

RESOLUTION NUMBER **TMBC217-03-23** 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 is proposing revisions to Title 1, Criminal Procedure Code to provide for changes to complaints to add additional specificity; and

WHEREAS, the Tribe, by Resolution No. TMBC107-02-23, approved a 30 day public comment period for proposed revisions to Title 1, Criminal Procedure Code, and no comments were made; now

THEREFORE BE IT RESOLVED that the Tribe is approving revisions to the Tribal Code, Title 1, Criminal Procedure Code, as published in the comment period notice; and

BE IT FURTHER RESOLVED that the Tribal Code will be codified accordingly, to insert amendments to the Tribal Code, Title 1.

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 **seven (7)** constituting a quorum were present at a meeting duly called, convened and held on the on the **23rd day of March, 2023** that the foregoing resolution was adopted by an affirmative vote of **six (6) in favor** – Representatives Elmer Davis Jr., Blaine “Slugger” Davis, Craig Lunday, Kenneth Malaterre, Ron Trottier Sr. and Chad Counts; two (2) absent- Representatives Lynn Gourneau and Jon Jon Keplin; none (0) opposed; with the Chairman not voting.


Jolean A. Morin, Tribal Secretary **3/28/23**

() SIGNED INTO LAW/Dated this **28th** day of **Mar**, 2023

() VETOED/Dated this _____ day of _____, 2023


Jamie Azure, Tribal Chairman

1.0603 Contents of complaint; a complaint must contain.

1. the name of the jurisdiction where it is filed;
2. the names of the person(s), **government, or business(es)**, complained of, if the defendant(s) name is known, and if not, then such name(s) as may be given by the complainant;
3. a statement signed by the complainant attesting to the facts constituting the offense, in plain and concise language; and
4. the time and place of the commission of the offense, as near as may be ascertained.
5. **the general name and statute of the crime or public offense committed;**
6. **the person, government, or business against whom, or against whose property, the offense was committed, if known; and**
7. **if the offense is against the property of any person, government, or business, a general description of such property.**

1.0604 Filing of complaint.

1. The completed complaint must be filed by the Prosecutor with the Clerk of Court who shall mark thereon the date and time of the filing.
2. A completed complaint filed by a Bureau of Indian Affairs (BIA) or a Turtle Mountain Band of Chippewa Indians (TMBCI) Tribal Law Enforcement Officer with the Prosecutor must be accompanied by an initial report describing the incident and offense(s), unless it is a traffic offense not involving alcohol or drugs.
3. The Prosecutor has a duty to verify that each complaint and report meets the requirements of the Tribal Court, before filing it with the Clerk of Court.