

orig on 10/11

Resolution No. 79-244

RESOLUTION OF THE TRIBAL BUSINESS COUNCIL  
OF THE THREE AFFILIATED TRIBES OF THE  
FORT BERTHOLD RESERVATION

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and authority under said Act; and

WHEREAS, The Tribal Business Council on December 16, 1975, approved a revised Chapter 18 of the Tribal Code, relating to regulation of hunting, fishing, and recreation activities on the Reservation; and

WHEREAS, Chapter 18 provides for criminal fines and imprisonment for persons who violate the provisions of Chapter 18, Indians and non-Indians alike; and

WHEREAS, The recent case of Oliphant vs Suquamish Tribe in the U.S. Supreme Court held that Indian Tribes do not have criminal jurisdiction over non-Indians who violate tribal regulations on the Reservation; and

WHEREAS, the tribal attorney advises that the Tribes do have civil jurisdiction over non-Indians on the Reservation, and the Tribal Business Council desires to enforce Chapter 18 to the extent permissible by civil remedies,

NOW, THEREFORE BE IT RESOLVED, that Chapter 18-7 is hereby amended to add the following:

18-7-4 Property unlawfully taken, transported, or used to be confiscated by certain game and fish officials-Procedure.

The Director, deputy Director, or any bonded game warden shall attach all wild birds, wild animals, or fish, or any part thereof, taken, killed, or possessed, or transported contrary to law, and shall seize all dogs, guns, swines, nets, boats, lights, automoniles, vehicles, instrumentalities, appliances, and devises unlawfully used, or held with intent to be unlawfully used, in pursuing, taking, or attempting to take, concealing, or disposing of wild birds, wild animals, or fish, or any part thereof. All property so seized shall be held subject to the order of the Tribal Court. When property is attached

the attaching officer shall bring the alleged offender before the Tribal Court for the purpose of determining disposition. In event the alleged offender desires an attorney, a reasonable time shall be given to secure counsel. If it is not feasible to bring the alleged offender immediately before the court, the property shall be seized or confiscated, <sup>unless</sup> the alleged offender gives adequate bond to the officer assuring appearance before the court when the matter comes up. The receipt shall contain the provisions of this section to advise the alleged offender of the law.

18-7-05 Game or fish packed or commingled with contraband to be confiscated.

If two or more animals, birds, or fish, or parts thereof, are packed, stored, or contained in the same shipment, bag, or other receptacle or are otherwise commingled, and one or more has been taken in violation of this title, the entire contents shall be confiscated.

18-7-06 Confiscated property-Courts having jurisdiction- When it may be sold.

The Tribal Court may order the sale of all birds, animals, or fish, or any part thereof, or other property which has been attached. This order may be entered only after a hearing duly had upon proper notice to the owner and after due and proper finding of the court that the property:

1. Was taken, killed, possessed, or being transported contrary to law by the person from whom it was seized.
2. Was being used in violation of this title at the time it was seized.
3. Had been used in violation of this title within six months previous to the time it was attached.

18-7-07 Who to sell confiscated property-Bills of Sale-Disposition of proceeds of sale

All attached property ordered sold shall be sold by the Game and Fish Department, or by any of his bonded appointees, for the highest price obtainable. On any such sale of animals, birds, or fish, or parts thereof, the seller shall issue to each purchaser a bill of sale on forms prepared and furnished by the Director. The sale proceeds, after the expense of the


of the seizure and sale is deducted, shall be remitted to the Director promptly by the person under whose authority and supervision the sale was made. The remittance shall be accompanied by a complete and certified report of the sale supported by proper vouchers covering all deductions made for expenses. This report shall be filed for record with the Director. The Director shall pay into Tribal Finance for credit to the game and fish fund all money received by him for these sales.

18-7-08 Confiscated perishable property may be sold without Court Order- Who may sell.

Perishable property attached pursuant to this chapter may be sold without a court order by the officer making the seizure for the highest price obtainable. The proceeds of such sale shall be deposited with the Tribal Court to await disposition by the Court.

#### C E R T I F I C A T I O N

The undersigned hereby certifies that the foregoing resolution was approved at a meeting of the Tribal Business Council duly noticed and convened with a proper quorum on the 14 day of June, 1979, by a vote of 7 in favor and 0 against.



Austin H. Gillette, Chairman  
Tribal Business Council



Tillie Walker, Secretary  
Tribal Business Council

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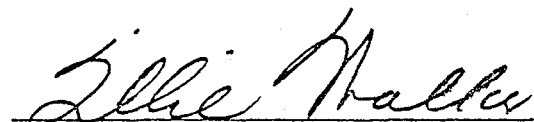
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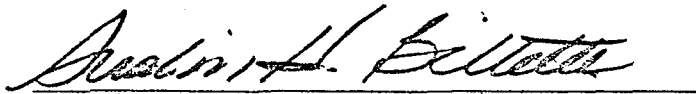
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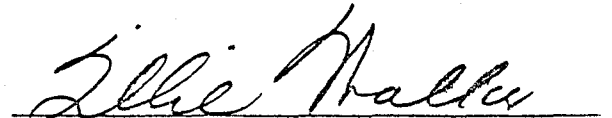
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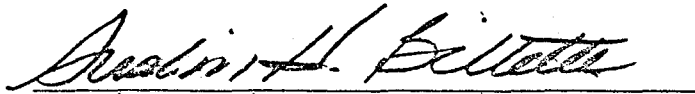
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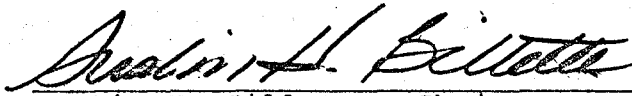
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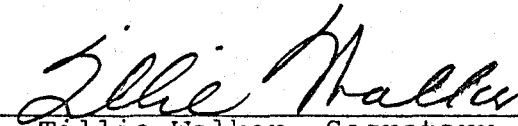
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