

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

- WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and
- WHEREAS,** The Constitution and Bylaws of the Three Affiliated Tribes authorizes and empowers the Tribal Business Council to engage in activities for the welfare and benefit of the Tribe and of the enrolled members thereof; and
- WHEREAS,** The Three Affiliated Tribes Code of Laws protects the general welfare of the Three Affiliated Tribes Indian Community through the exercise of the police power of the Three Affiliated Tribes Law Enforcement Department; and
- WHEREAS,** The Code of Laws of the Three Affiliated Tribes is amended from time to time;

**NOW, THEREFORE BE IT RESOLVED,** That the Code of Laws of the Three Affiliated Tribes be amended to add the following Section:

1. Definitions: "Criminal Street Gang: means any group of three or more persons which engages in, or has its purpose to engaging, offenses which are proscribed within the Tribal Code.
2. Participating in or Assisting a Criminal Street Gang:  
A person commits to participating in a Criminal Gang by:
  - a. Intentionally organizing, managing, directing or supervising a Criminal Street Gang with the intent to promote or further the criminal objectives of the Criminal Street Gang; or
  - b. Knowingly enticing or inducing others to engage in violence or intimidating to promote or further the criminal objectives of a Criminal Street Gang; or
  - c. Furnishing advice or direction in the conduct, financing or management of a Criminal Street Gang's affairs with the intent to promote or further the criminal objectives of a Criminal Street Gang; or
  - d. Hiring, engaging or using a minor for any conduct preparatory to, or in completion of any offense in this section; or

- e. Committing any offense under the Tribal Code with the intent to promote or further the objectives of a Criminal Street Gang.

3. Evidence of Gang Membership: Evidence concerning indications of gang membership including gang related paraphernalia, tattoos, clothing or colors may be submitted into evidence in any case brought under this Section with proper foundation.

4. Sentencing: Any person who shall violate the provisions of this Section shall be deemed guilty of an offense and, upon conviction thereof (or other adjudication of guilt), shall be subject to detention for a period not to exceed 12 months, a fine not to exceed \$5000.00, and such other conditions as ordered by the court, with appropriate costs.

**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 Special Meeting, thereof duly called, noticed, convened, and held on the 14<sup>th</sup> day of May, 1997; that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 0 not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman: (Voting) (Not Voting)

Dated this 14<sup>th</sup> day of May, 1997.

Daylon Spotted Bear  
Secretary, Tribal Business Council

**ATTEST:**

Annis DeCoteau  
for Chairman, Tribal Business Council