

OCTOBER 2005 CROW TRIBAL LEGISLATURE

BILL NO. CLB05 -18

INTRODUCED BY CARL E. VENNE, CHAIRMAN
CROW TRIBAL EXECUTIVE BRANCH

A BILL FOR AN ACT ENTITLED:

“AN ACT TO AMEND THE CROW LAW AND ORDER CODE TO ESTABLISH A CURFEW FOR JUVENILES AND TO ENCOURAGE PARENTAL ACCOUNTABILITY”

WHEREAS, there is a high incidence of crime on the Crow Indian Reservation involving children as both offenders and victims; and

WHEREAS, a juvenile curfew provides an effective tool to assist parents and law enforcement to protect children on the Crow Reservation; and

WHEREAS, enforcement of a juvenile curfew can contribute to a substantial decrease in juvenile crime and misconduct; and

WHEREAS, there is generally no useful purpose for children to be unsupervised in public areas during the late hours of the night; and

WHEREAS, parents and guardians have the primary responsibility to provide supervision and protection of children in their care; and

WHEREAS, the interests of the Crow Nation will be served by establishing a juvenile curfew and encouraging parental accountability,

NOW, THEREFORE, BE IT ENACTED BY THE CROW TRIBAL LEGISLATURE:

Section 1. The 2005 Crow Law and Order Code is amended as provided herein.

Section 2. Title 9, Juveniles, is amended to add Part 22.

Part 22. Juvenile Curfew and Parental Accountability.

9-22-101. Juvenile curfew established. Children who are seventeen years of age or less shall be subject to the following curfew provisions:

- (1) No child between the ages of fifteen and seventeen shall be upon any public street, highway, alley, park, or other public place within the Crow Reservation between the hour of 10 o'clock PM and the hour of 6 o'clock AM on any school day or between the hour of midnight and 6 o'clock AM on any other day, unless the child is accompanied by his or her parent or guardian or other person having the legal care and custody of the child, unless the child's legal employment makes it necessary for the child to be traveling to or from home or the place of employment.
- (2) No child fourteen years of age or less shall be upon any public street, highway, alley, park, or other public place within the Crow Reservation between the hours of 9 o'clock PM and 6 o'clock AM on any day unless the child is accompanied by his or her parent or guardian or other person having the legal care and custody of the child.

9-22-102. Duty of parent or guardian. No parent, guardian or other person having the legal care and custody of any child seventeen years of age or less shall allow or permit such child to be in or upon any of the public streets, highways, alleys, parks or other public places on the Crow Reservation after the hours prescribed in section 9-22-101 unless reasonable necessity can be shown.

9-22-103. Duty of law enforcement. If a child is found in a public place in violation of this Part 22, the law enforcement officer shall:

- (a) record the name and address of the child and of the person having the legal care, custody and control of the child;
- (b) shall either take the child home or cause another reliable adult to do so; and
- (c) shall cause a written notice or citation to be mailed to or served upon the responsible parent or guardian as provided in 9-22-104; and
- (d) shall provide a copy of the notice or citation to the juvenile probation officer of the Crow Tribal Court within 24 hours of issuance.

9-22-104. Notice or citation. The notices or citations required by this Part shall be mailed or served within 24 hours of the curfew violation.

- (1) The first time a child is found in a public place in violation of this Part, the officer shall cause a written notice to be mailed to or served upon the child's parent or guardian in substantially the following form:

NOTICE: WITHIN THE PAST 24 HOURS, YOUR CHILD OR WARD WAS FOUND TO BE IN VIOLATION OF THE CURFEW LAWS OF THE CROW TRIBE. NO CHILD MAY BE IN A PUBLIC PLACE WITHOUT A PARENT OR GUARDIAN AFTER 9:00 PM IF THE CHILD IS TWELVE OR LESS, OR AFTER 11:00 PM ON SCHOOL DAYS AND MIDNIGHT ON OTHER DAYS IF THE CHILD IS BETWEEN THIRTEEN AND SEVENTEEN. THIS IS A FIRST OFFENSE. IF THERE IS A SECOND OFFENSE, A CITATION MAY BE ISSUED WHICH MAY RESULT IN LEGAL ACTION.

- (2) If there is a subsequent violation of this Part, the officer shall cause a written citation to be mailed to or served upon the child's parent or guardian in substantially the following form:

CITATION: WITHIN THE PAST 24 HOURS, YOUR CHILD OR WARD WAS FOUND TO BE IN VIOLATION OF THE CURFEW LAWS OF THE CROW TRIBE. NO CHILD MAY BE IN A PUBLIC PLACE WITHOUT A PARENT OR GUARDIAN AFTER 9:00 PM IF THE CHILD IS TWELVE OR LESS, OR AFTER 11:00 PM ON SCHOOL DAYS AND MIDNIGHT ON OTHER DAYS IF THE CHILD IS BETWEEN THIRTEEN AND SEVENTEEN. THIS IS NOT A FIRST OFFENSE. YOU ARE REQUIRED TO CONTACT THE JUVENILE PROBATION OFFICER OF THE CROW TRIBAL COURT WITHIN 48 HOURS TO ARRANGE A MEETING FOR YOUR CHILD AND A PARENT OR GUARDIAN TO DETERMINE THE CONSEQUENCES OF THIS VIOLATION.

- (3) If there are subsequent violations, the law enforcement officer may issue a citation for child endangerment as provided in 8B-5-608 (1).

Section 3. Title 8B, Criminal Code, Section 8B-5-608 (1) is amended as follows:

A parent, guardian, or other person supervising the welfare of a child less than 18 years old commits the offense of endangering the welfare of children if he/she knowingly endangers the child's welfare by violating a duty of care, protection, or support or if he/she knowingly fails to cause a child less than 18 years old to regularly attend school without legal justification or if he/she allows or permits such child to be in or upon any of the public streets, highways, alleys, parks or other public places on the Crow Reservation after the hours prescribed in section 9-22-101 unless reasonable necessity can be shown.

Section 4. Upon enactment of this Bill by the Crow Tribal Legislature and approval of the Chairman of the Executive Branch, the 2005 Crow Law and Order Code is adopted with an immediate effective date.

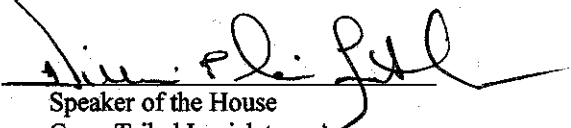
09.26.05

Bill to Establish Juvenile Curfew

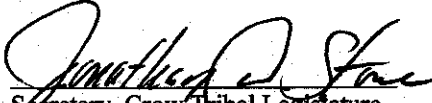
Page 2 of 3

CERTIFICATION

I hereby certify that this Bill: **“AN ACT TO AMEND THE CROW LAW AND ORDER CODE TO ESTABLISH A CURFEW FOR JUVENILES AND TO ENCOURAGE PARENTAL ACCOUNTABILITY,”** was duly enacted by the Crow Tribal Legislature with a vote of 15 in favor, 0 opposed, and 0 abstained and that a quorum was present on this 26th day of October, 2005.


Speaker of the House
Crow Tribal Legislature

ATTEST:


Secretary, Crow Tribal Legislature

EXECUTIVE ACTION

I hereby

approve

veto

this Bill: **“AN ACT TO AMEND THE CROW LAW AND ORDER CODE TO ESTABLISH A CURFEW FOR JUVENILES AND TO ENCOURAGE PARENTAL ACCOUNTABILITY,”** pursuant to the authority vested in the Chairman of the Crow Tribe by Article V, Section 8 of the Constitution and Bylaws of the Crow Tribe of Indians, on this 28 day of Oct, 2005.


Carl E. Venne, Chairman
Crow Tribal Executive Branch

Bill or Resolution Number CLB05-18 Introduced by: Executive Date of Vote 10-26-05
 Representative

	Yes	No	Abstain
B. Cloud	<input checked="" type="checkbox"/>		
C. Goes Ahead	<input checked="" type="checkbox"/>		
O. Costa	<input checked="" type="checkbox"/>		
V. Crooked Arm	<input checked="" type="checkbox"/>		
R. Iron	<input checked="" type="checkbox"/>		
J. Stewart	<input checked="" type="checkbox"/>		
E. Fighter	<input checked="" type="checkbox"/>		
L. Costa	<input checked="" type="checkbox"/>		
L. Hogan	<input checked="" type="checkbox"/>		
D. Old Elk			
K. Real Bird	<input checked="" type="checkbox"/>		
E. Pease	<input checked="" type="checkbox"/>		
S. Medicine Horse	<input checked="" type="checkbox"/>		
L. Not Afraid			
P. Real Bird	<input checked="" type="checkbox"/>		
D. Wilson			
J. Stone <i>Secretary of the House</i>	<input checked="" type="checkbox"/>		
W. Plain Feather <i>Speaker of the House</i>	<input checked="" type="checkbox"/>		
Totals:	<u>15</u>	<u>0</u>	<u>0</u>

Results of Vote:

Passed

Not Passed

Tabled

Veto Override

Signature of Officer

Wm Plain Feather

Date:

10-26-05