

PUBLIC NOTICE.COMMENT PERIOD.TITLE 38 (August,  
2024)

The Tribe is proposing to amend Title 38 of the Turtle Mountain Tribal Code to change verbiage in section 38.02.060 and 38.02.280, as shown on the attached document:

1. Adding penalties to Section 38.02.060 Reckless Driving: Aggravated reckless driving; Penalty.
2. Adding penalties to Section 38.02.280 Fleeing or attempting to elude a peace officer; Penalty.
3. Enforcement of these penalties will be in effect on an emergency basis.

The proposed revisions to Title 38 are being placed out for a thirty (30) day comment period. If there are any questions, please forward them on this page.

Copies of the proposed code is available on the Tribal Records Dept Facebook page, at the Tribal Records Dept located in the Tribal Headquarters, on the website at: [www.tmchippewa.com](http://www.tmchippewa.com), or can be obtained in writing by request.

Written comments are to be submitted by mail to PO Box 900, Belcourt, ND 58316, by fax at 477-0916 or by email to [tribalrecordsdept@yahoo.com](mailto:tribalrecordsdept@yahoo.com). Please contact the Tribal Records Dept at 477-2602, 477-2677 or 477-2664 if there are any questions.

RESOLUTION NUMBER **TMBC1364-07-24** 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 16<sup>th</sup>, 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 VII 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, two provisions of the traffic code do not clearly state penalties for the offenses, specifically 38.0206 and 38.0228; and

WHEREAS, 38.0206 of the traffic code do not clearly differentiate between reckless driving and aggravated reckless driving; and

WHEREAS, in order to effectively administer the traffic code these provisions should have clear penalties; now

THEREFORE BE IT RESOLVED amendments to 38.02.060 shall be put out for 30-day comment to be amended to state:

Reckless Driving; Aggravated reckless driving; Penalty.

1. Any person shall be guilty of reckless driving if he or she drives a vehicle:
  - A. Recklessly in disregard of the rights or safety of others; or
  - B. Without due caution and circumspection and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or the property of another.
  - C. A person found guilty of reckless driving shall be subject to a penalty of a Class 3 offense as defined in Title 26.
2. Any person shall be guilty of aggravated reckless driving if he or she drives a vehicle:
  - A. Recklessly in disregard of the rights or safety of others and causes injury to property or person; or
  - B. Without due caution and circumspection and circumspection and at a speed or in a manner as to endanger or be likely to endanger any person or the property of another and cause injury to property or person.
  - C. A person found guilty of aggravated reckless driving shall be subject to a penalty of a Class 4 offense as defined in Title 26.

NOW THEREFORE BE IT FURTHER RESOLVED amendments to 38.02.280 shall be put out for 30-day comment to be amended to state:

38.02.280 Fleeing or attempting to elude a peace officer.

Any driver of a motor vehicle who willfully fails or refuses to bring the vehicle to a stop, or who otherwise flees or attempts to elude, in any manner, a pursuing police vehicle or peace officer, when given a visual or audible signal to bring the vehicle to a stop. A signal complies with this section if the signal is perceptible to the driver and:

1. If given from a vehicle, the signal is given by hand, voice, emergency light, or siren, and the stopping vehicle is appropriately marked showing it to be an official police vehicle; or
2. If not given from a vehicle, the signal is given by hand, voice, emergency light, or siren, and the officer is in uniform and prominently displays the officer's badge of office.

3. An individual found guilty fleeing or attempting to elude a peace officer is guilty of a Class 4 Offense as defined in Title 26.

NOW THEREFORE BE IT FURTHER RESOLVED the Tribe is approving 30-day comment period for amendments to traffic code 38.02.060 and 38.02.280. Enforcement of these penalties will be in effect on an emergency basis.

### CERTIFICATION

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 **30<sup>th</sup> day of July, 2024**, that the foregoing resolution was adopted by an affirmative vote of all **seven (7) in favor**-Representatives Lynn Gourneau, Craig Lunday, Jon Jon Keplin, Ron Trottier Sr., Elmer Davis Jr., Blaine "Slugger" Davis and Chad Counts; one (1) absent- Representative Kenneth Malaterre; none (0) opposed; with the Tribal Chairman not voting.

  
\_\_\_\_\_  
Joleen A. Morin, Tribal Secretary, 8/11/24

SIGNED INTO LAW/Dated this 5<sup>th</sup> day of August, 2024  
 VETOED/Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2024

  
\_\_\_\_\_  
Jamie Azure, Tribal Chairman