

SPIRIT LAKE LAW AND ORDER CODE

TITLE I: GENERAL PROVISIONS

Chapter 1: Application of This Code

§1-1-101. Territory, Persons and Property Affected

The jurisdiction and governmental authority of the Tribe shall apply pursuant to this Code to the following:

- (1) The Fort Totten Indian Reservation hereinafter referred to as the Spirit Lake Reservation, including all lands, islands, waters, roads, and bridges or any interests therein, whether trust or non-trust status and notwithstanding the issuance of any patent or right-of-way, within the boundaries of the Reservation as established in Article IV of the Treaty of February 19, 1867, and such other lands, islands waters or any interest therein hereafter added to the Reservation.
- (2) All persons within any geographical area referred to in Subsection (1) above that are subject to the jurisdiction and governmental power of the Tribe, to the extent not prohibited by federal law.
- (3) All members of the Tribe, wherever located, exercising any tribal rights pursuant to federal, tribal or state law.
- (4) All persons and property outside the exterior boundaries of the Reservation included within the jurisdiction of the Tribe pursuant to federal or tribal law including any person who personally or through an agent does any of the following insofar as the cause of action brought arises from the doing of such act:
 - (a) The transaction of any business on the Spirit Lake Reservation;
 - (b) The commission of a tortious act on the Spirit Lake Reservation;

- (c) Contracting to insure any person, property or risk located on the Spirit Lake Reservation at the time of contracting;
- (d) The act of sexual intercourse within the exterior boundaries of the Spirit Lake Reservation with respect to a child which may have been conceived;
- (e) With respect to other domestic cases as set forth in Title 9 of the Spirit Lake Law and Order Code.

Chapter 2: Legal Authority

§1-2-101. Constitutional Authority.

This Code is adopted pursuant to the authority vested in the Spirit Lake Tribal Council under Article VI of the Constitution and By-Laws of the Spirit Lake Tribe.

§1-2-102. Prior Inconsistent Codes and Ordinances Repealed.

Any Code or Ordinance of the Tribe, which conflicts in any way with the provisions of this Code, is hereby repealed to the extent that it is inconsistent with or is contrary to the spirit or purpose of this Code.

§1-2-103. Construction.

In construing the provisions of this Code, unless the context otherwise requires, the following shall apply:

- (1) This Code shall be liberally construed to affect its purpose and to promote substantial justice.
- (2) Words in the present tense include future and past tenses.
- (3) Words in the singular number include the plural, and words in the plural number include the singular.
- (4) Words of the masculine gender or neuter include masculine and feminine genders and the neuter.
- (5) The prosecution of all criminal offenses and the conduct of all procedures pertaining to their trial or other disposition shall be in the name and for the benefit of the Spirit Lake Tribe.
- (6) Each appointment to be made by the Tribal Council pursuant to the provisions of this Code, unless otherwise specified in this Code, shall be by nomination of the Tribal Chairman, with the concurrence by resolution of a majority vote of a quorum at a special or regular meeting of the Tribal Council. Any other action of the Tribal Council prescribed by this Code, including its approval of the action of any other person under this Code, shall be by majority vote of a quorum at a special or regular meeting of the Tribal Council.

Chapter 3: Amendment of the Spirit Lake Law and Order Code

§1-3-101. Amendment of the Spirit Lake Law and Order Code.

Hereinafter, this Code may be amended in the following manner:

Prior to the enactment of any resolution or ordinance, the Tribal Council at two (2) general assemblies shall read the resolution or ordinance in its entirety, and the floor opened for comments. After comments and upon a majority vote of the Council, the resolution or ordinance shall be deemed enacted.

Any resolution or ordinance, which by the terms of the Spirit Lake Constitution is subject to review by the Secretary of the Interior, shall within ten (10) days of its enactment be presented to the Superintendent of the Fort Totten Agency or other authorized official who shall, within ten (10) days after its receipt by him/her, approve or disapprove of the resolution or ordinance.

If the Superintendent approves any resolution or ordinance, it shall thereupon become effective, but the Superintendent shall transmit the enactment bearing his endorsement to the Secretary of the Interior, who may, within ninety (90) days of the date of its enactment, rescind the resolution or ordinance for any cause by notifying the Spirit Lake Tribal Council of his/her veto.

If the Superintendent disapproves any resolution or ordinance, he/she shall, within ten (10) days after its receipt by him/her, advise the Tribal Council of his/her reasons therefore, and if these reasons appear to the Tribal Council insufficient it may, by vote of the majority of all members, refer the resolution or ordinance to the Secretary of the Interior, and if approved by him/her in writing it shall become effective.

Within ten (10) days of receiving notification of approval, the Secretary of the Tribal Council shall submit the resolution or ordinance to the Chief Judge of the Spirit Lake Tribal Court for incorporation into the Spirit Lake Law and Order Code.

Amendments and additions to the Code shall become a part of the Code for all purposes and shall be codified and incorporated herein in a manner consistent with the numbering and organization of this Code.

Chapter 4: Definitions

§1-4-101. Definitions.

In this Code, except where otherwise specifically provided or the context otherwise requires, the following terms and expressions shall have the following meanings:

- (1) “Appeals Court” shall mean the Northern Plains Intertribal Court of Appeals.
- (2) “Civil” refers to all non-criminal issues, matters, subjects, cases and controversies between or among persons.
- (3) “Code” means the Spirit Lake Law and Order Code of the Spirit Lake Tribe, together with all amendments, additions, or modifications, which may be enacted from time to time by the Tribal Council.
- (4) “Courts of the Tribe” means all of the Tribal Courts, including the Juvenile Court.
- (5) “Criminal” refers to those offenses under this Code and any other ordinance of the Tribe for which, upon conviction, a person may be subject to a fine and imprisonment, or both, and to the cases involving such offenses or alleged offenses, and to the procedures for trial other disposition of them.
- (6) “Indian” means any person who is of Indian descent who is a member of any recognized Indian Tribe under federal jurisdiction at the time of the event or any person who holds himself out to be an Indian and who receive benefits as such and is accepted in the Indian community as an Indian. This term shall be construed as consistent with federal law.
- (7) “Judicial Clerk” or “Clerk” means the person appointed as clerk of all the courts of the Tribe pursuant to Chapter 4 of Title 2 of this Code.
- (8) “Judge” means a Judge or Deputy Judge of the Tribal Court, which is the subject of the particular section of this Code in which the reference is made.
- (9) “Juvenile Court” means that division of the Tribal Court operating pursuant to the provisions of Chapter 4 of Title 9 of this Code, and the Judges of that Tribal Court, collectively and individually, serving and acting in that office and capacity.
- (10) “Party” means any person who is a participant, or involved in or the subject of or to, whether active or inactive, voluntary or involuntary, including one made a party by the action of another person, in or to any case, trial, hearing, controversy, matter, relationship, or proceeding which is encompassed within any procedure under this Code.

- (11) "Person" means any natural individual or person, of any age, and also any corporation, partnership, association, company, agency, (public, private, or governmental) institution, or other identifiable entity, whether or not is has legally recognizable status.
- (12) "Property" means realty and personal property, of whatever nature, including fixtures, money, claims, intangible rights and interests in property.
- (13) "Reservation" means the Fort Totten Indian Reservation hereinafter referred to as the Spirit Lake Reservation, including all lands, islands, waters, roads, and bridges or any interests therein, whether trust or non-trust status and notwithstanding the issuance of any patent or right-of-way, within the boundaries of the Reservation as established in Article IV of the Treaty of February 19, 1867, and such other lands, islands waters or any interest therein hereafter added to the Reservation at any time.
- (14) "Tribal Council" or "Council" means the Tribal Council of the Tribe existing and functioning pursuant to the Constitution and By-Laws of the Tribe.
- (15) "Tribal Court" means either the Tribal Court created, existing and operating under the provisions of Chapter 1 of Title 2 of this Code, or that one of the Courts of the Tribe to which the reference is intended to apply as determined by the particular section of this Code in which the reference is made, and each and all of the Judges of that Tribal Court acting collectively or individually in that office and capacity.
- (16) "Tribe" means the Tribe, recognized by the federal government and operating pursuant to the Constitution and Bylaws of the Spirit Lake Tribe, and "tribal" means belonging or pertaining to the Tribe.