

**TITLE III CRIMINAL ACTION INDEX**

Chapter 1 Rules of Criminal Procedure

3-1-1	Scope .....	1
3-1-2	Purpose and Construction .....	1
3-1-3	Title.....	1
3-1-4	Complaint.....	1
3-1-5	Arrest Warrant or Summons Upon Complaint.....	1
3-1-6	Arrest.....	3
3-1-7	Notification of Rights at Time of Arrest.....	4
3-1-8	Initial Appearance Before the Magistrate or Judge.....	4
3-1-9	Release from Custody.....	4
3-1-10	Joinder of Offenses and Defendants.....	6
3-1-11	Arraignment.....	6
3-1-12	Withdrawal of Plea.....	7
3-1-13	Pleadings and Before Trial.....	8
3-1-14	Trial Joinder.....	10
3-1-15	Relief from Prejudicial Joinder.....	10
3-1-16	Depositions.....	10
3-1-17	Discovery and Inspection.....	12
3-1-18	Search Warrant Defined: Search and Seizure.....	15
3-1-19	Search Without Warrant.....	16
3-1-20	Disposition of Seized Property.....	16
3-1-21	Subpoena.....	16
3-1-22	Place of Trial.....	17
3-1-23	Evidence.....	17
3-1-24	Time for Jury Request.....	17
3-1-25	Jury Trial Selection Repealed (see Title 1, Chapter 2, Jury Selection).....	17
3-1-26	Sentencing and Judgement .....	17
3-1-27	New Trial.....	18
3-1-28	Arrest of Judgment.....	18
3-1-29	Clerical Mistakes.....	18
3-1-30	Probation.....	18
3-1-31	Parole and Pardon.....	18
3-1-32	Appeals.....	19
3-1-33	Stay of Execution and Relief of Pending Review.....	20
3-1-34	Dismissal.....	20
3-1-35	Calendars.....	20
3-1-36	Regulation of Conduct in Courtroom.....	20
3-1-37	Application and Exception .....	20
3-1-38	Appendix of Forms.....	21
3-1-39	Effective Date: Statutes Superseded.....	21

Chapter 2 Provisions for Criminal Practice

3-2-1	Scope.....	21
3-2-2	Purpose and Construction.....	21

3-2-3	Provisions and Principles of Construction.....	21
3-2-4	Territorial Applicability.....	22
3-2-5	Offenses Defined by Public Statutes.....	23
3-2-6	Prior Offenses.....	23
3-2-7	Prior Sentences.....	23
3-2-8	Method of Prosecution When Conduct Constitutes More Than One Offense.....	23
3-2-9	Limitations on Separate Trials for Multiple Offenses.....	24
3-2-10	Authority of the Court to Order Separate Trials.....	24
3-2-11	Conviction of Lessor Included Offense Permitted.....	24
3-2-12	Charging Offenses Together.....	24
3-2-13	Submission of Lessor Included Offense to Jury.....	24
3-2-14	Prosecution Barred by Former Prosecution for the Same Offense.....	24
3-2-15	Prosecution Barred by Former Prosecution for Different Offenses.....	25
3-2-16	Former Prosecution in Another Jurisdiction.....	25
3-2-17	Former Prosecution before Court Lacking Jurisdiction or when Fraudulently Procured by the Defendant.....	26
3-2-18	Proof and Presumptions.....	26
3-2-19	General Definitions.....	27
3-2-20	General Principles of Liability Requirement of Voluntary Act; Omission as a Basis of Liability for an Act.....	27
3-2-21	Absolute Liability.....	28
3-2-22	General Requirement of Culpability.....	28
3-2-23	Inapplicable Culpability Requirements.....	29
3-2-24	Causal Relationship Between Conduct and Result.....	29
3-2-25	Divergence Between Result Designed or Contemplated and Actual Result or Between Probable and Actual Result.....	30
3-2-26	Liability for Conduct of Another; Complicity.....	30
3-2-27	Liability of Corporation, Unincorporated Associates and person Acting, or Under Duty to Act, in Their Behalf.....	31
Chapter 3	<u>Criminal Extradition Procedure</u>	32
Chapter 4	<u>Statute of Limitations</u>	
3-4-1	Statute of Limitations.....	34
3-4-2	Completed Offense.....	34
3-4-3	Tolling of Limitations.....	34
3-4-4	Concealed Crime.....	34
3-4-5	Speedy Trial.....	34
Chapter 5	<u>Bail</u>	
3-5-1	Definitions.....	34
3-5-2	TERO License Required.....	35
3-5-3	Persons Disqualified as Bail Bond Agents .....	35
3-5-4	Bail.....	35
3-5-5	Bail Hearing.....	35
3-5-6	Taking of Bail.....	35

3-5-7	Bond Forfeiture and Enforcement.....	35
3-5-8	Setting of Bail.....	36
3-5-9	Release of Defendant.....	36
3-5-10	Forfeiture of Bail.....	36
3-5-11	Return of Bail.....	36

Chapter 6      Defenses

3-6-1	Definitions.....	36
3-6-2	Excuse or Mistake of Law.....	37
3-6-3	Intoxication.....	37
3-6-4	Duress.....	37
3-6-5	Military Orders.....	38
3-6-6	Consent.....	38
3-6-7	De Minimis Infractions.....	38
3-6-8	Entrapment.....	38
3-6-9	Justification Generally - Choice of Evil.....	39
3-6-10	Justification and Affirmative Defense - Civil Remedies Unaffected.....	39
3-6-11	Execution of Public Duty.....	39
3-6-12	Use of Force in Self-Defense.....	40
3-6-13	Use of Force for Protection of Other Persons.....	41
3-6-14	Use of Force for the Protection of Property.....	41
3-6-15	Use of Force in Law Enforcement.....	42
3-6-16	Use of Force with Parental, Custodial, or Similar Responsibilities.....	43
3-6-17	Justification in Property Crimes.....	44

Chapter 7      Criminal Responsibility

3-7-1	Mental Disease or Defect Excluding Responsibility.....	44
3-7-2	Evidence of Mental Disease or Defect Admissible When Relevant to Element of the Offense.....	44
3-7-3	Mental Disease or Defect Excluding Responsibility is Affirmative Defense; Requirement Of Notice; from Form of Verdict and Judgment When Finding of Irresponsibility is Made	44
3-7-4	Mental Disease or Defect Excluding Fitness to Proceed.....	45
3-7-5	Psychiatric Examination of Defendant with Respect to Mental Disease or Defect.....	45
3-7-6	Determination of Fitness to Proceed; Effect of Finding Unfitness; Proceeding if Fitness is Regained.....	45
3-7-7	Determination of Responsibility on Basis of Report; Access to Defendant by Psychiatrist Of His Own Choice.....	45
3-7-8	Form of Expert Testimony When Issue of Responsibility Brought to Trial.....	46
3-7-9	Legal Effect of Acquittal on the Grounds of Mental Disease or Defect Excluding Responsibility; Commitment; Release, or Discharge.....	46
3-7-10	Statement for Purpose of Examination or Treatment Inadmissible Except on the Issue of Mental Condition.....	47
3-7-11	Immaturity Excluding Criminal Conviction; Transfer of Proceeding to Juvenile Court.....	47

Chapter 8 Inchoate Crimes

3-8-1	Criminal Attempt .....	48
3-8-2	Criminal Solicitation.....	48
3-8-3	Criminal Conspiracy.....	49
3-8-4	Incapacity, Irresponsibility, or Immunity of Party to Solicitation or Conspiracy.....	50
3-8-5	Grading of Criminal Attempt, Solicitation, and Conspiracy, Mitigation in Offense Conduct, Multiple Convictions Barred.....	50

Chapter 9 Offenses, Penalties, and Sentencing

3-9-1	Tribal Law and Order Act Enactment.....	50
3-9-2	Classification of Offenses—Penalties.....	50
3-9-3	Authority of Court in Sentencing.....	51
3-9-4	Authorized Disposition of Offenders.....	51
3-9-5	Penalties Against Corporations and Unincorporated Association; Forfeiture of Corporate Charter or Revocation of Certificate; Authorizing Foreign Corporation to do Business on the Reservation.....	51
3-9-6	Place of Imprisonment.....	52
3-9-7	Reduction of Conviction by Court to Lesser Degree of Misdemeanor.....	52
3-9-8	Civil Commitment in Lieu of Prosecution or of Sentence.....	52
3-9-9	Hearing Prior to Restitution or Reparation Order—Conditions.....	52
3-9-10	Imposition of Fine—Response of Non-payment.....	53
3-9-11	Multiple Sentences, Concurrent or Consecutive Terms.....	53
3-9-12	The Court May Order a Pre-Sentence Investigations in any Case.....	54
3-9-13	Credit for Time of Detention Prior to Sentence, Credit for Imprisonment Under Earlier Sentence for the Same Crime.....	54

Chapter 10 Offenses Against the Person

3-10-1	Definitions.....	55
3-10-2	Murder.....	55
3-10-3	Manslaughter.....	56
3-10-4	Negligent Homicide.....	56
3-10-5	Assisting with Commission of Suicide; Causing Death by Suicide.....	56
3-10-6	Kidnapping.....	56
3-10-7	Felonious Restraint.....	56
3-10-8	False Imprisonment.....	56
3-10-9	Assault and Battery.....	56
3-10-10	Aggravated Assault.....	56
3-10-11	Assault on Tribal Law Enforcement Officer.....	57
3-10-12	Killing or Injury of Law Enforcement Support Animal.....	57
3-10-13	Assault on Tribal Government Employee.....	56
3-10-14	Custody of Committed Person.....	57
3-10-15	Criminal Coercion.....	58
3-10-16	Reckless Endangerment.....	58
3-10-17	Terrorizing.....	58
3-10-18	Felonious Restraint.....	58

3-10-19 False Imprisonment.....	58
3-10-20 Menacing.....	58
3-10-21 Stalking.....	59

Chapter 11     Sex Offenses

3-11-1 Definitions.....	59
3-11-2 Rape.....	62
3-11-3 Assault with Intent to Commit Rape.....	62
3-11-4 Statutory Rape.....	62
3-11-5 Sexual Abuse of a Ward.....	62
3-16-6 Sexual Assault.....	62
3-16-7 Sexual Assault of a Child.....	62
3-16-8 Indecent Exposure.....	62
3-16-9 Incest.....	62
3-16-10 Loitering to Solicit Sexual Activity.....	63
3-16-11 Prostitution.....	63
3-16-12 Promoting Prostitution.....	63
3-16-13 Engaging in Prostitution.....	63
3-16-14 Sex Trafficking.....	64
3-16-15 Video Voyeurism.....	64
3-16-16 Entering Reservation with a Child to Engage in Sexual Act.....	64
3-16-17 Sexual Exploitation of Children.....	64
3-16-18 Selling or Buying of Children.....	65
3-16-19 Materials involving Sexual Exploitation of Children.....	65
3-16-20 Materials Constituting or Containing Child Pornography.....	66
3-16-21 Obscenity.....	66
3-16-22 Misleading Domain Names on the Internet.....	67
3-16-23 Misleading Words or Digital Images on the Internet.....	67
3-16-24 Use of Child’s Name for Illicit Purpose.....	67
3-16-25 Open Lewdness.....	67
3-16-26 Credibility or Conduct of Complaining Witness.....	68
3-16-27 Affirmative Defenses.....	68

Chapter 12     Offenses Against Property

3-12-1 Definition.....	68
3-12-2 Arson and Related Offenses.....	68
3-12-3 Causing or Risking Catastrophe.....	69
3-12-4 Criminal Mischief.....	69
3-12-5 Burglary and other Criminal Intrusion.....	69
3-12-6 Criminal Trespass.....	70
3-12-7 Robbery.....	70

Chapter 13     Theft and Related Offenses

3-13-1 Definitions.....	71
3-13-2 General Provisions and Grading of Theft Offenses.....	71

3-13-3	Theft by Unlawful Taking or Disposition.....	72
3-13-4	Theft by Deception.....	72
3-13-5	Theft by Extortion.....	72
3-13-6	Theft of Property Lost, Mislaid, or Delivered by Mistake.....	73
3-13-7	Receiving Stolen Property.....	73
3-13-8	Theft of Service .....	73
3-13-9	Theft by Failure to Make Required Disposition of Funds Received .....	73
3-13-10	Unauthorized Use of Automobiles and Other Vehicles.....	74

Chapter 14     Forgery and Fraudulent Practices

3-14-1	Definitions.....	74
3-14-2	Forgery.....	74
3-14-3	Simulation Objects of Antiquity, Rarity, Source, or Authorship.....	74
3-14-4	Fraudulent Destruction, Removal, or Concealment or Recordable Instruments.....	74
3-14-5	Tampering with Records.....	74
3-14-6	Bad Checks.....	75
3-14-7	Credit Cards.....	75
3-14-8	Deceptive Business Practices.....	75
3-14-9	Rigging Public Exhibited Contest.....	76
3-14-10	Defrauding Secured Creditors.....	76
3-14-11	Fraud in Insolvency.....	76
3-14-12	Receiving Deposits in a Failing Financial Institution.....	76
3-14-13	Misapplication of Entrusted Property of Government or Financial Institution.....	76
3-14-14	Securing Execution of Documents by Deception.....	77

Chapter 15     Offenses Against Family

3-15-1	Bigamy.....	77
3-15-2	Polygamy.....	77
3-15-3	Interference with Custody of Children.....	77
3-15-4	Child Abuse.....	77
3-15-5	Child Neglect .....	77
3-15-6	Removal of Child from Reservation in Violation of Custody Order.....	78
3-15-7	Failure to Send Child to School.....	78
3-15-8	Persistent Failure to Support.....	79
3-15-9	Family Violence.....	79

Chapter 16     Offenses Against Public Administration

3-16-1	Definitions.....	79
3-16-2	Bribery in Official and Political.....	80
3-16-3	Threats and Other Improper Influence in Official and Political Matters.....	80
3-16-4	Compensation for Past Official Behavior.....	81
3-16-5	Retaliation for Past Official Action.....	81
3-16-6	Bribery to Public Servants by Persons Subject to Their Jurisdiction.....	81
3-16-7	Interference with Elections.....	81
3-16-8	Official Oppression.....	82

3-16-9	Speculating or Wagering on Official Action or Information.....	82
Chapter 17 <u>Perjury and Other Falsification in Official Matters</u>		
3-17-1	Definitions.....	82
3-17-2	Perjury.....	82
3-17-3	False Swearing.....	83
3-17-4	Unsworn Falsification to Authorities.....	83
3-17-5	False Alarms to Agencies of Public Safety.....	83
3-17-6	False Reports to Law Enforcement .....	83
3-17-7	Tampering with Witnesses and Informants.....	84
3-17-8	Tampering with Jurors or Court Officers.....	84
3-17-9	Tampering with or Fabricating Physical Evidence.....	84
3-17-10	Tampering with Public Records or Information.....	84
3-17-11	Impersonating a Public Servant.....	84
Chapter 18 <u>Obstructing Governmental Operations</u>		
3-18-1	Definitions.....	85
3-18-2	Obstructing Administration of Law- Contempt of Court.....	85
3-18-3	Resisting Arrest.....	85
3-18-4	Hindering Apprehension or Prosecution.....	85
3-18-5	Aiding Consummation of Crime.....	85
3-18-6	Failure to Report a Crime or Death.....	86
3-18-7	Escape.....	86
3-18-8	Implements for Escape, Other Contraband.....	86
3-18-9	Bail Jumping; Default in Required Appearance.....	86
Chapter 19 <u>Offenses Against Public Order and Decency</u>		
3-19-1	Definitions.....	86
3-19-2	Riot.....	87
3-19-3	Failure to Disperse Upon Official Order.....	87
3-19-4	Disorderly Conduct.....	87
3-19-5	Public False Alarm.....	87
3-19-6	Harassment.....	87
3-19-7	Public Intoxication Due to Alcohol or Drugs.....	88
3-19-8	Loitering or Prowling.....	88
3-19-9	Obstructing Highways or Other Public Passages.....	89
3-19-10	Disrupting Meetings and Processions.....	89
3-19-11	Desecration of Venerated Objects.....	89
3-19-12	Abuse of Corpse.....	89
3-19-13	Movement or Transportation of a Corpse.....	89
3-19-14	Cruelty to Animals.....	89
3-19-15	Violation of Privacy.....	89
3-19-16	Interference with Emergency Communications.....	90

Chapter 20 Weapons and Explosives

3-20-1	Definitions.....	90
3-20-2	Adoption of North Dakota and Federal Firearms Laws.....	91
3-20-3	Prohibition on Possession of Firearm.....	91
3-20-4	Carrying Weapons onto School Property.....	91
3-20-5	Brandishing a Firearm.....	92
3-20-6	Unlawful Use of Weapon.....	92
3-20-7	Use of a Dangerous Weapon or Firearm by a Child.....	92
3-20-8	Possession of Explosives.....	93
3-20-9	Selling Firearms to Minors Prohibited.....	93
3-20-10	Antique Firearms.....	93
3-20-11	Carrying of Concealed Explosives .....	93
3-20-12	Possession Presumptive Evidence of Intent to Use Weapon for Unlawful Purpose.....	93
3-20-13	Use of Firearm by Children Prohibited—Penalty.....	93
3-20-14	Forfeiture of Weapons by Person Arrested and Convicted of Crime.....	93
3-20-15	Manufacture, Use, Sale of Black Cartridge Firearms and Firecrackers.....	93
3-20-16	Dealer’s License Required.....	93
3-20-17	Federal Firearms Licenses.....	93

Chapter 21 Human Trafficking Code (Loren’s Law)

3-21-1	Definitions.....	94
3-21-2	Human Trafficking.....	95
3-21-3	Labor Trafficking.....	95
3-21-4	Sex Trafficking.....	95
3-21-5	Patronizing a Victim of Sex Trafficking.....	96
3-21-6	Patronizing a Minor for Commercial Sexual Activity.....	96
3-21-7	Business Entity Liability.....	96
3-21-8	Restitution.....	96
3-21-9	Past Sexual Behavior of Victim.....	97
3-21-10	Victim Confidentiality.....	97
3-21-11	Affirmative Defense of Victim.....	97
3-21-12	Additional Penalties and Sentencing Alternatives.....	97
3-21-13	Motion to Vacate and Seal Conviction.....	97
3-21-14	Civil Action.....	98
3-21-15	Treatment.....	98

Chapter 22 Amended Sexual Offenders Registration and Notification Act

3-22-1	Title.....	98
3-22-2	Purpose.....	99
3-22-3	Definitions.....	99
3-22-4	Registerable Offenses.....	100
3-22-5	Sex Offenses.....	103
3-22-6	Tiering of Offenses.....	103
3-22-7	Three Affiliated Tribes’ Sex Offender Registry and Registration Requirements Tribal Sex Offender Registry.....	105



3-22-8	Requirement for In-Person Appearance.....	105
3-22-9	Where Registration is Required.....	106
3-22-10	Timing of Registration.....	106
3-22-11	Frequency, Duration, and Reduction of Registration.....	106
3-22-12	Failure to Appear and Absconding.....	107
3-22-13	Required Information.....	108
3-22-14	International Travel.....	110
3-22-15	Offense Information.....	111
3-22-16	Vehicle Information.....	111
3-22-17	Public Offender Registry Website.....	111
3-22-18	Required and Prohibited Information.....	111
3-22-19	Community Notification.....	112
3-22-20	Crimes and Civil Sanctions.....	112
3-22-21	Immunity.....	113
Chapter 23	<u>Pow-Wow Control Ordinance</u>	
3-23-1	Definitions.....	113
3-23-2	Legislative Intent.....	113
3-23-3	Prohibitions.....	113
3-23-4	Penalties.....	114
3-23-5	Confiscation.....	114
3-23-6	Notice.....	114
3-23-7	Enforcement.....	114
Chapter 24	<u>Domestic Violence and Covered Crimes</u>	
3-24-1	Special Tribal Criminal Jurisdiction.....	114
3-24-2	Purpose.....	114
3-24-3	Definitions.....	115
3-24-4	General Jurisdiction.....	117
3-24-5	Rights of Defendants.....	118
3-24-6	Petitions to Stay Detention.....	118
3-24-7	Petitions for Writs of Habeas Corpus.....	119
3-24-8	Crime of Domestic Violence.....	119
3-24-9	Crime of Dating Violence.....	119
3-24-10	Stalking.....	120
3-24-11	Defenses.....	120
3-24-12	Classification for Penalty for Stalking.....	120
3-24-13	Violation of Domestic Violence Protection Order.....	121
3-24-14	Domestic Violence Protection Order.....	121
3-24-15	Temporary Ex Parte Protection Order.....	122
3-24-16	Domestication, Recognition, and Enforcement of Foreign Protection Orders.....	123
3-24-17	Mandatory Arrest.....	124
3-24-18	Mandatory Hold.....	125
3-24-19	Bail.....	125
3-24-20	Filing of Complaint.....	125
3-24-21	Victims Rights.....	125

3-24-22	Persons Required to Report.....	127
3-24-23	Protection of Domestic Violence Advocate.....	127
3-24-24	Immunity from Liability.....	127
3-24-25	Rights and Required Procedures.....	128
3-24-26	Savings and Severability.....	128

Chapter 25 Drugs

3-25-1	General Provisions.....	129
3-25-2	Definitions.....	129
3-25-3	Jurisdiction.....	131
3-25-4	Drug Paraphernalia.....	131
3-25-5	Nomenclature.....	133
3-25-6	Schedules for Drug Code.....	133
3-25-7	Registration of Controlled Substances.....	139
3-25-8	Prescriptions.....	142
3-25-9	Penalties.....	142
3-25-10	Disposing of Needles and Paraphernalia.....	143
3-25-11	Penalties Under Other Laws.....	143
3-25-12	No Bar to Tribal Prosecution.....	143
3-25-13	First Offense Possession.....	143
3-25-14	Determination of Imitation Controlled Substances.....	144
3-25-15	Powers of Enforcement Personnel.....	144
3-25-16	Administrative Inspections and Warrants.....	145
3-25-17	Injunctions.....	146
3-25-18	Cooperative Arrangements and Confidentiality.....	146
3-25-19	Forfeitures.....	147
3-25-20	Liabilities- Burden of Proof.....	148
3-25-21	Judicial Review.....	148
3-25-22	Education and Research.....	148

Chapter 26 Criminal Traffic Offenses and Penalties

3-26-1	Definitions.....	149
3-26-2	Operating a Motor Vehicle Under the Influence of Intoxicating Liquor or Controlled Substances.....	150
3-26-3	Interpretation of Chemical Tests.....	152
3-26-4	Implied Consent to Determine Concentration of Alcohol in Blood.....	152
3-26-5	Record of the Court.....	154
3-26-6	Vehicular Manslaughter.....	155
3-26-7	Duties in the Event of a Motor Vehicle Crash.....	155
3-26-8	Reckless Driving – Aggravated Reckless Driving – Penalty.....	155
3-26-9	Fleeing or Attempting to Elude a Law Enforcement Officer- Penalty.....	156
3-26-10	Refusing to Halt.....	156

**CHAPTER INDEX**

Chapters		Pages
Chapter 1	Rules of Criminal Procedure.....	1-21
Chapter 2	Provisions for Criminal Practice.....	21-31
Chapter 3	Criminal Extradition Procedure.....	32-33
Chapter 4	Statute of Limitations.....	34-34
Chapter 5	Bail.....	34-36
Chapter 6	Defenses.....	36-44
Chapter 7	Criminal Responsibility.....	44-48
Chapter 8	Inchoate Crimes.....	48-50
Chapter 9	Offenses, Penalties, and Sentencing.....	50-54
Chapter 10	Offenses Against Person.....	55-59
Chapter 11	Sex Offenses.....	59-68
Chapter 12	Offenses Against Property.....	68-70
Chapter 13	Theft and Related Offenses.....	71-74
Chapter 14	Forgery and Fraudulent Practices.....	74-77
Chapter 15	Offenses Against Family.....	77-79
Chapter 16	Offenses Against Public Administration.....	79-82
Chapter 17	Perjury and Other Falsification in Official Matters.....	82-84
Chapter 18	Obstructing Government Operations.....	85-86
Chapter 19	Offenses Against Public Order and Decency.....	86-90
Chapter 20	Weapons and Explosives.....	90-93
Chapter 21	Human Trafficking Code (Loren’s Law) .....	94-98
Chapter 22	Amended Sexual Offenders Registration and Notification Act.....	98-113
Chapter 23	Pow-Wow Control Ordinance.....	113-114
Chapter 24	Domestic Violence and Covered Crimes.....	114-128
Chapter 25	Drugs.....	129-148
Chapter 26	Criminal Traffic Offenses and Penalties.....	149-156