex trafficking.

Sex Trafficking of a Minor

The recruitment, transportation, transfer, harboring, enticement, providing, obtaining, or receipt of any sexual act (sexual intercourse, or contact) from a person under the age of 18 by any means (including electronic/telephonic), for the purpose of prostitution or practices similar to prostitution. A person is guilty of sex trafficking if the individual commits or benefits from any one or more of the following:

- 4) Benefits financially or receives anything of value from knowing participation in the sex trafficking of a person under the age of 18, knowing or having reason to know it is derived from an act of sex trafficking.
- 5) Promotes, recruits, entices, harbors, transports, provides or obtains by any means another person over the under of 18, knowing that person may be subjected to sex trafficking.
- 6) Attempts or conspires, or has the intent to promote, recruit, entice harbor, transport, provide or obtain by any means another person under the age of 18, knowing that person will be subjected to sex trafficking.

There is no limitation on the time in which a charge may be filed or prosecution may commence for any offense under Loren's Law involving a victim who is under 18 years of age at the time of alleged offense.

The Tribe shall file a criminal complaint against a "John/Jane Doe" where there is physical evidence (forensic interview/examination, DNA, fingerprints, false name given, etc) that a child is a victim of a human trafficking crime but where the perpetrator is unknown.

Penalties and Sentencing

- A. Upon Conviction of any offense under Loren's Law, the Court may sentence the defendant to (sentences shall run consecutively):

Imprisonment for up to 365 days, but no less than 150 days;
A fine of five thousand dollars (\$5,000.00);
Banishment

The Court may also additionally sentence the defendant to any one or more of the following:

Probation, up to five years in duration;
Loss of firearm privileges;
Substance abuse treatment;
No Contact Order;
Loss of business license;
Payment to a Child Advocacy Center;
Victim restitution;
Traditional restitution;
Loss of hunting/fishing privileges;
Diversion of per capita payments; and/or
Sex Offender registry.

Violations of the provisions of Loren's Law shall be subject to prosecution under both Tribal and Federal jurisdictions.

Treatment

- A. Upon the defendant's guilty plea or conviction of a violation of any offense under Loren's Law, the Judge may order an assessment of the defendant by a probation officer or other qualified service provider to ascertain a correct treatment plan for the defendant. If the victim was a minor, the Judge shall order an assessment of the defendant by a probation officer or other qualified service provider to ascertain a correct treatment plan for the defendant.
- B. Upon the recommendation by the probation officer or other qualified assessment personnel, the court may order treatment, including but not limited to, substance abuse counseling, mental health, parenting, anger management, sexual offender treatment, or job training and make this order part of the defendant's probation or release. Failure to complete the term (s) of probation or release shall constitute probation or release violation and may subject the defendant to incarceration or other sanctions.

- C. Upon the defendant's guilty plea or conviction of a violation of any offense under Loren's Law, the Judge may order an assessment of the victim by a qualified service provider. The victim may choose to accept or deny the evaluation. Upon recommendations by a qualified service provider, treatment in the form of, but not limited to, substance abuse counseling, mental health, parenting, anger management, or job training may be ordered by the Court. All expenses incurred will be assessed as victim's restitution and will be the responsibility of the defendant to pay. Services shall be provided to the victim regardless of race.



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 5th day of December, 2014, 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 5th day of December, 2014.

ATTEST:



Executive Secretary: Ken Hall
Tribal Business Council
Three Affiliated Tribes



Chairman: Mark Fox
Tribal Business Council
Three Affiliated Tribes