

RESOLUTION NUMBER **TMBC218-03-23** 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 5, Children’s Code to provide for waiver into adult court for children who commit class 4 and 5 offenses and age out prior to federal review; and
- WHEREAS, the Tribe, by Resolution No. TMBC110-02-23, approved a 30 day public comment period for proposed revisions to Title 5, Children’s Code, and no comments were made; now
- THEREFORE BE IT RESOLVED that the Tribe is approving revisions to the Tribal Code, Title 5, Children’s 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 Title 5.

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 Craig Lunday, Ron Trottier, Sr., Elmer Davis Jr., Blaine “Slugger” Davis, Kenneth Malaterre 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 *March*, 2023
 VETOED/Dated this _____ day of _____, 2023


Jamie Azure, Tribal Chairman

5.0213 Transfer to adult court.

1. The Court may, at its discretion, allow prosecution of any delinquent juvenile fifteen (15) years or older in accordance with the laws of the Turtle Mountain Jurisdiction governing the commission of crimes within the jurisdiction of the Tribal Court. In such cases, the petition filed under this Code shall be dismissed, and or a criminal complaint shall be filed.

2. An individual at least eighteen years of age who committed either a class 4 or class 5 offense and/or a sexual crime while a child and was not adjudicated for the offense in juvenile court may be prosecuted in adult court as an adult, unless the Tribe intentionally delayed the prosecution to avoid juvenile court jurisdiction.