

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

- WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and
- WHEREAS, The Constitution of the Three Affiliated Tribes 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, The Constitution of the Three Affiliated Tribes generally authorizes and empowers the Tribal Business Council to enact legislation, including, but not limited to, criminal laws which shall have effect when applied to enrolled members and other Indians within the jurisdictional boundaries of the Three Affiliated Tribes; and
- WHEREAS, The present Criminal Code of the Three Affiliated Tribes does not provide for punishment of crimes committed by Indians on the Fort Berthold Indian Reservation to the maximum extent allowed by existing Federal law; and
- WHEREAS, The present Criminal Code of the Three Affiliated Tribes does not provide for any special penalties for persons whose actions cause, or are intended to cause, bodily injury to elected Tribal officials;
- NOW, THEREFORE, BE IT RESOLVED, That the Tribal Business Council hereby amends the Criminal Code of the Three Affiliated Tribes as stated on the attached amendments, a copy of which is attached hereto.

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

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, 7 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 8th day of February, 1996; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 6 members, 0 members opposed, 1 members abstained, 0 not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 8th day of February, 1996.

Section 110.4 of the Three Affiliated Tribes Criminal Code shall be amended as follows:

SECTION 110.4 Classification of Offenses - Penalties

1. Class A Misdemeanor, for which a maximum penalty of one year imprisonment, a fine of \$1,000, or both, may be imposed.
- ~~2.~~ Class I Misdemeanor, for which a maximum penalty of six months imprisonment, a fine of \$500, or both, may be imposed.
- ~~3.~~ Class II Misdemeanor, for which a maximum penalty of 90 days imprisonment, a fine of \$300. or both, may be imposed.
- ~~4.~~ Class III Misdemeanor, for which a maximum penalty of 30 days imprisonment, a fine of \$100, or both, may be imposed.

Section 220.1 of the Three Affiliated Tribes Criminal Code shall be amended as follows:

Article 2. Assault, Reckless Endangering:

SECTION 220.1 Simple Assault.

A person is guilty of assault if he:

- A. Attempts to cause or purposely, knowing, or recklessly causes bodily injury to another; or
- B. Negligently causes bodily injury to another with a deadly weapon; or
- C. Attempts by physical menace to put another in fear of imminent serious bodily injury.

Simple assault is a Class ~~II~~ Misdemeanor if he recklessly engages in conduct which places or may place another person in danger of death or serious bodily injury. Recklessness and danger shall be presumed where a person knowingly points a firearm at or in the direction of another, whether or not the actor believed the firearm to be loaded.

Simple assault is a Class A Misdemeanor if the victim is an elected tribal official. An elected tribal official is any person elected at any election held pursuant to the authority of the Three Affiliated Tribes.

Section 220.3 of the Three Affiliated Tribes Criminal Code shall be amended as follows:

SECTION 220.3 Assault and Battery

A person is guilty of a Class ~~IA~~ Misdemeanor if that person:

1. Willfully causes substantial bodily harm or injury to another human being; or
2. Negligently causes substantial bodily harm or injury to another human being by means of a firearm, destruction device, or other weapon, the use of which against a human being is likely to cause death or serious bodily injury.

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Daylon Spotted Bear
Secretary, Tribal Business Council

ATTEST:



Chairman, Tribal Business Council