

3-13-10 **Unauthorized Use of Automobiles and Other Vehicles**

3-13-10.1 A person is guilty of a Class 3 Misdemeanor if he operates another’s automobile, airplane, motorcycle, motorboat, or other motor propelled vehicle without consent of owner. It is an affirmative defense to prosecution under this section that the actor reasonably believed that the owner would have consented to the operation had he known of it.

Chapter14 – Forgery and Fraudulent Practices

3-14-1 **Definitions**

3-14-1.1 In this chapter, the definitions given apply unless a different meaning plainly is required.

- a. “Adulterated” means varying from the standard of composition or quality prescribed by or pursuant to any statute providing criminal penalties for such variance or set by established commercial usage.
- b. “Commodity” means any material of commerce or agricultural produce that can be bought or sold.
- c. “Credit card” means a writing or other evidence of an undertaking to pay for property or services delivered or rendered to or upon the order of a designated person for bearer.
- d. “Mislabeled” means varying from the standard of truth or disclosure in labeling prescribed by or pursuant to any statute providing criminal penalties for such variance or set by established commercial usage.
- e. “Writing” includes printing or any other method or recording information, money, coins, tokens, stamps, seals, credit cards, badges, trademarks, and other symbols of value, right, privilege, or identification.

3-14-2 **Forgery**

3-14-2.1 A person guilty of forgery, a Class 2 Misdemeanor, if, with purpose to defraud or injure anyone, or with knowledge that he is facilitating a fraud or injury to be perpetrated by anyone, the actor:

- a. Alters any writing of another without the authority of the writer;
- b. Makes, completes, executes, authenticates, issues, or transfers any writing so that it purports to be the act of another who did not authorize that act, or to have been executed at a time or place or in a numbered sequence other than was in fact the case, or to be a copy of an original when no such original existed; or
- c. Utters any writing, which he knows to be forged, in a manner specified in subsections 3-14-2.1 (a) or (b).

3-14-3 **Simulation Objects of Antiquity, Rarity, Source, or Authorship**

3-14-3.1 A person is guilty of a Class 2 Misdemeanor if, with purpose to defraud anyone or with knowledge that he is facilitating a fraud to be perpetrated by anyone, he makes, alters, or utters any object so that it appears to have value because of antiquity, rarity, source, or authorship which it does not possess.

3-14-4 **Fraudulent Destruction, Removal, or Concealment of Recordable Instruments**

3-14-4.1 A person is guilty of a Class 2 Misdemeanor if, with purpose to deceive or injure anyone, he destroys, removes, or conceals any will, deed, mortgage, security instrument or other writing for which the law provides public recording.

3-14-5 **Tampering with Records**

3-14-5.1 A person is guilty of a Class 3 Misdemeanor if, knowing that he has no privilege to do so, he falsifies, destroys, removes, or conceals any writing or record, with purpose to deceive or injure anyone or to conceal any wrongdoing.

3-14-6 **Bad Checks**

- 3-14-6.1 A person who issues or passes a check or similar sight order for the payment of money, knowing that it will not be honored by the drawee, is guilty of a Class I Misdemeanor if the amount exceeds one hundred (100) dollars. For the purpose of this section as well as in any prosecution for theft committed by means or a bad check, an issuer is presumed to know that the check or order would not be paid, if:
- a. The issuer had no account with the drawee at the time the check or order was issued; or
 - b. Payment was refused by the drawee for lack of funds, upon presentation within thirty (30) days after issue, and the issuer failed to make good within ten (10) days after receiving notice of that refusal.

- 3-14-6.2 A person who issues or passes a check or similar sight order for the payment of money, which amount is less than one hundred (100) dollars and exceeds twenty-five (25) dollars and knowing that it will not be honored by the drawee, is guilty of a Class 3 Misdemeanor.

- 3-14-6.3 A person who issues or passes a check or similar sight order for the payment of money, which amount is twenty-five (25) dollars or less and knowing that it will not be honored by the drawee, is guilty of a Class 4 Misdemeanor.

3-14-7 **Credit Cards**

- 3-14-7.1 A person is guilty of a Class 3 Misdemeanor if he knowingly uses a credit card for the purpose of obtaining property or services with knowledge that:
- a. The card is stolen or forged;
 - b. The card has been revoked or cancelled; or
 - c. For any other reason, his use of the card is unauthorized.

- 3-14-7.2 It is a Felony under this section if the value of the property or services secured or sought to be secured by means of the credit card exceed five thousand (5,000) dollars.

3-14-8 **Deceptive Business Practices**

- 3-14-8.1 A person is guilty of a Class 3 Misdemeanor if in the course of business, he knowingly or recklessly:
- a. Uses or possesses for use a false weight or measure, or any other device for falsely determining or recording any quality or quantity;
 - b. Sells, offers, or exposes for sale, or delivers less than the represented quantity of any commodity or service;
 - c. Takes or attempts to take more than the represented quantity of any commodity or service when as buyer he furnishes the weight or measure;
 - d. Sells, offers, or exposes for sale adulterated or mislabeled commodities;
 - e. Makes a false or misleading statement in any advertisement addressed to the public or to a substantial segment thereof for the purpose of promoting the purchase or sale of property or services;
 - f. Makes a false or misleading written statement for the purpose of obtaining property or credit; or
 - g. Makes false or misleading written statement for the purpose of promotion the sale of securities, or omits information required by law to be disclosed in written documents relating to securities.

3-14-9 **Rigging Public Exhibited Contest**

3-14-9.1 A person is guilty of a Class 3 Misdemeanor if, with purpose to prevent a publicly exhibited contest from being conducted in accordance with the rules and usages purporting to govern it, he knowingly:

- a. Confers, offers, or agrees to confer any benefit upon, or threatens any injury to a participant, official, or other person associated with the contest or exhibition; or
- b. Tampers with any person, animal, or thing to be used by the contestants or exhibition participants.

3-14-9.2 A person is guilty of a Class 3 Misdemeanor if he knowingly solicits, accepts, or agrees to accept any benefit the giving of would be criminal under subsection 3-14-9.1(a).

3-14-9.3 A person is guilty of a Class 3 Misdemeanor if he knowingly engages in, sponsors, produces, judges, or otherwise participates in a publicly exhibited contest knowing that the contest is not being conducted in compliance with the rules and usages purporting to govern it, by reason of conduct which would be criminal under this section.

3-14-10 **Defrauding Secured Creditors**

3-14-10.1 A person is guilty of a Class 2 Misdemeanor if he destroys, removes, conceals, encumbers, transfers, or otherwise deals with property subject to a security interest with purpose to hinder enforcement of that interest.

3-14-11 **Fraud in Insolvency**

3-14-11.1 A person is guilty of a Class 2 Misdemeanor if, knowing that proceedings have been or are about to be instituted for the appointment of a receiver of other person entitled to administer property for the benefit of creditors, or that any other composition of liquidation for the benefit of creditors has been or is about to be made, he knowingly:

- a. Destroys, removes, conceals, encumbers, transfers, or otherwise deals with any property with purpose to defeat or obstruct the claim or any creditor, or otherwise to obstruct the operation of any law relating to administration of property for the benefit of creditors;
- b. Falsifies any writing or record relating to the property; or
- c. Misrepresents or refuses to disclose to a receiver or other person entitled to administer property for the benefit of creditors, the existence, amount or location for the property, or any other information which the actor could be legally required to furnish in relation to such administration.

3-14-12 **Receiving Deposits in a Failing Financial Institution**

3-14-12.1 An officer, manager or other person directing or participating in the direction of a financial institution is guilty of a Class 2 Misdemeanor if he receives or permits the receipt of a deposit, premium payment, or other investment in the institution knowing that:

- a. Due to financial difficulties the institution is about to suspend operations or go into receivership or reorganization; and
- b. The person making the deposit or other payment is unaware of the precarious situation of the institution.

3-14-13 **Misapplication of Entrusted Property of Government or Financial Institution**

3-14-13.1 A person is guilty of a Class 3 Misdemeanor if he applies or disposes of property that has been entrusted to him as a fiduciary, or property of the government or of a financial institution, in a manner which he knows is unlawful and involves substantial risk of loss or detriment to the owner of the property or to a person for whose benefit the property was entrusted.

3-14-14 **Securing Execution of Documents by Deception**

3-14-14.1 A person is guilty of a Class 3 Misdemeanor if he knowingly uses deception and causes another to execute any instrument affecting, purporting to affect, or likely to affect, the pecuniary interest of any person.

Chapter 15 – Offenses Against the Family

3-15-1 **Bigamy**

3-15-1.1 A married person is guilty of bigamy, a Class 3 Misdemeanor, if he contracts or purports to contract another marriage, unless at the time of the subsequent marriage:

- a. The actor believes that the prior spouse is dead;
- b. The actor and the prior spouse have been living apart for five (5) consecutive years throughout which the actor did not know the prior spouse to be alive;
- c. A court has entered a judgment purporting to terminate or annul any prior disqualifying marriage, and the actor does not know that judgment to be invalid; or
- d. The actor reasonably believes that he is eligible to remarry.

3-15-2 **Polygamy**

3-15-2.1 A person is guilty of polygamy, a Class 3 Misdemeanor if he marries or cohabits with more than one spouse in purported exercise of the right of plural marriage. The offense is a continuing one until all cohabitation and claim of marriage with more than one spouse terminates.

3-15-3 **Interference with Custody of Children**

3-15-3.1 A person is guilty of a Class 3 misdemeanor if he knowingly or recklessly takes or entices any child under the age of eighteen (18) years from the custody of the child's parents, guardian, or other lawful custodian, when he has no privilege to do so. Proof that the child was below the critical age gives rise to a presumption that the actor knew the child's age or acted in reckless disregard thereof.

3-15-3.2 It is an affirmative defense that the actor believed that his action was necessary to preserve the child from danger to the child's welfare.

3-15-4 **Child Abuse**

3-15-4.1 A person having permanent or temporary care, custody, or responsibility for supervision of a child, is guilty of child abuse, a Felony offense, if the actor willfully:

- a. Inflicts or allows to be inflicted upon the child unjustifiable physical pain by striking, beating, or torturing or causing mental suffering;
- b. Inflicts or allows to be inflicted upon the child substantial bodily injury or serious bodily injury; or
- c. Deserts the child with intent to abandon the child.

3-15-4.2 Upon conviction, in addition to the standard penalties, said person may be required to undergo medical evaluation and treatment if ordered by the court.

3-15-5 **Child Neglect**

3-15-5.1 A person having permanent or temporary care, custody, or responsibility for supervision of a child, is guilty of a Class 1 Misdemeanor, if the actor willfully:

- a. Deprives the child of necessary subsistence, education, shelter, medical treatment, or any other care necessary for the child's health and well-being while having the capability of so providing, except in cases where the parent's spiritual beliefs prohibit them from allowing medical treatment;

- b. Permits the child to live in an environment that causes the child's physical, mental, or emotional health to be significantly impaired or in danger of being significantly impaired;
- c. Fails to provide adequate parental care or control as evidenced by habitual delinquency;
- d. Leaves a child under the age of fourteen (14) years without competent supervision overnight for any reason other than an emergency;
- e. Exposes a child to a physically dangerous situation as a result of parental negligence;
- f. Fails to adequately clothe a child for severe weather conditions;
- g. Leaves a child under the age of ten (10) unsupervised in a motor vehicle with the ignition engaged for a continuous time more than fifteen (15) minutes;
- h. Knowingly allows a child under the age of eighteen (18) years access to alcoholic beverages, drugs, or tobacco;
- i. Knowingly allows a child to be out in public unsupervised after curfew; or
- j. Knowingly fails to immunize a child from a reasonably preventable disease when contacted by medical personnel or school officials, except in cases where the actor's spiritual beliefs prohibit them from allowing medical treatment.

3-15-5.2 A violation of subsections 3-15-5.1(a-j) shall be sentenced on a graduated scale as follows:

- a. 1st Offense – Class 4 Misdemeanor
- b. 2nd Offense – Class 3 Misdemeanor
- c. 3rd Offense – Class 2 Misdemeanor

3-15-5.3 In determining the offense level, the court shall review the person's court record, in this jurisdiction and all other tribal, state, or federal records for the past four (4) years. If deemed appropriate, the court may order guidance and counseling, rehabilitative services, or other remedial remedies such as temporary removal of the child from parental custody where repeated or severe neglect presents a danger to the child.

3-15-6 **Removal of Child from Reservation in Violation of Custody Order**

3-15-6.1 Any person who intentionally removes, causes the removal of, or detains the person's own child under the age of eighteen (18) years outside the Fort Berthold reservation with the intent to deny another person's rights in violation of an existing Three Affiliated Tribes Court custody order is guilty of a Felony offense. Detaining the child outside the reservation in violation of the custody order for more than seventy-two (72) hours is prima facie evidence that the person charged with the offense intended to violate the custody order at the time of removal.

3-15-7 **Failure to Send a Child to School**

3-15-7.1 Any person with custodial care and control over a child who knowingly, without good cause as defined in subsection 3-15-7.2, neglects or refuses to send any child under the age of eighteen (18) years to school is guilty of a Class 4 Misdemeanor

3-15-7.2 For purposes of this section, good cause shall include, but not be limited to the following:

- a. Illness in the child's immediate family, making the child's presence at home an actual necessity, or his presence in school a menace to the health of other pupils;
- b. The physical or mental condition of the child is such as to render his attendance at school unsafe, impracticable, or harmful to such child or to others. The nature of such condition must be evidenced by the certificate of a reputable physician, dentist, psychologist, or other health professional lawfully in the business to treat such sickness or disease;
- c. The child, as declared by a licensed physician, is mentally or physically handicapped, and cannot receive proper instruction in the common schools, in which case suitable provisions will be made for the educational instruction or training of such child, if possible. In the event that a child with intellectual disabilities cannot be provided with educational instruction, it shall be

the duty of the tribal judge to make a written report of said condition and submit the report of such finding to the tribal Department of Child Welfare; and

- d. The child’s educational instruction in the subjects commonly taught in the schools is otherwise provided by a competent person or parent. All such instructions and reports covering the child’s school subjects shall be filed with the relevant tribal school administration.

3-15-8 **Persistent Failure to Support**

3-15-8.1 A person is guilty of a Class 3 Misdemeanor if he willfully, knowingly, and persistently fails to provide support of which he is capable to provide and which he is legally obligated by court order to provide for the care of his dependent children, regardless if the child(ren) are born out of wedlock.

3-15-9 **Family Violence**

3-15-9.1 A person is guilty of a Class 1 Misdemeanor if he:

- a. Willfully causes substantial bodily harm or injury to a family or household member;
- b. Willfully threatens, uses, or attempts to use physical force, or threatens the use of a dangerous weapon against a family or household member; or
- c. Negligently causes bodily harm or injury to a family or household member by means of a firearm, destruction device, or other weapon, the use of which against a human being is likely to cause death or serious bodily injury.

3-15-9.2 For purposes of this section, “family or household member” shall include:

- a. Parents, siblings, child, or person who stands in the place of a parent (in loco parentis); and
- b. Any other person living in the residence and who is related to the victim by blood or marriage.
- c. Family member shall not include a “spouse or intimate partner” as the term is defined in chapter 24 subsection 3-24-3.1(i) of this title, as violence against such individuals is governed by the provisions of chapter 24 of this title.

3-15-9.3 A victim of family violence shall be entitled to seek the issuance of a protection order, pursuant to the provisions provided at chapter 24, section 3-24-14 of this Title.

3-15-9.4 As used in this section, dangerous weapon means any firearm, or device, instrument, material, or substance, whether animate or inanimate, which in the manner it is used or is intended to be used, is capable of producing death or serious bodily injury.

Chapter 16 – Offense Against Public Administration

3-16-1 **Definitions**

3-16-1.1 In this chapter, unless a different meaning plainly is required:

- a. “Administrative Proceeding” means any proceeding other than a judicial proceeding the outcome of which is required to be based on a record of documentation prescribed by law, or in which law or regulation is particularized in application to individuals.
- b. “Benefit” means gain or advantage, or anything regarded by the beneficiary as gain or advantage, including benefit to another person or entity in whose welfare he is interested, but not an advantage promised to a group or class of voters as a consequence of public measures which a candidate engages to support or oppose.
- c. “Government” means the tribal government of the Fort Berthold Indian reservation or any political subdivision the tribal government; any agency, subdivision, or department of the tribal government or any political subdivision of the tribal government including the executive, legislative, and judicial branches; any corporation or other entity established by law to carry on any governmental function; and any commission corporation, or agency established by statute,

compact, or contract between or among other State, Tribal, or Federal governments for the execution of intergovernmental programs.

- d. “Governmental Function” includes any activity that one or more public servants are legally authorized to undertake on behalf of the government.
- e. “Harm” means loss, disadvantage or injury, or anything to regard by the person affected, including loss, disadvantage or injury to any other person or entity in whose welfare he is interested.
- f. “Official Proceeding” means a proceeding heard or which may be heard before any legislative, judicial, administrative, or other governmental agency or official authorized to take evidence under oath, including any referee, hearing examiner, commissioner, notary, or other person taking testimony or deposition in connection with any such proceeding.
- g. “Pecuniary benefit” means benefit in the form of money, property, commercial interests, or anything else the primary significance of which is economic gain.
- h. “Public servant” means tribal government officials, tribal appointed department officials, tribal appointed judicial and legal staff, all law enforcement officials, all support staff to such officials, all tribal elected and or appointed board/committee member, and all other employees of the Three Affiliated Tribes who serve in any employment capacity.

3-16-2 **Bribery in Official and Political**

3-16-2.1 A person guilty of bribery, a Class 3 Misdemeanor, if he offers, confers, or agrees to confer upon another, or solicits, accepts, or agrees to accept from another:

- a. Any pecuniary benefit as consideration for the recipient’s decision, opinion, recommendation, vote, or other exercise of discretion as a public servant or voter;
- b. Any benefit as consideration for the recipient’s decision, vote, recommendation, or other exercise of official discretion in a judicial or administrative proceeding; or
- c. Any benefit as consideration for a violation of a known legal duty as public servant or party official.

3-16-2.2 It is no defense to prosecution under this section that a person whom the actor sought to influence was not qualified to act in the desired way whether because he had not yet assumed office, or lacked jurisdiction, or for any other reason.

3-16-3 **Threats and Other Improper Influence in Official and Political Matters**

3-16-3.1 A person is guilty of a Class 2 Misdemeanor if he knowingly and purposely:

- a. Threatens unlawful harm to any person with the purpose to influence his decision, opinion, recommendation, vote, or other exercise of discretion of a public servant, tribal council official, or voter;
- b. Threatens harm to any public servant with purpose to influence his decision, opinion, recommendation, vote, or other exercise of discretion in a judicial or administrative proceeding;
- c. Threatens harm to any public servant with purpose to influence him to violate his/her known legal duty; or
- d. Privately addresses to any public servant who has or will have an official discretion in a judicial or administrative proceeding any representation, petition, argument, or other communication with purpose to influence the outcome on the basis of considerations other than those authorized by law.

3-16-3.2 It is not a defense to prosecution under this section that a person whom the actor sought to influence was not qualified to act in the desired way, whether because he had not yet assumed office, or lack of jurisdiction, or for any other unlawful reason.

3-16-4 **Compensation for Past Official Behavior**

3-16-4.1 A person is guilty of a Class 3 Misdemeanor if he solicits, accepts, or agrees to accept any pecuniary benefit as compensation for having, as public servant, given a decision, opinion, recommendation or vote favorable to another, or having otherwise exercised a discretion in his favor, or for having violated his duty.

3-16-4.2 A person is guilty of a Class 3 Misdemeanor if he offers, confers, or agrees to confer compensation acceptance of which is prohibited by this section.

3-16-5 **Retaliation for Past Official Action**

3-16-5.1 A person is guilty of a Class 2 Misdemeanor if he knowingly harms another by any unlawful act in retaliation for anything lawfully done by the latter former official in the capacity of a public servant.

3-16-6 **Bribery to Public Servants by Persons Subject to Their Jurisdiction**

3-16-6.1 A person who knowingly or intentionally commits any of the following shall be guilty of a Class 2 Misdemeanor:

- a. Regulatory and Law Enforcement Officials - No public servant in any tribal department or agency exercising regulatory function, or conducting inspection or investigation, or carrying on civil or criminal litigation on behalf of the government, or having custody of prisoner, shall solicit, accept or agree to accept, any pecuniary benefit from a person known to be subject to such regulation, inspection, investigation or custody, or against whom such litigation is known to be pending or contemplated.
- b. Officials Concerned with Government Contracts and Pecuniary Transactions - No public servant having any discretionary function to perform in connection with contracts, purchases, payments, claims, or other pecuniary transactions of the tribal government shall solicit, accept, or agree to accept any pecuniary benefit from any person known to be interested in or likely to become interested in any such contract, purchase, payment, claim or other pecuniary transaction of the tribal government.
- c. Judicial and Administrative Officials - No public servant having judicial or administrative authority, or participating in the enforcement of its decisions, shall solicit, accept, or agree to accept any pecuniary benefit from a person known to be interested in or likely to become interested in any matter before such public servant or tribunal with which he is associated.
- d. Legislative Officials - No public servant shall solicit, accept, or agree to accept any pecuniary benefit from any person known to be interested in a bill, transaction or proceeding, pending, or contemplated, before the tribal government or any committee or agency thereof.

3-16-6.2 A person who knowingly confers, or offers or agrees to confer, benefit upon any public servant in the foregoing subsection 3-16-6.1(a-d) shall be guilty of a Class I Misdemeanor and shall be forever barred from conducting any future tribal business transactions.

3-16-6.3 This section 3-16-6 shall not apply to the following transactions:

- a. Fees prescribed by law to be received by a public servant, or any other benefit for which the recipient gives legitimate consideration or to which he is otherwise legally entitled;
- b. Gifts or benefits conferred on account of kinship or other personnel, professional, or business relationship independent of the official status of the receiver; or
- c. Trivial benefits incidental to personal, professional, or business contacts and involving no substantial risk of undermining official impartiality.

3-16-7 **Interference with Elections**

3-16-7.1 A person who knowingly or willfully commits any of the following actions shall be guilty of a Felony offense:

- a. Coerces, threatens, injures, or intimidates another person with respect to voting, qualifying to vote, qualifying as a candidate for elective office, or qualifying or working as an election official, in any primary, special, or general election of the Three Affiliated Tribes;
- b. In connection with any election of the Three Affiliated Tribes, makes or induces any fraudulent voter activity; or
- c. In connection with any election of the Three Affiliated Tribes, offers, gives, or agrees to give anything of pecuniary value to another person as consideration for the recipient's voting or withholding his vote for or against any candidate or issue or acts on behalf of another for such conduct.

3-16-8 **Official Oppression**

3-16-8.1 A person acting or purporting to act in an official capacity or taking advantage of such actual or purporting capacity is guilty of a Class 3 Misdemeanor if, knowing that his conduct is illegal if he:

- a. Subjects another to arrest, detention, search, seizure, mistreatment, dispossession, assessment, lien, or other infringement of person property rights; or
- b. Denies or impedes another in the exercise or enjoyment of any right, privilege, power, or immunity.

3-16-9 **Speculating or Wagering on Official Action or Information**

3-16-9.1 A public servant is guilty of a Class 3 Misdemeanor if, in contemplation of official action by himself or by a governmental unit with which he is associated, or in reliance on information to which he has access in his official capacity and which has not been made public, he knowingly:

- a. Acquires a pecuniary interest in any property, transaction or enterprise which may be affected by such information or official action; or
- b. Speculates or wagers on the basis of such information or official action; or
- c. Aids another to do any of the foregoing.

Chapter 17 – Perjury and Other Falsification in Official Matters

3-17-1 **Definitions**

3-17-1.1 In this chapter, the definitions given in section 3-16-1.1 apply unless a different meaning plainly is required:

- a. "Statement" means any representation, but includes representation of opinion, belief, or other state of mind only if the representation clearly relates to state of mind apart from or in addition to any facts which are subject of the representation.

3-17-2 **Perjury**

3-17-2.1 A person is guilty of perjury, a Class 2 Misdemeanor, if in any official proceeding he knowingly makes a false statement under oath or equivalent affirmation or swears or affirms the truth of a statement previously made, when the statement is material, and the declarant does not believe it to be true. Falsification is material, regardless of the admissibility of the statement under the rules of evidence, if it could have affected the course or outcome of the proceeding. It is not a defense that the declarant mistakenly believed the falsification to be immaterial. Whether a falsification is material in a given factual situation is a question of law.

3-17-2.2 It is not a defense to prosecution under this section that the oath or affirmation was administered or taken in an irregular manner. A document purporting to be made upon oath or affirmation at any time when the actor presents it as being so verified shall be deemed to have been duly sworn or affirmed.

- 3-17-2.3 No person shall be guilty of an offense under this section if he retracted the falsification in the course of the proceeding in which it was made before it became evident that the falsification was or would be exposed and before the falsification substantially affected the proceeding.
- 3-17-2.4 Where the defendant made inconsistent statements under oath or equivalent affirmation, both having been made within the period of the statute of limitations, the prosecution may proceed by setting forth the inconsistent statements in a single count alleging in the alternative that one or the other was false and not believed by the defendant. In such a case it shall not be necessary for the prosecution to prove which statement was false but only that one or the other was false and not believed by the defendant.
- 3-17-3 **False Swearing**
- 3-17-3.1 A person who knowingly makes a false statement under oath or equivalent affirmation, or swears or affirms the truth of such statement previously made, when he does not believe the statement to be true, is guilty of a Class 3 Misdemeanor if:
- a. The falsification occurs in an official proceeding; or
 - b. The falsification is intended to mislead a public servant in performing his official functions.
- 3-17-3.2 A person who knowingly makes a false statement under oath or equivalent affirmation or swears or affirms the truth of such a statement previously made, when he does not believe the statement to be true, is guilty of a Class 4 Misdemeanor, if the statement is one which is, required by law to be sworn or affirmed before a notary or other person authorized to administer oaths.
- 3-17-4 **Unsworn Falsification to Authorities**
- 3-17-4.1 A person is guilty of a Class 4 Misdemeanor if, with purpose to mislead a public servant in performing his official function, the actor:
- a. Makes any written false statement which he does not believe to be true;
 - b. Purposely creates a false impression in a written application for any pecuniary or other benefit, by omitting information necessary to prevent the statement from being misleading;
 - c. Submits or invites reliance on any writing which he knows to be forged, altered, or otherwise lacking in authenticity; or
 - d. Submits or invites reliance on any sample, specimen, map, boundary-mark, or other object which he knows to be false.
- 3-17-4.2 A person is guilty of a Class 3 Misdemeanor if he makes a written false statement which he does not believe to be true, on or pursuant to a form bearing notice authorized by law, to the effect that false statements made therein are punishable.
- 3-17-5 **False Alarms to Agencies of Public Safety**
- 3-17-5.1 A person who knowingly causes a false alarm of fire or other emergency to be transmitted to or within any organization, official or volunteer, for dealing with emergencies involving danger to life or property is guilty of a Class 2 Misdemeanor.
- 3-17-6 **False Reports to Law Enforcement Authorities**
- 3-17-6.1 A person who knowingly gives false information to any law enforcement officer with purpose to falsely implicate another is guilty of a Class 3 Misdemeanor.
- 3-17-6.2 A person is guilty of a Class 4 Misdemeanor if he purposely or knowingly:
- a. Reports to law enforcement authorities an offense or other incident within their concern knowing that it did not occur; or

- b. Pretends to furnish such authorities with information relating to an offense or incident when he knows he does not have information relating to such offense or incident.

3-17-7 **Tampering with Witnesses, and Informants**

- 3-17-7.1 A person is guilty of a Class 3 Misdemeanor if, believing that an official proceeding or investigation is pending or about to be instituted, he knowingly attempts to induce or otherwise cause a witness or informant to:
 - a. Testify or inform falsely;
 - b. Withhold any testimony, information, document, or thing;
 - c. Elude legal process summoning him to testify or supply evidence; or
 - d. Absent himself from any proceeding or investigation to which he has been legally summoned.

3-17-7.2 A person is guilty of a Class 1 Misdemeanor if he intentionally harms another by any unlawful act in retaliation for anything lawfully done by the victim in the capacity of witness or informant.

3-17-7.3 A person is guilty of a Class 2 Misdemeanor if he knowingly solicits, accepts, or agrees to accept any benefit in consideration of his doing any of the acts specified in subsections 3-17-7.1(a-d).

3-17-8 **Tampering with Jurors or Court Officers**

3-17-8.1 A person is guilty of a Class 2 Misdemeanor if, believing that an official proceeding is pending or about to be instituted, he purposely attempts to corruptly influence, intimidate, or impede a juror or court officer by verbal threats, force, or by any threatening letter or communications with intent to interfere with the judicial process.

3-17-8.2 A person is guilty of a Felony offense if he knowingly harms a juror or court officer by any unlawful act in retaliation for any act lawfully done in the capacity as a juror or court officer.

3-17-9 **Tampering with or Fabricating Physical Evidence**

- 3-17-9.1 A person is guilty of a Class 2 Misdemeanor if, believing that an official proceeding or investigation is pending or about to be instituted, he purposely:
 - a. Alters, destroys, conceals, or removes any record, document, or thing with purpose to impair its truth or availability in such proceeding or investigation; or
 - b. Makes, presents, or uses any record, document, or thing knowing it to be false and with purpose to mislead a public servant who is or may be engaged in such proceeding or investigation.

3-17-10 **Tampering with Public Records or Information**

- 3-17-10.1 A person is guilty of a Class 2 Misdemeanor, if he knowingly:
 - a. Makes a false entry in, or false alteration of, any record, document or thing belonging to, or received or kept by, the government for information or record, or required by law to be kept by others for information or record of the government;
 - b. Makes, presents, or uses any record, document or thing knowing it to be false, and with purpose that it be taken as a genuine part of the information or record referred to in subsection 3-17-10.1(a); or
 - c. Purposely and unlawfully destroys, conceals, removes, or otherwise impairs the veracity or availability of any such record, document, or thing.

3-17-11 **Impersonating a Public Servant**

3-17-11.1 A person is guilty of a Class 3 Misdemeanor if he knowingly pretends to hold a position in the tribal public service with purpose to induce another to submit to such pretended official authority or otherwise to act in reliance upon that pretense to the other person's detriment or harm.

Chapter 18 – Obstructing Governmental Operations

3-18-1 **Definitions**

3-18-1.1 In this chapter, unless another meaning plainly is required, the definitions given in subsections 3-16-1 and 3-17-1 shall apply.

- a. “Official detention” means arrest, detention in any facility for custody of a person held under a charge or conviction of crime or alleged or found to be delinquent, detention for extradition or deportation, or any other detention for law enforcement purposes; but “official detention” does not include supervision of probation or parole, or constraint incidental to release on bail.
- b. “Unlawfully” means surreptitiously or contrary to law, regulation, or order of the detaining authority.

3-18-2 **Obstructing Administration of Law - Contempt of Court**

3-18-2.1 A person is guilty of a Class 2 Misdemeanor if he purposely:

- a. Obstructs, impairs, or perverts the judicial function by force, violence, physical interference or obstacle, or any other unlawful act;
- b. Misbehaves in the presence of the Court or so near thereto as to obstruct the administration of justice; or
- c. Disobeys or resists any process, order, subpoena, warrant or command of the court.

3-18-3 **Resisting Arrest**

3-18-3.1 A person is guilty of a Class 1 Misdemeanor if, for the purpose of preventing a law enforcement officer from effecting a lawful arrest or discharging any other duty, the actor creates a substantial risk of bodily injury to the public servants or anyone else, or employs means justifying or requiring substantial force to overcome the resistance.

3-18-4 **Hindering Apprehension or Prosecution**

3-18-4.1 A person is guilty of a Class 2 Misdemeanor, if with purpose to hinder the apprehension, prosecution, conviction, or punishment of another person for a criminal act, the actor knowingly:

- a. Harbors or conceals the other person;
- b. Provides or aids in providing a weapon, transportation, disguise, or other means of avoiding apprehension or effecting escape;
- c. Conceals or destroys evidence of the crime, or tampers with a witness, informant, document, or other source of information, regardless of its admissibility;
- d. Warns the other person of impending discovery or apprehension, except that this paragraph does not apply to a warning given in connection with an effort to bring another into compliance with law; or
- e. Volunteers’ false information to a law enforcement officer.

3-18-4.2 A person is guilty of a Felony offense if the actor knows the other person so aided has been charged with a felony or is about to be charged.

3-18-5 **Aiding Consummation of Crime**

3-18-5.1 A person is guilty of a Class 3 Misdemeanor if he purposely aids another to accomplish an unlawful object of a crime, as by safeguarding the proceeds thereof or converting the proceeds into negotiable funds.

3-18-5.2 A person is guilty of a Class 1 Misdemeanor if the actor aids another in the manner proscribed in section 3-18-5.1 and the object of the crime is a Felony offense.

3-18-6 **Failure to Report a Crime or Death**

3-18-6.1 A person who discovers a dead body or acquires the first knowledge of the death of a person and shall purposely fail to immediately notify and report the death to Three Affiliated Tribes law enforcement or emergency medical authorities is guilty of a Class 1 Misdemeanor.

3-18-6.2 Any person who knowingly accepts or agrees to accept any pecuniary benefit in consideration of refraining from reporting to law enforcement authorities the commission or suspected commission of a felony level offense or information relating to the commission of a felony level offense shall be guilty of a Class 1 Misdemeanor.

3-18-7 **Escape**

3-18-7.1 A person is guilty of a Class 2 Misdemeanor if he unlawfully removes himself from official detention or fails to return to official detention following a temporary leave granted for a specific purpose or limited period.

3-18-7.2 A public servant of the detention facility is guilty of a Class 2 Misdemeanor if he knowingly or willingly permits an escape.

3-18-7.3 Any person who knowingly causes or facilitates an escape is guilty of a Class 2 Misdemeanor.

3-18-8 **Implements for Escape, Other Contraband**

3-18-8.1 A person is guilty of a Class 2 Misdemeanor if he knowingly introduces within a detention facility, or knowingly provides an inmate with, any weapon, tool or other thing which may be useful for escape.

3-18-8.2 An inmate is guilty of a Class 3 Misdemeanor if he unlawfully procures, makes, or otherwise provides himself with, or has in his possession, any such implement of escape.

3-18-8.3 A person is guilty of a Class 3 Misdemeanor if he knowingly provides an inmate with anything which the actor knows is unlawful for the inmate to possess.

3-18-9 **Bail Jumping; Default in Required Appearance**

- 3-18-9.1
- a. A person released from custody by court order, with or without bail, upon condition that he will subsequently appear at a specified time and place, is guilty of a Class 3 Misdemeanor if, without lawful excuse, he fails to appear at that time and place so ordered by the court.
 - b. A person is guilty of a Felony offense when the required appearance was to answer for a felony charged offense, or for disposition of any such charge, and the actor took flight or went into hiding to avoid apprehension, trial, or punishment.

Chapter 19 – Offenses Against Public Order and Decency.

3-19-1 **Definitions**

3-19-1.1 In this chapter, unless another meaning is plainly required, the following definitions apply:

- a. “Desecrates” means defacing, damaging, polluting, or otherwise physically mistreating in a way that the actor knows will outrage the sensibilities of person likely to observe or discover his/her action.
- b. “Loitering” means the act of standing or idling so as to hinder or impede the passage of pedestrians or vehicles or conduct which obstructs any person from exercising his right to freely come and go or which is detrimental to the safety or good order of the public.
- c. “Incite a riot” means to organize, promote, encourage, participate in, or carry on a riot, and includes, but is not limited to, urging or instigating other persons to riot, but shall not be deemed

to mean the mere oral or written advocacy of ideas, or expression of belief, not involving advocacy of any act or acts of violence or assertion of the rightness of or the right to commit, any such act or acts.

- d. "Obstructs" means render impassable without unreasonable inconvenience or hazard.
- e. "Private Place" means a place where one may reasonably expect to be safe from casual or hostile intrusion or surveillance but does not include a place to which the public or a substantial group thereof has access.
- f. "Public" means affecting or likely to affect person in a place to which the public or a substantial group has access; among the places included are highways, transport facilities, schools, prisons, apartment houses, places of business or amusement, or any neighborhood.

3-19-2 **Riot**

3-19-2.1 A person is guilty of riot, a Felony offense, if he knowingly participates with two or more other persons to create a public disturbance involving:

- a. An act or acts of violence, which act, or acts shall constitute a clear and present danger of, or shall result in, damage or injury to the property of any person or to the person of any individual; or
- b. A threat or threats of the commission of an act or acts of violence with two or more persons having, individually or collectively, the ability of immediate execution of such threat or threats, where the performance of the threatened act or acts of violence would constitute a clear and present danger of, or would result in, damage or injury to the property of any other person or to the person of any other individual.

3-19-3 **Failure to Disperse Upon Official Order**

3-19-3.1 When two (2) or more persons are knowingly or intentionally participating in a course of disorderly conduct likely to cause substantial harm or serious inconvenience, annoyance, or alarm to a law enforcement officer or other public servant engaged in executing or enforcing the law, the law enforcement or other public servant charged with maintaining order may order the participants and others in the immediate vicinity to disperse. A person who willfully refuses to obey is guilty of a Class 3 Misdemeanor.

3-19-4 **Disorderly Conduct**

3-19-4.1 A person is guilty of disorderly conduct, a Class 4 Misdemeanor, if, with purpose to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk thereof, the actor:

- a. Engages in fighting or threatening or in violent or tumultuous behavior; or
- b. Makes unreasonable noise or offensively coarse utterance, gesture, or display, or addresses abusive language to any person present; or
- c. Creates a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor.

3-19-5 **Public False Alarms**

3-19-5.1 A person is guilty of a Class 4 Misdemeanor if he intentionally initiates or circulates a report or warning of an impending bombing or other crime or catastrophe, knowing that the report or warning is false or that it is likely to cause evacuation of a building, place or assembly, or facility of public transport, or to cause public inconvenience or alarm.

3-19-6 **Harassment**

3-19-6.1 A person is guilty of a Class 3 Misdemeanor if, with purpose to frighten or harass another, he intentionally:

- a. Communicates a threat to inflict personal injury on a person, to any person's reputation, or to any property;

- b. Communicates a falsehood in writing or by other means of communication and causes mental anguish;
- c. Engages in any other course of alarming conduct serving no legitimate purpose of the actor;
- d. Insults, taunts, or challenges another in a manner likely to provoke a violent or disorderly response;
- e. Makes repeated communications anonymously or at extremely inconvenient hours, or in offensively coarse language;
- f. Makes repeated calls, whether or not a conversation ensues, with no purpose of legitimate communication; or
- g. Subjects another to an offensive touching.

3-19-6.2 Any offense defined in this section and committed by use of any communication device, postal service, or other method of delivery, may be deemed to have been committed at either the place of origin of the communication, or at the place where communication was received.

3-19-7 **Public Intoxication due to Alcohol or Drugs**

3-19-7.1 No person under the jurisdiction of this Tribe shall be prosecuted in the tribal court solely for public intoxication.

3-19-7.2 A law enforcement officer shall have authority to take any person, appearing in public in an intoxicated condition to his home, to a local hospital, or whenever such person constitutes a danger to himself or others, to a jail for purposes of detoxification.

- a. If taken to a hospital, a duly licensed physician of such hospital shall have authority to hold such person for treatment for up to seventy-two (72) hours.
- b. If taken to jail, such person shall not be held in jail because of intoxication for more than twenty-four (24) hours.
- c. An intoxicated person shall only be in a jail which has jailers constantly present within hearing distance and which can provide medical services when the need is indicated.

3-19-7.3 Upon placing a person in a hospital or jail, the said law enforcement officer shall notify the intoxicated person's family as soon as reasonably possible.

3-19-8 **Loitering or Prowling**

3-19-8.1 A person is guilty of a Class 4 Misdemeanor if he purposely loiters on any highway, street, or sidewalk or in any other public place in a manner not usual for law-abiding individuals under circumstances that warrants alarm for the safety of persons or property in the vicinity.

- a. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the actor takes flight upon the appearance of a law enforcement officer, refuses to identify himself, or manifestly endeavors to conceal himself or any object.
- b. Unless flight by the actor or other circumstance makes it impracticable, a law enforcement officer shall, prior to any arrest for an offense under this section, afford the actor an opportunity to dispel any alarm which would otherwise be warranted, by requesting him to identify himself and explain his presence and conduct.

3-19-8.2 No person shall be convicted of an offense under this section if the law enforcement officer did not comply with the preceding subsection 3-19-8.1(b), or if it appears at trial that the explanation given by the actor was true and, if believed by the law enforcement officer at the time, would have dispelled the alarm.

3-19-9 **Obstructing Highways and Other Public Passages**

3-19-9.1 A person, who, having no legal privilege to do so, purposely, or recklessly obstructs any highway or other public passage, whether alone or with others, is guilty of a Class 4 Misdemeanor or, in case the actor persists after warning by a law enforcement officer, it shall be a Class 3 Misdemeanor.

- a. No person shall be deemed guilty of recklessly obstructing in violation of this section because of a gathering of persons to hear the actor speak or otherwise communicate, or solely because of being a member of such a gathering.
- b. A person in such a gathering is guilty of a Class 4 Misdemeanor if he refuses to obey a reasonable official request or order to move:
 - i. To prevent obstruction of a highway or other public passage; or
 - ii. To maintain public safety by dispersing those gathered in dangerous proximity to a fire or other hazard.
- c. An order to move, addressed to a person whose speech or other lawful behavior attracts an obstructive audience, shall be deemed reasonable if the obstruction can be readily remedied by law enforcement to control the size or location of the gathering.

3-19-10 **Disrupting Meetings and Processions**

3-19-10.1 A person is guilty of a Class 4 Misdemeanor if, with purpose to prevent or disrupt a lawful meeting, procession or gathering, he does any act tending to obstruct or interfere with it physically, or makes any utterance, gesture, or display designed to outrage the sensibility of the group.

3-19-11 **Desecration of Venerated Objects**

3-19-11.1 A person is guilty of a Class 4 Misdemeanor if he purposely desecrates any public monument, structure, or place of worship or burial, or if he purposely desecrates the national or tribal flag or any other object of veneration by the public or a substantial segment thereof in any place.

3-19-12 **Abuse of Corpse**

3-19-12.1 Except as authorized by law, a person who purposely treats a corpse in a manner that he knows would outrage ordinary or cultural family sensibilities is guilty of a Class 2 Misdemeanor.

3-19-13 **Movement or Transportation of a Corpse**

Except as authorized by law, a person who purposely moves or transports a corpse from the place where the death occurred is guilty of a Class 1 Misdemeanor.

3-19-14 **Cruelty to Animals**

3-19-14.1 A person is guilty of a Class 3 Misdemeanor if he purposely or recklessly:

- a. Subjects any animal to cruel mistreatment;
- b. Subjects any animal in his custody to cruel neglect; or
- c. Kills or injures any animal belonging to another without legal privilege or consent of the owner.

3-19-14.2 Subsections 3-19-14.1(a-c) shall not be deemed applicable to accepted veterinary practice and activities executed for scientific research.

3-19-15 **Violation of Privacy**

3-19-15.1 A person is guilty of a Class 2 Misdemeanor if, except as authorized by law, the actor knowingly or purposely:

- a. Trespasses on property with purpose to subject anyone to eavesdropping or other surveillance in a private place; or

- b. Installs in any private place, without the consent of the person or persons entitled to privacy there, any device for observing, photographing, recording, amplifying, or broadcasting sounds or events in such place or uses any such unauthorized installation; or
- c. Installs or uses outside a private place any device for hearing, recording, amplifying, or broadcasting sounds originating in such place which would not ordinarily be audible or comprehensible outside, without the consent of the person or persons entitled to privacy there.

3-19-15.2 A person is guilty of a Class 2 Misdemeanor if, except as authorized by law, the actor, knowingly or purposely:

- a. Intercepts without the consent of the sender or receiver a message made by any communication device, letter, or other means of private communication; but this subsection shall not extend to:
 - i. Overhearing of message through a regularly installed instrument on a telephone or on a telephone extension; or
 - ii. Interception by the telephone company or communications subscriber incident to enforcement of regulations limiting the use of the facilities or incident to other normal operation and use.
- b. Divulges without the consent of the sender or receiver the existence or contents of any such message if the actor knows that the message was illegally intercepted, or if he learned of the message in the course of employment with an agency engaged in transmitting it.

3-19-16 **Interference with Emergency Communication**

3-19-16.1 A person is guilty of a Class 2 Misdemeanor if the actor intentionally prevents or interferes with another person's ability to place an emergency call or to request assistance in an emergency from a law enforcement agency, medical facility, or other agency or entity the primary purpose of which is to provide for the safety of individuals.

3-19-16.2 A person is guilty of a Class 3 Misdemeanor if the actor recklessly renders unusable a communication device that would otherwise be used by another person to place an emergency call or to request assistance in an emergency from a law enforcement agency, medical facility, or other agency or entity the primary purpose of which is to provide for the safety of individuals.

Chapter 20 – Weapons and Explosives

3-20-1 **Definitions**

3-20-1.1 In this chapter unless another meaning is plainly required, the following definitions apply:

- a. "Dangerous weapon" includes any switchblade or gravity knife, machete, scimitar, stiletto, sword, dagger, or knife with a blade of five (5) inches or more; any throwing star, nunchaku, or other martial arts weapon; any Billy club, blackjack, sap, bludgeon, cudgel, metal knuckles, or sand club; any slingshot; any bow and arrow, crossbow, or spear; any weapon that will expel, or is readily capable of expelling, a projectile by the action of a spring, compressed air, or compressed gas, including any such weapon, loaded or unloaded, commonly referred to as a BB gun, air rifle, or CO2 gun; taser, pepper spray, and any projector of a bomb or any object containing or capable of producing and emitting any noxious liquid, gas, or substance.
- b. "Firearm" means any explosive device which will expel, or is readily capable of expelling, a projectile, by the action of an explosive and includes any such device, loaded, or unloaded, commonly referred to as a pistol, revolver, rifle, gun, machine gun, shotgun, bazooka, or cannon.
- c. "Machine gun, submachine gun, or automatic rifle" as used in this chapter shall mean and include a weapon, mechanism or instrument not requiring that the trigger be pressed for each shot, and having a reservoir, belt, or other means of sorting and carrying ammunition which

can be loaded into the weapon, mechanism, or instrument and fired therefrom at a rate of five (5) or more shots to the second.

- d. "Pistol" means any firearm having a barrel less than twelve (12) inches in length.
- e. "Public gathering" means athletic or sporting events, schools or school functions, churches or church functions, cultural events, pow-wows, political events and functions, musical concerts, and publicly or tribally owned real property operated as a business in which the public is invited as a patron or guest.
- f. "School safety zone" means in or on any real property owned by or leased to any public or private elementary school, secondary school, or school board and used for elementary or secondary education and in or on the campus of any public or private technical school, vocational school, college, university, or institution of postsecondary education.
- g. "A state contiguous to this reservation" shall mean any state having a common border with this reservation.
- h. All other terms shall be given the meaning prescribed in 18 U.S.C § 921, Gun Control Act of 1968, Public Law 90-618, and the regulations promulgated thereunder as presently enacted or as hereinafter modified.

3-20-2 **Adoption of North Dakota and Federal Firearm Laws**

3-20-2.1 The Three Affiliated Tribes does herein adopt the state of North Dakota firearm laws and all federal firearm laws as codified in 18 U.S.C. § 921 and any amendments made therein after the date of this adoption.

3-20-3 **Prohibition on Possession of a Firearm**

3-20-3.1 A person who knowingly possesses a firearm or has a firearm under the actor's control, shall be guilty of a Class 1 Misdemeanor if:

- a. The person has been convicted in any Tribal, State, or Federal court of any felony level offense, any assault except simple assault, or other crime involving the use, threatened use, or brandishing of a firearm;
- b. The person is under a court order prohibition for a domestic violence protection order or conviction of domestic violence;
- c. The person is under the age of eighteen (18) years and unaccompanied or supervised by a parent, guardian, or other person having lawful custody and control;
- d. The person has been dishonorably discharged from the military; or
- e. The person is a habitual drug addict, a habitual alcoholic, or individual who is emotionally and mentally unstable as diagnosed by a medical doctor.

3-20-4 **Carrying Weapons onto School Property**

3-20-4.1 Any person who knowingly carries to, possesses, or has under such person's control while within a school safety zone or at a school building, school function, or school property or on a bus or other transportation furnished by the school, any dangerous weapon, firearm, or explosive compound is guilty of a Class 2 Misdemeanor.

3-20-4.2 It shall be a Felony offense if the actor, while within a school safety zone or at a school building, school function, or school property or on a bus or other transportation furnished by the school, knowingly, willingly, or recklessly commits any of the following acts:

- a. Discharges a firearm;
- b. Uses a dangerous weapon in manner that is likely to cause serious bodily injury or death; or
- c. Detonates any explosive compound.

3-20-4.3 The provisions of this section shall not apply to:

- a. Sports equipment possessed by competitors for legitimate athletic purposes;

- b. Participants in organized sport shooting events or firearm training courses; or
- c. The following persons, when acting in the performance of their official duties or when enroute to or from their official duties:
 - i. A law enforcement officer or related investigatory agent of the Three Affiliated Tribes, United States government or any state government;
 - ii. A person employed as a campus police officer or school security officer who is authorized to carry a weapon in accordance with local laws; or
 - iii. A person who has been authorized in writing by a duly authorized official of the school to have in such person's possession or use as part of any activity being conducted at a school building, school property, or school function a weapon which would otherwise be prohibited by this Code section. Such authorization shall specify the weapon or weapons which have been authorized and the time period during which the authorization is valid.

3-20-5 **Brandishing a Firearm**

Any person, except law enforcement officers, acting within the course of their duty, whether they are on or off duty, who shall willfully brandish a firearm in front of at least one other person with the intent to threaten bodily harm; or put another in fear of bodily harm, is guilty of a Class 1 Misdemeanor.

3-20-6 **Unlawful Use of a Weapon**

3-20-6.1 A person commits the crime of unlawful use of a weapon, a Class 1 Misdemeanor, if the person intentionally:

- a. Attempts to use unlawfully against another, or carries or possesses with intent to use unlawfully against another, any dangerous or deadly weapon as defined in subsections 3-20-1.1(a-d); or
- b. Discharges a firearm, blowgun, bow and arrow, crossbow, or explosive device within city limits of any city or within residential areas within the Fort Berthold reservation, at or in the direction of any person, building, structure, or vehicle within the range of the weapon without having legal authority for such discharge.

3-20-6.2 This section does not apply to:

- a. Law enforcement officers or military personnel in the lawful performance of their official duties;
- b. Persons lawfully defending life or property as provided in sections 3-11-12, 3-11-13, and 3-11-14;
- c. Persons discharging firearms, blowguns, bows and arrows, crossbows, or explosive devices upon public or private shooting ranges, shooting galleries, or other areas designated and built for the purpose of target shooting;
- d. Persons lawfully engaged in hunting in compliance with rules and regulations adopted by the Three Affiliated Tribes Department of Game, Fish, and Recreation.

3-20-7 **Use of a Dangerous Weapon or Firearm by a Child**

Any parent, guardian, or other person having charge or custody of any child under the age of eighteen (18) years, and knowingly allows such child to carry any dangerous weapon or firearm as defined in subsections 3-20-1.1(a-d), except when such child is in the company and under the direct control of such parent, guardian, or other person authorized by the parent or guardian, is guilty of a Class 2 Misdemeanor.

- 3-20-8 **Possession of Explosives**
Any person who possesses, transports, or controls any nitroglycerin, dynamite, or other dangerous explosives, unless such explosive is possessed in the course of or to effect a lawful purpose is guilty of a Class 1 Misdemeanor.
- 3-20-9 **Selling Firearms to Minors Prohibited**
Any person who shall knowingly sell, barter, hire, lend, give any firearm to any minor under the age of eighteen (18) years shall be guilty of a Class 1 Misdemeanor.
- 3-20-10 **Antique Firearms**
This chapter shall not apply to the purchase, possession, or sale as curiosities or ornaments, of firearms more than fifty (50) years old nor to the transportation of such firearms unloaded and, in a bag, box, or securely wrapped package, but not concealed on the person.
- 3-20-11 **Carrying Concealed Explosive**
It shall be a Class 3 Misdemeanor for a person to have in his custody, possession, or control, any nitroglycerin, dynamite, or any other dangerous or violent explosive unless such explosive is conducted in the course of or to effect a lawful and legitimate purpose.
- 3-20-12 **Possession Presumptive Evidence of Intent to Use Weapon for Unlawful Purpose**
The fact that any instrument, weapon, or explosive is carried concealed shall be evidence that the person so carrying the same intended to use the same for an unlawful purpose.
- 3-20-13 **Use of Firearms by Children Prohibited**
Any parent, guardian, or other person having charge or custody of any minors under eighteen (18) years of age who permits that minor to carry or use in public any firearm of any description, loaded with powder or lead, except when he is in the company and under the direct control of the parent, guardian, or other person authorized by the parent or guardian, is guilty of a Class 4 Misdemeanor.
- 3-20-14 **Forfeiture of Weapons by Person Arrested and Convicted of Crime**
When any firearm or sharp or dangerous weapon has been used in an attack against any person, such firearm or weapon shall be forfeited to the Three Affiliated Tribes Tribal Court upon conviction of the actor.
- 3-20-15 **Manufacture, Use, and Sale of Black Cartridge Firearms and Firecrackers**
Any person who manufactures, uses, sells, or keeps for sale within the Fort Berthold Indian reservation any black cartridge caps, containing dynamite, or firecrackers, exceedingly more than three (3) inches in length and one-half (1/2) inch in diameter, is guilty of a Class 4 Misdemeanor.
- 3-20-16 **Dealer's License Required**
Before any retail dealer may sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent sell or transfer any firearm, he must first be licensed by the federal government and the Three Affiliated Tribes TERO office.
- 3-20-17 **Federal Firearms Licenses**
This chapter shall not apply or be construed to affect in any way the purchases, receipt, or transportation of rifles and shotguns by federally licensed firearms manufactures, importers, dealers, or collectors.