

**WHEREAS**, the Fort Peck Tribal Executive Board is the duly elected body representing the Assiniboine and Sioux Tribes of the Fort Peck Reservation and is empowered to act on behalf of the Tribes. All actions shall be adherent to provisions set forth in the 1960 Constitution and by-laws; and

**WHEREAS**, pursuant to Article VII, Section 5 –Governmental Powers of the Assiniboine & Sioux Tribes’ Constitution, the Tribal Executive Board has the power, subject to the review of the Secretary of the Interior, or her authorized representative, to promulgate criminal and civil codes or ordinances governing the conduct of the members of the Tribes and non-member Indians residing within the jurisdiction of the Tribes; and

**WHEREAS**, the Tribal Executive Board enacted the Violence Against Women Act (hereinafter “VAWA”) 2013’s Special Domestic Violence Criminal Jurisdiction (hereinafter “SDVCJ”) provision into the Fort Peck Tribes Comprehensive Code of Justice (hereinafter “CCOJ”) in 2015;

**WHEREAS**, Congress amended VAWA in 2022 to expand the Tribes’ Special Tribal Criminal Jurisdiction (hereinafter “STCJ”) over Non-Indians for additional covered crimes including stalking, sex trafficking, child violence, obstruction of justice, and assault against tribal justice personnel;

**WHEREAS**, the Tribal Executive Board intends to expand its criminal jurisdiction over Non-Indians through the enactment of the following attached legislation:


- 2 CCOJ 106-*Criminal Jurisdiction of the court.*
- 2 CCOJ 609-*Qualifications.*
- 2 CCOJ 613 -*Duties and policy guidelines.*
- 6 CCOJ 101-*Complaint.*
- 6 CCOJ 206-*Bail Schedule.*
- 6 CCOJ 401-*Arraignment.*
- 6 CCOJ 507-*Right to jury trial.*
- 7 CCOJ 249-*Special Tribal Criminal Offense.*
- 8 CCOJ 402-*Scope of regulation for temporary restraining order, Temporary Order of Protection.*
- 9 CCOJ 101- *Jurisdiction.*
- 9 CCOJ 201- *Taking a Youth into Custody Prior to a Court Hearing.*


**NOW THEREFORE BE IT RESOLVED**, the Tribal Executive Board hereby approves and authorizes amending the attached statues set forth herein to expand its criminal jurisdiction over non-Indians, to continue exercising the “STCJ” provision, and to be consistent with provisions set forth by VAWA 2022.

**BE IT FURTHER RESOLVED**, the attached statues will supersede any prior VAWA legislation.

**CERTIFICATION**

I, the undersigned Secretary/Accountant of the Tribal Executive Board of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, hereby certify that the Tribal Executive Board is composed of 12 voting members of whom 10 constituting a quorum were present at a Special Recessed meeting duly convened this 17th day of August 2023, and that the foregoing resolution was duly adopted at such meeting by the affirmative vote of:  
8 for, 0 opposed, 4 absent, and 0 not voting.

  
Secretary/Accountant

APPROVED:  
  
Chairman/Vice Chairman  
Fort Peck Tribal Executive Board

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Director, Rocky Mountain Region  
Bureau of Indian Affairs

**ATTACHMENTS:**

- 2 CCOJ 106
- 2 CCOJ 609
- 2 CCOJ 613
- 6 CCOJ 101
- 6 CCOJ 206
- 6 CCOJ 401
- 6 CCOJ 507
- 7 CCOJ 249
- 8 CCOJ 402
- 9 CCOJ 101
- 9 CCOJ 201

Title 2. Courts  
Chapter 1. The Fort Peck Tribal Court  
**Sec. 106. Criminal Jurisdiction of the  
Court.**

**Criminal Jurisdiction of the Court.**

(a) *Generally.* The Fort Peck Tribal Court is vested with jurisdiction to enforce all provisions of this Code, as amended from time to time, against any person violating the Code within the boundaries of the Indian Country of the Fort Peck Tribes’.

The Court is also vested with the power to impose protection orders against non-Indians in accordance with the provisions of this Code.

(b) *Criminal jurisdiction over non-Indian covered crimes of violence pursuant the Violence Against Women Reauthorization Act of 2022.* The Fort Peck Tribal Court is vested with jurisdiction to enforce all provisions of this Code against a non-Indian who has committed any authorized covered crimes by federal law against an Indian or covered non-Indian victim within the Fort Peck Tribes’ Indian Country, as further provided in Section 249.

(c) *Criminal jurisdiction over non-Indian protection order violations.* The Fort Peck Tribal Court is vested with criminal jurisdiction to enforce all provisions of this Code related to violations of protection orders against a non-Indian as identified in Section 106(b)(1) and who has violated a protection order within the Fort Peck Tribes’ Indian country provided the protected person is an Indian, and the following conditions are met:

- (1) The protection order was issued against the non-Indian,;
- (2) The protection order is consistent with 18 U.S.C. 2265(b),; and
- (3) The violation relates to that portion of the protection order that provides protection against violent or threatening acts or harassment against, sexual violence against, contact or communication with, or physical proximity to, the protected person.

(d) *In this section:*

- (1) *Crime of Violence-* The term “*crime of violence*” means—
  - (i) an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or

(ii) any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

- (2) *Indian Country-* The term “Indian Country” means “all land within the limits or under the authority of the Fort Peck Indian Reservation, including land located within the exterior boundaries of the Fort Peck Indian Reservation.”

Title 2: Courts  
Chapter 6: Tribal Court Prosecutor and Public  
Defender.

**Sec. 609. Qualifications.**

**Qualifications.**

(a) To be eligible to serve as Tribal public defender or assistant defender, a person shall:

- (1) Be at least 21 years of age;
- (2) Be of high moral character and integrity;
- (3) Not have been dishonorably discharged from the Armed Services;
- (4) Be physically able to carry out the duties of the office; and
- (5) Successfully completed, during their probationary period, a bar examination administered as prescribed by the Tribal Executive Board.

(b) A public defender who has a Juris Doctor degree from an ABA accredited law school, passed the Fort Peck Bar Exam, taken the oath of office and passed a background check, is sufficiently qualified under the Indian Civil Rights Act to represent a defendant imprisoned more than one year and any defendant charged under the Tribes' Special Tribal Criminal Jurisdiction.

Title 2. Courts  
Chapter 6: Tribal Court Prosecutor and Public Defender  
Sec. 613. **Duties and policy guidelines.**

**Duties and policy guidelines.**

*(a) Eligibility for Tribal Public Defender.*

- (1) The Tribal Court Judges may refer any individual, adult or juvenile, that meets the eligibility requirements to the Public Defender for representation.
- (2) For a Defendant to be granted a court-appointed public defender, the Court may consider, but is not limited to, the following factors to determine financial eligibility:
  - (a) Ability to make bond;
  - (b) Earning capacity and living expenses;
  - (c) Outstanding debts and liabilities;
  - (d) The number of dependents in the Defendant's family;
  - (e) The willingness and ability of the Defendant's family to assist the Defendant with attorney fees;
  - (f) Past and present financial history;
  - (g) Property owned; and
  - (h) Any other relevant considerations as determined by the Court.

(3) When a Defendant makes a request for a court-appointed public defender, an application and an Affidavit of Indigence shall be completed in written form and signed under oath. The initial determination of indigence shall be based on the Defendant's application and Affidavit of Indigence, which shall be filed in the case with the Tribal Court.

(4) A status of indigence is subject to change and the determination of indigence shall be continually subject to review by the Judge of the Tribal Court.

*(b) Priority of Appointment in Certain Cases.*

(1) Criminal: The Public Defender may assume representation for adult misdemeanor or felony offenses in which the defendant is facing potential imprisonment, including Class A misdemeanor and Felony offenses under the Fort Peck Comprehensive Code of Justice. The following cases shall have priority:

- (a) All felony cases
  - (b) Class A misdemeanors: abuse of child, neglect of child, statutory rape, stalking, sexual assault, simple assault, domestic abuse partner or family member assault, concealed weapon, driving under the influence, hindering law enforcement, criminal contempt, resisting, false imprisonment, abandonment of child, elder abuse, possession of explosives, use of dangerous weapons by children, unlawful possession of dangerous drugs, unlawful possession of toxic substances, drug paraphernalia, violation of temporary restraining order, resisting arrest, threats and other improper influences in official matters.
- (2) Non-priorities: The Public Defender will have discretion to represent the following charges based on current caseload, facts of the particular case, implications of representation, and potential sentence.
- (a) Class A Misdemeanors: aiding suicide, harboring a child, indecent exposure, criminal trespass, theft (less than \$100), criminal mischief (damage more than \$100), injury to public property (more than \$100), issuing bad checks (3rd or subsequent offense), forgery (less than \$100), violation of tribal permit or lease, void liens, unlawful

discharge of firearms, unlawful possession of liquor by someone under 21 (2nd or subsequent offense), unlawful sale or distribution of liquor to minor, contributing to the delinquency of a minor, unlawful distribution of tobacco to minor, unlawful possession of dangerous drugs, unlawful possession of toxic substances, interfering with elections, tampering with witnesses or informants, disorderly conduct, desecration of tribal flag, failure to support dependent persons, failure to send children to school, curfew, restaurants and itinerant restaurants, entering a closed area, driving without a license, reckless or careless driving, unlawful use of or tampering with a motor vehicle, driving in violation of an order of the court, mandatory financial responsibility.

(3) Juvenile and Family Law cases—The Public Defender will consider Juvenile and Family Law cases which are referred by a Judge, or at the Public Defenders’ discretion, but will not represent one tribal member against another tribal member, with priority given to cases involving potential civil rights violations within the scope of the Indian Civil Rights Act.

(4) Civil Cases: Other cases may be specially referred to the Public Defender by a Tribal Court Judge, subject to availability, time, and resources after fulfilling priorities listed below, or at the Public Defenders’ discretion.

(5) Conditions and Limitations:

(a) When there are simultaneous requests by opposing individuals that meet the income eligibility requirements, such as in the case of co-defendants, the Public Defender will represent the first individual to make a request or the first party referred by a judge.

(b) The Public Defender shall not represent any tribal member against another tribal member.

(c) **Service Delivery:**

(1) Any individual that meets the eligibility criteria may request the advice of the public defender before he/she pleads to the charge pursuant to CCOJ, Title 6, Ch. 4, Sec. 401(c)(2)(d).

(2) Individuals who have not been taken into custody and who desire representation for a criminal proceeding may contact the Public Defender’s Office to determine eligibility.

(3) An individual seeking representation must fill out an application and financial statement.

(4) The Public Defender will either accept or decline representation in a timely manner or notify the individual of reason for delay.

(5) The Public Defender shall not accept any applications for cases in which trial has been scheduled for two weeks or less from the date of the application.

(6) The Public Defender shall contact new clients as soon as possible after accepting their applications.

(d) **Code of Ethics.**

(1) The Public Defender shall adhere to the Fort Peck Tribal Court Code of Ethics for Attorneys and Lay Counselors of the Fort Peck Indian Reservation.

(e) **Referrals.**

(1) The Public Defender may maintain a list of local attorneys and lay advocates to refer fee generating cases for which the Public Defender has declined representation.

Title 6: Criminal Procedures  
Chapter 1: Complaint  
**Sec. 101. Complaint.**

**Complaint.**

(a) A complaint is the written statement of the essential facts charging that a named individual has committed a particular criminal offense. All criminal prosecutions shall be initiated by a complaint filed with the Court signed by the prosecutor and sworn to before a judge. All complaints initiated by the prosecutor shall be based on probable cause that the crime charged happened and that the defendant(s) committed the crime charged. A judge shall have the authority to demand the filing of an information by the prosecutor or to hold a preliminary hearing to determine whether lawful probable cause as to the crime exists, and whether the appropriate defendant(s) exist prior to the issuance of a summons or warrant for the arrest of the defendant(s).

(b) Complaints shall contain:

(1) A written statement of the violation describing in ordinary language the nature of the offense committed, including the time and place as nearly as may be ascertained. Statements or affidavits by persons having personal knowledge may be expressly referenced in and attached to the complaints.

(2) The name and description of the person(s) alleged to have committed the offense.

(3) A statement describing why the Court has personal jurisdiction of the defendant.

(4) A description of the offense charged.

(5) A statement of the maximum authorized penalty.

(6) The signature of the prosecutor sworn to before a judge.

(c) For purposes of crimes involving non-Indian special tribal criminal offenses, the complaint shall also allege, and the prosecution must prove beyond a reasonable doubt:

(1) That the defendant is a covered non-Indian.

(2) That the victim is Indian or a covered non-Indian victim.

(3) That the offense occurred within the Fort Peck Tribes' Indian country.

(d) For purposes of crimes involving non-Indian protection order violations, the complaint shall also allege, and the prosecution must prove beyond a reasonable doubt:

(1) That the defendant is a non-Indian,

(2) That the protection order was issued against the defendant,

(3) That the protected person is an Indian,

(4) That the violation occurred within the Fort Peck Tribes' Indian country,

(5) That the protection order is consistent with 18 U.S.C. 2265(b), and

(6) That the violation relates to that portion of the protection order that provides protection against violent or threatening acts or harassment against, sexual violence against, contact or communication with, or physical proximity to, or through a third party with the protected person.

(e) The Chief Judge may designate an individual or individuals who shall be available to assist persons in drawing up complaints and who shall screen them for sufficiency. Such complaints shall then be submitted without necessary delay to the prosecutor and, if he/she approves, to a judge to determine whether an arrest warrant or summons should be issued.

Title 6: Criminal Procedures  
Chapter 2: Arrests  
**Sec. 206. Bail schedule.**

**Bail schedule.**

(a) Annually, the Chief Judge will establish and post a schedule of bail for offenses. A person may not be released on bail without first appearing before a judge when the offense is:

- (1) Stalking; 7 CCOJ 224;
- (2) Partner and family member assault; 7 CCOJ 244;
- (3) Special tribal criminal offense; 7 CCOJ 249;
- (4) Violation of a Temporary Restraining Order, Temporary Order of Protection, Order of Protection; 7 CCOJ 427
- (5) Unlawful sale of dangerous drugs; 7 CCOJ 413;
- (6) Unlawful possession of dangerous drugs with intent to sell; 7 CCOJ 413-B;
- (7) Unlawful production or manufacture of dangerous drugs; 7 CCOJ 415;
- (8) Possession of firearm in drug related crimes; 7 CCOJ 415-B;
- (9) Unauthorized use, possession dispensing and acquisition of prescription drugs; 7 CCOJ 418;
- (10) Unlawful sale, use, abuse, possession of prescription medication; 7 CCOJ 418-A.
- (11) Any person detained for violating conditions of release.



Title 6: Criminal Procedures  
Chapter 4: Arraignment and Release  
**Sec. 401. Arraignment.**

**Arraignment.**

(b) Arraignment is the bringing of an accused before the Court, informing him/her of his/her rights and of the charges against him/her, receiving his/her plea, and setting conditions of pre-trial release as appropriate in accordance with this Code.

(c) Arraignment shall be held in open court without unnecessary delay after the accused is taken into custody and in no instance shall arraignment be later than the next regular session of Court. The accused shall not be in custody longer than 48 hours without a probable cause determination.

(d) Before an accused is required to plead to any criminal charges, the judge shall:

- (1) Read the complaint to the accused and determine that he/she understands the complaint and the section of the Tribal Code which he/she is charged with violating, including the maximum authorized penalty; and
- (2) Advise the accused that he/she has the right:
  - (A) To remain silent,
  - (B) To have a speedy and public trial where he/she has had sufficient time to prepare his/her defense is he/she pleads "not guilty",
  - (C) To be tried by a jury if the offense charged is punishable by imprisonment,
  - (D) To be represented by counsel at his/her expense, before he/she pleads to the charge, and
  - (E) To file a writ of habeas corpus in the United States District Court if the accused feels his/her rights have been violated.

(d) If the accused is arraigned pursuant to the Fort Peck Tribes Special Tribal Jurisdiction over non-Indians, the accused has the right to obtain counsel at the expense of the Fort Peck Tribes and the right to a reasonable continuance to obtain counsel. The right to appointed counsel continues through the appeals process at the discretion of defense counsel.

(e) If the arrest was without a warrant, and the defendant is to remain in custody, the judge shall also determine during arraignment whether there is probably cause to believe that an offense against Tribal law has been committed by the named accused.

(f) The judge shall call upon the defendant to plead to the charge:

- (1) If the accused pleads "not guilty" to the charge, the judge shall then set a pretrial or trial date and consider conditions for release prior to trial as provided in Section 402.
- (2) If the accused pleads "guilty" to the charge, the judge shall accept the plea only if the judge is satisfied that the plea is made voluntarily and the accused understands the consequences of the plea, including the rights which he/she is waiving by the plea. The judge may then impose sentence or defer sentencing for a reasonable time in order to obtain any information the judge deems necessary for the imposition of a just sentence.

The accused shall be afforded an opportunity to be heard by the Court prior to sentencing.

(3) If the accused refuses to plead, the judge shall enter a plea of "not guilty" on his/her behalf.

(4) Pursuant to the Fort Peck Tribes Special Tribal Criminal Jurisdiction, the accused will be provided in writing their right to file a habeas corpus petition and pursuant to 25 U.S.C. 1304(g), 1303.

- (A) Pursuant to 1304(f) the defendant may file a petition for writ of habeus corpus after sentencing.
- (B) Pursuant to 1304(f)(2)(A) the defendant exhausted all remedies available through the tribal court.

Title 6: Criminal Procedures  
Chapter 5: Trial Proceedings  
**Sec. 507. Right to jury trial.**

**Right to jury trial.**

- (a) Any person accused of a crime punishable by imprisonment shall be granted a jury trial, upon his/her request made in writing before or at the pretrial conference. Any person charged pursuant to 7 CCOJ 244 and/or 249 shall automatically have their case set for a jury trial.

A defendant waives his/her right to a jury trial if the defendant fails to appear at the scheduled jury trial. Waiver of the jury trial will result, without delay, in a bench trial in absentia for misdemeanor charges and a scheduled bench trial for felony charges. A jury shall consist of at least 6 members of the Reservation community selected at random from a list of eligible jurors prepared each year by the Court.

- (b) An eligible juror is an Indian person who has reached the age of 18 years, is of sound mind and discretion, has never been convicted of a felony, is not a member of the Tribal Executive Board, or a judge or justice, officer or employee of the Court or an employee of the Reservation police force or Reservation jail, and is not otherwise disqualified according to standards established by the Court.
- (1) Where the Tribes are exercising Special Tribal Criminal Jurisdiction under the Violence Against Women Reauthorization Act of 2022, an eligible juror is any resident within the boundaries of the Fort Peck Reservation of the age of 18 or over, regardless of race or tribal citizenship, is of sound mind and discretion, has never been convicted of a felony, is not a judge or justice, officer or employee of the Court or an employee of the Reservation police force or Reservation jail, and is not otherwise disqualified according to standards established by the Court.
- (c) A list of at least 21 resident Indian persons, and in the case of the Tribes exercising Special Tribal Criminal Jurisdiction, a list of at least 21 non-Indian residents of the Reservation, who are eligible for jury duty shall be prepared and maintained by the clerk.
- (d) Under the supervision of the presiding judge, a panel of jurors shall be drawn by lot from the jury list. A trial jury shall consist of 6 qualified jurors selected from a panel of 12 eligible persons taken from the jury list, none of whom has an interest in the case, or is related as spouse, parent, brother or sister to any of the parties or their attorneys. If the jury panel is exhausted before a sufficient number of jurors are selected for the trial jury, additional jurors shall be drawn by lot from the jury list for the panel until a trial jury is selected.
- (e) The judges of the Court shall have the power to issue subpoenas, through regular mail, to compel the attendance of members of the jury panel and of trial jurors. Subpoenas shall be signed by the judge issuing them.
- (f) The judge assigned to the case shall have the power to excuse persons from jury duty on account of sickness, disability or other good cause.
- (g) Each party may question members of the panel of prospective jurors for the purpose of selecting a trial jury.
- (h) In criminal cases, in addition to disqualifying jurors for cause as determined by the judge, the prosecution and the defendant, each side shall be entitled to 3 peremptory challenges without assigning any cause. Where there is more than one defendant, they

must join in a challenge before it can be made unless the Court, for due cause shown, shall permit otherwise, or shall permit each defendant to exercise 2 peremptory challenges.

- (i) Each member of the jury panel called to service and each juror who serves upon a jury shall be entitled to compensation at a rate paid to jurors by Roosevelt County, Montana, and may, in the discretion of the presiding judge, be allowed mileage at a rate to be fixed by the Court. All payments of per diem and mileage shall be supported by vouchers signed by the presiding judge. Such vouchers shall be paid in order of presentation, from available funds on deposit for the purpose.
- (j) The judge shall instruct the jury with regard to the applicable law and the jury shall decide all questions of fact on the basis of that law. At the close of evidence or at such earlier time during the trial as the judge directs, any party may file with the judge written instructions on the law which the party requests the judge to deliver orally to the jury. At the same time copies of such requests shall be furnished to the opposing party. The judge shall inform each party of his/her proposed action upon each request prior to the arguments to the jury, but the judge shall deliver his/her instructions to the jury after arguments are completed. No party may assign as error any portion of the judge's charge or any omission unless he/she makes his/her objection and reasons for it before the jury retires to consider its verdict. Opportunity shall be given to make the objection out of the hearing of the jury.
- (k) After deliberation in private, the jury in criminal cases shall return to the judge in open court a verdict of "Guilty" or "Not Guilty" with respect to each defendant. A verdict in criminal cases shall be rendered by a unanimous vote of the jury.

Title 7: Criminal Offenses  
Chapter 2: Crimes against persons  
**Section 249. Special tribal criminal offense.**

**Special tribal criminal offense.**

(a) *Purpose.* The Fort Peck Tribes elect to exercise Special Tribal Criminal Jurisdiction over the Indian Country of the Fort Peck Tribes, pursuant to their inherent tribal sovereignty and in conformity as a “participating tribe” under the Violence Against Women Act (VAWA) of 2022 as authorized by the United States Congress and codified at 25 U.S.C. § 1304.

(b) *Jurisdiction.* The Fort Peck Tribal Court is vested with “Special Tribal Criminal Jurisdiction” as defined within 25 U.S.C. § 1304, jurisdiction to enforce this section against any person who has committed an act of covered crimes of violence, as provided authorized by federal law and as further defined herein, against an Indian or covered non-Indian victim within the Indian country of the Assiniboine and Sioux Tribes.

(c) *Jurisdiction Limitation.* The Fort Peck Tribal Court shall not exercise special tribal criminal jurisdiction over an alleged offense other than obstruction of justice or violation of the protection of government officials, employees and law enforcement officers if neither the defendant nor the alleged victim is an Indian or the crime takes place outside the jurisdictional boundaries of the Fort Peck Tribes.

(d) *Definitions.*

(1) *Child.* —The term ‘*child*’ means a person who has not attained the lesser of—

(A) the age of 18; and

(B) except in the case of sexual abuse, the age specified by the criminal law of the Assiniboine and Sioux Tribes that has jurisdiction over the Indian country where the violation occurs

(2) *Covered Offense.* —The term “*covered crime of violence*” shall include: —

(A) Any offense of the criminal laws of the Fort Peck Tribes involving assault of government officials, employees, or law enforcement officers, including Obstructing Justice,; Hindering Law Enforcement, 7 CCOJ 424; Criminal Contempt, 7 CCOJ 426, and Resisting Arrest, 7 CCOJ 428;

(B) Any offense of the criminal laws of the Fort Peck Tribes involving child violence under Title 7, Section 240;

(C) Any offense of the criminal laws of the Fort Peck Tribes involving Partner or Family Member Assault, 7 CCOJ 244;

(D) Any offense of the criminal laws of the Fort Peck Tribes involving Sex Offenses under Title 7, Subchapter D;

(E) Any offense of the criminal laws of the Fort Peck Tribes involving Sex Trafficking under Title 7, Subchapter C;

(F) Any offense of the criminal laws of the Fort Peck Tribes involving Stalking, 7 CCOJ 224; or

(G) Any offense of the criminal laws of the Fort Peck Tribes involving Violation of an Order of Protection, 7 CCOJ 427.

(3) *Protection Order* - The term ‘*protection order*’—

(A) means any injunction, restraining order, or other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence against, contact or communication with, or physical proximity to, another

person; and

(B) includes any temporary or final order issued by a civil or criminal court, whether obtained by filing an independent action or as a Pendente lite order in another proceeding, if the civil or criminal order was issued in response to a complaint, petition, or motion filed by or on behalf of the person seeking protection.

(4) *Spouse or Intimate Partner* – The terms spouse or intimate partner has the meaning given the term in section 2266 of title 18, United States Code.

(5) *Indian Country*- The term “Indian Country” means “all land within the limits or under the authority of the Fort Peck Indian Reservation, including land located within the exterior boundaries of the Fort Peck Indian Reservation.

(6) *Crime of Violence*- The term “*crime of violence*” means—

(A) an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or

(B) any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

(e) *Penalties for Covered Offenses*; Every person who commits a Special Tribal Criminal Jurisdiction covered offense is punishable by imprisonment not exceeding three years or by fine not exceeding \$15,000, or both, for any 1 offense; or not to exceed a total penalty or punishment greater than a term of 9 years in any criminal proceeding as defined in 7 CCOJ 501 and 6 CCOJ 511 Domestic and dating violence include the offenses as stated in 7 CCOJ 244 as well as emotional abuse, controlling or domineering, intimidation, stalking, neglect or economic deprivation. Violation of a Protection Order includes any act where the protection order was issued against the defendant, the protection order is consistent with 18 U.S.C. 2265(b), and the violation relates to that portion of the protection order that provides protection against violent or threatening acts or harassment against, sexual violence against, contact or communication with, or physical proximity to, the protected person.

(f) *Rights of Defendants*. In any criminal proceeding in which Special Tribal Criminal Jurisdiction is exercised, the defendant shall be entitled to:

(1) all applicable rights under the Indian Civil Rights Act, 25 U.S.C.;

(2) if a term of imprisonment of any length may be imposed, the Tribal Court shall:

(A) provide to the defendant the right to effective assistance of counsel at least equal to that guaranteed by the United States Constitution; and

(B) at the expense of the Fort Peck tribal government, provide an indigent defendant the assistance of a defense attorney licensed to practice law by any jurisdiction in the United States that applies appropriate professional licensing standards and effectively ensures the competence and professional responsibility of its licensed attorneys;

(C) require that the judge presiding over the criminal proceeding has sufficient legal training to preside over criminal proceedings; and is licensed to practice law by any jurisdiction in the United States;

(D) prior to charging the defendant, make publicly available the criminal laws, rules of evidence, and rules of criminal procedure (including rules of governing the recusal of judges in appropriate circumstances) of the Fort Peck Tribes; and

(E) maintain a record of the criminal proceeding, including an audio or other recording of the trial proceeding.

(3) the right to a trial by an impartial jury that is drawn from sources that reflect a fair cross

section of the Fort Peck Reservation community; and do not systematically exclude any distinctive group in the community;

(4) timely notification, in writing, of the right to petition for a writ of habeas corpus in a court of the United States under section 25 U.S.C. 1303, and the right to petition that court to stay further detention pursuant to 25 U.S.C. 1304(e) and (f);

(5) all other rights whose protection is necessary under the Constitution of the United States in order for Congress to recognize and affirm the inherent power of the Fort Peck Tribes to exercise special tribal criminal jurisdiction over the defendant.

Title 8. Civil Procedures  
Chapter 4: Extraordinary Writs and Special Remedies  
**Sec. 402. Scope of Regulation for Temporary Restraining Order, Temporary Order of Protection, Order of Protection.**

**Scope of Regulation for Temporary Restraining Order, Temporary Order of Protection, Order of Protection.**

A Temporary Restraining Order, Temporary Order of Protection or Order of Protection can include

but is not limited to:

- (a) An order enjoining an abuser from threatening to commit or committing further acts of domestic or family violence;
- (b) An order to cease and desist from stalking behaviors;
- (c) An order removing an individual from a residence;
- (d) An order for a threatening person to stay away from the moving party's and the moving party's dependents' residence(s), school(s), work, place of worship, or any other specified localities.
- (e) An order of confiscation of any firearms or other weapons owned by a threatening individual;
- (f) An order granting the moving party sole possession of an automobile and/or other essential personal property;
- (g) An order allowing a one-time return to retrieve such essential personal property, accompanied by a police officer, and with a social worker if petitioner for this one time exception so desires, to a residence from which the one restrained is otherwise prohibited from being in or near. The sole purpose of such an allowance shall be to collect essential and highly valuable personal items of the petitioner and his/her dependents, such as clothing, jewelry, correspondence, and pictures of high sentimental meaning, legal documents, and prescription medications.
- (h) An order granting temporary custody of children to the moving party;
- (i) An order denying a threatening person rights of child visitation, or an order specifying arrangements for visitation, including requiring supervised visitation;
- (j) An order for a parent or custodian to pay child support;
- (k) An order that an individual pay certain costs and fees, such as rent or mortgage payments, medical expenses, expenses for shelter, court costs, and attorney fees.

(l) The Permanent orders of Protection shall include the following statement:

**CERIFICATE OF COMPLIANCE WITH THE VIOLENCE AGAINST WOMEN ACT:**

This protective order meets all full faith and credit requirements of the Violence Women's Act 18 U.S.C. 2265. This court has jurisdiction over the parties and the subject matter. The respondent was afforded notice or this order has been issues ex parte due to immediate danger and the respondent has been given an opportunity to be heard in a timely manner as provided by the law of this jurisdiction. THIS ORDER IS VALID AND ENTITLED TO ENFORCEMENT IN THIS AND ALL OTHER JURISDICTIONS UNDER FEDERAL FULL FAITH AND CREDIT LAWS. If you disobey this order the court may find you in contempt of court. You may also be arrested and prosecuted for the crime of interfering with judicial proceedings and any other crime you may have committed in disobeying this order.

**WARNING: POSSESSION OF A FIREARM OR AMMUNITION BY RESPONDENT WHILE THIS ORDER IS IN EFFECT MAY BE PROHIBITED UNDER FEDERAL OR STATE LAW.**



**WARNING: ONLY THE COURT HAS THE POWER TO CHANGE THESE CONDITIONS REGARDLESS OF THE CONSENT OF THE PROTECTED PARTY.**

Attachment 8 CCOJ 402 for **RESOLUTION** #31-2228-2023-08

Title 9: Youth Court  
Chapter 1: General Provisions  
**Sec. 101. Jurisdiction.**

**Jurisdiction.**

(a) The Fort Peck Tribal Court, Youth Division, shall have exclusive jurisdiction over all matters involving Indian youth covered by this Title provided all other elements of jurisdiction are met.

(b) A properly served parent, custodian or guardian of the Indian youth shall be present at any and all hearings initiated under this Title.

(c) Pursuant to 2 CCOJ 106, the Fort Peck Tribal Court, Youth Division, shall have jurisdiction over a non-Indian youth charged with a Special Tribal Criminal Offense under 7 CCOJ 249, 244.

(d) A properly served parent, custodian or guardian of a non-Indian youth shall be present at any and all hearings initiated pursuant to subsection (c) of this Section.

Title 9. Youth Code  
Chapter 2. Youth Offender  
**Sec. 201. Taking a Youth into Custody Prior to a Court Hearing.**

**Taking a Youth into Custody Prior to a Court Hearing.**

(a) Taking a Youth into secured custody/detention. Any law enforcement officer and/or juvenile officer, who has probable cause to believe a youth is a delinquent youth and either

- (1) Is likely to commit other delinquent acts, unless detained, or
- (2) Poses an immediate threat to his/her own welfare or to the community, may take the youth into secured detention. If such action is taken, the law enforcement officer and/or juvenile officer shall charge the youth, place the youth in a secured facility for delinquent youth and promptly notify the parent(s), legal guardian, or custodian or an extended family member if parent(s), legal guardian or custodian cannot be located, of why the youth has been taken to a detention facility, the charge(s) alleged and where the youth is being detained. After notification and a written promise to bring the youth to Court at the designated time and place, the youth may be released to one of the above listed responsible adults.

(b) Youth in need of supervision. Any law enforcement officer, and/or juvenile officer who has probable cause to believe a youth is a youth in need of supervision may issue a citation to the youth and temporarily place the youth into custody until such time as the parent(s), legal guardian or custodian can be located and the youth placed back into the home. In the event the parent(s), legal guardian or custodian cannot be located within a reasonable time, the law enforcement officer and/or juvenile officer shall notify an extended family member. In no event shall a youth in need of supervision be placed in a facility for delinquent youth without an Order of the Court. The taking of a youth in need of supervision into custody, or the taking into detention of a delinquent youth who is not thereafter charged with an offense under this section is not an arrest nor does it constitute a police record.

(c) Rights of youth offender. Any youth who is taken into secured custody/detention by a law enforcement and/or juvenile officer shall be afforded the same rights as an adult in the reading of their Tribal rights. A youth's rights shall consist of the following:

- (1) The right to remain silent;
- (2) The right to the presence of his/her parent, guardian, legal custodian and/or counsel during questioning, and;
- (3) A right to an advocate or attorney at his/her own expense or as provided by his/her parent, guardian or custodian. Anything the youth says after the foregoing rights have been read can be used against the youth in Court.
- (4) Any youth charged under 7 CCOJ 249, 244 shall have all the rights set out in 7 CCOJ 249.

(d) Duties of law enforcement officers and/or juvenile officers. If a youth is taken into secured custody/detention and not released to his/her parent(s), legal guardian or custodian, the person taking the youth into secured custody/detention shall immediately attempt to notify the youth's parent(s), legal guardian or custodian. All reasonable efforts shall be made to advise the parent(s), legal guardian or custodian of the reason for taking the youth into secured custody/detention and the place of continued secured custody/detention. Reasonable efforts shall include telephone and personal contacts at the home or place of employment or other location where the person is known to frequent. If notification cannot be provided to the youth's parent(s), legal guardian or custodian, the notice shall be given to an extended family member.

(e) In no event shall a youth be kept in secured custody/detention without a Court order for more than 48 hours, except

- (1) As otherwise provided in Section 202, or
- (2) If an initial hearing is held pursuant to Section 303.



**WHEREAS**, the Fort Peck Tribal Executive Board is the duly elected body representing the Assiniboine and Sioux Tribes of the Fort Peck Reservation and is empowered to act on behalf of the Tribes. All actions shall be adherent to provisions set forth in the 1960 Constitution and by-laws; and

**WHEREAS**, pursuant to Article VII, Section 5 –Governmental Powers of the Assiniboine & Sioux Tribes’ Constitution, the Tribal Executive Board has the power, subject to the review of the Secretary of the Interior, or her authorized representative, to promulgate criminal and civil codes or ordinances governing the conduct of the members of the Tribes and non-member Indians residing within the jurisdiction of the Tribes; and

**WHEREAS**, the Tribal Executive Board supports the safety and protection of all victims of partner or family member assault and family violence; and

**WHEREAS**, the Tribal Executive Board finds that the language in the current laws set out in Title 7. *Criminal offenses*, Chapter 2. *Crimes against persons*, Subchapter F: *Crimes against the family* of the Comprehensive Code of Justice (hereinafter “CCOJ”) are not adequate in providing a thorough and updated approach to combatting partner or family member assault, and family violence; and

**WHEREAS**, the Tribal Executive Board finds that it is appropriate to amend the following laws in the Title 7. *Criminal offenses*, Chapter 2. *Crimes against persons*, Subchapter F: *Crimes against the family* of the CCOJ as set forth in the attached documents;

7 CCOJ 224-*Stalking*.

7 CCOJ 233-*Intimidation, bullying, harassment*.

7 CCOJ 244- *Partner or Family Member Assault*.

7 CCOJ 246- *Enhanced punishment for offenses in conjunction with partner or family member assault*.


7 CCOJ 247-*Victim’s Rights*.

7 CCOJ 248- *Determination by law enforcement officer of primary aggressor and the power to arrest*.

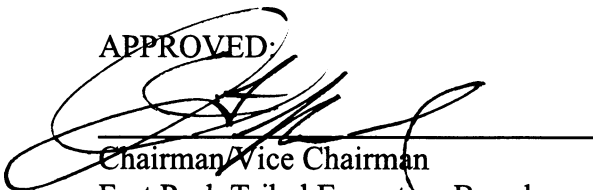
**NOW THEREFORE BE IT RESOLVED**, that the Fort Peck Tribal Executive Board does hereby amend 7 CCOJ 224, 233, 244, 246, 247, and 248 as set forth in the attached documents.

**CERTIFICATION**

I, the undersigned Secretary/Accountant of the Tribal Executive Board of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, hereby certify that the Tribal Executive Board is composed of 12 voting members of whom 10 constituting a quorum were present at a Special recessed meeting duly convened this 17th day of August 2023, and that the foregoing resolution was duly adopted at such meeting by the affirmative vote of:  
8 for, 0 opposed, 4 absent, and 0 not voting.

  
Secretary/Accountant

APPROVED:

  
Chairman/Vice Chairman  
Fort Peck Tribal Executive Board

\_\_\_\_\_  
Director, Rocky Mountain Region  
Bureau of Indian Affairs

**ATTACHMENTS:**

- 7 CCOJ 224
- 7 CCOJ 233
- 7 CCOJ 244
- 7 CCOJ 246
- 7 CCOJ 247
- 7 CCOJ 248

Title 7: Criminal Offenses  
Chapter 2: Crimes Against Persons  
Subchapter C. Sexual Offenses  
**Sec. 224. Stalking.**

**Stalking.**

(a) A person commits the offense of stalking if the person intentionally causes another person substantial emotional distress, fearing for the safety of self and others, or reasonable apprehension of bodily injury or death by repeatedly:

(1) Following the stalked person, or persons defined in 7 CCOJ 244.

(2) Harassing, threatening, or intimidating the stalked person: in person or by third party; by electronic communication or monitoring; or by mail; or by other action, devise or method.

(b) Stalking is a Class A misdemeanor. A person convicted of stalking may be sentenced to pay all medical, counseling, and other costs incurred by or on behalf of the victim as a result of the offense.

(c) Upon presentation of credible evidence of a violation of this section, an order may be granted restraining a person from engaging in the activity described in subsection (a).

(d) Attempts by the accused person to contact or follow the stalked person after the accused person has been given actual notice that the stalked person does not want to be contacted or followed constitutes prima facie evidence that the accused person intentionally followed, harassed, threatened, or intimidated the stalked person.

**(AMENDED AS PER RESOLUTION NO. 2303-94-11, DATED 11/21/1994; AMENDED AS PER RESOLUTION NO. 25-2166-2011-05; DATED 05/23/2011.)**



Title 7 – Criminal Offenses  
Chapter 2. Crimes Against Persons  
Subchapter D. Assault and Related Offenses  
**Sec. 233. Intimidation, bullying, harassment.**

**Intimidation, bullying, harassment.**

- (a) A person commits the offense of intimidation when, with the purpose to cause another to perform or to omit the performance of any act, he/or she communicates to another, under circumstances which reasonably tend to produce a fear that it will be carried out, a threat to perform without lawful authority any of the following acts:
  - (1) Inflict physical harm on the person threatened or any other person;
  - (2) Subject any person to physical confinement or restraint; or
  - (3) Commit any felony.
- (b) A person commits the offense of intimidation if he/or she intentionally communicates a threat or false report of a pending fire, explosion, or disaster which would endanger life or property.
- (c) A person is guilty of bullying or harassment when a person by means of any persistent threatening, insulting, or demeaning gesture or physical conduct, including any intentional written, verbal, or electronic communication (as defined in 7 CCOJ 408) or threat directed at a person that causes a person physical harm, damages a person's property, or places a person in reasonable fear of harm to the person or the person's property. This bullying or harassment or intimidation includes retaliation against a victim or witness who reports information about an act of bullying, harassment or intimidation.
- (d) Conviction under this Section is a Class B misdemeanor for the first offense and a Class A misdemeanor for the second and subsequent offenses.

If any of the actions listed in subsection

- (c) result in serious bodily injury, attempted suicide or suicide of the victim, the perpetrator(s) will be charged with a felony.

**(AMENDED AS PER RESOLUTION NO. 26-1329-2012-08; DATED 8/27/2012.)**

Title 7 – Criminal Offenses  
Chapter 2. Crimes Against Persons  
Subchapter F. Crimes Against the Family  
**Sec. 244. Partner or Family Member Assault.**

**Partner or Family Member Assault.**

- (a) A person commits the offense of partner or family member assault if the person:
  - (1) intentionally causes bodily injury to a partner or family member;
  - (2) negligently causes bodily injury to a partner or family member with a weapon; or
  - (3) intentionally causes reasonable apprehension of bodily injury in a partner or family member.
- (b) For the purpose of this section, the following definitions apply:
  - (1) Family member means mothers, fathers, children, brothers, sisters, and other past or present family members of a household. These relationships include relationships created by adoption and remarriage, including stepchildren, stepparents, in-laws, and adoptive children and parents. These relationships continue regardless of the ages of the parties and whether the parties reside in the same household.
  - (2) Partners means spouses, former spouses, persons similarly situated to a spouse, persons who have a child in common, and persons who have been or are currently in a dating or ongoing intimate relationship.
- (c) Partner and family member assault is a Class A misdemeanor for the first offense and a felony for the second and subsequent offenses.
- (d) Those arrested and charged under this section shall not be released from custody except at arraignment as described in 6 CCOJ 402.

**(AMENDED AS PER RESOLUTION NO. 28-1581-2017-02, DATED 2/14/2017)**

Title 7 – Criminal Offenses  
Chapter 2: Crimes against persons  
Subchapter F: Crimes Against the Family  
**Sec. 246. Enhanced punishment for offenses in conjunction with partner or family member assault.**

**Enhanced punishment for offenses in conjunction with partner or family member assault.**

(a) If someone convicted under 7 CCOJ 244, is also convicted of any of the following acts and the acts are done at or very near to the same time as the incident of abuse for which the defendant was convicted, then the defendant shall be considered to have committed a felony.

*Very near to the same time* shall be defined as within 24 hours of the Partner or family member assault. The acts are:

- (1) Assault Offenses; Aggravated assault, Simple assault, Intimidation;
- (2) Criminal trespass
- (3) Criminal mischief
- (4) Stalking;
- (5) Theft;
- (6) Carrying a concealed dangerous weapon, Unlawful discharge of firearms;
- (7) Abuse of a child, Neglect of a child, Abandonment of a child.

(b) If the Tribal Prosecutor intends to seek this enhanced punishment, the Tribal Prosecutor shall file notice of this intention in the charging document.

**(AMENDED AS PER RESOLUTION NO. 26-1202-2012-08; 28-1581-2017-02, DATED 2/14/2017.)**

Title 7 – Criminal Offenses  
Chapter 2: Crimes against persons  
Subchapter F: Crimes against the family  
Sec. 247. **Victim Rights.**

**Victim Rights.**

- (a) A victim of a crime under this section shall have the following rights:
- (1) To be treated with fairness, respect, and dignity and to be reasonably protected from intimidation, harassment, or abuse throughout the criminal justice process;
  - (2) To be informed of financial assistance and other social services available as a result of being a victim, including information on how to apply for the assistance and services;
  - (3) To be informed of the procedures to be followed in order to apply for and receive any restitution to which the victim is entitled;
  - (4) To be informed of all hearing dates;
  - (5) To be present at all hearings and at sentencing of the Defendant, unless prohibited by the rules of evidence or other applicable law;
  - (6) To be heard at any proceeding involving the Defendant's release or sentencing.
- (b) The Tribal Prosecutor shall make reasonable efforts to notify a victim of a crime under this section when the Tribal Prosecutor has decided to:
- (1) Decline the prosecution of the crime involving the victim;
  - (2) Release of the accused pending judicial proceedings;
  - (3) Withdraw the criminal charges filed against the accused; or
  - (4) Enter into a plea agreement with the accused.
- (c) The Tribal Prosecutor shall ensure the victim is notified of their rights herein.
- (d) *Law Enforcement Duties to Victim of Partner or Family Member Assault.*
- (1) *Notice of Rights.* A law enforcement officer who responds to an incidence of domestic violence, partner or family member assault is expected to provide a written report, regardless if an arrest has been made. The law enforcement officer shall further provide the alleged victim with the following Notice of Rights:  
"As a victim of partner or family member assault, you have certain rights. These rights are as follows:  
(A) The right to request that charges be pressed against your assailant;  
(B) The right to request protection from any harm or threat of harm arising out of your cooperation with law enforcement and prosecution efforts as far as facilities are available and to be provided with information on the level of protection available; and  
(C) The right to be informed of financial assistance and other social services available as a result of being a victim, including information on how to apply for the assistance and services."  
(D) The right to be informed of financial assistance and other social services available as a result of being a victim, including information on how to apply for the assistance and services."
  - (2) *Emergency Temporary Order of Protection.* When the court is not open for business, the victim of an offense under this section may request a petition for an emergency temporary order of protection. The law enforcement officer making the preliminary investigation shall:
    - (A). Provide the victim with a form petition for an emergency temporary order of

protection and, if necessary, assist the victim in completing the petition form. The petition shall be in substantially the same form as a temporary order of protection provided in CCOJ Sec. 401-A.

(B) Immediately notify by telephone or otherwise, a tribal judge of the request for an emergency temporary order of protection and describe the circumstances. The judge shall inform the peace officer of the decision to approve or disapprove the emergency temporary order.

(C) Immediately inform the victim whether the judge has approved or disapproved the emergency temporary order. If an emergency temporary order has been approved, the officer shall provide the victim, or a responsible adult if the victim is a minor child or an incompetent person, with a copy of the petition and a written statement signed by the officer attesting that the Judge has approved the emergency temporary order of protection and notify the victim that the emergency temporary order shall be effective only until the close of business on the next day that the Court is open for business.

(D) Notify the person subject to the emergency temporary order of protection of the issuance and conditions of the order. Notification pursuant to this Paragraph may be made personally by the officer or in writing. A copy of the petition and the statement of the officer attesting to the order of the Judge shall be made available to such person; and

(E) File a copy of the petition and statement of the officer with the Court immediately upon the opening of the Court on the next day it is open for business.

**(AMENDED AS PER RESOLUTION NOS. 1251-88-9; DATED 09/12/88; 28-1581-2017-02, DATED 2/14/2017; 29-989-2018-10; DATED 10/08/2018.)**

Title 7 – Criminal Offenses  
Chapter 2: Crimes against persons  
Subchapter F: Crimes against the family  
**Sec. 248. Determination by law enforcement officer of primary aggressor and the power to arrest.**

**Determination by law enforcement officer of primary aggressor and the power to arrest.**

- (a) If a law enforcement officer has probable cause [defined in 6 CCOJ 201(c)] to believe a person has committed an offense of partner or family member assault, as per Section 244 and/or 249 of this Title, whether the offense was committed in or outside the presence of the officer, the law enforcement officer shall presume that arresting and charging the person is the appropriate response.
- (b) When a law enforcement officer receives a complaint of partner or family member assault from two or more opposing persons of the same residence, the officer shall evaluate the situation to determine who is the primary aggressor. The officer need only arrest the primary aggressor. Factors for determining the primary aggressor include:
- (1) Prior complaints of partner or family member assault from the residence: who made them, what was alleged;
  - (2) The relative severity of injuries inflicted to the people present;
  - (3) The likelihood of future injury to each person; and
  - (4) Whether one of the persons acted in self-defense.
- (c) The law enforcement officer shall use professional methods at all times, and shall not threaten a person in order to shirk an obligation to make an arrest or to compel an arrest. See 7 CCOJ 120(a)(3). An officer shall not base an arrest decision purely on the request of a victim to do so, or on the officer's perception of the willingness of a victim or witness to testify or otherwise participate in a judicial proceeding.

**(ENACTED AS PER RESOLUTION NO. 821-2002-8, DATED 8/12/2002; AMENDED AS PER RESOLUTION NO. 28-1581-2017-02, DATED 2/14/2017)**

**WHEREAS,** the Fort Peck Tribal Executive Board is the duly elected body representing the Assiniboine and Sioux Tribes of the Fort Peck Reservation and is empowered to act on behalf of the Tribes. All actions shall be adherent to provisions set forth in the 1960 Constitution and by-laws; and

**WHEREAS,** pursuant to Article VII, Section 5 –Governmental Powers of the Assiniboine & Sioux Tribes’ Constitution, the Tribal Executive Board has the power, subject to the review of the Secretary of the Interior, or her authorized representative, to promulgate criminal and civil codes or ordinances governing the conduct of the members of the Tribes and non-member Indians residing within the jurisdiction of the Tribes; and

**WHEREAS,** the Tribal Executive Board promotes the safety of children, the public, and all victims of partner and family member assault; and

**WHEREAS,** the Tribal Executive Board finds that it is necessary to have within the comprehensive code of justice (hereinafter “CCOJ”) statutes that enhance child violence protections, hold offenders who obstruct justice accountable, and to deter gun violence in partner or family member relationships that will apply to both Indians and non-Indians as set forth in the following documents contained herein:

*7 CCOJ 240-E-Criminal Child Endangerment.*

*7 CCOJ 243-Firearms prohibition.*

*7 CCOJ 434-Obstructing Justice.*


**NOW THEREFORE BE IT RESOLVED,** the Tribal Executive Board hereby adopts 7 CCOJ 240-E, 243, and 434 as set forth above

**CERTIFICATION**

I, the undersigned Secretary/Accountant of the Tribal Executive Board of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, hereby certify that the Tribal Executive Board is composed of 12 voting members of whom 10 constituting a quorum were present at a Special Recessed meeting duly convened this 17th day of August 2023, and that the foregoing resolution was duly adopted at such meeting by the affirmative vote of:  
8 for, 0 opposed, 4 absent, and 0 not voting.

  
Secretary/Accountant

APPROVED:

  
Chairman/Vice Chairman  
Fort Peck Tribal Executive Board

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Director, Rocky Mountain Region  
Bureau of Indian Affairs

**ATTACHMENTS:**

- 7 CCOJ 240-E
- 7 CCOJ 243
- 7 CCOJ 434



Title 7 – Criminal Offenses  
Chapter 2. Crimes Against Persons  
Subchapter F. Crimes Against the Family  
**Sec. 240-E. Criminal Child Endangerment.**

**Criminal Child Endangerment.**

(a) A person commits the offense of criminal child endangerment if the person purposely, knowingly, or negligently causes substantial risk of death or serious bodily injury to a child under 18 years of age by:

- (1) failing to seek reasonable medical care for a child suffering from an apparent acute life-threatening condition;
  - (2) placing a child in the physical custody of another who the person knows has previously purposely or knowingly caused bodily injury to a child;
  - (3) placing a child in the physical custody of another who the person knows has previously committed an offense against the child under 7 CCOJ 226 sexual assault or 7 CCOJ 220 Rape;
  - (4) manufacturing or distributing dangerous drugs in a place where a child is present;
  - (5) Driving a motor vehicle while under the influence of intoxicating liquors and/or any drugs in violation of 17 CCOJ 107 or 17 CCOJ 107-B with a child in the vehicle; or
  - (6) failing to attempt to provide proper nutrition for a child, resulting in a medical diagnosis of nonorganic failure to thrive.
- (7) Conviction under this section is a felony.

(b) A person may not be charged under subsection (1)(b) or (1)(c) if the person placed the child in the other person's custody pursuant to a court order.

(c) For purposes of this section, "nonorganic failure to thrive" means inadequate physical growth that is a result of insufficient nutrition and is not secondary to a diagnosed medical condition.

Title 7 – Criminal Offenses  
Chapter 2: Crimes against persons  
Subchapter F: Crimes Against the Family  
Sec. 243. **Firearms prohibition.**

**Firearms prohibition.**

It shall be the purpose of this section that the court may prohibit any person from possessing or purchasing a firearm who has been convicted of a felony partner or family member assault, or who is subject to a protection order based upon a finding that the person represents a credible threat to the physical safety of the victim; or any person who is found mentally incompetent to stand trial; or any person committed to a mental institution.

- (a) The court may prohibit any person to possess or purchase a firearm who:
  - (1) Is subject to any Court order that restrains such person from harassing, stalking, threatening, having contact or assaulting an intimate partner or family member as defined in this code or engaging in any other conduct that would place an intimate partner or family member in reasonable fear of physical harm to the intimate partner or family member, except that this subsection shall apply only to those orders that:
    - (A) Were issued at a hearing at which such person was present and had the opportunity to participate; or at a hearing of which such person had notice and the opportunity to be heard, whether or not the person was present;
    - (B) Include a finding that such person represents a credible threat to the physical safety of such household or family member; and
    - (C) By its terms explicitly prohibits the use, attempted use or threatened use of physical force against such household or family member.
  - (2) Has been convicted under the law of any state, territory, possession, tribe, or United States military tribunal of any crime involving, partner or family member assault which involved the use or attempted use of physical force, or the threatened use of physical force, or the threatened use of a deadly weapon against an intimate partner or family member as defined by this chapter.
  - (3) A person's firearms prohibition may be shared with federal criminal databases as allowed by tribal statute.
- (b) Conviction under this section is a felony
- (c) A prohibited person may petition the Court for partial restoration of firearm use privileges, one time per calendar year for cultural purposes only, specific to subsistence hunting. The person shall have the burden to demonstrate they no longer constitute a threat to an intimate partner, a household member or family member. A hearing shall be set within thirty (30) days of the filing date of the petition.

Title 7 – Criminal Offenses  
Chapter 4. Crimes Against the Public Order  
Subchapter C. Offenses Involving Governmental Processes  
Sec. 434. **Obstructing Justice.**

**Obstructing Justice.**

For the purpose of this section "an offender" means a person who has been or is liable to be arrested, charged, convicted, or punished for a public offense.

(a) A person commits the offense of obstructing justice if the person knowingly:

- (1) harbors or conceals an offender;
- (2) warns an offender of impending discovery or apprehension, except this does not apply to a warning given in connection with an effort to bring an offender into compliance with the law;
- (3) provides an offender with money, transportation, weapon, disguise, or other means of avoiding discovery or apprehension;
- (4) prevents or obstructs by means of force, deception, or intimidation anyone from performing an act that might aid in the discovery or apprehension of an offender;
- (5) suppresses by act of concealment, alteration, or destruction any physical evidence that might aid in the discovery or apprehension of an offender; or
- (6) aids an offender who is subject to official detention to escape from official detention.

Conviction under this section is a felony.