

# **Mille Lacs Band Statutes Annotated**

Amendments received through: March 23, 2010

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## **TITLE 1 – CIVIL RIGHTS CODE**

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## **TITLE 1 – CIVIL RIGHTS CODE**

### **Section**

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### **Historical and Statutory Notes**

The Preamble of Band Statute 1140-MLC-1 provides:

“It is enacted by the Band Assembly of the Mille Lacs Band of Chippewa Indians for the purpose of establishing basic human rights under law for the Band and all persons under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians.”

The Preamble of Ordinance 21-10, entitled “An ordinance amending 1 MLBSA sec. 1 to exclude all Tribal political campaign activity in all government building and government owned businesses,” provides:

“It is enacted by the Band Assembly of the Mille Lacs Band of Ojibwe for the purpose of amending Section 1 of Title 1 of the Mille Lacs Band Statutes Annotated to exclude political campaign activity in all government buildings and government owned businesses.”

### **Cross References**

Band employees, civil rights, see 6 MLBSA § 7.  
Criminal procedure, rights of defendant, see 24 MLBSA § 4004.  
Juvenile delinquency, rights of accused, see 24 MLBSA § 4302.  
Rights of members, see Const. Art. 13.

### **§ 1. Freedom of religion, speech and press; right to assemble and petition**

(a) The Band Assembly for the Non-Removable Mille Lacs Band of Chippewa Indians in exercising the powers of self-government shall make no law which

prohibits the free exercise of religion or abridges the freedom of speech or of the press and to petition for a redress of grievances.

(b) The Band Assembly for the Non-Removable Mille Lacs Band of Chippewa Indians in exercising the powers of self-government shall make no law which prohibits the rights of the people to peaceably assemble, however, no Tribal political campaign activity shall be permitted in any government building or any government owned business except for the purpose of a government sponsored candidate forum, where all candidates for band elected office are given the option to participate.

### **Historical and Statutory Notes**

**Source:** Band Statute 1140-MLC-1, § 1; Band Ordinance 21-10, § 1.

### **Cross References**

Nay-Ah-Shing School, sectarian materials or teaching, see 9 MLBSA § 24.

## **§ 2. Searches and seizures**

All persons within the territories under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians have the right to be secure in their persons, houses, papers and effects against unreasonable search and seizures. Any warrant shall be issued by a justice of the Court of Central Jurisdiction and shall be founded upon probable cause supported by oath or affirmation, shall describe with particularity the place to be searched and the person or thing to be seized.

### **Historical and Statutory Notes**

**Source:** Band Statute 1140-MLC-1. § 2.

### **Cross References**

Historical preservation, civil penalties, see 10 MLBSA § 603.

Juvenile justice, warrants, see 8 MLBSA § 102.

Motor vehicles, seizure and confiscation of certain substances and vehicles in which they are found, see 19 MLBSA § 503. Natural Resource Officers, searches, inspections and seizures, see 11 MLBSA §§ 2606 to 2608.

Peaceful possession of property, see 24 MLBSA § 203.

Searches and seizures, criminal procedure, see 24 MLBSA § 4107 et seq.

Trespass, seizure of vehicles, equipment or goods, see 21 MLBSA § 207.

Watercraft, seizure and confiscation of certain substances and vessels in which they are found, see 20 MLBSA § 405.

### **§ 3. Prohibition against double jeopardy**

No person shall be subjected, for the same offense, to be twice put in jeopardy by the Court of Central Jurisdiction for the commission of a crime within the territories governed by the Non-Removable Mille Lacs Band of Chippewa Indians.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1140-MLC-1, § 3.

### **§ 4. Self-incrimination in criminal proceeding**

No person shall be compelled in any criminal case in the Court of Central Jurisdiction to be a witness against himself.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1140-MLC-1, § 4.

#### **Cross References**

Basic rights of children taken into custody, see 8 MLBSA § 105.

Gasoline and petroleum products excise tax, immunity from prosecution based on testimony, see 22 MLBSA § 311. Notification of rights at time of arrest, see 24 MLBSA § 4106.

Sales and use taxes, immunity from prosecution for testimony, see 22 MLBSA § 512.

Tobacco products excise taxes, immunity from prosecution based on testimony, see 22 MLBSA § 218.

### **§ 5. Expropriation of private property**

The Non-Removable Mille Lacs Band of Chippewa Indians shall not confiscate any private property for public use without just compensation.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1140-MLC-1, § 5.

### **§ 6. Individual rights during judicial proceedings**

All persons in any criminal or civil proceeding of the Non-Removable Mille Lacs Band of Chippewa Indians shall be accorded the right to a speedy and public trial, be informed

of the nature and cause of the accusation, be confronted with the witnesses against him, have a compulsory process of obtaining witnesses in his or her favor, and at his or her own expense, to have the assistance of counsel for his or her defense.

### **Historical and Statutory Notes**

**Source:** Band Statute 1140-MLC-1, § 6.

### **Cross References**

Basic rights of children taken into custody, see 8 MLBSA § 105.

Child care staff, abuse or neglect of children, see 8 MLBSA § 1207.

Human Resources Division cases, informing minor or parents of rights, see 8 MLBSA § 11.

Indian employment rights hearings, see 18 MLBSA § 423.

Legal responsibilities of Solicitor General in capacity of prosecutor, see 4 MLBSA § 20.

Notification of rights at time of arrest, see 24 MLBSA § 4106.

### **§ 7. Bails, fines and penalties**

The Court of Central Jurisdiction in and for the Non-Removable Mille Lacs Bands of Chippewa Indians, in the exercise of judicial authority, shall issue no order which establishes excessive bail, imposes excessive fines, inflicts cruel and unusual punishments and in no event imposes for conviction of any one offense any penalty or punishment greater than imprisonment for a term of one year or a fine of \$5,000.00 or both.

### **Historical and Statutory Notes**

**Source:** Band Statute 1140-MLC-1, § 8.

### **Cross References**

Bail, see 24 MLBSA §§ 4156, 4157.

Sentence, see 24 MLBSA § 4251 et seq.

### **§ 8. Equal protection and due process of law**

All persons within the territorial jurisdiction of the Non-Removable Mille Lacs Bands of Chippewa Indians shall be accorded the equal protection of the Band's laws and no person shall be deprived of liberty or property without due process of law.

### **Historical and Statutory Notes**

**Source:** Band Statute 1140-MLC-1, § 8.

### **Cross References**

Basic rights of children taken into custody, see 8 MLBSA § 105.  
Child care staff, abuse or neglect of children, see 8 MLBSA § 1207.  
Creditors' remedies, due process, see 24 MLBSA § 3301.  
Deputy Registrar of Motor Vehicles, removal, see 19 MLBSA § 10.  
Historical preservation, civil penalties, see 10 MLBSA § 603.  
Human Resources Division cases, informing minor or parents of rights, see 8 MLBSA § 11.  
Indian employment rights hearings, see 18 MLBSA § 423.  
Justices or Judges, removal or discipline, see 5 MLBSA § 11.  
Peaceful possession of property, see 24 MLBSA § 203.  
Solicitor General, legal responsibilities in capacity of prosecutor, see 4 MLBSA § 20.

### **§ 9. Bills of attainder, ex post facto laws and laws impairing obligations of contracts**

The Band Assembly in and for the Non-Removable Mille Lacs Band of Chippewa Indians, shall pass no bill of attainder or approve any ex post facto law, or any law impairing the obligations of contracts. A bill of attainder is a law which imposes non-judicial punishment on a specifically identified individual without affording him or her a judicial trial.

### **Historical and Statutory Notes**

**Source:** Band Statute 1140-MLC-1, § 9.

### **§ 10. Rights to trial by jury**

All persons accused of an offense within the territorial jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians which is punishable by imprisonment of not more than one year, shall have the right, upon request, to a trial by jury of not less than six persons.

### **Historical and Statutory Notes**

**Source:** Band Statute 1140-MLC-1, § 10.

### **Cross References**

Criminal procedure, jury trial see 24 MLBSA § 4201.  
Trial by jury, generally, see 24 MLBSA § 2014.

### **§ 11. Habeas corpus**

The privilege of the writ of habeas corpus from the Court of Central Jurisdiction, the United States District Court for the District of Minnesota or the Eighth Circuit Court of Appeals or the United States Supreme Court shall be available to all persons whose liberties have been restricted under the laws of the Non-Removable Mille Lacs Band of Chippewa Indians.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1140-MLC-1 , § 10.01.

### **§ 12. Presumption of innocence**

In any criminal legal proceeding each person shall be presumed innocent until proven guilty.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1140-MLC-1, § 11.

### **§ 13. Protection for cultural values**

The Band Assembly for the Non-Removable Mille Lacs Band of Chippewa Indians shall in all its actions seek to preserve and protect the official language of the Band as Ojibwe, the official religion of the Band as Me da win, and protect the Band's aboriginal rights and sovereignty, as well as the unwritten customs and traditions of the Band.

#### **Historical and Statutory Notes**

**Source:** Band Statute 1140-MLC-1, § 12.

#### **Cross References**

Derivation of political powers, see 2 MLBSA § 1.

Treaty rights, see 2 MLBSA § 1001 et seq.

### **§ 14. Fundamental principles**

The rights herein enumerated are basic human rights essential to the security of the Band and individual freedoms and the continued peace and friendship between the Non-

Removable Mille Lacs Band of Chippewa Indians and the United States of America as established in the Treaties of 1837, 1842, 1855, 1863, and 1864.

**Historical and Statutory Notes**

**Source:** Band Statute 1140-MLC-1, § 13.

**§ 15. Compensation for unlawful taking of Band lands**

The Band Assembly hereby declares that the only means of compensation which are acceptable for unlawful taking of Band lands by other governments, persons or corporations shall be land and, furthermore, this land shall be equal in nature, value and all other respects to those lands that were subject of unlawful taking.

**Historical and Statutory Notes**

**Source:** Band Statute 1140-MLC-1, § 14.