

**Title 7 – Criminal Offenses**  
**Chapter 4. Crimes Against the Public Order**  
**Subchapter B. Alcohol, Drugs and Related Offenses**

**Sec. 419. Sentencing of Minors: Fort Peck Tribal Wellness Court and ‘cultural diversion programs’.**

(a) Wellness Court.

(1) Minors convicted for the first time under any of Sections 410-411, 412-414, 415-A, 417, and/or 418 of this Title may, at the presiding judge’s discretion but in preference to the adult punishments prescribed specifically in each of those Sections, be recommended by the judge to participate with their parent(s) or guardian(s) in the Fort Peck Tribal Wellness Court. For minors who are first time offenders, participation in the Wellness Court may be recommended, in conjunction with and/or subsequent to:

(A) Detention in the Fort Peck Juvenile Detention Facility for a period to be determined by the Court; and/or

(B) A drug/alcohol treatment program, including commitment to a Tribal detoxification facility, where appropriate, following 11 CCOJ 204.

(2) Minors who are second time offenders of any of Sections 410-411, 412-414, 415-A, 417, and/or 418 of this Title may be ordered, in conjunction with and subsequent to, up to four months detention in the Fort Peck Juvenile Detention Facility, for offenses otherwise punishable as felonies, and up to two months for offenses otherwise punishable as Class A misdemeanors, to be participants, along with their parent(s) or guardian(s) in the Fort Peck Tribal Wellness Court.

(3) Repeat Minor offenders may be subject to the sentence parameters of 7 CCOJ 501, and as specifically set out in each section of Sections 410-A, 411, 417, 418 or 412 through 415-A of this Title.

(4) Following 9 CCOJ 102(a), a Minor is any Indian person under eighteen years of age.

(b) Cultural Diversion Programs. If programs meeting the approval of the Tribal Executive Board and designed with the purposes of:

(1) Connecting people, and especially at-risk youth, to the cultural values, traditions, and ways of life of the Assiniboine and Sioux Peoples; and

(2) Building the self-esteem, physical health, mental health, and moral integrity of the participants; then:

Such program shall be an acceptable alternative sentence for juvenile offenders, and may, depending on the program, even be considered for adult offenders. The program may be used by the Court to reduce imprisonment terms, as the sole punishment, or in conjunction with other treatment programs. Recidivist offenders shall not necessarily be disqualified from being ordered to participate in such programs. Such programs could include:

(A) Buffalo Ranch. Participants in this program would live for a year to five years on a ranch, in a supervised home, within the exterior boundaries of the Fort Peck Reservation, with the personal responsibility to raise a certain number of buffalo to be grown and sold for meat production.

(B) Self-sustaining farm. Participants living in supervised household(s) on a farm that attempts to grow the entirety of their food needs.

(C) Regular meetings and presentations to a Council of Elders. Participants must meet regularly, preferably with their family in attendance, and describe to and answer questions from the Council as to what they are doing for positive personal growth and learning, and helping others in positive efforts.

(D) Commitment to a Tribal detoxification center which provides therapy and medical supervision, particularly for where 11 CCOJ 204 applies.