

# **JANUARY 2002 CROW TRIBAL LEGISLATURE**

**BILL NO. CLB02-02**

**INTRODUCED BY: Executive Branch**

**BY REQUEST OF THE EXECUTIVE BRANCH OF THE CROW TRIBE**

**AN ACT AMENDING TITL 3, CHAPTERS I THROUGH VII, TITLE 4 AND TITLE 6, RULES 13 AND 26, OF THE CROW TRIBAL CODE TO DISSOLVE THE EXISTING LAW AND ORDER COMMISSION AND PUBLIC SAFETY OFFICER PROSITION PROVIDING THE LEGIALTIVE BRANCH OF THE CROW TRIBE THE AUTHORITY TO PERFORM ITS LIMITED DUTIES.**

**WHEREAS**, the Crow Tribal Code previously vested the Law and Order Commission with the responsibility to investigate, review and hear complaints regarding Tribal Judges and to assist the Crow Tribe through amendments or modification s of the Crow Tribal Code; and

**WHEREAS**, the Crow Tribal Code previously provided for a Crow Public Safety Director who was vested with similar authority for law enforcement as well as direct supervision of the Crow Police Department and Crow Fish & Game Department; and

**WHEREAS**, amendments to Title 3 of the Crow Tribal Code currently vest the governance of the conduct and removal of Tribal Judges in a newly created Judicial Ethics Board removing the necessity for a Law and Order Commission; and

**WHEREAS**, the Crow Tribe currently does not have Tribal Police Department for the Crow Public Safety Director to supervise; and further the supervision of the Fish & Game Department is vested in the Crow Tribe's Director of Natural Resources thus rendering the position of Crow Public Safety Director obsolete; and

**WHEREAS**, the remaining function of the Law and Order Commission and Crow Public Safety Director is to enact additions, modifications, deletions or Legislative Branch of the Crow Tribe of Indians under its Constitution.

**BE IT ENACTED BY THE LEGISALURE OF THE CROW TRIBE:**

**Section 1.** Section 3-3-305, Crow Tribal Code, is repealed in its entirety.

**Section 2.** Section 3-3-306, Crow Tribal Code, is repealed in its entirety.

**Section 3.** Section 3-5-502, Crow Tribal Code, is repealed in its entirety.

**Section 4.** Section 3-3-503, Crow Tribal Code, is repealed in its entirety.

**Section 5.** Section 3-6-602, Crow Tribal Code, is repealed in its entirety.

**Section 6.** Section 3-5-603, Crow Tribal Code, is repealed in its entirety.

**Section 7.** Section 4-4-101 and 102, Crow Tribal Code, are amended as follows:

4-1-101        Enforcement of Criminal Laws. The principal administrative body charged with the duty and responsibility of insuring the proper, efficient and fair enforcement of all criminal, juvenile, and game laws shall be the Legislative Branch of the Crow Tribe Law & Order Commission.

4-1-102        ~~The Law & Order Commission through the Director of Public Safety shall supervise the operation of Crow Police Department and the Crow Fish and Game Department on behalf of the Crow Tribal Council. The Commission~~ Legislative Branch of the Crow Tribe shall also recommend to the Council the enactment of any necessary additions, changes, amendments, modifications or deletions to the Crow Tribal Code as deemed necessary in the interest of justice, as well as amendments or modifications of the Crow Tribal Code:

**Section 8.** Section 4-1-103, Crow Tribal Code, is repealed in its entirety.

**Section 9.** Title 4, Chapter II, Crow Police Department, Crow Tribal Code, is repealed in its entirety.

**Section 10.** Rule 13 of Title 6, Crow Tribal Code, is amended as follows:

Rule 13.        Juries and Selection of Jurors. Rules of Criminal Procedure, Title 6: (b) Jury Lists. The Clerk of Court Crow Law and Order Commission shall prepare annually a jury list for use by the Crow Tribal Court.

**Section 11.** Rule 26 of Title 6, Crow Tribal Code, is amended as follows:

Rule 26.        EXTRADITION: SCOPE AND PROCEDURE

(a.) No person within the exterior boundaries of the Crow Reservation and the Jurisdiction of the Crow Tribal Court shall be arrested, tried, or convicted for any crime committed outside the Crow Reservation, except as is expressly provided by this Rule.

(b.) However, any officer or agency of another jurisdiction, authorized by the Law of the Jurisdiction to request extradition, may petition the Tribal Court for extradition of any person found within the Crow Reservation, a copy of which shall be

served the same day upon the ~~Chairman of the Law and Order Commission Tribal Prosecutor's Office.~~

(c.) Upon receipt of a petition for extradition, the Tribal Court shall issue a warrant to apprehend the person sought and to bring him/her before the court as soon as possible after he/she shall be apprehended.

(d.) Before granting extradition, the Tribal Court must be satisfied that the extradition petition was properly issued by an authorized official or agency and that it alleges the commission of a crime punishable under the Laws of the petitioning jurisdiction.

(e.) The Court may refuse extradition if it learns that any effort has been made by the petitioning jurisdiction to secure the person or the alleged offender within the Crow Reservation by unlawful means or by unauthorized exercise of power within the Crow Reservation.

(f.) ~~The Tribal Prosecutor's Office Chairman of the Law and Order Commission or any person he shall designate, if he deems the cause so merits;~~ may enter an appearance of behalf of the defendant ~~in the name of the~~ Crow Tribe and offer such considerations of Law and policy in the particular case as he/she thinks fit. The Court in its discretion may, but need not, treat such consideration as determinative of the case.

(g.) If extradition is granted, the Court shall order the ~~Crow Tribal~~ Police Department to hold the person to be extradited without bail until such time as any authorized officers of the petitioning jurisdiction appear to take him into their custody, but in no case shall any person be held for extradition for more than one hundred, twenty (120) hours.

(h.) Extradition shall be granted by no other procedure than that provided by this section, provided, that the United States may serve warrants and apprehend persons within the Crow Reservation for violations of the Laws of the United States.

(i.) The privilege of extradition may be executed by means of written agreement between the Crow Tribe and any state, territory, tribe or other Governmental entity desiring the privilege to extradite. The privilege of extradition shall not be extended by the Crow Tribe to any state, territory or tribe that does not as a matter of comity extend the privilege of extradition to the Crow Tribe.

(j.) ~~The Law and Order Commission through its Chairman, or any person designated by him~~ Executive Branch of the Crow Tribe shall have the authority to negotiate extradition agreements or compacts, provided that the Tribal Council Legislative Branch of the Crow Tribe shall have authority to approve such agreements or compacts.

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Chairman, Crow Law & Order Commission

**CODIFICATION. Section 1. Codification instruction.** This Bill, upon adoption by the Crow Tribal Legislature, is intended to be codified as appropriate in Titles 3, 4, and 6 of the Crow Tribal Law and Order Code.

FEB 21 2002

Bill or resolution number CLB0202 Introduced by Chairman Birdinground Date of Vote \_\_\_\_\_

Representative	Yes	No	Abstain	No Vote
Bull Tail	—	—	✓	—
Costa	✓	—	—	—
Crooked Arm	—	—	—	—
Little Light	—	✓	—	—
Plain Feather	✓	—	—	—
Stewart	✓	—	—	—
Not Afraid	✓	—	—	—
Goes Ahead	✓	—	—	—
Hogan	—	✓	—	—
Old Elk	✓	—	—	—
Passes	—	—	—	—
Pease	—	—	—	—
Medicine Horse	✓	—	—	—
Russell	✓	—	—	—
Real Bird	—	—	—	—
Black Hawk	—	—	—	—
Stone	✓	—	—	—
Cloud	✓	—	—	—
<b>Results</b> (If tie vote)	—	—	—	—
Vice Chair Goes Ahead	—	—	—	—
<b>Results</b>	—	—	—	—

Result of vote: Passed Not Passed Tabled Veto Override

Signature of Officer: Benjamin Cloud III Date: 2-21-02



# LEGISLATIVE BRANCH OF THE CROW TRIBAL GOVERNMENT

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Crow Country

## Memorandum

### Legislative Branch

#### Pryor:

##### Arrow Creek

Ben Cloud  
Oliver Costa  
Carlson Goes Ahead

#### Big Horn:

##### Valley of the Give Away

Vincent Crooked Arm  
Ralph K. Iron  
**Willie Plainfeather,**  
Speaker of the House

#### Dunmore:

##### Black Lodge

Jared Stewart  
Larry Costa  
Clem Goes Ahead

#### Reno:

##### Center Lodge

Lloyd Hogan  
Daniel Old Elk, Sr.  
Kennard Real Bird

#### Lodge Grass:

##### Valley of the Chief

Eloise Pease  
Scott Medicine Horse  
Leroy Not Afraid

#### Wyola:

##### Mighty Few

Pius Real Bird  
Dana Wilson  
**J.D. Stone,**  
Secretary

#### Staff

Annie Singer,  
Office Manager  
Freda Knows Gun,  
Adm. Assistant  
Alex Medicine Horse,  
Sergeant at Arms

**To:** Jodi Klind, Finance Director  
Crow Tribal Executive Branch

**From:** Freda J. Knows Gun – Admin. Assistant *F.J.K.G.*

**Date:** March 26, 2004

**Re: Bill passed but no record of chairman's signatures on bill.**

This letter is to inform you that the Bill numbers CLB02-01 / CLB02-02 were passed on March 21, 2002. In concurrence with the office records, there isn't anything that justifies the Chairman's approval for CLB02-02. (See attachment of the minutes for that date of vote and submission of the original documents CLB02-01 / CLB02-02 to the Chairman's office, also highlighted for you).

Stated on the minutes of March 21, 2002, Chairman Bird In Ground's office was given the bills. Fortunately we received the original documents from the Elk River Law Firm for the bill CLB02-01, but nothing was sent for the bill CLB02-02. I have also contacted the Legal Department of the Crow Tribe, but there is no record of this.

*CLB02-01 – Bill #4*

*A BILL TO REVISE TITLE 3 OF THE CROW LAW AND ORDER CODE WHICH ESTABLISHES CRITERIA FOR TRIBAL COURT JUDGES.*

*CLB02-02 – Bill #8*

*AN ACT AMENDING TITLE 3, CHAPTERS 1 THROUGH VII, TITLE 4 AND TITLE 6, RULES 13 AND 26, OF THE CROW TRIBAL CODE TO DISSOLVE THE EXISTING LAW AND ORDER COMMISSION AND PUBLIC SAFETY OFFICER POSITION PROVIDING THE LEGISLATIVE BRANCH OF THE CROW TRIBE THE AUTHORITY TO PERFORM ITS LIMITED DUTIES.*

Please feel free to contact the office if you should have any further question regarding this matter, thank you.

**Crow Tribal Council**  
**Legislative Minutes**  
Thursday, February 21, 2002

**A. Meeting Called to Order:** 2:27 p.m.

**Roll Call:** 1. Joseph Bulltail 2. Oliver Costa 3. Robert Little Light 4. Willie Plain Feather  
5. Jared Stewart 6. Mike Not Afraid 7. Clem Goes Ahead 8. Lloyd Hogan 9. Dan Old Elk  
10. Scott Medicine Horse 11. Angela Russell 12. **J.D. Stone, Sec.** 13. **Speaker of the House, Ben Cloud.**

**Late:**

**Absent:** 14. Eloise Pease 15. Vincent Crooked Arm 16. Pius Real Bird 17. Victor Passes  
18. Vincent K. Blackhawk

**Invocation:** Sampson Birdinground invited by Dan Old Elk.

**Reading of Minutes:** Motion to accept by Dan Old Elk with correction. Seconded by Willie Plain Feather.

**Agenda:** Motion to accept by Mike Not Afraid. Seconded by Jared Stewart.

**B. Business for the Day:**

Elk River Law Firm informed Speaker of the House, Ben Cloud that the B.I.A. denied the Legislative request for time extension to review Bill #4 – and needed a decision right away.

**BILL #4 – CLB02-01**

**AN ACT REPEALING THE EXISTING TITLE 3 OF THE CROW TRIBAL LAW AND ORDER CODE AND ESTABLISHING A NEW TITLE 3 OF THE CROW TRIBAL LAW AND ORDER CODE.**

Method of voting, Roll-call

Vote, 9-yes, 4-opposed, 0-abstained.

Bill passed.

**BILL #8 – CLB02-02**

**AN ACT AMENDING TITLE 3, CHAPTERS I THROUGH VII, TITLE 4 AND TITLE 6, RULES 13 AND 26, OF THE CROW TRIBAL CODE TO DISSOLVE THE EXISTING LAW AND ORDER COMMISSION AND PUBLIC SAFETY OFFICER POSITION PROVIDING THE LEGISLATIVE BRANCH OF THE CROW TRIBE THE AUTHORITY TO PERFORM ITWS LIMITED DUTIES.**

Dan Old Elk motioned to accept the Bill #8 with amendments. Seconded by Angela Russell.

Vote, 10-yes, 2-opposed, 1-abstained. Motion carried.

Bills 4 & 8 were submitted to the Chairman's office in their original form attached with Legislature vote record.

Due to the tragic deaths and funerals, sessions are cancelled until Monday.

**Recessed at 3:32 p.m.**