

PUBLIC NOTICE (May, 2026)

The Tribal Council adopted a separate Statute of Limitations related to crimes related to sexual offenses against children and placed it in Title 5, such amendment is inconsistent with Title 1 statute of limitations and does not clearly define the statute of limitations related to crimes against children.

The Tribal Council proposes the adoption of an amendment to Title 1 of the Turtle Mountain Tribal Code, with regard to the proceeds of Statute of Limitations for sex crimes against children and by adding class 5 offenses.

The Turtle Mountain Band of Chippewa Indians' Tribal Council is proposing an Amendment to Title 1, 1.04.010 Statute of Limitations by adding:

3. Prosecution for violations of Sexual Abuse Child, Sexual Exploitation of Children, Online Sexual Abuse of Children/Juvenile, Online Child Pornography, Sex Trafficking of a Minor, shall commence within twenty-one (21) years after the commission of the offense or, if the victim failed to report the offense within the limitation period, within 5 years after reporting the offense to law enforcement;

And paragraph 1 of Section 1.04.010 shall be amended to state:

1. No prosecution shall be maintained under this Code unless the action has been commenced within one (1) year after the commission of the offense for class 1 and 2 offenses and five (5) years for Class 3, and 4, and 5 offenses;

The Tribe is placing the proposed amendments to 1.04.010 Statute of Limitations, out for a 30 day public comment period in their entirety.

Copies of the proposed amendments are available for view on the Tribal Records Dept Facebook page, on the website at: www.tmchippewa.com, or can be obtained in writing by request. Written comments can be made in the comment section at <https://tmchippewa.com/tribal-records/> and can also be submitted by mail to PO Box 900, Belcourt, ND 58316 or by fax at 477-0916. Please contact the Tribal Records Dept at 477-2602 if there are any questions.

RESOLUTION NUMBER TMBC1084-04-26 OF THE DULY ELECTED AND CERTIFIED GOVERNING BODY OF THE TURTLE MOUNTAIN BAND OF CHIPPEWA

- WHEREAS, the Turtle Mountain Band of Chippewa Indians, hereinafter referred to as the Tribe, is an unincorporated Band of Indians acting under a revised Constitution and bylaws approved by the Secretary of the Interior on June 16, 1959, and amendments thereto approved; and
- WHEREAS, Article IX (a) Section 1 of the Turtle Mountain Constitution and Bylaws empowers the Tribal Council with the authority to represent the Band and to negotiate with the Federal, State and local governments and with private persons; and
- WHEREAS, Article XIII Section 2 of the Turtle Mountain Constitution and Bylaws allow for amendment of the Constitution by a petition of twenty per cent the qualified voters or by an affirmative vote of five of the Tribal Council members; and
- WHEREAS, the Tribal Council adopted a separate Statute of Limitations related to crimes related to sexual offenses against children and placed it in Title 5, such amendment is inconsistent with Title 1 statute of limitations and does not clearly define the statute of limitations related to crimes against children
- WHEREAS, the Tribal Council proposes the adoption of an amendment to Title 1 with regard to the proceeds of Statute of Limitations for sex crimes against children adding class 5 offense; and
- WHEREAS, the Turtle Mountain Band of Chippewa Indians' Tribal Council is proposing the Amendment to Title 1, 1.04.010 Statute of Limitations by adding:

3. Prosecution for violations of Sexual Abuse Child, Sexual Exploitation of Children, Online Sexual Abuse of Children/Juvenile, Online Child Pornography, Sex Trafficking of a Minor, shall commence within twenty-one (21) years after the commission of the offense or, if the victim failed to report the offense within the limitation period, within 5 years after reporting the offense to law enforcement;

And paragraph 1 shall be amended to state:

No prosecution shall be maintained under this Code unless the action has been commenced within one (1) year after the commission of the offense for class 1 and 2 offenses and five (5) years for Class 3, ~~and 4~~, and 5 offenses; now

THEREFORE BE IT RESOLVED that the Tribe is placing the following proposed attached amendments to 1.04.010 Statute of Limitations.

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 *six (6)* constituting a quorum were present at a meeting duly called, convened and held on the *21st day of April, 2026* that the foregoing resolution was adopted by an affirmative vote of *five (5) in favor* – Representatives Lynn Gourneau, Blaine “Slugger” Davis, Jon Jon Keplin, Ron Trottier Sr. and Elmer Davis Jr.; three (3) absent-Reps. Craig Lunday, Kenneth Malaterre and Chad Counts; none (0) opposed; with the Tribal Chairman not voting.


Jolean A. Morin, Tribal Secretary *4/29/26*

() SIGNED INTO LAW/Dated this *12th* day of *May*, 2026
() VETOED/Dated this _____ day of _____, 2026


Jamie Azure, Tribal Chairman

Amendment and placement in Criminal Procedure section of the Code.

The existing statute of limitations is confusing and inconsistent with the existing statute of limitations for Class 4 and 5 offenses. This is designed to clarify the law and set clear time limits which are consistent with existing law. The Tribe updated its sex crimes code and this revision is designed to make the language consistent.

The Tribe amended the penalty section of Title 26 but did not amend the statute of limitations to include Class 5 offenses.

~~5.07.210 A Prosecution for the Sexual Abuse Child; Statute of Limitations~~

~~A prosecution for the sexual abuse of a child where the victim was under eighteen (18) years of age at the time the offense was committed must be commenced in Tribal Court within seven (7) years after the commission of the offense. If the victim failed to report the offense within this limitation period, the limitation is three (3) years after the offense is reported to law enforcement authorities. If the victim was under the age of fifteen at the time of the commission of the abuse, the seven-year limitation does not begin to run until the victim has reached the age of fifteen. If the defendant leaves the jurisdiction of the Tribal Court after the offense has been committed, the only applicable limitation is that the complaint must be filed within seven (7) years of the act or seven (7) years of when the victim turns fifteen (15) years of age. No time during which the defendant is not an inhabitant of, or usually resident within this tribal jurisdiction, is part of the limitation.~~

1.04.010 Statute of Limitations

1. No prosecution shall be maintained under this Code unless the action has been commenced within one (1) year after the commission of the offense for class 1 and 2 offenses and five (5) years for Class 3, and 4, and 5 offenses.
2. There is no limitation on the time within which a prosecution for murder must be commenced. It may be commenced at any time after the death of the victim.
3. Prosecution for violations of Sexual Abuse Child, Sexual Exploitation of Children, Online Sexual Abuse of Children/Juvenile, Online Child Pornography, Sex Trafficking of a Minor, shall commence with twenty-one (21) years after the commission of the offense or, if the victim failed to report the offense within the limitation period, within 5 years after reporting the offense to law enforcement.