


RESOLUTION NUMBER **TMBC14-12-22** OF THE DULY ELECTED AND CERTIFIED GOVERNING BODY OF THE TURTLE MOUNTAIN BAND OF CHIPPEWA INDIANS

- WHEREAS, the Turtle Mountain Band of Chippewa Indians, hereinafter referred to as the Tribe, is an unincorporated Band acting under a revised Constitution and By-Laws approved by the Secretary of the Interior on June 16th, 1959 and amendments thereto approved; and
- WHEREAS, Article IX (a) Section 1 of the Turtle Mountain Constitution and By-Laws empowers the Tribal Council with the authority to represent the Band and to negotiate with Federal, State, and Local Governments and with private persons; and
- WHEREAS, Article IX (a) Section 1 of the Turtle Mountain Constitution and Bylaws requires a 30-day comment period prior to the adoption of any ordinances or amendments to the Tribal Code, whether proposed by resolution or otherwise. Adoption must occur through a roll call vote of the Tribal Council at a publicly held meeting; and
- WHEREAS, the Tribe adopted the Law Enforcement Act of 2017 (Chapter 50.06) by Resolution No. TMBC448-08-17, to provide for public safety through proactive and responsive law enforcement services; and
- WHEREAS, the Tribe is amending Title 50, Chapter 50.06 Section 50.0615 to add the attached proposed amendments to Section 50.0615 of the Law Enforcement Act of 2017 and amend the title of Chapter 50.06 to DIVISION OF LAW ENFORCEMENT-THE LAW ENFORCEMENT ACT OF 2017; and
- WHEREAS, the Tribe, by Resolution No. TMBC1970-11-22, is approved a comment period for proposed amendments to the Law Enforcement Act of 2017 by adding to Title 50, Chapter 50.06 Section 50.0615 the attached proposed amendments and amend the title of Chapter 50.06 to DIVISION OF LAW ENFORCEMENT-THE LAW ENFORCEMENT ACT OF 2017 to provide for public safety through proactive and responsive law enforcement services; and to educate and serve the public and no comments were received; now
- THEREFORE BE IT RESOLVED that the Tribe is approving the amendments to Title 50 as presented and will codify the Tribal Code accordingly.

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

I, the undersigned Tribal Secretary of the Turtle Mountain Band of Chippewa Indians, do hereby certify that the Tribal Council is composed of **nine (9) members** of whom **eight (8)** constituting a quorum were present at a meeting duly called, convened and held on the **22nd day of December, 2022** that the foregoing resolution was adopted by an affirmative vote of **seven (7) in favor** – Representatives Ron Trottier, Sr., Jon Jon Keplin, Lynn Gourneau, Craig Lunday, Kenneth Malaterre, Elmer Davis, Jr. and Chad Counts, one (1) absent- Reprs. Blaine ‘Slugger’ Davis; none (0) opposed; none (0) absent; with the Tribal Chairman not voting.

() SIGNED INTO LAW/Dated this 29th day of December, 2022
() VETOED/Dated this _____ day of _____, 2022



Jolean A. Morin, Tribal Secretary



Jamie Azure, Tribal Chairman

Amendment to the Law Enforcement Act of 2017

Section 50.0615 shall be amended as follows:

Establishment, Responsibilities, and Regulation of the Criminal Investigations.

- (1) The Tribe may establish a Branch of Criminal Investigations which, under such interagency agreement as may be reached between the Tribe and appropriate Federal and State Agencies and subject to such guidelines as may be adopted and enforced, shall be responsible for the investigation, and presentation for prosecution, of cases involving violations of Sections 1152 to 1170 of Title 18 and, to wit:
 1. Felon in possession of a firearm (18 U.S.C. § 922(g)),
 2. Youth Handgun Safety Act (18 U.S.C. § 922(x) (2)),
 3. Possession of a firearm while subject to protective order 18 U.S.C. § 922(g) (8)),
 4. Interstate domestic violence - Crossing a state, foreign, or Indian country border (18 U.S.C. § 2261 (a) (1)),
 5. Interstate domestic violence - Causing the crossing of a state, foreign, or Indian Country border (18 U.S.C. § 2261 (a) (2)),
 6. Interstate violation of protective order - Crossing a state, foreign, or Indian country border (18 U.S.C. § 2262),
 7. Lacey Act violations (16 U.S.C. § 3371, et seq.),
 8. Archaeological Resource Protection Act violations (16 U.S.C. § 470ee),
 9. Controlled substances - Distribution or possession and Conspiracy, (21 U.S.C. §§ 841(a)(1), 844, and 846),
 10. Unauthorized taking of trees (18 U.S.C. § 1853),
 11. Unauthorized setting of fire (18 U.S.C. § 1855),
 12. Laundering of Monetary Instruments (18 U.S.C. § 1956),
 13. Assault of a Federal officer (18 U.S.C. § 111),
 14. Bribery of tribal official (18 U.S.C. § 666(a) (2)),
- (2) The Branch of Criminal Investigations shall not be primarily responsible for the routine law enforcement and police operations
- (3) The Branch of Criminal Investigation may utilize Federal Regulations applicable to BIA- OJS law enforcement or other Federal agency regulation to establish the necessary rules.
- (4) The-Division of Drug Enforcement (DDE) of the Branch of Criminal Investigation unit is established primarily responsible for enforcement of Tribal, Federal, and ND State narcotic trafficking laws and the crimes that accompany narcotic trafficking.
 - a. The DDE shall operate pursuant to professional regulation and policies;
 - b. The DDE shall be subject to the same professional standards and background check standards as required herein;
 - c. The DDE shall be authorized to exercise the authority of set forth in "Turtle Mountain Band of Chippewa Indians Police Department Authority and Responsibility," Section 50.0611 and "Authority of the Tribal Police Department," Section 50.0612, herein.