

NORTHERN CHEYENNE TRIBE LOGO HERE

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TITLE I - GENERAL PROVISIONS CODE

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1.1.1

Constitutional Authority [*As amended by Ord. DOI 3(98)*]

This Law and Order Code of the Northern Cheyenne Tribe, consisting of this Title and all other Titles hereof (hereinafter “Law and Order Code” or “Code”) is adopted pursuant to the authority vested in the Northern Cheyenne Tribal Council under Article IV, Sections 1(h), (i), (k), (m), (o), (p), (q), and (n) of the Northern Cheyenne Tribe.

1.1.2 Prior Inconsistent Ordinances and Resolutions Repealed

Any and all ordinances, resolutions, and policies inconsistent with or in conflict with or contrary to the spirit and purpose of the contents of this Code are hereby repealed and have no effect.

1.1.3 Amendments, Modifications, Additions to Any Code [*As amended by Ord. DOI 3(98)*]

~~The Code may be amended by duly adopted resolutions or ordinances of the Tribal Council. However, as provided in section 1A-19-1 of Title IA (Separation of Powers Code) of this Law and Order Code, Title IA may be amended, repealed or suspended only by two-thirds vote of the Tribal Council. The adoption of Tribal ordinances and resolutions which effect modifications, additions or deletions to this Code shall be codified and incorporated in a manner consistent with the numbering and organization of this Code.~~

~~Courts Established~~ [*As amended by Ord. DOI 3(98)*]

~~There is hereby established the Northern Cheyenne Court, constituting the Judicial Branch of Tribal government, comprised of the Trial Court, Appellate Court, Constitutional Court, and Office of the Court Clerk, as described in Chapter 3 of Title IA of this Code.~~

~~The terms “Northern Cheyenne Reservation Judicial System,” “Northern Cheyenne Reservation Court,” “Reservation Court,” and the like, which may at times appear in other Titles of this Law and Order Code, shall be construed as being synonymous with the Northern Cheyenne Court or Judicial Branch, as described in the foregoing provisions of this section 1-1-4.~~

Availability of Code [*As amended by Ord. 3(98)*]

Copies of this code and any amendments shall be kept available for public inspection during regular business hours at the office of the Court Clerk and online at:

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<https://www.cheyennenation.com/judicial.html>

1.1.4 Civil Rights Guarantees [Added by Ord. 16(88)]

The following civil rights are guaranteed to all persons within the exterior boundaries of the Northern Cheyenne Reservation. The various institutions within the exterior boundaries of the Northern Cheyenne Reservation shall not

~~(4)~~A. make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or the right to the people peaceably to assemble and to petition for a redress of grievances;

B. ~~(2)~~ violate the right of the people to be secure in their persons houses, papers, and effects against unreasonable search and seizures, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized;

C. ~~(3)~~ subject any person for the same offence to be twice put in jeopardy;

D. ~~(4)~~ compel any person in any criminal case to be a witness against himself;

E. ~~(5)~~ take any property for a public use with just compensation;

F. ~~(6)~~ deny to any person in a criminal proceeding the right to a

speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witness in his favor, and at his own expense to have the assistance of counsel for his defense;

G. ~~(7)~~ require excessive bail, impose excessive fines, inflict cruel and unusual punishments, and in no event impose for conviction of any one offense any penalty or punishment greater than imprisonment for a term of twelve (12) months or a fine of \$5,000, or both;

~~(8)~~H. deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law;

~~(9)~~I. pass any bill of attainder or ex post facto law; or

~~(10)~~J. deny to any person accused of an offense punishable by imprisonment the right, upon request, to a trial by jury of not less than six persons.

Field Code Changed

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1.2.1 Appellate Court

Shall mean the Northern Cheyenne Appellate Court, created by Title II of this Code.

1.2.2 Court Day

Shall mean any and every day of the week, except Saturday and Sunday and legal holidays, provided, that whenever a legal holiday shall fall on a Monday, the Saturday preceding that Monday shall also be a Court Day.

1.2.3 Counsel and Representative

“Council” shall mean any person appearing, speaking, or acting for another in any criminal or civil proceeding who shall be paid for his services, and “Representative” shall mean any person who shall appear, speak, or act for another in any criminal or civil proceeding who shall not be paid for so doing.

1.2.4 Code

Shall mean the Northern Cheyenne Law and Order Code.

1.2.5 Constitutional Court

Shall mean the Northern Cheyenne Constitutional Court, created by Title II of this Code.

1.2.6 Contempt

Civil Contempt is conduct directed at someone other than the Court that is detrimental to the dignity and authority of the Court.

Criminal Contempt is conduct directed at and detrimental to the dignity and authority of the Court.-

1.2.7 Council

Shall mean the Tribal Council of the Northern Cheyenne Reservation.

1.2.8 District

Shall mean any of the political districts of the Northern Cheyenne Reservation.

1.2.9 Enrolled Member

Shall mean any person validly and currently listed on the official membership roll of the Northern Cheyenne Tribe of Indians.

1.2.10 Jail, Juvenile Detention Facility, Detoxification Facility, Overnight Facility

Shall mean whatever building or facilities are from time to time appointed and designated for those purposes by the appropriate authorities of the Northern Cheyenne Reservation, and those purposes as set forth in this Code.

1.2.11 Member of Council

Shall mean any person eligible to vote at meetings of the Tribal Council.

1.2.12 Oath

As used in this Code “oath” shall mean “oath or affirmation,” and “sworn” shall mean “sworn by oath or affirmation.”

1.2.13 Person

Shall include, but shall not be limited to, natural persons, corporations, partnerships, trusts, unincorporated business associations and any other organization or entity involved in private or commercial activity.

1.2.14 Signature, Written Instrument

Shall mean any written signature, or any mark or thumbprint witnessed by the written signature of at least one witness to the act. Wherever this Code shall refer to a “written instrument,” that shall be construed to mean an instrument typed, printed, or written out in hand, and signed by the person who shall make it.

1.2.15 Trial Court

Shall mean the Northern Cheyenne Trial Court, created by Title II of this Code.

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1.3.1 — Adoption by Reference Not a Waiver of Sovereign Power of the Northern Cheyenne Tribe—*[As amended by Ord. 3(98)]*

The adoption of any law, code or other documents by reference into this Code shall in no way constitute a waiver or

cession of any sovereign power of the Northern Cheyenne Tribe to the jurisdiction whose law or code is adopted or in any way diminish such sovereign power, but shall result in the law or code thus adopted becoming the law of the Northern Cheyenne Tribe.

1.3.2 Sovereign Immunity—*[As amended by Ord. 3(98)]*

Except as may be required by federal statute or regulation or the Constitution and By-Laws of the Northern Cheyenne Tribe, or as explicitly and specifically waived by a resolution or ordinance of the Northern Cheyenne Tribal Council, the Northern Cheyenne Tribe, including all branches, divisions, departments, agencies and other governmental or proprietary instrumentalities of the Tribe (hereinafter “Tribe or its Instrumentalities”) shall be immune from suit in any civil action. In addition, the officers, Councilpersons, board members, directors, executives and other employees and agents of the Tribe or its Instrumentalities (hereinafter “Tribal Representatives”) shall be immune from suit or any liability arising from the performance of their official duties. No provision of this Law and Order Code shall be construed as waiving any such immunity unless the provision explicitly and specifically sets forth such a waiver.

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1.4.1 When Applied

A. The following principles of construction will apply to all of the Code unless a different construction is obviously intended:

1. Words shall be given their plain meaning and technical words shall be given their usually understood meaning where no other meaning is specified.

2. Whenever a term is defined for a specific part of this Code, that definition shall apply to all parts of this Code unless contrary meaning is clearly indicated.

3. This Code shall be construed as a whole to give effect to all its parts in a logical, consistent manner.

4. If any provisions of this Code or the application of any provision to any person or circumstance is held invalid, the remainder of this Code shall not be affected thereby and to this end the provisions of this Code are declared to be severable.

5. Any typographical errors or omissions shall be ignored whenever the intended meaning of the provision containing the error or omission is otherwise reasonably certain to the Court.

Any other issues of construction shall be handled in accordance with generally accepted principles of construction giving due regard to the underlying principles and purposes of this Code.

Chapter 4. — LIMITATIONS ON ACTIONS

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