

# ACHUKMA NATION UNIFIED TRIBAL CODE

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## CONSTITUTIONALLY COMPLIANT REVISION

**Adopted by:** Achukma Nation Tribal Council

**Effective Date:** May 22, 2023

**Constitutional Authority:** Achukma Nation Constitution (2023 OFFICIAL)

**Supersedes:** All previous tribal codes and ordinances

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## PREAMBLE

We, the Achukma Nakni Chihowa Nation, hereby establish this Unified Tribal Code pursuant to our inherent sovereignty and the authority granted under the Constitution of the Achukma Nation. This Code reflects our commitment to self-governance, protection of tribal members' rights, adherence to Torah and Halakhic law principles, and the preservation of our cultural traditions while maintaining effective governance within our territorial jurisdiction in the Georgia Republic.

This Code shall be interpreted consistent with the Achukma Nation Constitution, Torah law, the Great Law of Peace, federal Indian law, and the United Nations Declaration on the Rights of Indigenous Peoples.

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# CHAPTER 1 - GOVERNMENT

## ARTICLE I. ACHUKMA NATION COURT SYSTEM

### DIVISION 1. GENERAL PROVISIONS

#### SUBDIVISION A. PREAMBLE AND CONSTITUTIONAL AUTHORITY

##### Sec. 1-1. Preamble.

This Article establishes the Achukma Nation Court System as a mechanism for the orderly and reasonable resolution of disputes by reference to applicable customs, traditions, Torah law, Halakhic principles, and other applicable laws with the intent to preserve the peace and order of the community, to maintain law and order by the administration of justice within the lands under the jurisdiction of the Achukma Nation, and to strengthen Tribal self-government.

##### Sec. 1-2. Constitutional Authority.

This Article is adopted pursuant to the authority vested in the Achukma Nation Tribal Council under Article VIII, Section 2(I) of the Constitution of the Achukma Nation, which grants the Tribal Council authority to establish a tribal court system and define its powers and duties.

#### SUBDIVISION B. DEFINITIONS

##### Sec. 1-3. Words and Terms Defined.

(a) "**Achukma Nation Reservation**" means: (1) All lands within the exterior boundary of the reservation of the Achukma Nation Tribe; (2) All trust lands of the Achukma Nation Tribe; (3) All lands over which the Achukma Nation has regulatory authority; (4) All lands presently owned or leased by the Tribe; (5) All lands hereinafter acquired by the Tribe in the name of the Achukma Nation Tribal Land Trust; (6) All lands inhabited by enrolled members of the Achukma Nation anywhere within the territorial jurisdiction; (7) The specific territory within Georgia Republic as defined by the coordinates set forth in Article III, Section 2 of the Constitution, including but not limited to: - Latitude: 32.1656221, Longitude: -82.9000751, Georgia Republic - Yerushalayim County (Capital and Seat of Government) - All additional coordinates specified in Constitution Article III, Section 2 and Tribal Trust Charter Article V

(b) "**Achukma Nation Court System**" means the comprehensive judicial system established by the Tribal Council, including the Yerushalayim County Superior Court, Council of Tribal Justice, and Council of Elders Judicial Review.

(c) **"Yerushalayim County Superior Court"** means the official court name established by Constitution Article VII, Section 9, with jurisdiction over all tribal affairs.

(d) **"Council of Tribal Justice"** means the appellate division of the court system overseen by the War Minko (Tribal Trust Provost Marshal) and presided over by the Minko Judge, with authority to hear appeals and declare laws void if inconsistent with the Constitution.

(e) **"Council of Elders"** means the traditional judicial review body with powers defined in Constitution Article IX.

(f) **"Service of Process"** is the procedure employed to give legal notice to a person/entity of the court's exercise of jurisdiction. Service of Process on the Achukma Nation shall be effectuated by either in-hand service by Achukma Nation Tribal police or by in-hand delivery by a Clerk of the Court to the Office of the Head Minko and the Office of Law and Justice. Off Tribal Land service shall be by United States Post Office mail.

## **SUBDIVISION C. ADMINISTRATION**

### **Sec. 1-4. Court System Structure.**

The Achukma Nation Court System shall consist of three distinct divisions:

(a) **Yerushalayim County Superior Court** - Primary trial court of general jurisdiction (1) General Division - One Tribal Judge presiding over routine matters (2) Serious Matters Division - Two or Three Tribal Judges presiding over serious matters

(b) **Council of Tribal Justice** - Appellate and oversight division (1) Overseen by War Minko (Tribal Trust Provost Marshal) (2) Presided over by Minko Judge (appointed for five-year term) (3) Appellate jurisdiction over all lower court decisions (4) Authority to declare tribal laws void if inconsistent with Constitution

(c) **Council of Elders Judicial Review** - Traditional dispute resolution and cultural guidance (1) Judicial review powers per Constitution Article IX (2) Traditional dispute resolution procedures (3) Advisory role on cultural and traditional matters

### **Sec. 1-5. Enforcement of Judgments; Recognition of Foreign Judgments.**

(a) Except as may be limited by Achukma Nation Tribal law, the Achukma Nation Court System shall have the power to fashion any equitable or legal remedy reasonably required to enforce judgments and decrees, including but not limited to attachments, garnishments and executions.

(b) The judgment, decree or order of a court of the United States or of any State, and the judgment, decree or order of another federally recognized tribe, may be enforced by the Achukma Nation Court System, except as may be limited by Achukma Nation Tribal law, and

provided that such judgment, decree or order does not contravene the policy of the Achukma Nation Tribe, and does not interfere with the right and ability of the Achukma Nation to govern itself and to exercise its sovereign authority. Nothing provided for in this section shall be deemed to be a waiver of sovereign immunity of the Achukma Nation or any of its entities or instrumentalities.

#### **Sec. 1-6. Sovereign Immunity of the Tribe.**

Nothing provided in this Article shall be deemed to be a waiver of the sovereign immunity of the Achukma Nation or any of its entities or instrumentalities, unless such immunity has been expressly waived in the context of a particular case before the Achukma Nation Court System, or expressly waived by Achukma Nation Tribal law.

An express waiver of sovereign immunity, in a contract, must use the following format: "The Achukma Nation (or the name of its entity or instrumentality) expressly waives its sovereign immunity for (name of specific event, time frame, maximum dollar amount and other limitations)." Without this specific language, no waiver of sovereign immunity shall exist. If such waiver exists, the statute of limitations for a breach of contract action shall be six years from the date the cause of action accrues.

Only the Tribal Council, in its official capacity, or the Management Board, in its official capacity, as applicable, may grant an express waiver of sovereign immunity of the Achukma Nation or its entities or instrumentalities.

#### **Sec. 1-7. Constitutional Immunities of Tribal Members.**

Pursuant to Article V, Section 2 of the Constitution, the Tribal Judges, Head Minkos, War Minko, and Tribal Council, in exercising inherent powers of self-governance, shall NOT:

- (a) Make any tribal law that prohibits the full exercise of Achukma Nation Tribal indigenous culture and spirituality, or any other religion, or abridge freedom of speech, press, peaceful assembly, or petitioning for redress of grievances;
- (b) Violate the Rights and Immunities of tribal members to be secure in their bodies, houses, papers, and effects against unreasonable search and seizures; nor issue warrants except upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized;
- (c) Subject any members in any criminal case to be twice put in jeopardy;
- (d) Compel any members in any criminal case to be witness against herself or himself;
- (e) Take any Tribal Member's or Clan property or Achukma Nation property for use without permission or just compensation;

(f) Deny to any tribal members in a criminal proceeding the privilege of a speedy hearing and to be informed of the nature and cause of the accusation, to be confronted with witnesses against the tribal members, to have compulsory process for obtaining witnesses in the citizen's favor, and at the member's own expense, to have the assistance of tribal counsel for the citizen's defense;

(g) Impose excessive fines, nor inflict cruel and unusual punishments;

(h) Deny to any members within Nations Jurisdiction the equal protection of its laws or deprive any member of rights, immunities, of life, liberty or property without due process of law;

(i) Adopt any bill of attainder or ex post facto law;

(j) Deny to any members accused of an offense punishable by imprisonment, the privilege, upon request, to a hearing, by council appointed by Council of Tribal Justice or Tribal Judges, of not less than seven (7) members;

(k) Deny rights established by the United Nations Declaration on the Rights of Indigenous Peoples, specifically Articles 3, 7, 8, 9, 15, 18, 23, 24, 27, 33, 34, and 35.

## **SUBDIVISION D. CODE OF PROFESSIONAL CONDUCT**

### **Sec. 1-8. Professional Conduct Standards.**

The Georgia Rules of Professional Conduct, as adapted for tribal jurisdiction, are hereby adopted as the Rules of Professional Conduct for spokespersons (attorney and non-attorney) appearing in the Achukma Nation Court System and Judges, to the extent applicable and not inconsistent with this Constitution, tribal customs, or Torah/Halakhic principles. In applying such Rules, the term "lawyer" shall be replaced with "spokesperson" to the maximum extent possible.

### **Sec. 1-9. Adaptation of Rules.**

(a) The Chief Judge of the Achukma Nation Court System may waive certain Rules of Professional Conduct for the purpose of application to non-attorney spokespersons, but shall enforce them to the maximum extent possible consistent with tribal law.

(b) It shall be a conflict of interest for an employee of the Achukma Nation or any of its entities or instrumentalities to be a spokesperson, representing another person, against the Achukma Nation or any of its entities or instrumentalities or to be a spokesperson, representing another person, in a matter involving or that may reasonably be expected to involve the spokesperson's duties and responsibilities as an employee.

### **Sec. 1-10. Judicial Conduct.**

Judges of the Achukma Nation Court System shall adhere to the highest standards of judicial conduct consistent with tribal customs, Torah principles, and adapted standards from recognized judicial conduct codes, except that judges may practice law and provide legal services consistent with tribal traditions and needs.

#### **Sec. 1-11. Amendment of Conduct Standards.**

The Chief Judge of the Achukma Nation Court System, with the approval of the Tribal Council and consultation with the Council of Elders, may amend the Code of Professional Conduct and Judicial Conduct standards.

### **SUBDIVISION E. COURT PERSONNEL**

#### **Sec. 1-12. Hiring Authority.**

The Chief Judge of the Achukma Nation Court System shall have the authority to hire Court System personnel including the Clerk of the Yerushalayim County Superior Court, the Clerk of the Council of Tribal Justice, and other positions as deemed necessary for proper functioning within budgetary constraints. The Chief Judge shall have the authority to make final selections from lists of qualified applicants prepared by the Office of Human Resources in accordance with tribal hiring policies.

#### **Sec. 1-13. Personnel Policies.**

All employment in positions other than judicial appointments shall be in accordance with personnel and hiring policies of the Achukma Nation.

## **DIVISION 2. YERUSHALAYIM COUNTY SUPERIOR COURT**

### **SUBDIVISION A. JURISDICTION**

#### **Sec. 1-14. Tribal Policy.**

It is hereby declared as a matter of Tribal policy and legislative determination that public interest demands the Achukma Nation provide its members, Tribal Government, and other persons present on the Achukma Nation Reservation and subject to the jurisdiction of the Achukma Nation with an effective means of redress. This relief is necessary in both civil and criminal cases against tribal members and non-tribal members who through their residence, presence, business dealings, other actions or failures to act, or other significant minimum contacts with the Achukma Nation incur civil obligations or commit crimes against the Achukma Nation or to persons or entities entitled to the Achukma Nation's protection.

#### **Sec. 1-15. Territorial Jurisdiction.**

The jurisdiction of the Yerushalayim County Superior Court shall extend to all lands of the Achukma Nation Reservation as defined in Section 1-3(a) of this Article.

#### **Sec. 1-16. Personal Jurisdiction.**

(a) As used in these jurisdictional provisions, the word "person" shall include any individual, firm, company, association, corporation, or other legal entity.

(b) Subject to any provisions, exceptions or limitations contained in applicable federal law, the Achukma Nation Constitution, or as expressly stated elsewhere in this Article, the Yerushalayim County Superior Court shall have civil jurisdiction over the following persons:

(1) Any person residing, located or present within the Achukma Nation Reservation;

(2) Any person who transacts, conducts, or performs any business or other activity within the Achukma Nation Reservation, either in person or by an agent or representative, for any civil cause of action arising from such business activity;

(3) Any enrolled tribal member regardless of location;

(4) Any person who enters tribal lands for lawful activity, which entry constitutes consent to tribal jurisdiction for matters arising from such activity;

(5) Any person who initiates or files any action with the Court, thereby consenting to jurisdiction.

(c) None of the foregoing bases of jurisdiction is exclusive or exhaustive, and jurisdiction over a person may be established upon any one or more bases as applicable.

#### **Sec. 1-17. Jurisdiction over Property.**

Subject to any contrary provisions, exceptions, or limitations contained in either applicable federal laws or the Achukma Nation Constitution, the Yerushalayim County Superior Court shall have jurisdiction over any real or personal property located on the Achukma Nation Reservation to determine ownership, rights therein, or application of such property to satisfaction of claims.

#### **Sec. 1-18. General Subject Matter Jurisdiction.**

Subject to any contrary provisions in applicable federal law or the Achukma Nation Constitution, the Yerushalayim County Superior Court shall have jurisdiction over:

(a) All civil causes of action for which the Tribal Council enacts enabling legislation;

(b) All offenses prohibited by Achukma Nation Tribal law;

(c) All matters over which jurisdiction is granted by express waiver of sovereign immunity;

(d) Criminal offenses, except that the Court shall not immediately assume jurisdiction over offenses listed within the Major Crimes Act, 18 U.S.C. § 1153, such offenses being within federal authority. However, should federal authorities decline prosecution under the Major Crimes Act, Achukma Nation authorities may proceed in tribal court.

#### **Sec. 1-19. Concurrent Jurisdiction.**

The jurisdiction invoked by this Article over any person, cause of action, or subject shall be concurrent with any valid jurisdiction over the same by the courts of the United States or of any State; provided, however, this Article does not recognize, grant, or cede jurisdiction to any other political or governmental entity in which jurisdiction does not otherwise exist in law.

### **SUBDIVISION B. COURT DIVISIONS**

#### **Sec. 1-20. General Division.**

The General Division of the Yerushalayim County Superior Court shall hear all routine civil and criminal matters with one Tribal Judge presiding.

#### **Sec. 1-21. Serious Matters Division.**

When serious matters are presented, including but not limited to major civil disputes, serious criminal charges, or matters affecting tribal sovereignty, two or three Tribal Judges shall sit to hear such matters as determined by the Chief Judge in consultation with the War Minko.

#### **Sec. 1-22. Minor Civil Actions.**

The purpose of this division is to provide prompt and efficient hearings. Proceedings shall be simple and informal. Minor Civil Actions shall be limited to:

- (a) Traffic cases, which are civil infractions under the Motor Vehicle Code;
- (b) Summary process eviction actions under landlord-tenant law;
- (c) Civil actions seeking money damages only, not in excess of five-thousand dollars, including attorneys fees and costs.

Actions of libel or slander and enforcement of foreign judgments are not permitted under this division.

#### **Sec. 1-23. Major Civil Actions.**

All matters over which the Yerushalayim County Superior Court has jurisdiction that are not enumerated as Minor Civil Actions shall be heard as Major Civil Actions.

**Sec. 1-24. Spokesperson Representation.**

(a) In Minor Civil Actions, any spokesperson, including non-attorney spokespersons, may represent parties.

(b) In Major Civil Actions, only qualified spokespersons with appropriate legal training may represent parties, as determined by the Court.

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## **ARTICLE II. LEGISLATIVE AUTHORITY**

**Sec. 1-25. Tribal Council Powers.**

All legislative and executive powers of the Achukma Nation not granted to the Council of Elders shall be vested in the Tribal Council and shall be exercised in accordance with the Constitution.

**Sec. 1-26. Specific Legislative Powers.**

The Tribal Council shall have authority to:

- (a) Enact laws and ordinances governing all aspects of tribal life;
- (b) Establish administrative agencies and departments;
- (c) Approve annual budgets and appropriate funds;
- (d) Negotiate and approve contracts and agreements;
- (e) Regulate commerce and business within tribal jurisdiction;
- (f) Protect tribal lands and resources;
- (g) Exercise all powers necessary for self-governance consistent with the Constitution and federal law.

**Sec. 1-27. Legislative Procedures.**

- (a) All legislative acts shall require a two-thirds vote of the Tribal Council for passage.

(b) The Head Minko may veto any legislative act, which veto may be overridden by three-fourths vote of the Tribal Council.

(c) All laws shall be published and made available to tribal members.

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## **ARTICLE III. EXECUTIVE POWERS**

### **DIVISION 1. HEAD MINKO**

#### **Sec. 1-28. Head Minko - Supreme Representative.**

The Head Minko shall be the Supreme Representative of the Nation and the Symbol of unity thereof. He shall be the guarantor of perpetuation and continuity of the Nation. He shall ensure respect for the Constitution and natural law. He shall be the Protector of the rights and liberties of tribal members, social groups and organizations.

#### **Sec. 1-29. Head Minko Powers and Duties.**

The Head Minko shall:

- (a) Be the guarantor of the independence of the Nation and territorial integrity;
- (b) Have full participation in affairs and determinations of the Jural Society and Ministerial Councils;
- (c) Certify aboriginal jurists in accordance with constitutional conditions;
- (d) Exercise the right of granting executive pardon;
- (e) Execute all laws and ensure faithful administration of tribal government;
- (f) Appoint executive officials with advice and consent of Tribal Council;
- (g) Represent the Nation in diplomatic relations;
- (h) Have authority to initiate constitutional amendments;
- (i) Submit matters directly for referendum when appropriate.

#### **Sec. 1-30. Head Minko Term and Qualifications.**

- (a) The Head Minko shall serve a term of ten (10) years.
- (b) The position may only be held by bloodline family members for one hundred (100) years from the date of signature on the Nation Constitution 2016.
- (c) The Head Minko must be an enrolled tribal member of good moral character, trustworthy, and capable of executing duties fairly and impartially.

## **DIVISION 2. SECONDARY HEAD MINKO**

### **Sec. 1-31. Secondary Head Minko - Succession.**

The Secondary Head Minko shall perform the duties and execute the powers of the Head Minko in the absence of the Head Minko, and shall assume the Head Minko duties in the event of a vacancy. If the Secondary Head Minko is unavailable, the Tribal Judges shall assume all power to execute Nation business until the Head Minko or Secondary Head Minko returns or until either or both seats are filled.

## **DIVISION 3. WAR MINKO (TRIBAL TRUST PROVOST MARSHAL)**

### **Sec. 1-32. War Minko Establishment.**

There is hereby established the office of War Minko (Tribal Trust Provost Marshal) who shall oversee the Council of Tribal Justice, its courts, law enforcement, and shall designate authorities to carry out these responsibilities.

### **Sec. 1-33. War Minko Powers and Duties.**

The War Minko shall:

- (a) Oversee the Council of Tribal Justice and all judicial operations;
- (b) Supervise all law enforcement activities within tribal jurisdiction;
- (c) Appoint the Minko Judge (with concurrence of Tribal Judges);
- (d) Ensure enforcement of all tribal laws and court orders;
- (e) Coordinate with other law enforcement agencies;
- (f) Maintain order and security on tribal lands;
- (g) Report regularly to the Tribal Council and Head Minko;

(h) Exercise such other powers as necessary for maintenance of law and order.

## **DIVISION 4. OTHER EXECUTIVE OFFICIALS**

### **Sec. 1-34. Nation Secretary.**

The Nation Secretary shall:

- (a) Keep an official record of each regular and special meeting of the Tribal Council;
- (b) Perform other duties delegated by the Tribal Council;
- (c) Make available all laws, rules, and regulations adopted by the Tribal Council;
- (d) Serve as Scribe of the court and keeper of Records and Deeds.

### **Sec. 1-35. Nation Treasurer.**

The Nation Treasurer shall:

- (a) Be custodian of all funds under jurisdiction or control of the Achukma Nation;
- (b) Pay out funds in accordance with laws, policies, and amendments established by the Tribal Council;
- (c) Keep accounts of all receipts and disbursements;
- (d) Make written reports to the Tribal Council at each meeting;
- (e) Cause all tribal funds and accounts to be audited at least once per year;
- (f) Sign and approve all disbursements with the Head Minko or authorized official.

### **Sec. 1-36. Office of Law and Justice.**

There is hereby established the Office of Law and Justice to:

- (a) Provide legal counsel to the Tribal Council and tribal entities;
- (b) Represent the Nation in legal matters;
- (c) Review all contracts and agreements;

- (d) Advise on constitutional and legal compliance;
- (e) Prosecute violations of tribal law;
- (f) Protect tribal sovereignty and member rights.

**Sec. 1-37. Office of Chancery of Civil Record.**

There is hereby established the Office of Chancery of Civil Record to:

- (a) Maintain all civil records of the Nation;
- (b) Record all deeds, contracts, and legal documents;
- (c) Provide certified copies of records;
- (d) Ensure proper documentation of all civil matters.

**Sec. 1-38. Office of Halakhic Administration.**

There is hereby established the Office of Halakhic Administration to:

- (a) Advise the Tribal Council on matters involving Halakhic law;
- (b) Provide guidance to tribal courts on religious legal principles;
- (c) Ensure compatibility between religious and civil law;
- (d) Maintain records of Halakhic rulings and precedents;
- (e) Provide education on Torah and Halakhic law to tribal members;
- (f) Coordinate with the Council of Elders on traditional matters.

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## **ARTICLE IV. BILL OF RIGHTS AND CONSTITUTIONAL IMMUNITIES**

**Sec. 1-39. Constitutional Supremacy.**

All provisions of this Code shall be interpreted and applied consistent with Article V (Bill of Rights) and Article V, Section 2 (Immunities) of the Achukma Nation Constitution. In the event of any conflict between this Code and constitutional provisions, the Constitution shall prevail.

#### **Sec. 1-40. Origin of Government.**

All government, of right, originates with the people, is founded upon their will only, and is instituted solely for the good of the whole. The Tribal Council is the trustees and servants of the people, and at all times, amenable to them.

#### **Sec. 1-41. Protection of Person and Property.**

Protection of the Tribal Member and property is the paramount duty of the Tribe, and shall be impartial and complete.

#### **Sec. 1-42. Right to Bear Arms.**

Every Tribal Member has the Right to bear and keep arms in order to defend themselves from all acts of tyranny and violence and this right shall not be infringed, but the Tribal Council shall have power to prescribe the manner in which arms may be borne.

#### **Sec. 1-43. Economic Participation.**

All tribal members shall have liberty to equal opportunity to participate in the economic resources and activities of the Achukma Nation in accordance with eligibility requirements set by the Tribe; and the liberty to exercise the tribal liberties and privileges of members where not in conflict with other provisions of the Constitution, tribal laws and ordinances, or the laws of the United States.

#### **Sec. 1-44. Right to Counsel and Self-Representation.**

No Tribal Member shall be deprived of the right to prosecute or defend his own cause in any of the Courts of this Nation, in person, by counsel, or both.

#### **Sec. 1-45. Criminal Procedure Rights.**

Every Member charged with an offense against the laws of this Nation shall have:

- (a) The privilege and benefit of counsel;
- (b) Right to be furnished, on demand, with a copy of the accusation and list of witnesses;
- (c) Right to be confronted with the witnesses testifying against him;

(d) Right to a public and speedy trial by an impartial jury upon request.

**Sec. 1-46. Protection Against Self-Incrimination.**

No Tribal Member shall be compelled to give testimony in any manner to criminate himself or herself.

**Sec. 1-47. Protection Against Double Jeopardy.**

No Tribal Member shall be put in jeopardy of life, or liberty, more than once for the same offense, save on his or her own motion for a new trial after conviction, or in case of mistrial.

**Sec. 1-48. Bail and Punishment Standards.**

- (a) Excessive bail shall not be required;
- (b) Excessive fines shall not be imposed;
- (c) Cruel and unusual punishments shall not be inflicted;
- (d) No person shall be abused while being arrested or while under arrest.

**Sec. 1-49. Habeas Corpus.**

The writ of HABEAS CORPUS shall not be suspended.

**Sec. 1-50. Prohibition of Slavery.**

There shall be within the Achukma Nation neither slavery nor involuntary servitude, save as a punishment for crime after legal conviction thereof.

**Sec. 1-51. Social Status.**

The social status of a Tribal Member shall never be the subject of legislation.

**Sec. 1-52. Contempt Power Limited.**

The power of the courts to punish for contempt shall be limited by legislative acts.

**Sec. 1-53. Multiple Offices.**

Only by necessity that there be not enough Enrolled Tribal Members to fulfill such duties may one member hold more than one position in power but must at all times be fair, just, and impartial according to Torah.

#### **Sec. 1-54. Membership Rights.**

All Members who are members of a Tribe are hereby declared Enrolled Tribal Members of the Achukma Nation; and it shall be the duty of the Tribal Council to enact such laws as will protect them in the full enjoyment of the rights, privileges and immunities due to such Membership.

#### **Sec. 1-55. Privacy Rights.**

Privacy shall be preserved as a natural right.

#### **Sec. 1-56. Equal Rights in Education and Labor.**

All Aboriginal Nationals shall have equal rights in seeking education and labor.

#### **Sec. 1-57. Right to Self-Defense and Trial by Jury.**

The natural right to self-defense shall be a guaranteed natural right as well as the natural right to a trial by jury upon being charged with civil or criminal offenses.

#### **Sec. 1-58. Private Property and Free Enterprise.**

The right of private property and free enterprise shall be guaranteed to all Aboriginal Nationals.

#### **Sec. 1-59. UNDRIP Rights.**

All rights established by the United Nations Declaration on the Rights of Indigenous Peoples, specifically Articles 3, 7, 8, 9, 15, 18, 23, 24, 27, 33, 34, and 35 are hereby recognized and protected.

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## **CHAPTER 2 - JUDICIAL SYSTEM**

### **ARTICLE I. COURT STRUCTURE AND JURISDICTION**

#### **Sec. 2-1. Yerushalayim County Superior Court.**

(a) The Yerushalayim County Superior Court is hereby established as the primary trial court with jurisdiction over all tribal affairs as mandated by Constitution Article VII, Section 9.

(b) The Court shall consist of: (1) General Division - One Tribal Judge for routine matters (2) Serious Matters Division - Two or Three Tribal Judges for serious matters

## **Sec. 2-2. Judge Qualifications.**

All judges of the Achukma Nation Court System must meet the following minimum qualifications:

- (a) Be an enrolled member of the Achukma Nation or approved by the Tribal Council;
- (b) Be at least 27 years of age;
- (c) Possess a Juris Doctorate degree from an accredited law school or equivalent legal training as determined by the Tribal Council;
- (d) Have at least three (3) years' experience in legal matters, including attending courts, lawful and legal studies, international law, American Indian laws, and United States laws and policies;
- (e) Have no past or present criminal history or felony convictions;
- (f) NOT be a current member of any STATE BAR or THE BAR association;
- (g) NOT be a practicing attorney, judge, lawyer, magistrate affiliated with any United States Federal or State institutional BAR Association, U.S. or foreign jurisdiction or corporation;
- (h) Demonstrate knowledge of Achukma Nation customs, traditions, Torah law, and Halakhic principles;
- (i) Be of sound mind, trustworthy, good moral character, and capable of carrying out duties fairly and impartially;
- (j) Pass a comprehensive background investigation;
- (k) Be willing to commit upon public oath or affirmation to uphold the Constitution of the Achukma Nation.

## **Sec. 2-3. Appointment Process.**

Judges shall be appointed by the Tribal Judges and Head Minko collectively, serving staggered terms of ten (10) years to ensure continuity of service. Emergency appointments may be made as needed.

## **Sec. 2-4. Removal of Judges.**

Judges may be removed for:

- (a) Voluntary resignation;

(b) Being deemed mentally or physically unfit by remaining Tribal Judges and Head Minko collectively;

(c) Being found guilty of serious misconduct as defined in the Constitution;

(d) Violation of oath of office or ethical standards.

Original founding Achukma Nation member judges shall not be removed unless two-thirds of Tribal Judges and Head Minko collectively have found them guilty with evidence.

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## **ARTICLE II. COUNCIL OF TRIBAL JUSTICE**

### **Sec. 2-5. Council of Tribal Justice Establishment.**

There is hereby established the Council of Tribal Justice as the appellate division of the Achukma Nation Court System, overseen by the War Minko (Tribal Trust Provost Marshal) and presided over by the Minko Judge.

### **Sec. 2-6. Appellate Jurisdiction.**

The Council of Tribal Justice shall have appellate jurisdiction over any case on appeal from the Yerushalayim County Superior Court or any inferior tribal courts.

### **Sec. 2-7. Power to Declare Laws Void.**

The Council of Tribal Justice shall have the power to declare laws of the Achukma Nation void if such laws are not in agreement with the Achukma Nation Constitution and the Great Law of Peace. All decisions shall be in writing and final by written order.

### **Sec. 2-8. Reversing Decisions.**

Reversing of decisions and orders shall be done at a special hearing convened by the Council of Tribal Justice, the Tribal Judges, Minko Judge, Commissioner of the Office of Law and Justice, to discuss rulings and findings.

### **Sec. 2-9. Minko Judge Qualifications.**

The Minko Judge of the Council of Tribal Justice must:

(a) Be at least 27 years of age or older;

- (b) Have no past or present criminal (true crime) history or felonies;
- (c) Have at least three years' experience attending courts, lawful and legal studies, international law, American Indian laws, United States laws and policies;
- (d) Possess a law degree or equivalent WITHOUT current membership of a STATE BAR or THE BAR;
- (e) Have studied law of indigenous nature with comprehension thereof;
- (f) NOT be a practicing attorney or lawyer affiliated with any United States Federal or State institutional BAR Association, U.S. or foreign jurisdiction or corporation;
- (g) NOT be a practicing attorney, judge, lawyer, magistrate, or hold any office or position by any lawful or legal title for any other entity.

#### **Sec. 2-10. Minko Judge Appointment.**

The Minko Judge shall be appointed by the Tribal Judges and War Minko collectively and shall serve a five (5) year term.

#### **Sec. 2-11. Minko Judge Powers.**

The Minko Judge shall:

- (a) Preside over all appellate proceedings;
- (b) Issue written opinions on all appeals;
- (c) Coordinate with the War Minko on enforcement matters;
- (d) Ensure consistency with Constitution and Great Law of Peace;
- (e) Exercise judicial review authority.

#### **Sec. 2-12. Minko Judge Compensation.**

The Minko Judge shall receive compensation as determined by the Tribal Council, provided that compensation shall not diminish during the Minko Judge's appointment.

#### **Sec. 2-13. Vacancies.**

If there is any vacancy in the Minko Judge position, the Tribal Judges and Head Minko collectively with the War Minko and Commissioner of the Office of Law and Justice shall appoint a Minko Judge for the unexpired term.

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## **ARTICLE III. COUNCIL OF ELDERS JUDICIAL REVIEW**

### **Sec. 2-14. Council of Elders Powers.**

All judicial review powers of the Achukma Nation not exercised by the Yerushalayim County Superior Court or Council of Tribal Justice shall be vested in the Council of Elders, and in such subordinate commissions and/or courts as the Tribal Council may from time to time ordain and establish.

### **Sec. 2-15. Specific Judicial Review Powers.**

The powers of the Council of Elders shall include all judicial review powers reasonable and necessary to achieve tribal goals, and shall specifically include:

- (a) Rule over cases and controversies arising under the Constitution and tribal laws, but not issue advisory opinions or decisions in moot cases;
- (b) Appoint from within their body member(s) to serve as "Justice of the Peace";
- (c) Provide traditional Achukma names to tribal members;
- (d) Appoint and define all religious and ceremonial positions;
- (e) Advise the Tribal Council in all matters related to tribal culture;
- (f) Allocate within budget amounts deemed necessary for legal counsel;
- (g) Appropriate available tribal funds up to amounts allocated in annual budget;
- (h) Establish and enforce rules of tribal custom consistent with federal statutes and Constitution;
- (i) Promote and protect health, peace, morals, and general welfare of the Tribe;
- (j) Establish traditional policies regarding education;
- (k) Establish and enforce ordinances governing tribal membership and enrollment;

(l) Recommend and submit for vote amendments to the Constitution.

**Sec. 2-16. Traditional Dispute Resolution.**

The Council of Elders shall provide traditional dispute resolution services incorporating tribal customs, Torah principles, and the Great Law of Peace for matters appropriate to traditional resolution.

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## **ARTICLE IV. CIVIL PROCEDURES**

**Sec. 2-17. Civil Case Jurisdiction.**

The Yerushalayim County Superior Court shall have exclusive jurisdiction over civil matters arising within the reservation boundaries, including but not limited to:

- (a) Contract disputes;
- (b) Property disputes;
- (c) Family law matters;
- (d) Personal injury claims;
- (e) Business disputes;
- (f) Landlord-tenant matters;
- (g) Collection actions.

**Sec. 2-18. Civil Procedure Rules.**

The Achukma Nation Court System shall adopt comprehensive civil procedure rules consistent with fairness, due process, Torah principles, and adapted from recognized procedural standards to reflect tribal customs and traditions.

**Sec. 2-19. Pleading Requirements.**

- (a) All civil complaints shall be clear, concise, and state facts supporting the claim;
- (b) Defendants shall have reasonable time to respond;

- (c) Discovery shall be permitted as appropriate;
- (d) Pre-trial conferences may be scheduled;
- (e) Trials shall be conducted fairly and expeditiously.

#### **Sec. 2-20. Remedies.**

The Court may grant any remedy appropriate under law or equity, including:

- (a) Money damages;
  - (b) Injunctive relief;
  - (c) Specific performance;
  - (d) Declaratory judgment;
  - (e) Restitution;
  - (f) Other equitable remedies.
- 

## **ARTICLE V. CRIMINAL PROCEDURES**

#### **Sec. 2-21. Criminal Jurisdiction.**

The Yerushalayim County Superior Court shall have jurisdiction over criminal matters committed within the reservation boundaries by:

- (a) Enrolled tribal members;
- (b) Persons subject to tribal jurisdiction under applicable federal law;
- (c) Offenses against tribal property or persons;
- (d) Offenses occurring on tribal lands.

#### **Sec. 2-22. Torah and Right Ruling.**

In all prosecutions or indictments, proceedings shall be according to Torah and right ruling as mandated by Constitution Article V, Section 3(1).

### **Sec. 2-23. Criminal Procedure Rights.**

All persons accused of crimes within Achukma Nation jurisdiction shall be guaranteed:

- (a) Right to be presumed innocent until proven guilty;
- (b) Right to legal representation or self-representation;
- (c) Right to confront witnesses;
- (d) Right against self-incrimination;
- (e) Right to a speedy and public trial;
- (f) Right to trial by jury upon request;
- (g) Right to appeal;
- (h) Right to be informed of charges and evidence;
- (i) Right to compulsory process for witnesses;
- (j) Protection against excessive bail and cruel punishment.

### **Sec. 2-24. Prosecution Standards.**

All criminal prosecutions shall meet the following standards:

- (a) Charges must be filed in writing;
- (b) Defendants must receive copies of charges and witness lists;
- (c) Probable cause must exist;
- (d) Evidence must be legally obtained;
- (e) Confessions must be voluntary;
- (f) Proof must be beyond a reasonable doubt for convictions.

### **Sec. 2-25. Sentencing.**

Sentencing shall be:

- (a) Proportionate to the offense;
  - (b) Consistent with Torah principles;
  - (c) Not cruel or unusual;
  - (d) Subject to appeal;
  - (e) May include fines, community service, probation, incarceration, or other appropriate sanctions.
- 

## **CHAPTER 3 - TRIBAL LAW AND COMMON LAW**

### **ARTICLE I. COMMON LAW AUTHORITY**

#### **Sec. 3-1. Common Law Development.**

The Achukma Nation Court System is hereby authorized to develop, establish, and apply common law principles that reflect the customs, traditions, Torah law, Halakhic principles, and values of the Achukma Nation people. This authority shall be exercised consistent with the Constitution and applicable federal law.

#### **Sec. 3-2. Traditional Law Integration.**

The Achukma Nation recognizes the importance of integrating traditional tribal law with modern legal frameworks. Courts shall consider traditional customs, Torah principles, and Halakhic practices when interpreting and applying tribal law, ensuring the legal system remains consistent with the Nation's cultural and spiritual values.

#### **Sec. 3-3. Precedent Development.**

Decisions of the Achukma Nation Court System shall establish legal precedents that guide future cases, creating a coherent body of tribal common law that reflects the unique circumstances and needs of the Achukma Nation community.

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## **ARTICLE II. TORAH AND HALAKHIC LAW FOUNDATION**

### **Sec. 3-4. Torah as Legal Foundation.**

Pursuant to Article V, Section 3(1) of the Constitution, all prosecutions and indictments shall be according to Torah and right ruling. The Achukma Nation recognizes Torah and Halakhic law as foundational legal principles that shall guide interpretation and application of tribal law.

### **Sec. 3-5. Halakhic Legal Principles.**

The Office of Halakhic Administration, in consultation with the Tribal Council and Council of Elders, shall provide guidance on the application of Halakhic legal principles to tribal matters. Halakhic law shall be applied consistent with the Constitution and federal law.

### **Sec. 3-6. Reconciliation with Modern Law.**

Where conflicts arise between traditional Torah/Halakhic principles and modern legal requirements, the Tribal Council, Council of Elders, and Office of Halakhic Administration shall work to reconcile such conflicts in a manner that honors both traditions and meets contemporary legal standards while maintaining the primacy of constitutional provisions.

### **Sec. 3-7. Integration in Court Proceedings.**

Courts shall:

- (a) Consider Torah principles in all matters;
- (b) Seek guidance from the Office of Halakhic Administration when appropriate;
- (c) Apply Halakhic concepts of justice, mercy, and righteousness;
- (d) Ensure rulings are consistent with both traditional and modern legal standards;
- (e) Respect the spiritual dimensions of legal matters.

### **Sec. 3-8. Office of Halakhic Administration Duties.**

The Office of Halakhic Administration shall:

- (a) Advise the Tribal Council on matters involving Halakhic law;
- (b) Provide guidance to tribal courts on religious legal principles;

- (c) Ensure compatibility between religious and civil law;
  - (d) Maintain records of Halakhic rulings and precedents;
  - (e) Provide education on Torah and Halakhic law to tribal members and officials;
  - (f) Coordinate with the Council of Elders on traditional matters;
  - (g) Publish guidance documents on application of Torah law to contemporary issues.
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## **ARTICLE III. LEGAL PRECEDENTS AND THE GREAT LAW OF PEACE**

### **Sec. 3-9. Stare Decisis.**

The principle of stare decisis shall apply within the Achukma Nation Court System, requiring courts to follow established precedents except when clearly justified by changed circumstances or the development of new legal principles consistent with the Constitution and Torah law.

### **Sec. 3-10. Precedent Review.**

The Council of Tribal Justice shall have authority to review and overrule precedents when necessary to ensure the continued relevance and accuracy of tribal common law.

### **Sec. 3-11. The Great Law of Peace.**

The Achukma Nation recognizes the Great Law of Peace as a foundational traditional legal authority. The principles of the Great Law of Peace shall be considered in:

- (a) Dispute resolution;
- (b) Governance matters;
- (c) Inter-tribal relations;
- (d) Peace-making and reconciliation;
- (e) Traditional ceremonies and practices.

### **Sec. 3-12. Sources of Law Hierarchy.**

The hierarchy of legal authority in the Achukma Nation shall be:

- (1) Achukma Nation Constitution (Supreme);
  - (2) Torah and Halakhic Law (as interpreted through Constitution);
  - (3) The Great Law of Peace (traditional authority);
  - (4) Federal Indian Law (where applicable and not inconsistent with Constitution);
  - (5) Achukma Nation Tribal Code;
  - (6) Tribal Regulations and Ordinances;
  - (7) Traditional Customs and Practices;
  - (8) Georgia State Law (reference only, not binding except as adopted).
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## **CHAPTER 4 - BUSINESS AND EMPLOYMENT**

### **ARTICLE I. BUSINESS LICENSES**

#### **Sec. 4-1. Business License Authority.**

The Achukma Nation Department of Business Development shall have exclusive authority to issue, suspend, and revoke business licenses for all commercial activities conducted within tribal jurisdiction.

#### **Sec. 4-2. Licensing Requirements.**

All businesses operating within the Achukma Nation must obtain proper licensing, which requires:

- (a) Completion of application forms;
- (b) Payment of appropriate fees;
- (c) Proof of adequate insurance;

- (d) Compliance with tribal zoning laws;
- (e) Background checks for key personnel;
- (f) Environmental impact assessments where applicable;
- (g) Commitment to comply with tribal laws and customs.

### **Sec. 4-3. License Categories.**

Business licenses shall be categorized as:

- (a) Gaming Operations;
- (b) Retail and Commercial Services;
- (c) Manufacturing and Industrial;
- (d) Professional Services;
- (e) Tourism and Hospitality;
- (f) Agricultural Operations;
- (g) Home-Based Businesses;
- (h) Construction and Development;
- (i) Financial Services.

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## **ARTICLE II. EMPLOYMENT RELATIONS**

### **Sec. 4-4. Fair Employment Practices.**

The Achukma Nation is committed to providing equal employment opportunities and fair working conditions for all employees within tribal jurisdiction, consistent with tribal preference policies.

### **Sec. 4-5. Employment Discrimination Prohibited.**

No person shall be discriminated against in employment based on:

- (a) Race, color, or national origin;
- (b) Gender or gender identity;
- (c) Age (except as required by law);
- (d) Disability;
- (e) Religious beliefs;
- (f) Political affiliation;
- (g) Tribal enrollment status (except as permitted under tribal preference).

#### **Sec. 4-6. Tribal Preference.**

In all commercial activities and employment, preference shall be given to enrolled tribal members in accordance with applicable federal law and tribal policy. This preference is a fundamental right of the Nation and shall not be considered discriminatory.

#### **Sec. 4-7. Wage and Hour Standards.**

The Achukma Nation adopts minimum wage and overtime standards that meet or exceed federal requirements, with additional protections for tribal employees as determined by the Tribal Council.

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## **ARTICLE III. COMMERCIAL DEVELOPMENT**

#### **Sec. 4-8. Economic Development Authority.**

The Achukma Nation Tribal Council shall have authority to promote and regulate commercial development to enhance the economic well-being of the tribe and its members.

#### **Sec. 4-9. Development Standards.**

All commercial development must comply with:

- (a) Tribal zoning regulations;
- (b) Environmental protection standards;

- (c) Building codes and safety requirements;
  - (d) Historic preservation guidelines;
  - (e) Cultural sensitivity requirements;
  - (f) Constitutional provisions protecting member rights;
  - (g) Torah principles regarding just commerce.
- 

## **ARTICLE IV. CONTRACT PROTECTIONS**

### **Sec. 4-10. Non-Impairment of Contracts.**

- (a) The Achukma Nation shall enact no law impairing the obligations of contracts entered into in furtherance of development, construction, or operation on tribal lands.
- (b) Neither the Tribal Council nor any committee, agency, board, or other official body, and no officer or official of the tribe shall, by exercise of the police power or otherwise, act to modify, amend, or in any manner impair the obligations of contracts entered into by the Tribal Council or other parties in furtherance of financing, development, construction, or operation on tribal lands without the written consent of all non-tribal parties to such contract.
- (c) Any action or attempted action in violation of this section shall be void ab initio.
- (d) This provision is mandated by Constitution Article V, Section 4 and protects both tribal and non-tribal parties to development contracts.

### **Sec. 4-11. Contract Formation Requirements.**

All contracts entered into by the Achukma Nation or on tribal lands shall:

- (a) Be in writing;
- (b) Clearly state all terms and conditions;
- (c) Identify all parties;
- (d) Specify consideration;
- (e) Include any necessary sovereign immunity waivers in the proper format;

- (f) Be approved by authorized tribal officials;
- (g) Comply with all applicable tribal, federal, and adopted state laws.

#### **Sec. 4-12. Contract Dispute Resolution.**

Disputes arising from contracts shall be resolved according to the dispute resolution provisions in the contract, which may include:

- (a) Tribal court jurisdiction;
- (b) Arbitration;
- (c) Mediation;
- (d) Other agreed-upon methods.

Where no dispute resolution provision exists, the Yerushalayim County Superior Court shall have jurisdiction.

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## **CHAPTER 5 - INTELLECTUAL PROPERTY AND PROPERTY PROTECTION**

### **PREAMBLE**

This chapter codifies the Achukma Nation's sovereign authority to protect all forms of property, both tangible and intangible, belonging to the Tribe and its enrolled members. The Achukma Nation exercises exclusive jurisdiction over intellectual property rights, trademarks, copyrights, trade secrets, and all property within tribal jurisdiction pursuant to inherent tribal sovereignty and Constitutional Amendment 5.

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## **ARTICLE I. TRADEMARKS**

### **DIVISION 1. GENERAL PROVISIONS**

### **Sec. 5-1. Tribal Trademark Authority.**

The Achukma Nation exercises exclusive jurisdiction over all trademarks owned by or registered to: (a) The Achukma Nation Tribe; (b) Enrolled tribal members; (c) Tribal entities and enterprises; (d) Businesses operating within tribal jurisdiction.

### **Sec. 5-2. Definitions.**

For purposes of this Article:

(a) "Trademark" means any word, name, symbol, device, or combination thereof used to identify and distinguish goods or services of one party from those of others, including:

- Service marks;
- Certification marks;
- Collective marks;
- Trade dress;
- Logos and insignia;
- Tribal names and symbols.

(b) "Common Law Trademark" means trademark rights acquired through actual use in commerce without formal registration.

(c) "Federal Trademark" means trademark registered with the United States Patent and Trademark Office.

(d) "Tribal Trademark" means trademark registered with the Achukma Nation.

(e) "Infringement" means unauthorized use of a trademark that is likely to cause confusion, mistake, or deception.

### **Sec. 5-3. Scope of Protection.**

Trademark protection under tribal law extends to: (a) All marks used in commerce within tribal jurisdiction; (b) All marks owned by enrolled tribal members regardless of location; (c) Common law trademark rights established through use; (d) Federal trademark registrations owned by tribal members or entities; (e) Traditional tribal names, symbols, and cultural marks; (f) The Achukma Nation name and all variations thereof; (g) Tribal seals, logos, and official insignia.

## **DIVISION 2. TRIBAL TRADEMARK REGISTRATION**

### **Sec. 5-4. Tribal Trademark Registry.**

The Office of Chancery of Civil Record shall maintain the Achukma Nation Trademark Registry for recording: (a) Tribal trademark registrations; (b) Federal trademark registrations owned by tribal members; (c) Common law trademark claims; (d) Trademark assignments and transfers; (e) Licensing agreements; (f) Notices of infringement.

#### **Sec. 5-5. Registration Procedures.**

Trademark registration requires: (a) Completed application form; (b) Clear representation of the mark; (c) Description of goods/services; (d) Proof of use in commerce or intent to use; (e) Declaration of ownership; (f) Registration fee; (g) Compliance with tribal law.

#### **Sec. 5-6. Registration Benefits.**

Tribal trademark registration provides: (a) Prima facie evidence of ownership; (b) Constructive notice of claim; (c) Basis for enforcement actions; (d) Enhanced damages for infringement; (e) Protection under tribal law; (f) Standing to file suit in tribal court.

#### **Sec. 5-7. Duration and Renewal.**

(a) Tribal trademark registrations are valid for ten (10) years; (b) Registrations may be renewed indefinitely; (c) Renewal requires:

- Filing renewal application;
- Declaration of continued use;
- Payment of renewal fees;
- Updated specimens of use.

### **DIVISION 3. INFRINGEMENT AND ENFORCEMENT**

#### **Sec. 5-8. Trademark Infringement Prohibited.**

No person shall: (a) Use any trademark in a manner likely to cause confusion with a protected mark; (b) Use tribal names, symbols, or marks without authorization; (c) Counterfeit or imitate protected trademarks; (d) Dilute famous trademarks through blurring or tarnishment; (e) Engage in cybersquatting or domain name infringement; (f) Make false designations of origin; (g) Engage in unfair competition through trademark misuse.

#### **Sec. 5-9. Infringement Elements.**

Trademark infringement requires proof of: (a) Valid and protectable mark owned by plaintiff; (b) Defendant's use of identical or confusingly similar mark; (c) Use in commerce; (d) Likelihood of confusion among consumers; (e) Use without authorization or consent.

#### **Sec. 5-10. Likelihood of Confusion Factors.**

Courts shall consider: (a) Similarity of the marks in appearance, sound, and meaning; (b) Similarity of goods or services; (c) Strength and distinctiveness of plaintiff's mark; (d) Evidence of actual confusion; (e) Intent of the defendant; (f) Marketing channels used; (g) Degree of consumer care and sophistication; (h) Likelihood of expansion into related products.

#### **Sec. 5-11. Remedies for Infringement.**

Remedies for trademark infringement include: (a) **Injunctive Relief** - Immediate cessation of infringing use; (b) **Monetary Damages** - Actual damages suffered by trademark owner; (c) **Disgorgement** - Defendant's profits from infringement; (d) **Statutory Damages** - Up to \$100,000 per trademark per violation for willful infringement; (e) **Replevin** - Recovery of infringing materials and goods; (f) **Destruction** - Court-ordered destruction of infringing materials; (g) **Attorney's Fees and Costs** - Recovery of legal expenses; (h) **Punitive Damages** - For willful and malicious infringement.

#### **Sec. 5-12. Enhanced Penalties.**

Enhanced penalties apply when infringement involves: (a) Tribal names, symbols, or sacred marks; (b) Counterfeiting or intentional copying; (c) Prior notice and continued infringement; (d) Use causing harm to tribal reputation; (e) Commercial gain from unauthorized use; (f) Repeat violations.

### **DIVISION 4. TRIBAL NAME AND SYMBOL PROTECTION**

#### **Sec. 5-13. Exclusive Rights to Tribal Names.**

The Achukma Nation and enrolled tribal members hold exclusive rights to: (a) "Achukma Nation" and all variations; (b) "Achukma Nakni Chihowa" and translations; (c) Tribal seal and official logo; (d) Traditional names and symbols; (e) Clan names and designations; (f) All tribal entity names.

#### **Sec. 5-14. Unauthorized Use Prohibited.**

No person shall use tribal names or symbols: (a) Without express written authorization from the Tribal Council; (b) In connection with commercial activities; (c) In manner suggesting tribal affiliation or endorsement; (d) On government documents, licenses, or official papers; (e) In domain names or internet identifiers; (f) For fraudulent or deceptive purposes.

#### **Sec. 5-15. Special Protection for Sacred Marks.**

Sacred and ceremonial marks receive heightened protection: (a) Unauthorized use constitutes serious offense; (b) Council of Elders approval required for any use; (c) Traditional protocols must be followed; (d) Enhanced penalties for violations; (e) Spiritual and cultural damages compensable.

#### **Sec. 5-16. The Great Seal of the Achukma Nation.**

(a) **Constitutional Authority.** Pursuant to Amendment 6 of the Achukma Nation Constitution, the Great Seal of this Nation is hereby established as the official seal and symbol of tribal sovereignty.

(b) **Official Description.** The Great Seal of the Achukma Nation shall have the following device:

1. **Outer Circle (Blue):**
  - Top: Engraved with the words "the Great Seal of the"
  - Bottom: Engraved with the words "Achukma Nakni Chihowa Nation"
2. **Inner Circle (Orange):**
  - Center: The letters of the Name of the great Spirit "YHWH" in Paleo Hebrew (יהוה)
  - Flanked by: A Tomahawk and a Spear (on either side)
  - Underneath: Engraved with the words "Hebrew Warriors of Yahuwah"
3. **Color Specifications:**
  - Outer Circle: Blue
  - Inner Circle: Orange

(c) **Sacred and Sovereign Status.** The Great Seal is:

1. The supreme symbol of the Achukma Nation's sovereignty;
2. Sacred and protected under tribal law;
3. Reserved exclusively for official tribal use;
4. Protected from desecration, misuse, and unauthorized possession;
5. A mark of governmental authority and tribal authenticity.

#### **Sec. 5-16A. Exclusive Rights to the Great Seal.**

(a) **Sole Ownership.** The Achukma Nation holds exclusive, perpetual, and inalienable rights to the Great Seal, including all reproductions, adaptations, and derivative works thereof.

(b) **Authorized Uses.** The Great Seal may only be used:

1. On official tribal documents and certificates;
2. On tribal court orders, judgments, and decrees;
3. On tribal identification cards and enrollment documents;

4. On official tribal correspondence and communications;
5. On tribal flags, banners, and ceremonial items;
6. For official governmental purposes as authorized by the Tribal Council;
7. In tribal courts and governmental facilities;
8. As authorized by specific Tribal Council resolution.

(c) **Custody and Control.** The Office of Chancery of Civil Record shall maintain custody of the official Great Seal and all authorized reproductions, ensuring proper use and preventing unauthorized access.

#### **Sec. 5-16B. Unauthorized Possession Prohibited.**

(a) **Prohibition.** No person shall possess, hold, or maintain custody of:

1. Any reproduction, facsimile, or copy of the Great Seal;
2. Any seal-making device, stamp, embosser, or digital file capable of reproducing the Great Seal;
3. Any physical object bearing the Great Seal;
4. Any document, certificate, or instrument bearing the Great Seal;
5. Any computer file, image, or digital representation of the Great Seal;

EXCEPT:

- Official tribal officers in performance of official duties;
- Persons specifically authorized in writing by the Tribal Council;
- Enrolled tribal members possessing official tribal documents properly issued by the Nation.

(b) **Constructive Possession.** A person is deemed to possess the Great Seal if they:

1. Exercise control over any item bearing the seal;
2. Have access to seal-making equipment or digital files;
3. Store, maintain, or safeguard seal reproductions;
4. Have authority to use or deploy the seal.

(c) **Unlawful Possession Defined.** Unlawful possession includes:

1. Possession without proper authorization;
2. Possession obtained through theft, fraud, or deception;
3. Retention of seal after termination of authorization;
4. Possession with intent to use unlawfully;
5. Possession on behalf of unauthorized third parties;
6. Possession of counterfeit or altered seals.

## **Sec. 5-16C. Unauthorized Use Prohibited.**

(a) **Prohibition on Use.** No person shall use, display, reproduce, or affix the Great Seal:

1. On any document not issued by the Achukma Nation;
2. For any commercial, business, or private purpose;
3. On any state, county, or municipal government document;
4. In connection with any unauthorized legal proceeding;
5. To create false impression of tribal authority or approval;
6. To authenticate fraudulent or unauthorized documents;
7. On personal identification, driver's licenses, or non-tribal documents;
8. In any manner suggesting tribal endorsement without authorization;
9. On websites, social media, or digital platforms without authorization;
10. In advertising, marketing, or promotional materials.

(b) **Specifically Prohibited Uses.** It is unlawful to use the Great Seal:

1. **On State Documents:** Including but not limited to:
  - Birth certificates;
  - Driver's licenses;
  - Vehicle registrations;
  - Property tax documents;
  - Court filings in state courts;
  - Any document issued by State of Georgia or any political subdivision;
2. **For Fraudulent Purposes:**
  - Creating false tribal documents;
  - Impersonating tribal officials;
  - Falsely claiming tribal authority;
  - Deceiving others about tribal status or authority;
3. **For Commercial Exploitation:**
  - Selling merchandise bearing the seal;
  - Using seal for business endorsements;
  - Advertising products or services;
  - Fundraising without authorization.

(c) **Digital and Electronic Use.** Unauthorized digital use includes:

1. Scanning or photographing the Great Seal;
2. Creating digital files or images of the seal;
3. Posting the seal on websites or social media;
4. Using the seal in electronic communications;
5. Incorporating the seal into software or applications;
6. Creating NFTs or digital tokens bearing the seal.

## **Sec. 5-16D. State Use of Great Seal - Specific Prohibition.**

(a) **Prohibition on State Possession and Use.** The State of Georgia, its agencies, political subdivisions, officers, and employees are specifically and absolutely prohibited from:

1. Possessing any reproduction of the Great Seal;
2. Using the Great Seal on any state-issued document;
3. Maintaining the Great Seal in any state database or registry;
4. Affixing the Great Seal to driver's licenses, birth certificates, or any identification;
5. Storing digital copies of the Great Seal;
6. Using the Great Seal in connection with property tax assessments;
7. Displaying the Great Seal in any state facility or on any state property;
8. Including the Great Seal in any state court proceeding or document.

(b) **Violation of Sovereignty.** Any possession or use of the Great Seal by state authorities constitutes:

1. Theft of tribal property;
2. Violation of tribal sovereignty;
3. Unauthorized appropriation of governmental symbols;
4. Fraud and misrepresentation;
5. Color of law violation under 18 U.S.C. § 242.

(c) **Immediate Cessation Required.** Any state entity currently possessing or using the Great Seal must:

1. Immediately cease all use;
2. Remove the seal from all documents and databases;
3. Destroy all reproductions and copies;
4. Provide written certification of compliance within 30 days;
5. Pay disgorgement and penalties as determined by tribal court.

## **Sec. 5-16E. Criminal Penalties for Unauthorized Possession or Use.**

(a) **Criminal Offense.** Unauthorized possession or use of the Great Seal constitutes a criminal offense punishable by:

1. **First Offense (Misdemeanor):**
  - Fine: \$10,000 to \$50,000 per violation;
  - Imprisonment: Up to 6 months;
  - Community service: 200 hours;
  - Forfeiture of all items bearing the seal;
2. **Subsequent Offenses (Felony):**
  - Fine: \$50,000 to \$250,000 per violation;

- Imprisonment: 1 to 5 years;
  - Permanent prohibition from tribal lands;
  - Forfeiture of all property used in violation;
3. **Aggravated Violations (Felony):** For violations involving fraud, counterfeiting, or use on government documents:
- Fine: \$100,000 to \$500,000 per violation;
  - Imprisonment: 2 to 10 years;
  - Treble damages;
  - Permanent ban from tribal jurisdiction.

(b) **Each Use is Separate Violation.** Each instance of possession or use constitutes a separate offense subject to individual penalties.

(c) **Corporate Liability.** Business entities are liable for:

- Actions of officers, employees, and agents;
- Fines up to \$1,000,000 per violation;
- Dissolution of tribal business licenses;
- Disgorgement of all profits derived from violation.

## **Sec. 5-16F. Civil Remedies for Unauthorized Possession or Use.**

(a) **Civil Actions.** The Achukma Nation or any enrolled tribal member may bring civil action for unauthorized possession or use, seeking:

1. **Injunctive Relief:**
  - Immediate temporary restraining order;
  - Preliminary injunction;
  - Permanent injunction prohibiting future violations;
  - Mandatory injunction requiring destruction of reproductions;
2. **Monetary Damages:**
  - Statutory damages: \$80,000 per violation (per Tribal Fee Schedule);
  - Actual damages and lost revenues;
  - Harm to tribal reputation and sovereignty;
  - Emotional distress damages to tribal members;
3. **Disgorgement:**
  - All profits derived from unauthorized use;
  - Value of benefit received from possession;
  - Unjust enrichment;
4. **Replevin:**
  - Recovery of all items bearing the seal;
  - Seizure of seal-making equipment;
  - Recovery of digital files and reproductions;
5. **Destruction:**

- Court-ordered destruction of all unauthorized reproductions;
- Deletion of digital files;
- Removal from databases and registries;

**6. Attorney's Fees and Costs:**

- Full recovery of legal expenses;
- Expert witness fees;
- Investigation costs;
- Litigation expenses.

**(b) Enhanced Damages.** For willful, malicious, or bad faith violations:

- Treble (triple) actual damages;
- Punitive damages up to \$1,000,000;
- Enhanced statutory damages.

**(c) Per Document Damages.** When the Great Seal appears on multiple documents (such as state-issued driver's licenses or birth certificates):

1. Each document constitutes separate violation;
2. Statutory damages apply per document;
3. Example: 10,000 driver's licenses  $\times$  \$80,000 = \$800,000,000 in statutory damages.

**Sec. 5-16G. Enforcement Procedures.**

**(a) Tribal Law Enforcement Authority.** Tribal police officers are authorized to:

1. Investigate unauthorized possession or use;
2. Seize unauthorized reproductions of the Great Seal;
3. Arrest persons found in unlawful possession;
4. Execute search warrants for seal-related evidence;
5. Coordinate with federal law enforcement;
6. Testify in tribal and federal court proceedings.

**(b) Search and Seizure.** Upon probable cause:

1. Tribal courts may issue warrants to search for and seize:
  - Unauthorized seal reproductions;
  - Seal-making equipment;
  - Documents bearing the seal;
  - Digital devices containing seal images;
  - Evidence of unauthorized use;
2. Seized items shall be:
  - Inventoried and documented;
  - Held as evidence;

- Destroyed upon final judgment;
- Never returned to violators.

(c) **Cease and Desist Orders.** The Office of Law and Justice may issue immediate cease and desist orders to:

1. Stop ongoing violations;
2. Prevent imminent harm;
3. Preserve evidence;
4. Protect tribal sovereignty.

(d) **Federal Coordination.** Violations may be referred to:

1. Federal Bureau of Investigation (FBI);
2. U.S. Attorney's Office;
3. Department of Justice - Office of Tribal Justice;
4. U.S. Marshals Service;
5. Other federal law enforcement agencies.

## **Sec. 5-16H. Defenses and Exceptions.**

(a) **Valid Defenses.** The only valid defenses are:

1. Express written authorization from Tribal Council;
2. Possession of official tribal document properly issued;
3. Official tribal officer acting within scope of duties;
4. Good faith belief of authorization (with documentary proof).

(b) **Invalid Defenses.** The following are NOT valid defenses:

1. Claim of state authority or color of law;
2. Alleged compliance with state law;
3. Reliance on state-issued documents;
4. Ignorance of tribal law;
5. Custom or practice;
6. Passage of time or statute of limitations (none applies).

(c) **No Adverse Possession.** No person may acquire rights to the Great Seal through:

1. Adverse possession;
2. Prescriptive use;
3. Continuous use;
4. Color of title;
5. Any other theory inconsistent with tribal sovereignty.

## **Sec. 5-16I. Reporting Requirements.**

(a) **Mandatory Reporting.** Tribal members who observe unauthorized possession or use must report to:

1. Tribal Police Department;
2. Office of Law and Justice;
3. War Minko (Tribal Trust Provost Marshal).

(b) **State Agency Duty.** Any state agency that becomes aware of unauthorized use of the Great Seal must:

1. Immediately notify the Achukma Nation;
2. Cease all use;
3. Preserve evidence;
4. Cooperate with tribal investigation;
5. Provide full accounting of all uses.

## **Sec. 5-16J. Licensing Authority.**

(a) **Exclusive Authority.** Only the Tribal Council may authorize use of the Great Seal.

(b) **Licensing Requirements.** Any license for use of the Great Seal must:

1. Be approved by two-thirds vote of Tribal Council;
2. Be in writing and specify exact authorized uses;
3. Include duration and geographic limitations;
4. Contain quality control and supervision provisions;
5. Provide for substantial licensing fees;
6. Include termination rights;
7. Specify Achukma Nation jurisdiction;
8. Require regular reporting and auditing.

(c) **Revocation.** Licenses may be immediately revoked for:

1. Any unauthorized use;
2. Breach of license terms;
3. Failure to maintain quality standards;
4. Bringing disrepute to the Nation;
5. Tribal Council determination.

## **Sec. 5-16K. Relationship to Other Law.**

(a) **Federal Law.** Unauthorized use may also violate:

1. 18 U.S.C. § 713 (Use of likenesses of government seals);
2. 18 U.S.C. § 1017 (Government seals wrongfully used);
3. 18 U.S.C. § 242 (Deprivation of rights under color of law);
4. 18 U.S.C. § 1621 (Perjury - false authentication);
5. 15 U.S.C. § 1125 (False designations of origin - Lanham Act).

(b) **Cumulative Remedies.** Tribal remedies are cumulative with federal remedies and do not preclude:

1. Federal criminal prosecution;
2. Federal civil actions;
3. Actions in other jurisdictions;
4. Administrative proceedings.

(c) **Constitutional Basis.** This section is enacted pursuant to:

1. Achukma Nation Constitution, Amendment 6;
2. Achukma Nation Constitution, Amendment 5 (Unlawful Possession of Property Act);
3. Inherent tribal sovereignty;
4. Treaty rights and federal Indian law.

#### **Sec. 5-16L. Severability and Savings Clause.**

If any provision of this section is held invalid, the remaining provisions shall remain in full force and effect. The invalidity of any provision shall not affect the validity of any other provision.

#### **Sec. 5-17. Tribal Names and Marks - Licensing Authority.**

(a) Only the Tribal Council may authorize use of tribal names and marks (other than the Great Seal which is governed by Sections 5-16 through 5-16L);

(b) Licenses must be in writing and specify:

- Scope of authorized use;
- Duration of license;
- Quality control standards;
- Royalty or fee requirements;
- Termination provisions;
- Jurisdiction and dispute resolution.

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## **ARTICLE II. COPYRIGHTS**

## **DIVISION 1. COPYRIGHT PROTECTION**

### **Sec. 5-18. Tribal Copyright Authority.**

The Achukma Nation recognizes and enforces copyright protections for: (a) Original works of authorship by tribal members; (b) Works created by tribal entities; (c) Traditional cultural expressions; (d) Tribal government documents and publications; (e) Educational and cultural materials; (f) Artistic and literary works.

### **Sec. 5-18. Copyrightable Works.**

Copyright protection extends to: (a) Literary works (books, articles, poems, codes); (b) Musical works and sound recordings; (c) Dramatic and choreographic works; (d) Pictorial, graphic, and sculptural works; (e) Motion pictures and audiovisual works; (f) Architectural works; (g) Computer programs and software; (h) Databases and compilations; (i) Traditional stories and oral histories (when fixed in tangible form).

### **Sec. 5-19. Rights of Copyright Owners.**

Copyright owners have exclusive rights to: (a) Reproduce the work; (b) Prepare derivative works; (c) Distribute copies to the public; (d) Perform the work publicly; (e) Display the work publicly; (f) Authorize others to exercise these rights.

### **Sec. 5-21. Duration of Copyright.**

(a) For individual authors: Life of author plus seventy (70) years; (b) For tribal entities: Ninety-five (95) years from publication or one hundred twenty (120) years from creation, whichever is shorter; (c) For traditional cultural expressions: Perpetual protection; (d) For works for hire: Ninety-five (95) years from publication.

## **DIVISION 2. COPYRIGHT INFRINGEMENT**

### **Sec. 5-22. Copyright Infringement Defined.**

Copyright infringement occurs when a person: (a) Violates any exclusive right of copyright owner; (b) Copies protected work without authorization; (c) Distributes unauthorized copies; (d) Creates unauthorized derivative works; (e) Publicly performs or displays work without permission; (f) Circumvents technological protection measures.

### **Sec. 5-23. Infringement Defenses.**

Valid defenses to infringement include: (a) Fair use for educational, research, or commentary purposes; (b) Express license or authorization; (c) Public domain status; (d) Independent creation; (e) De minimis copying; (f) First sale doctrine (for lawfully obtained copies).

#### **Sec. 5-24. Fair Use Analysis.**

Fair use determination considers: (a) Purpose and character of use (commercial vs. educational); (b) Nature of copyrighted work; (c) Amount and substantiality of portion used; (d) Effect on market value of original work; (e) Cultural and educational benefit to tribal community.

#### **Sec. 5-25. Remedies for Copyright Infringement.**

Available remedies include: (a) **Injunctive Relief** - Restraining further infringement; (b) **Actual Damages** - Monetary losses suffered; (c) **Statutory Damages** - Between \$750 and \$30,000 per work; up to \$150,000 for willful infringement; (d) **Disgorgement** - Infringer's profits; (e) **Impoundment** - Seizure of infringing materials; (f) **Destruction** - Court-ordered destruction; (g) **Attorney's Fees** - Recovery of legal costs; (h) **Criminal Penalties** - For willful commercial infringement.

### **DIVISION 3. TRADITIONAL CULTURAL EXPRESSIONS**

#### **Sec. 5-25. Protection of Traditional Knowledge.**

The Achukma Nation protects traditional cultural expressions including: (a) Traditional stories, legends, and oral histories; (b) Sacred songs and ceremonial music; (c) Traditional designs and artwork; (d) Cultural practices and ceremonies; (e) Traditional ecological knowledge; (f) Medicinal knowledge and practices; (g) Language and linguistic works.

#### **Sec. 5-26. Collective Ownership.**

Traditional cultural expressions are: (a) Owned collectively by the Achukma Nation; (b) Held in trust for future generations; (c) Subject to Council of Elders oversight; (d) Protected from unauthorized commercial exploitation; (e) Governed by traditional protocols and customs.

#### **Sec. 5-27. Authorization Requirements.**

Use of traditional cultural expressions requires: (a) Written authorization from Tribal Council; (b) Council of Elders approval for sacred materials; (c) Benefit-sharing agreements for commercial use; (d) Attribution and acknowledgment; (e) Compliance with cultural protocols; (f) Ongoing consultation and collaboration.

# ARTICLE III. TRADE SECRETS

## DIVISION 1. TRADE SECRET PROTECTION

### Sec. 5-28. Trade Secret Authority.

The Achukma Nation protects trade secrets belonging to: (a) Tribal enterprises and businesses; (b) Enrolled tribal members; (c) Businesses operating within tribal jurisdiction; (d) Traditional knowledge holders.

### Sec. 5-29. Trade Secret Defined.

"Trade secret" means information that: (a) Derives independent economic value from not being generally known; (b) Is not readily ascertainable by proper means; (c) Is subject to reasonable efforts to maintain secrecy; (d) Provides competitive advantage.

### Sec. 5-30. Types of Trade Secrets.

Trade secrets include: (a) Business methods and processes; (b) Manufacturing techniques; (c) Formulas and recipes; (d) Customer lists and databases; (e) Financial information; (f) Marketing strategies; (g) Computer algorithms and source code; (h) Traditional medicinal formulas and methods; (i) Proprietary research and development.

### Sec. 5-31. Reasonable Protection Measures.

Owners must take reasonable steps to protect secrecy: (a) Limiting access to need-to-know basis; (b) Non-disclosure agreements with employees and contractors; (c) Physical security measures; (d) Digital security and encryption; (e) Marking documents as confidential; (f) Exit interviews and continuing obligations; (g) Regular audits of protection measures.

## DIVISION 2. MISAPPROPRIATION

### Sec. 5-32. Trade Secret Misappropriation Prohibited.

Misappropriation includes: (a) Acquisition by improper means (theft, bribery, espionage); (b) Disclosure without consent; (c) Use without authorization; (d) Breach of confidentiality agreements; (e) Breach of fiduciary duty; (f) Inducement of breach by third parties; (g) Continuing use after termination of relationship.

### Sec. 5-33. Improper Means Defined.

"Improper means" includes: (a) Theft or trespass; (b) Bribery or corruption; (c) Misrepresentation or fraud; (d) Breach of duty to maintain secrecy; (e) Espionage or

surveillance; (f) Computer hacking or unauthorized access; (g) Violation of confidentiality agreements.

#### **Sec. 5-34. Misappropriation Remedies.**

Available remedies include: (a) **Immediate Injunctive Relief** - Emergency protection orders; (b) **Permanent Injunction** - Long-term protection (reasonable duration); (c) **Actual Damages** - Economic losses from misappropriation; (d) **Unjust Enrichment** - Disgorgement of profits; (e) **Reasonable Royalty** - For unauthorized use; (f) **Exemplary Damages** - Double damages for willful and malicious misappropriation; (g) **Attorney's Fees** - For bad faith misappropriation or claims; (h) **Criminal Penalties** - For theft of trade secrets.

#### **Sec. 5-35. Preservation Orders.**

Courts may issue preservation orders to: (a) Prevent destruction of evidence; (b) Secure computers and digital devices; (c) Freeze assets; (d) Prevent disclosure during litigation; (e) Appoint special masters; (f) Require expedited discovery.

### **DIVISION 3. CONFIDENTIALITY AND NON-DISCLOSURE**

#### **Sec. 5-36. Confidentiality Agreements.**

Confidentiality and non-disclosure agreements shall: (a) Be in writing and clearly identify protected information; (b) Specify obligations of receiving party; (c) Define permitted and prohibited uses; (d) Include duration of obligations; (e) Provide for remedies upon breach; (f) Specify jurisdiction (Achukma Nation courts); (g) Survive termination of underlying relationship.

#### **Sec. 5-37. Employee Obligations.**

Employees and contractors have duty to: (a) Maintain confidentiality of trade secrets; (b) Not disclose to competitors or third parties; (c) Not use for personal benefit; (d) Return all confidential materials upon termination; (e) Not solicit customers using trade secret information; (f) Comply with post-employment restrictions; (g) Report suspected misappropriation.

#### **Sec. 5-38. Third-Party Recipients.**

Third parties receiving confidential information: (a) Are bound by confidentiality obligations; (b) Must take reasonable protection measures; (c) May not use information for competitive purposes; (d) Must notify owner of unauthorized disclosures; (e) Are liable for misappropriation; (f) Subject to injunctive relief and damages.

# **ARTICLE IV. INTELLECTUAL PROPERTY (GENERAL PROVISIONS)**

## **DIVISION 1. COMPREHENSIVE PROTECTION**

### **Sec. 5-39. Scope of Intellectual Property Rights.**

The Achukma Nation protects all forms of intellectual property including: (a) Trademarks and service marks; (b) Copyrights and related rights; (c) Trade secrets and confidential information; (d) Patents and inventions; (e) Traditional knowledge and cultural expressions; (f) Tribal data and information sovereignty; (g) Publicity rights and personal identity; (h) Domain names and internet identifiers.

### **Sec. 5-40. Ownership Rights.**

Intellectual property ownership includes rights to: (a) Exclusive use and exploitation; (b) Control over reproduction and distribution; (c) Derivative works and adaptations; (d) Licensing and commercialization; (e) Enforcement against infringement; (f) Transfer and assignment; (g) Moral rights and attribution.

### **Sec. 5-41. Tribal Sovereignty Over Intellectual Property.**

(a) The Achukma Nation exercises exclusive jurisdiction over intellectual property matters involving:

- Tribal members;
- Tribal lands and resources;
- Tribal entities and enterprises;
- Traditional knowledge and cultural property.

(b) State and federal intellectual property laws are recognized but do not diminish tribal sovereignty;

(c) Tribal courts have concurrent jurisdiction with federal courts;

(d) Tribal law provides additional protections beyond federal law.

## **DIVISION 2. REGISTRATION AND DOCUMENTATION**

### **Sec. 5-42. Tribal Intellectual Property Registry.**

The Office of Chancery of Civil Record shall maintain comprehensive registry of: (a) All tribal intellectual property assets; (b) Registrations and applications; (c) Assignments and transfers; (d) Licenses and agreements; (e) Infringement notices and litigation; (f) Traditional knowledge documentation.

#### **Sec. 5-43. Documentation Requirements.**

Intellectual property documentation shall include: (a) Clear identification of property; (b) Proof of ownership; (c) Date of creation or first use; (d) Registration numbers (if applicable); (e) Licensing history; (f) Enforcement actions; (g) Valuation and economic data.

#### **Sec. 5-44. Public Access and Confidentiality.**

(a) Registry information is generally public except:

- Trade secrets and confidential information;
- Pending applications;
- Sacred and culturally sensitive materials;
- Information subject to protective orders.

(b) Confidential information protected by:

- Restricted access controls;
- Non-disclosure requirements;
- Penalties for unauthorized disclosure.

### **DIVISION 3. LICENSING AND COMMERCIALIZATION**

#### **Sec. 5-45. Licensing Authority.**

Intellectual property may be licensed subject to: (a) Written licensing agreements; (b) Tribal Council approval for tribal property; (c) Quality control standards; (d) Royalty and compensation provisions; (e) Duration and territory limitations; (f) Termination rights; (g) Dispute resolution procedures.

#### **Sec. 5-46. Required License Terms.**

All intellectual property licenses must include: (a) Clear grant of rights; (b) Scope and limitations; (c) Quality control provisions; (d) Reporting and auditing rights; (e) Indemnification; (f) Termination conditions; (g) Governing law (Achukma Nation); (h) Jurisdiction (Yerushalayim County Superior Court).

#### **Sec. 5-47. Royalty Requirements.**

(a) Licenses shall provide fair compensation through:

- Upfront licensing fees;
- Ongoing royalties;
- Percentage of gross or net revenues;
- Minimum guaranteed payments;
- Milestone payments.

(b) Royalty rates based on:

- Industry standards;
- Value of intellectual property;
- Exclusivity of grant;
- Territory and duration;
- Risk and investment required.

#### **Sec. 5-48. Traditional Knowledge Licensing.**

Licenses for traditional knowledge require: (a) Council of Elders approval; (b) Benefit-sharing agreements; (c) Community consultation; (d) Cultural protocols compliance; (e) Attribution requirements; (f) Right of revocation for misuse; (g) Perpetual royalties.

### **DIVISION 4. ENFORCEMENT AND REMEDIES**

#### **Sec. 5-49. Comprehensive Enforcement Authority.**

The Achukma Nation enforces intellectual property rights through: (a) Tribal court civil actions; (b) Criminal prosecutions; (c) Administrative proceedings; (d) Customs and border enforcement; (e) Coordination with federal agencies; (f) International enforcement mechanisms.

#### **Sec. 5-50. Standing to Sue.**

The following have standing to bring intellectual property actions: (a) Registered owners; (b) Exclusive licensees; (c) The Achukma Nation (for tribal property); (d) Council of Elders (for traditional knowledge); (e) Heirs and successors in interest; (f) Authorized representatives.

#### **Sec. 5-51. Burden of Proof.**

Plaintiffs must prove: (a) Valid intellectual property right; (b) Ownership or exclusive rights; (c) Defendant's unauthorized use; (d) Infringement or misappropriation; (e) Damages or irreparable harm.

#### **Sec. 5-52. Defenses.**

Valid defenses include: (a) Invalidity of intellectual property right; (b) Non-infringement; (c) Fair use or fair dealing; (d) Independent creation; (e) Consent or license; (f) Statute of limitations; (g) Unclean hands; (h) Abandonment or forfeiture.

#### **Sec. 5-53. Emergency Relief.**

Courts may grant emergency relief including: (a) Temporary restraining orders; (b) Preliminary injunctions; (c) Asset freezes; (d) Seizure orders; (e) Preservation of evidence; (f) Expedited discovery; (g) Appointment of receivers or special masters.

#### **Sec. 5-54. Cumulative Remedies.**

All remedies are cumulative and include: (a) **Injunctive Relief** (temporary and permanent); (b) **Monetary Damages** (actual damages, lost profits); (c) **Disgorgement of Profits**; (d) **Statutory Damages** (where applicable); (e) **Replevin and Destruction** of infringing materials; (f) **Attorney's Fees and Costs**; (g) **Enhanced Damages** (for willful infringement); (h) **Criminal Penalties** (for serious violations).

#### **Sec. 5-55. Damage Calculations.**

Damages may be calculated as: (a) Plaintiff's actual losses; (b) Defendant's unjust profits; (c) Reasonable royalty for unauthorized use; (d) Statutory damages per violation; (e) Market value of intellectual property; (f) Costs of corrective advertising; (g) Loss of business opportunities.

#### **Sec. 5-56. Enhanced Damages.**

Enhanced damages (up to triple actual damages) for: (a) Willful and intentional infringement; (b) Bad faith conduct; (c) Repeated violations; (d) Particularly egregious conduct; (e) Refusal to cease after notice; (f) Destruction of evidence.

#### **Sec. 5-57. Criminal Penalties.**

Criminal prosecution authorized for: (a) Willful trademark counterfeiting; (b) Commercial copyright infringement; (c) Theft of trade secrets; (d) Fraudulent use of tribal names or symbols; (e) Violations involving sacred or cultural property.

Penalties include:

- Fines up to \$250,000 per violation;
- Imprisonment up to 5 years;
- Forfeiture of proceeds and instrumentalities;
- Restitution to victims.

## **DIVISION 5. INTERNATIONAL AND CROSS-BORDER PROTECTION**

### **Sec. 5-58. Recognition of Foreign Rights.**

The Achukma Nation recognizes intellectual property rights from: (a) Other federally recognized tribes; (b) Foreign sovereigns and nations; (c) International treaties and conventions; (d) Reciprocal protection agreements.

### **Sec. 5-59. Treaty Compliance.**

The Achukma Nation complies with: (a) Berne Convention for Protection of Literary and Artistic Works; (b) Paris Convention for Protection of Industrial Property; (c) TRIPS Agreement (Trade-Related Aspects of Intellectual Property Rights); (d) WIPO Copyright Treaty; (e) Other relevant international agreements.

### **Sec. 5-60. Cross-Border Enforcement.**

(a) Tribal members may enforce rights in other jurisdictions; (b) Tribal court judgments entitled to full faith and credit; (c) Coordination with federal agencies (USPTO, U.S. Customs, FBI); (d) International cooperation for enforcement; (e) Mutual legal assistance treaties.

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## **ARTICLE V. THE UNLAWFUL POSSESSION OF PROPERTY ACT**

### **CODIFICATION OF AMENDMENT 5 OF THE ACHUKMA NATION CONSTITUTION**

#### **Sec. 5-61. Short Title.**

This Act may be cited as the Unlawful Possession of the Achukma Nation Indian Tribe Property Act.

#### **Sec. 5-62. Definitions.**

In this Act:

This Act addresses the legal issue of theft of intellectual property and tribal land within the jurisdiction of the "Georgia, Achukma Nation Indian Tribe".

(a) "The Act applies to Any property belonging to the Tribe or any enrolled tribal member" includes any property, tangible or intangible, that is owned or held by the Tribe or any of its enrolled members, including but not limited to land, house, businesses, intellectual property, trademarks, trade secrets, data and other forms of property.

(b) "Authorized person" means:

1. Any enrolled tribal member who owns any property tribal or personal;
2. Any person authorized and appointed to arrest suspected persons.

(c) "Color of Title":

Color of title refers to a claim of ownership or legal right to a property that appears to be valid on the surface, but is actually defective or invalid in reality. Some key points about color of title:

1. It arises when a person holds documents or evidence that seem to give them legal title to a property, but there is some flaw or defect that makes the title invalid.
  - o Examples include a deed with errors, a forged title, or a title obtained through fraud or mistake.
2. Resolving color of title issues is important to establish clear and valid ownership of a property, which is necessary for tasks like selling, transferring, or insuring the property.

In summary, color of title refers to an apparent claim of ownership that is legally flawed or invalid, but may still have legal implications, particularly around adverse possession.

### **Sec. 5-63. Purpose of Act.**

This Act addresses the legal issue of theft of intellectual property and tribal land. The Act provides a means for protecting the property rights of the Tribe and its members, and for holding accountable those who unlawfully possess or use Tribe property. The Act also provides for the appointment and authorization of persons to enforce its provisions and to arrest suspected persons. The Act is subject to amendment at any time by the Tribe.

### **Sec. 5-64. Scope and Application.**

(a) This Act applies to any property belonging to the Tribe or any enrolled tribal member.

(b) This section is intended to protect the property rights of the Tribe and its members. It is important to note that this section applies to both owned and held property, and covers a wide range of property, including tangible and intangible property.

### **Sec. 5-65. Theft of Intellectual Property.**

(a) The theft of intellectual property, including but not limited to patents, copyrights, trademarks, trade secrets, and other forms of intellectual property, belonging to the Tribe or any enrolled tribal member, is prohibited and punishable by law.

(b) In the jurisdiction of Achukma Nation Indian Tribe, this Act applies to the legal issue of theft of intellectual property and tribal land. The Act provides a means for protecting the property rights of the Tribe and its members, and for holding accountable those who unlawfully possess or use Tribe property. The Act also provides for the appointment and authorization of persons to enforce its provisions and to arrest suspected persons. The Act is subject to amendment at any time by the Tribe.

#### **Sec. 5-66. Theft of Tribal Land.**

(a) The theft of tribal land, including but not limited to any land that is owned or held by the Tribe or any enrolled tribal member, is prohibited and punishable by law.

(b) This section is intended to protect the land rights of the Tribe and its members. It is important to note that this section applies to both owned and held land, and covers a wide range of land, including residential, commercial, and agricultural land.

#### **Sec. 5-67. Penalties.**

(a) Any person who violates any provision of this Act shall be subject to penalties, including but not limited to fines and imprisonment, as determined by the court.

(b) This section outlines the penalties for violating the Act. It is important to note that the penalties may vary depending on the severity of the offense, and will be determined by the court.

(c) **Replevin.** Any person found in possession of any property belonging to the Achukma Nation Indian Tribe or any enrolled tribal member, in violation of this Act, shall be liable for replevin of such property. The Achukma Nation Indian Tribe or any enrolled tribal member may initiate replevin proceedings to recover the property.

1. Replevin refers to the act of taking possession of property that has been unlawfully taken or detained. In the context of this Act, replevin may be used to recover property that belongs to the Tribe or any enrolled tribal member and has been stolen or unlawfully obtained.
2. Replevin is a legal remedy that allows the Tribe or an enrolled tribal member to recover property that has been unlawfully taken or possessed. This section allows the Tribe or an enrolled tribal member to initiate replevin proceedings to recover the property.

(d) **Disgorgement.** In addition to replevin, any person found guilty of unlawfully possessing any property belonging to the Achukma Nation Indian Tribe or any enrolled tribal member, in

violation of this Act, shall be liable for disgorgement of any proceeds, benefits, or advantages derived from such unlawful possession.

1. Disgorgement refers to the act of giving up or returning any profits or benefits that have been obtained through unlawful means. In the context of this Act, disgorgement may be used to ensure that any person who has profited from the theft of intellectual property or tribal land returns those profits to the rightful owner.
2. Disgorgement is a legal remedy that allows the Tribe or an enrolled tribal member to recover any profits, benefits, or advantages that have been derived from the unlawful possession of their property.

(e) **Criminal Penalties.** Any person found guilty of unlawfully possessing any property belonging to the Achukma Nation Indian Tribe or any enrolled tribal member, in violation of this Act, shall be subject to criminal penalties as provided by law.

(f) **Civil Penalties.** Any person found liable for disgorgement under this Act shall be subject to civil penalties as provided by law and set by the Tribal Fee schedule.

(g) **Exceptions.** The provisions of this section shall not apply to any person authorized by law to possess the property in question.

(h) **Enforcement.** The Achukma Nation Indian Tribe or any enrolled tribal member may enforce the provisions of this section through any legal means available under law.

1. This section allows the Tribe or an enrolled tribal member to enforce the provisions of this section through any legal means available under law.

(i) **Jurisdiction.** This section shall apply to any legal issue involving the theft of intellectual property, tribal land, or any other property belonging to the Achukma Nation Indian Tribe or any enrolled tribal member, with the following terms: "Achukma Nation Indian Tribe".

1. This section clarifies that the provisions of this section apply to any legal issue involving the theft of intellectual property, tribal land, or any other property belonging to the Tribe or an enrolled tribal member.

#### **Sec. 5-68. Enforcement.**

This Act shall be enforced by the appropriate authorities, including but not limited to the Tribal Officials, Federal Law Enforcement, local and State police and other law enforcement agencies, and the Tribal and Federal courts.

#### **Sec. 5-69. Effective Date.**

(a) This Act shall take effect on the April 2nd, 2004 pursuant to the amendment of the 2016 Achukma Nation Constitution which was ratified and Amended on the 14th day of the 2nd New Moon in the year 5783 [Man's 17th day of June, 2023] and shall apply to any offenses committed on or after April 2nd, 2004 the date that the 2023 Achukma Nation Constitution was ratified to reflect the change of the original Trust name and date of founding.

(b) This section specifies the effective date of the Act, which is April 2nd, 2004. The Act applies to any offenses committed on or after this date, as the 2023 Achukma Nation Constitution was ratified on the 14th day of the 2nd New Moon in the year 5783 (Man's 17th day of June, 2023) and reflects the change of the original Trust name and date of founding. This means that the Act will be in force and applicable to any offenses committed on or after April 2nd, 2004, regardless of when the offense was committed.

#### **Sec. 5-70. Right to Amend.**

We Reserve to Amend this Act at anytime. The Tribal Council may amend this Act by resolution approved by two-thirds vote and consent of the Head Minko.

#### **Sec. 5-71. Severability.**

If any provision of this Article is held to be invalid or unconstitutional, such invalidity shall not affect the remaining provisions, which shall remain in full force and effect.

#### **Sec. 5-72. Relation to Other Law.**

This Article V is enacted pursuant to Constitutional Amendment 5 and shall be interpreted consistently with all other provisions of this Code and the Achukma Nation Constitution. Where conflicts arise, the Constitution shall prevail.

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## **CONCLUSION**

This Chapter 5 provides comprehensive protection for all forms of intellectual property and property rights belonging to the Achukma Nation and its enrolled tribal members. The provisions herein establish clear legal frameworks for registration, enforcement, and remedies, while preserving tribal sovereignty and traditional knowledge. Article V codifies the constitutional mandate to protect tribal property from theft, unauthorized possession, and infringement, providing robust enforcement mechanisms to ensure the rights of the Tribe and its members are fully protected.

**CONSTITUTIONAL AUTHORITY:** Achukma Nation Constitution (2023 OFFICIAL), Amendment 5

**STATUTORY AUTHORITY:** 25 U.S.C. § 3001 et seq. (NAGPRA); 15 U.S.C. § 1051 et seq. (Lanham Act); 17 U.S.C. § 101 et seq. (Copyright Act)

**TRIBAL AUTHORITY:** Inherent Tribal Sovereignty; Achukma Nation Constitution Article VIII, Section 2

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# **CHAPTER 6 - LAW ENFORCEMENT AND TRAFFIC**

## **ARTICLE I. LAW ENFORCEMENT AUTHORITY**

### **DIVISION 1. POLICE DEPARTMENT ESTABLISHMENT**

#### **Sec. 6-1. Achukma Nation Police Department Establishment.**

There is hereby established the Achukma Nation Police Department as the primary law enforcement agency within tribal jurisdiction, operating under the authority and oversight of the War Minko (Tribal Trust Provost Marshal).

#### **Sec. 6-2. Jurisdiction and Authority.**

The Achukma Nation Police Department shall have law enforcement authority within:

- (a) The Achukma Nation Reservation as defined in Section 1-3(a);
- (b) All tribal trust lands;
- (c) All areas where the tribe has regulatory authority;
- (d) Areas subject to cooperative law enforcement agreements;
- (e) Anywhere enrolled tribal members are subject to unlawful state interference.

#### **Sec. 6-3. Police Powers and Responsibilities.**

Sworn officers of the Achukma Nation Police Department shall have the following powers and responsibilities:

- (a) Enforce tribal, applicable state, and federal laws within jurisdiction;

- (b) Investigate crimes and gather evidence;
- (c) Make arrests in accordance with tribal and federal law;
- (d) Serve legal documents and process;
- (e) Provide emergency response services;
- (f) Maintain public safety and order;
- (g) Enforce traffic regulations;
- (h) Protect tribal property and interests;
- (i) Respond to state interference with tribal member rights;
- (j) Coordinate with War Minko on enforcement matters.

## **DIVISION 2. POLICE DEPARTMENT ORGANIZATION**

### **Sec. 6-4. Department Structure.**

The Achukma Nation Police Department shall be organized with the following structure:

- (a) Chief of Police - Department head appointed by War Minko with Tribal Council approval;
- (b) Deputy Chief of Police - Assistant department head;
- (c) Patrol Division - Front-line law enforcement officers;
- (d) Detective Division - Criminal investigation unit;
- (e) Administrative Division - Support services and records;
- (f) Special Operations Division - Specialized units (traffic, K-9, etc.);
- (g) Tribal Sovereignty Protection Unit - Addresses state overreach.

### **Sec. 6-5. Minimum Qualifications for Officers.**

All police officers must meet the following minimum qualifications:

- (a) Be at least 21 years of age;

- (b) Be a United States citizen or legal permanent resident;
- (c) Possess a high school diploma or equivalent;
- (d) Complete police academy training;
- (e) Pass physical fitness requirements;
- (f) Pass psychological evaluation;
- (g) Pass comprehensive background investigation;
- (h) Possess valid driver's license;
- (i) Complete field training program;
- (j) Demonstrate knowledge of tribal customs, Torah principles, and constitutional rights.

#### **Sec. 6-6. Training Requirements.**

All officers must complete:

- (a) Basic police academy training (minimum 640 hours);
- (b) Achukma Nation cultural awareness training;
- (c) Torah and Halakhic law principles training;
- (d) Federal Indian law enforcement training;
- (e) Constitutional rights and tribal sovereignty training;
- (f) Annual continuing education (minimum 40 hours);
- (g) Firearms qualification and certification;
- (h) Emergency response training.

### **DIVISION 3. POLICE PROCEDURES AND POLICIES**

#### **Sec. 6-7. Use of Force Policy.**

The Achukma Nation Police Department shall maintain a comprehensive use of force policy that:

- (a) Prohibits excessive force;
- (b) Requires de-escalation techniques when possible;
- (c) Establishes clear escalation procedures;
- (d) Mandates reporting of all use of force incidents;
- (e) Provides for investigation and review of force incidents;
- (f) Ensures respect for human dignity consistent with Torah principles.

#### **Sec. 6-8. Professional Standards.**

All officers shall be held to the highest professional standards including:

- (a) Integrity and honesty in all matters;
- (b) Respect for individual rights and dignity;
- (c) Professional appearance and conduct;
- (d) Adherence to department policies and procedures;
- (e) Cooperation with other law enforcement agencies;
- (f) Cultural sensitivity and awareness;
- (g) Commitment to Torah principles of justice and mercy.

#### **Sec. 6-9. Constitutional Rights Protection.**

All law enforcement activities shall respect and protect the constitutional rights of tribal members as set forth in Article V of the Constitution, including:

- (a) Protection against unreasonable search and seizure;
- (b) Warrant requirements with probable cause;
- (c) Right to counsel;

- (d) Protection against self-incrimination;
- (e) Due process rights;
- (f) Privacy rights;
- (g) All immunities listed in Constitution Article V, Section 2.

#### **Sec. 6-10. Disciplinary Procedures.**

The department shall maintain fair and impartial disciplinary procedures that:

- (a) Provide due process for accused officers;
- (b) Protect the rights of complainants;
- (c) Ensure accountability and transparency;
- (d) Allow for appropriate corrective action;
- (e) Provide for appeal procedures.

### **DIVISION 4. TRIBAL SOVEREIGNTY PROTECTION**

#### **Sec. 6-11. State Interference Response Unit.**

There is hereby established within the Police Department a Tribal Sovereignty Protection Unit to:

- (a) Respond to state interference with tribal members;
- (b) Document violations of tribal sovereignty;
- (c) Coordinate legal responses with Office of Law and Justice;
- (d) Provide protection to tribal members from unlawful state action;
- (e) Assert tribal jurisdiction when challenged;
- (f) Maintain records of sovereignty violations.

#### **Sec. 6-12. Authority to Challenge State Actions.**

Tribal law enforcement officers are authorized to:

- (a) Challenge state officers attempting to enforce state law on tribal lands;
  - (b) Intervene when tribal members are subject to unlawful state action;
  - (c) Document all instances of state overreach;
  - (d) Coordinate with Office of Law and Justice for legal action;
  - (e) Provide testimony in tribal and federal court proceedings.
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## **ARTICLE II. TRAFFIC REGULATIONS**

### **DIVISION 1. TRAFFIC AUTHORITY**

#### **Sec. 6-13. Traffic Authority Establishment.**

The Achukma Nation Traffic Authority is hereby established to regulate traffic on all tribal roadways and to coordinate with state and federal transportation authorities while maintaining tribal sovereignty.

#### **Sec. 6-14. Authority Membership.**

The Traffic Authority shall consist of:

- (a) Director of Transportation (Chair);
- (b) Chief of Police;
- (c) Tribal Engineer;
- (d) Safety Coordinator;
- (e) One Tribal Council member appointed by the Council.

#### **Sec. 6-15. Powers and Duties.**

The Traffic Authority shall:

- (a) Establish speed limits on tribal roadways;

- (b) Install and maintain traffic control devices;
- (c) Investigate traffic safety issues;
- (d) Enforce traffic laws and regulations;
- (e) Issue traffic violations and citations;
- (f) Develop traffic safety education programs;
- (g) Coordinate reciprocity agreements with other jurisdictions while maintaining sovereignty.

## **DIVISION 2. TRAFFIC VIOLATIONS AND PENALTIES**

### **Sec. 6-16. Traffic Violations Classification.**

Traffic violations shall be classified as:

- (a) Moving violations - violations occurring while vehicle is in motion;
- (b) Parking violations - violations related to vehicle parking;
- (c) Equipment violations - violations related to vehicle condition;
- (d) Administrative violations - violations related to licensing/registration;
- (e) Serious traffic offenses - DUI, reckless driving, leaving scene of accident.

### **Sec. 6-17. Citation Procedures.**

Traffic citations shall be issued according to the following procedures:

- (a) Officer must witness the violation or have probable cause;
- (b) Citation must include specific violation charged;
- (c) Officer must provide copy of citation to violator;
- (d) Violator must respond within specified timeframe;
- (e) Payment or court appearance required;
- (f) Citations may be issued to tribal members and non-members on tribal lands.

### **Sec. 6-18. Penalty Schedule.**

Traffic violation penalties shall be established by resolution of the Tribal Council and may include:

- (a) Monetary fines;
- (b) Points on driver's license;
- (c) Community service;
- (d) Driver's education requirements;
- (e) License suspension or revocation;
- (f) Vehicle impoundment for serious violations.

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## **ARTICLE III. MOTOR VEHICLE CODE**

### **DIVISION 1. DEFINITIONS AND GENERAL PROVISIONS**

#### **Sec. 6-19. Definitions.**

For purposes of this chapter, the following terms shall have the meanings set forth below:

- (a) **"Motor Vehicle"** - Any vehicle powered by an internal combustion engine, electric motor, or other mechanical power source, designed primarily for transportation on public roadways.
- (b) **"Commercial Vehicle"** - Any motor vehicle used for commercial purposes, including transporting goods or passengers for hire.
- (c) **"Tribal Roadway"** - Any road, street, highway, or other way within tribal jurisdiction that is open to public travel.
- (d) **"Operator"** - Any person who drives or is in actual physical control of a motor vehicle.
- (e) **"Registration"** - The act of registering a vehicle with the Achukma Nation and receiving tribal license plates and registration documents.
- (f) **"Tribal Tag"** - License plate issued by the Achukma Nation displaying tribal insignia and registration information.

### **Sec. 6-20. Scope of Application.**

This motor vehicle code shall apply to:

- (a) All motor vehicles operated on tribal roadways;
- (b) All operators of motor vehicles on tribal roadways;
- (c) All persons and entities engaged in motor vehicle-related activities within tribal jurisdiction;
- (d) All motor vehicles registered with the Achukma Nation;
- (e) All enrolled tribal members operating vehicles anywhere (for licensing purposes).

### **Sec. 6-21. Exclusive Tribal Jurisdiction.**

- (a) The Achukma Nation exercises exclusive jurisdiction over all motor vehicle operations and regulations within tribal territory.
- (b) This jurisdiction is: (1) Inherent in the Nation's sovereignty; (2) Necessary for protection of tribal members; (3) Essential for self-governance and self-determination; (4) Not subject to state or county interference.
- (c) Any attempt by state, county, or local authorities to enforce state motor vehicle laws against enrolled tribal members operating vehicles on tribal lands or pursuant to tribal licensing shall constitute a violation of tribal sovereignty and the constitutional rights of tribal members.

### **Sec. 6-22. Relationship to State and Federal Law.**

- (a) This motor vehicle code is enacted pursuant to inherent tribal sovereignty and is not dependent upon state law.
- (b) Where tribal law is silent, tribal authorities may reference applicable state or federal law as guidance, but such reference does not cede jurisdiction.
- (c) Tribal driver's licenses and vehicle registrations are valid expressions of tribal sovereignty and self-governance.

### **Sec. 6-23. Sovereign Immunity.**

Nothing in this chapter shall be construed as a waiver of the sovereign immunity of the Achukma Nation or its entities, except as expressly provided in specific sections with proper waiver language.

## **DIVISION 2. TRIBAL DRIVER'S LICENSES**

### **Sec. 6-24. Tribal Driver's License Authority.**

The Achukma Nation Department of Transportation shall have exclusive authority to issue driver's licenses to:

- (a) Enrolled tribal members regardless of residence;
- (b) Other qualified persons residing within or conducting business on tribal lands;
- (c) Persons employed by the Achukma Nation or tribal enterprises.

Such licenses shall be valid throughout tribal jurisdiction and shall be recognized by reciprocal agreement with other jurisdictions where such agreements exist.

### **Sec. 6-25. Eligibility Requirements.**

To be eligible for a tribal driver's license, an applicant must:

- (a) Be at least 16 years of age (or 15 with parent/guardian consent);
- (b) Be an enrolled tribal member or legal resident of Achukma Nation jurisdiction;
- (c) Pass vision examination (minimum 20/40 in each eye);
- (d) Pass written examination on tribal traffic laws;
- (e) Pass practical driving examination;
- (f) Provide proof of identity and residency;
- (g) Pay required fees;
- (h) Not be disqualified under other provisions of this code.

### **Sec. 6-26. License Classifications.**

Tribal driver's licenses shall be issued in the following classifications:

- (a) **Class A** - Commercial motor vehicles with GVWR of 26,001+ pounds;
- (b) **Class B** - Commercial motor vehicles with GVWR of 26,001+ pounds, but less than Class A;

- (c) **Class C** - Motor vehicles designed to transport 16+ passengers or hazardous materials;
- (d) **Class D** - Regular passenger vehicles (standard license);
- (e) **Class M** - Motorcycle license (may be endorsed on other classes);
- (f) **Provisional** - Limited license for drivers aged 15-17 with restrictions.

#### **Sec. 6-27. Application Procedures.**

Driver's license applications must include:

- (a) Completed application form;
- (b) Proof of identity (birth certificate, passport, tribal enrollment card);
- (c) Proof of residency (if applicable);
- (d) Social Security number or alternative identification;
- (e) Vision examination results;
- (f) Written examination completion certificate;
- (g) Driving test completion certificate;
- (h) Appropriate fees;
- (i) Oath of compliance with tribal traffic laws.

#### **Sec. 6-28. Testing Requirements.**

All applicants must successfully complete:

- (a) **Vision Test** - Minimum 20/40 vision in each eye, with or without corrective lenses;
- (b) **Written Test** - 80% passing score on questions covering tribal traffic laws, road signs, safe driving practices, and Torah principles of safe conduct;
- (c) **Road Test** - Demonstration of practical driving skills including parking, backing, merging, and handling various traffic situations.

#### **Sec. 6-29. Issuance and Renewal.**

Driver's licenses shall be issued upon successful completion of all requirements and shall be valid for:

- (a) Four years for standard licenses (Class D, M);
- (b) Two years for commercial licenses (Class A, B, C);
- (c) One year for provisional licenses;
- (d) Such other periods as determined by the Tribal Council.

Renewals require:

- (a) Completion of renewal application;
- (b) Payment of renewal fees;
- (c) Vision examination (if required);
- (d) Demonstration of continued eligibility;
- (e) Updated photograph.

#### **Sec. 6-30. License Design.**

Tribal driver's licenses shall:

- (a) Display the Achukma Nation name and official seal;
- (b) Include holder's photograph and identifying information;
- (c) Show license class and restrictions;
- (d) Include security features to prevent forgery;
- (e) State clearly: "ACHUKMA NATION - SOVEREIGN TRIBAL GOVERNMENT";
- (f) Include expiration date and license number.

#### **Sec. 6-31. Reciprocity Agreements.**

- (a) The Achukma Nation may enter into reciprocal agreements with: (1) Other federally recognized tribes; (2) State of Georgia; (3) Other states; (4) Federal agencies.

(b) Reciprocity agreements shall: (1) Recognize tribal licenses in other jurisdictions; (2) Recognize other licenses on tribal lands (where appropriate); (3) Maintain tribal sovereignty; (4) Protect tribal member rights; (5) Be approved by Tribal Council.

(c) Nothing in any reciprocity agreement shall diminish tribal sovereignty or cede jurisdiction.

#### **Sec. 6-32. Suspension and Revocation.**

Driver's licenses may be suspended or revoked for:

- (a) Accumulation of points for traffic violations;
- (b) Conviction of driving under the influence;
- (c) Leaving the scene of an accident;
- (d) Racing or reckless driving on tribal roadways;
- (e) Fraud in obtaining license;
- (f) Medical conditions affecting driving ability;
- (g) Failure to appear in court or pay fines;
- (h) Serious or repeated violations of tribal traffic laws;
- (i) Commission of serious crimes involving vehicles.

#### **Sec. 6-33. Fee Schedule.**

Driver's license fees shall be established by Tribal Council resolution and shall include:

- (a) Original license fee;
- (b) Renewal fee;
- (c) Duplicate license fee;
- (d) Testing fees;
- (e) Administrative fees;
- (f) Commercial license surcharges;

(g) Reinstatement fees (if applicable).

### **DIVISION 3. TRIBAL VEHICLE REGISTRATION AND TAGS**

#### **Sec. 6-34. Tribal Registration Authority.**

All motor vehicles regularly operated on tribal lands must be registered with the Achukma Nation and display valid tribal registration tags, unless exempted by this Code or operating under valid reciprocity agreement. Enrolled tribal members may voluntarily register vehicles with the Nation regardless of primary residence location.

#### **Sec. 6-35. Registration Requirements.**

Vehicle registration is required for:

- (a) All motor vehicles owned by enrolled tribal members;
- (b) All motor vehicles regularly operated on tribal lands by any person;
- (c) All commercial vehicles operating within tribal jurisdiction;
- (d) All vehicles operated by tribal enterprises;
- (e) All vehicles owned by tribal entities.

#### **Sec. 6-36. Registration Procedures.**

Vehicle registration requires:

- (a) Completed registration application;
- (b) Proof of ownership (title or manufacturer's certificate of origin);
- (c) Proof of insurance meeting tribal minimum requirements;
- (d) Safety inspection certificate (if required);
- (e) Emissions inspection certificate (if required by tribal law);
- (f) Payment of registration fees;
- (g) VIN verification;

(h) Lien holder information (if applicable).

**Sec. 6-37. Tribal License Plate Design.**

Tribal license plates shall be designed to:

- (a) Display the Achukma Nation name and official seal/logo;
- (b) Include unique identifying numbers/letters;
- (c) Be clearly visible and readable from reasonable distance;
- (d) Meet durability and reflectivity standards;
- (e) Comply with federal vehicle identification requirements;
- (f) State clearly: "ACHUKMA NATION - SOVEREIGN TRIBAL GOVERNMENT";
- (g) Include registration expiration date.

**Sec. 6-38. Registration Fees and Renewal.**

Registration fees shall be established by Tribal Council resolution and may include:

- (a) Base registration fee based on vehicle type/value;
- (b) Commercial vehicle surcharge;
- (c) Specialty plate fees (if applicable);
- (d) Late renewal penalties;
- (e) Title transfer fees;
- (f) Lien recording fees.

Registrations must be renewed annually and include:

- (a) Completed renewal application;
- (b) Updated insurance verification;
- (c) Safety/emissions inspection certificates (if required);

- (d) Payment of renewal fees;
- (e) Current address verification.

#### **Sec. 6-39. Title Procedures.**

Vehicle titles shall be issued in accordance with tribal law and shall include:

- (a) Clear indication of tribal jurisdiction;
- (b) Vehicle identification number (VIN) verification;
- (c) Lien holder information (if applicable);
- (d) Previous ownership history;
- (e) Transfer procedures for ownership changes;
- (f) Tribal seal and authorized signatures;
- (g) Anti-fraud security features.

#### **Sec. 6-40. Transfer of Ownership Requirements.**

When transferring vehicle ownership:

- (a) Both parties must complete transfer documentation;
- (b) Title must be properly assigned and transferred;
- (c) New registration must be obtained within 30 days;
- (d) Transfer fees must be paid;
- (e) Insurance requirements must be maintained;
- (f) Lien releases must be provided (if applicable);
- (g) Tribal registry must be updated.

#### **Sec. 6-41. Exemptions.**

The following vehicles may be exempt from tribal registration requirements:

- (a) Government vehicles operated for official business;
- (b) Emergency vehicles responding to emergencies;
- (c) Vehicles operated under valid reciprocity agreements;
- (d) Antique/historical vehicles operated occasionally for shows/parades;
- (e) Vehicles temporarily operated on tribal lands (less than 30 consecutive days);
- (f) Diplomatic vehicles;
- (g) Military vehicles.

#### **Sec. 6-42. Display Requirements.**

Tribal registration tags must be:

- (a) Properly attached to vehicle rear bumper/license plate area;
- (b) Clearly visible and readable;
- (c) Maintained in good condition (not obscured, damaged, or altered);
- (d) Displayed at all times when vehicle is operated;
- (e) Renewed before expiration date;
- (f) Returned to tribal authorities if registration is cancelled or suspended;
- (g) Accompanied by registration certificate kept in vehicle.

### **DIVISION 4. TRAFFIC RULES AND REGULATIONS**

#### **Sec. 6-43. Speed Limits.**

Speed limits on tribal roadways shall be established by the Traffic Authority and posted accordingly. Default speed limits shall be:

- (a) 25 mph in residential areas;
- (b) 35 mph on collector roads;

- (c) 55 mph on arterial roads;
- (d) School zones: 15 mph during school hours;
- (e) Construction zones: as posted (typically 25 mph);
- (f) Sacred sites and ceremony areas: as posted (typically 15 mph).

#### **Sec. 6-44. Right-of-Way Rules.**

Vehicles must yield right-of-way according to the following rules:

- (a) At controlled intersections, obey traffic control signals;
- (b) At four-way stops, first vehicle to arrive proceeds; when simultaneous, vehicle on right proceeds;
- (c) At unmarked intersections, vehicle on right has right-of-way;
- (d) Emergency vehicles have right-of-way when using lights and sirens;
- (e) Pedestrians have right-of-way in crosswalks;
- (f) Funeral processions have right-of-way when properly marked;
- (g) Traditional ceremonies and processions have right-of-way when authorized.

#### **Sec. 6-45. Traffic Control Devices.**

All traffic control devices on tribal roadways shall:

- (a) Be installed and maintained by tribal authorities;
- (b) Comply with federal Manual on Uniform Traffic Control Devices (MUTCD) standards;
- (c) Be clearly visible and properly positioned;
- (d) Be obeyed by all operators;
- (e) Be enforceable by tribal law enforcement;
- (f) Include appropriate signage for cultural/sacred sites.

## **Sec. 6-46. Prohibited Conduct.**

The following conduct is prohibited on tribal roadways:

- (a) **Driving Under the Influence** - Operating vehicle with blood alcohol content of 0.08% or higher, or under influence of drugs or intoxicating substances. Zero tolerance for drivers under 21.
- (b) **Reckless Driving** - Operating vehicle with willful or wanton disregard for safety of persons or property.
- (c) **Distracted Driving** - Operating vehicle while using handheld electronic devices (texting, calling without hands-free device).
- (d) **Aggressive Driving** - Following too closely, excessive speed, unsafe lane changes, intimidating other drivers.
- (e) **Racing** - Participating in speed contests or races on public roads.
- (f) **Hit and Run** - Leaving the scene of an accident without providing information and rendering aid.
- (g) **Driving Without License** - Operating vehicle without valid tribal or recognized license.
- (h) **Driving While Suspended** - Operating vehicle while license is suspended or revoked.

## **Sec. 6-47. Equipment Requirements.**

All vehicles operated on tribal roadways must have properly functioning:

- (a) **Lights** - Headlights, taillights, brake lights, turn signals in good working order;
- (b) **Brakes** - Service brakes and parking brake adequate to control vehicle;
- (c) **Mirrors** - Rear view mirror and side mirrors providing adequate visibility;
- (d) **Tires** - Adequate tread depth (minimum 2/32 inch) and proper inflation;
- (e) **Horn** - Functioning horn audible from 200 feet;
- (f) **Windshield Wipers** - Functioning windshield wipers;
- (g) **Safety Equipment** - Seat belts, child safety seats as required by law;

- (h) **Exhaust System** - Functioning muffler system preventing excessive noise;
- (i) **Windows** - Windshield and windows free from obstructions.

#### **Sec. 6-48. Seat Belt and Child Safety Requirements.**

- (a) All drivers and passengers must wear seat belts when vehicle is in motion;
- (b) Children under age 8 must be secured in appropriate child safety seat;
- (c) Children aged 8-17 must wear seat belts;
- (d) Violation of seat belt/child safety laws subject to fines;
- (e) Exceptions for medical conditions with proper documentation.

#### **Sec. 6-49. Parking Regulations.**

Parking is prohibited:

- (a) Within 15 feet of fire hydrants;
- (b) Within 20 feet of crosswalks at intersections;
- (c) Within 30 feet of stop signs or traffic signals;
- (d) In front of driveways or private entrances;
- (e) In disabled parking spaces without proper authorization;
- (f) In fire lanes or emergency access routes;
- (g) On tribal roadways where prohibited by signs;
- (h) In a manner obstructing traffic flow;
- (i) On sidewalks or pedestrian pathways;
- (j) Near sacred sites or ceremonial areas unless authorized.

#### **Sec. 6-50. Pedestrian Rights and Duties.**

Pedestrians have the right to:

- (a) Cross at designated crosswalks;
- (b) Expect drivers to yield at crosswalks;
- (c) Use sidewalks and pedestrian paths;
- (d) Be protected from negligent drivers.

Pedestrians must:

- (a) Use crosswalks when available;
- (b) Obey traffic signals;
- (c) Walk facing traffic on roadways without sidewalks;
- (d) Not dart suddenly into traffic;
- (e) Exercise caution for their own safety.

#### **Sec. 6-51. Accident Reporting Requirements.**

Drivers involved in accidents must:

- (a) Stop immediately at scene;
- (b) Render aid if injuries are present;
- (c) Exchange information with other parties (name, address, license, insurance);
- (d) Report accident to tribal police within 24 hours;
- (e) Complete accident report form;
- (f) Notify insurance company;
- (g) Not leave scene until released by law enforcement or all obligations met.

Accidents involving serious injury, death, or significant property damage (\$1,000+) must be reported immediately to tribal police.

## **DIVISION 5. ENFORCEMENT AND PENALTIES**

### **Sec. 6-52. Authority of Tribal Law Enforcement.**

Tribal police officers have authority to:

- (a) Stop vehicles for traffic violations;
- (b) Issue citations for traffic violations;
- (c) Arrest drivers for serious traffic offenses;
- (d) Impound vehicles when authorized by law;
- (e) Investigate traffic accidents;
- (f) Enforce all provisions of this motor vehicle code;
- (g) Testify in tribal court proceedings;
- (h) Coordinate with other law enforcement agencies.

### **Sec. 6-53. State Interference Prohibited.**

- (a) No state, county, or local law enforcement officer shall stop, cite, arrest, or otherwise interfere with any enrolled tribal member operating a motor vehicle: (1) On tribal lands; or (2) With valid tribal license/registration; or (3) In accordance with tribal law.
- (b) Tribal driver's licenses and vehicle registrations issued by the Achukma Nation shall be the sole and exclusive documentation required for enrolled tribal members.
- (c) Any state citation, arrest, or prosecution of an enrolled tribal member for motor vehicle violations occurring on tribal lands or related to tribal licensing/registration shall be void ab initio and subject to challenge in tribal court.
- (d) The Achukma Nation reserves the right to assert its jurisdiction in any state or federal court proceeding involving motor vehicle matters affecting tribal members or tribal sovereignty.
- (e) Tribal members subjected to unlawful state interference shall immediately contact tribal police and the Office of Law and Justice.

### **Sec. 6-54. Citation Procedures.**

Traffic citations issued by tribal officers must include:

- (a) Specific violation charged with code section;

- (b) Location, date, and time of violation;
- (c) Officer identification and badge number;
- (d) Vehicle information;
- (e) Court appearance date (if required);
- (f) Payment options and deadlines;
- (g) Notice of right to contest;
- (h) Consequences of failure to respond.

#### **Sec. 6-55. Civil Fine Schedules.**

Civil fines for traffic violations shall be established by Tribal Council resolution and may include:

- (a) Base fine amount for specific violation;
- (b) Court costs and processing fees;
- (c) Points assessed on driver's license;
- (d) Required corrective actions (traffic school, vehicle repairs);
- (e) Enhanced fines for repeat violations;
- (f) Enhanced fines for violations in school zones or construction zones.

#### **Sec. 6-56. Points System.**

A points system shall be implemented to track traffic violations:

- (a) Minor violations: 2-3 points (e.g., speeding 10 mph over limit, improper lane change);
- (b) Moderate violations: 4-5 points (e.g., speeding 20+ mph over limit, following too closely);
- (c) Serious violations: 6-8 points (e.g., reckless driving, leaving scene);
- (d) Accumulation of 12 points in 12 months may result in license suspension;

- (e) Points may be reduced through traffic school completion;
- (f) Points remain on record for 36 months.

#### **Sec. 6-57. Criminal Traffic Offenses.**

The following are criminal traffic offenses prosecutable in tribal court:

- (a) Driving under the influence (DUI) - First offense: misdemeanor; Subsequent: felony;
- (b) Reckless driving causing injury or death - felony;
- (c) Racing on public roads - misdemeanor;
- (d) Leaving scene of accident causing injury or death - felony;
- (e) Driving while license suspended/revoked (multiple offenses) - misdemeanor;
- (f) Vehicular homicide or manslaughter - felony;
- (g) Eluding police officer - misdemeanor or felony depending on circumstances.

#### **Sec. 6-58. Impoundment Authority.**

Vehicles may be impounded for:

- (a) DUI arrests;
- (b) Driving while license suspended/revoked;
- (c) Outstanding arrest warrants for driver;
- (d) Parking violations after notice and opportunity to cure;
- (e) Abandoned vehicles (after proper notice);
- (f) Evidence in criminal investigation;
- (g) Stolen vehicles pending recovery procedures;
- (h) Vehicles without valid registration (after warning).

Impoundment procedures shall include:

- (a) Written notice to owner;
- (b) Opportunity for hearing;
- (c) Reasonable storage fees;
- (d) Release procedures;
- (e) Sale procedures for unclaimed vehicles.

#### **Sec. 6-59. Court Procedures.**

Traffic violation court procedures include:

- (a) Initial appearance or arraignment;
- (b) Plea options (guilty, not guilty, no contest);
- (c) Trial procedures before judge or jury (if requested);
- (d) Evidence presentation;
- (e) Sentencing options;
- (f) Appeal procedures to Council of Tribal Justice;
- (g) Payment plans for fines.

### **DIVISION 6. INSURANCE REQUIREMENTS**

#### **Sec. 6-60. Mandatory Insurance Requirements.**

All motor vehicles operated on tribal lands must maintain minimum liability insurance coverage:

- (a) \$25,000 for bodily injury per person;
- (b) \$50,000 for bodily injury per accident;
- (c) \$25,000 for property damage;
- (d) Higher limits required for commercial vehicles as determined by Tribal Council;
- (e) Uninsured/underinsured motorist coverage (recommended but not mandatory).

**Sec. 6-61. Proof of Insurance.**

Proof of insurance requires:

- (a) Insurance verification at time of vehicle registration;
- (b) Proof of insurance carried in vehicle at all times;
- (c) Production of proof upon request by law enforcement;
- (d) Annual insurance certification for registration renewal;
- (e) Electronic verification systems where available.

**Sec. 6-62. Self-Insurance Options.**

The Achukma Nation and tribal entities may self-insure vehicles upon:

- (a) Tribal Council approval;
- (b) Demonstration of financial capacity;
- (c) Filing of self-insurance certificate;
- (d) Annual recertification;
- (e) Compliance with minimum coverage requirements.

**Sec. 6-63. Penalties for Driving Without Insurance.**

Operating a vehicle without required insurance coverage shall result in:

- (a) Fine of \$500 to \$1,000 for first offense;
- (b) License suspension until proof of insurance provided;
- (c) Vehicle impoundment (discretionary);
- (d) Enhanced penalties for subsequent offenses;
- (e) Criminal charges for willful violation.

**Sec. 6-64. Insurance Claims Procedures.**

Insurance claims procedures shall include:

- (a) Prompt reporting of accidents to insurance company;
- (b) Documentation requirements (police report, photographs, witness statements);
- (c) Investigation procedures by insurance companies;
- (d) Settlement negotiations;
- (e) Dispute resolution through tribal court if necessary;
- (f) Coordination with tribal courts on subrogation matters.

## **DIVISION 7. COMMERCIAL VEHICLES**

### **Sec. 6-65. Commercial Driver's License (CDL) Requirements.**

Operation of commercial vehicles requires:

- (a) Valid tribal CDL (Class A, B, or C as appropriate);
- (b) Medical certification;
- (c) Additional testing and training;
- (d) Background checks;
- (e) Compliance with federal Department of Transportation (DOT) regulations;
- (f) Annual renewal and recertification.

### **Sec. 6-66. Commercial Vehicle Registration.**

Commercial vehicles must:

- (a) Register with Achukma Nation;
- (b) Pay commercial registration fees;
- (c) Display commercial tribal tags;
- (d) Maintain higher insurance coverage;

- (e) Comply with weight and size restrictions;
- (f) Submit to periodic safety inspections.

#### **Sec. 6-67. Weight and Size Restrictions.**

Commercial vehicles must comply with:

- (a) Maximum weight limits established for tribal roadways;
- (b) Maximum height, width, and length restrictions;
- (c) Axle weight distribution requirements;
- (d) Over-weight/over-size permit requirements;
- (e) Route restrictions for heavy vehicles;
- (f) Bridge and road weight postings.

#### **Sec. 6-68. Hazardous Materials Transport.**

Transport of hazardous materials requires:

- (a) Special CDL endorsement;
- (b) Hazmat training and certification;
- (c) Compliance with federal Hazmat regulations;
- (d) Proper placarding and documentation;
- (e) Route approval by tribal authorities;
- (f) Emergency response information;
- (g) Tribal notification for certain materials.

#### **Sec. 6-69. Hours of Service Regulations.**

Commercial drivers must comply with:

- (a) Maximum driving hours (11 hours after 10 consecutive hours off duty);

- (b) Maximum on-duty hours (14 hours);
- (c) Mandatory rest breaks;
- (d) Log book requirements (electronic or paper);
- (e) Sleeper berth provisions;
- (f) Exceptions for short-haul operations.

#### **Sec. 6-70. Commercial Vehicle Inspections.**

Commercial vehicles shall undergo:

- (a) Annual safety inspections;
- (b) Random roadside inspections;
- (c) DOT compliance inspections;
- (d) Emissions inspections (if required);
- (e) Brake and equipment inspections;
- (f) Out-of-service orders for unsafe vehicles.

### **DIVISION 8. SPECIAL PROVISIONS**

#### **Sec. 6-71. Emergency Vehicles.**

Emergency vehicles responding to emergencies:

- (a) Have right-of-way on all roadways;
- (b) May exceed speed limits when safe;
- (c) May proceed through red lights/stop signs with caution;
- (d) Must use audible and visual signals;
- (e) Must exercise due regard for safety of others;
- (f) Include tribal police, fire, EMS, and other authorized vehicles.

### **Sec. 6-72. School Buses and Student Transportation.**

School buses and student transportation:

- (a) Must meet federal and tribal safety standards;
- (b) Require special CDL endorsement for drivers;
- (c) Have special right-of-way and stopping protections;
- (d) Must display flashing lights when loading/unloading;
- (e) Prohibited from passing when lights flashing;
- (f) Subject to strict safety inspections and maintenance.

### **Sec. 6-73. Tribal Government Vehicles.**

Tribal government vehicles:

- (a) May be exempt from registration fees;
- (b) Must display tribal government tags;
- (c) Must comply with all traffic laws;
- (d) May have special parking privileges;
- (e) Must be used only for official business;
- (f) Subject to tribal fleet management policies.

### **Sec. 6-74. Visitors and Non-Members.**

Visitors and non-members operating vehicles on tribal lands:

- (a) Must comply with all tribal traffic laws;
- (b) Must have valid driver's license from their jurisdiction;
- (c) Must have valid vehicle registration and insurance;
- (d) Are subject to tribal court jurisdiction for violations;

- (e) May enter into reciprocity agreements for recognition;
- (f) Must respect tribal sovereignty and customs.

#### **Sec. 6-75. Inter-Tribal Agreements.**

The Achukma Nation may enter into inter-tribal agreements regarding:

- (a) Recognition of each tribe's driver's licenses;
- (b) Recognition of vehicle registrations;
- (c) Enforcement cooperation;
- (d) Mutual aid for accidents and emergencies;
- (e) Information sharing on suspended/revoked licenses;
- (f) Joint transportation projects and road maintenance.

#### **Sec. 6-76. Ceremonial and Traditional Use Exemptions.**

Traditional use exemptions may apply for:

- (a) Ceremonial processions;
- (b) Traditional transportation methods (horses, wagons);
- (c) Funeral processions;
- (d) Cultural events and gatherings;
- (e) Religious observances;
- (f) Subject to safety requirements and tribal approval.

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## **ARTICLE IV. ANIMAL CONTROL**

### **DIVISION 1. ANIMAL CONTROL ORDINANCE ESTABLISHMENT**

#### **Sec. 6-77. Achukma Nation Animal Control Ordinance.**

There is hereby established the Achukma Nation Animal Control Ordinance to regulate the ownership, care, and control of animals within tribal jurisdiction to protect public health, safety, welfare, and tribal customs.

**Sec. 6-78. Purpose and Intent.**

This ordinance is enacted to:

- (a) Protect public health and safety;
- (b) Prevent animal cruelty and neglect;
- (c) Control animal populations;
- (d) Promote responsible pet ownership;
- (e) Protect wildlife and domestic animals;
- (f) Prevent nuisances caused by animals;
- (g) Respect traditional relationships with animals;
- (h) Ensure humane treatment consistent with Torah principles.

**DIVISION 2. DEFINITIONS AND CLASSIFICATIONS**

**Sec. 6-79. Definitions.**

For purposes of this article:

- (a) "**Animal**" - Any live vertebrate creature except humans;
- (b) "**Pet**" - Domesticated animal kept for companionship;
- (c) "**Livestock**" - Animals raised for agricultural purposes;
- (d) "**Exotic Animal**" - Non-domesticated animal not native to the region;
- (e) "**Dangerous Animal**" - Animal posing threat to public safety;
- (f) "**Owner**" - Person having custody, control, or possession of animal;
- (g) "**Traditional Animal**" - Animal used in traditional ceremonies or cultural practices.

### **Sec. 6-80. Animal Classifications.**

Animals shall be classified as:

- (a) **Domestic Animals** - Dogs, cats, rabbits, birds, fish, small mammals kept as pets;
- (b) **Livestock** - Cattle, horses, goats, sheep, pigs, poultry, bees;
- (c) **Exotic Animals** - Non-native species requiring special permits;
- (d) **Wild Animals** - Native wildlife protected by law;
- (e) **Traditional/Ceremonial Animals** - Animals used in traditional practices.

## **DIVISION 3. ANIMAL REGISTRATION AND LICENSING**

### **Sec. 6-81. Mandatory Registration.**

All dogs and cats over 4 months of age must be registered with the Achukma Nation Animal Control Department.

### **Sec. 6-82. Registration Requirements.**

Registration requires:

- (a) Completed registration application;
- (b) Proof of current rabies vaccination;
- (c) Payment of registration fees;
- (d) Spaying/neutering verification (discounted rate if completed);
- (e) Identification tags and microchipping (recommended);
- (f) Updated annually.

### **Sec. 6-83. Registration Fees.**

Registration fees shall be established by Tribal Council and may include:

- (a) Base registration fee;

- (b) Reduced fee for spayed/neutered animals;
- (c) Senior citizen discount;
- (d) Multiple pet household discounts;
- (e) Late registration penalties;
- (f) Exemptions for service animals.

## **DIVISION 4. ANIMAL CARE AND TREATMENT**

### **Sec. 6-84. Cruelty Prohibition.**

No person shall:

- (a) Torture, beat, or cruelly treat any animal;
- (b) Fail to provide adequate food, water, shelter, and veterinary care;
- (c) Confine animal without adequate space, ventilation, or sanitation;
- (d) Abandon any animal;
- (e) Transport animal in cruel manner;
- (f) Organize or participate in animal fighting;
- (g) Abuse animals in any manner inconsistent with humane treatment and Torah principles.

### **Sec. 6-85. Care Standards.**

Animal owners must provide:

- (a) Adequate and nutritious food daily;
- (b) Clean, fresh water at all times;
- (c) Shelter from weather extremes (heat, cold, rain, snow);
- (d) Adequate space for normal behavior and movement;
- (e) Regular veterinary care and vaccinations;

- (f) Protection from hazards and dangers;
- (g) Humane treatment consistent with Torah principles of animal welfare.

**Sec. 6-86. Traditional and Ceremonial Use.**

- (a) Traditional use of animals in ceremonies is protected;
- (b) Such use must be: (1) Consistent with tribal customs and Torah law; (2) Humane and respectful; (3) Approved by Council of Elders; (4) Not in violation of federal endangered species laws.
- (c) Hunting and fishing for traditional purposes is regulated separately under wildlife management laws.

**DIVISION 5. ANIMAL CONTROL PROCEDURES**

**Sec. 6-87. Animal Control Officers.**

Animal Control Officers shall have authority to:

- (a) Investigate animal complaints;
- (b) Issue citations for violations;
- (c) Seize animals in emergency situations;
- (d) Enforce animal control laws;
- (e) Educate public about animal care;
- (f) Coordinate with veterinarians and animal welfare organizations;
- (g) Work with tribal police on enforcement.

**Sec. 6-88. Seizure and Impoundment.**

Animals may be seized and impounded for:

- (a) Immediate threat to public safety;
- (b) Cruelty or neglect;

- (c) Abandonment;
- (d) Running at large repeatedly;
- (e) Violation of quarantine orders;
- (f) Dangerous animal violations;
- (g) Owner's inability to provide care.

#### **Sec. 6-89. Redemption Procedures.**

Impounded animals may be redeemed by:

- (a) Payment of impoundment fees and daily care costs;
- (b) Proof of ownership;
- (c) Compliance with registration requirements;
- (d) Payment of violation fines;
- (e) Demonstration of adequate care arrangements;
- (f) Proof of vaccinations;
- (g) Redemption within holding period (typically 5-7 days).

#### **Sec. 6-90. Adoption and Euthanasia.**

- (a) Unclaimed animals may be offered for adoption;
- (b) Adoption requires: (1) Application and approval; (2) Payment of adoption fees; (3) Commitment to proper care; (4) Registration and vaccination.
- (c) Euthanasia shall only occur: (1) For terminally ill or seriously injured animals; (2) For aggressive animals posing safety threat; (3) When no adoption possible and space limited; (4) Using humane methods; (5) As last resort.

### **DIVISION 6. NUISANCE PROVISIONS**

#### **Sec. 6-91. Nuisance Animals.**

Animals creating nuisances include those causing:

- (a) Excessive barking, howling, or noise;
- (b) Unclean conditions affecting neighbors;
- (c) Aggressive behavior toward people or animals;
- (d) Repeated running at large;
- (e) Destruction of property;
- (f) Attracting predators or pests;
- (g) Unreasonable interference with neighbors' enjoyment of property.

**Sec. 6-92. Nuisance Abatement.**

Animal owners must take corrective action to eliminate nuisances:

- (a) Provide adequate training and socialization;
- (b) Improve living conditions;
- (c) Install containment systems (fences, kennels);
- (d) Seek behavioral training or veterinary help;
- (e) Limit number of animals to manageable levels;
- (f) Relocate animal if necessary;
- (g) Comply with tribal directives within specified timeframe.

**Sec. 6-93. Running at Large Prohibited.**

- (a) No owner shall permit animals to run at large on tribal lands;
- (b) Animals must be: (1) Confined within owner's property by adequate fencing; (2) On leash when off owner's property; (3) Under voice control if trained and permitted.
- (c) Exceptions: (1) Working livestock on designated range land; (2) Hunting dogs during lawful hunting; (3) Animals in designated off-leash areas; (4) Traditional ceremonial activities.

## **DIVISION 7. DANGEROUS ANIMALS**

### **Sec. 6-94. Dangerous Animal Designation.**

Animals may be designated as dangerous if they:

- (a) Have attacked or bitten a person or animal causing injury;
- (b) Have demonstrated aggressive behavior threatening safety;
- (c) Are trained for fighting or attack;
- (d) Belong to species or breeds with dangerous propensities;
- (e) Have killed livestock or domestic animals;
- (f) Have history of unprovoked aggression.

### **Sec. 6-95. Dangerous Animal Requirements.**

Owners of designated dangerous animals must:

- (a) Obtain special dangerous animal permit;
- (b) Maintain liability insurance (minimum \$100,000);
- (c) Maintain secure containment systems: (1) Fenced enclosure with locked gates; (2) Warning signs posted on property; (3) Indoor confinement when not supervised;
- (d) Use muzzles and restraints in public;
- (e) Provide advanced training and socialization;
- (f) Register annually with enhanced fees;
- (g) Notify authorities immediately of any incidents;
- (h) Comply with all conditions imposed by Animal Control.

### **Sec. 6-96. Prohibition of Certain Animals.**

The following may be prohibited or require special permits:

- (a) Pit bulls or other breeds designated as dangerous (if determined by Tribal Council);
- (b) Wild or exotic animals posing safety risk;
- (c) Venomous reptiles;
- (d) Large predators (wolves, bears, big cats);
- (e) Primates;
- (f) Animals carrying communicable diseases;
- (g) Animals prohibited by federal endangered species laws.

Exceptions may be granted for:

- Legitimate educational purposes;
- Traditional ceremonial use;
- Licensed animal sanctuaries;
- Zoos or conservation programs.

## **DIVISION 8. ENFORCEMENT AND PENALTIES**

### **Sec. 6-97. Violation Penalties.**

Violations of this article may result in:

- (a) Civil fines ranging from \$50-\$500 per violation;
- (b) Community service requirements;
- (c) Animal impoundment;
- (d) Revocation of animal ownership rights;
- (e) Criminal charges for serious violations (cruelty, fighting);
- (f) Restitution for damages caused by animals;
- (g) Payment of medical expenses for bite victims.

### **Sec. 6-98. Enhanced Penalties.**

Enhanced penalties shall apply for:

- (a) Repeat violations;
- (b) Animal cruelty or fighting;
- (c) Dangerous animals causing serious injury;
- (d) Willful violation of court orders;
- (e) Interference with Animal Control Officers;
- (f) Violations involving children or elders.

**Sec. 6-99. Enforcement Procedures.**

Enforcement includes:

- (a) Warning notices for minor first-time violations;
- (b) Citation issuance for violations;
- (c) Administrative hearings before designated hearing officer;
- (d) Court proceedings for serious violations;
- (e) Appeal procedures to Yerushalayim County Superior Court;
- (f) Compliance monitoring and follow-up.

**Sec. 6-100. Livestock and Agricultural Animals.**

- (a) Livestock owners must: (1) Register with tribal agricultural office; (2) Maintain adequate fencing and containment; (3) Provide proper care and nutrition; (4) Comply with animal health regulations; (5) Prevent damage to neighboring properties.
  - (b) Tribal agricultural regulations shall govern: (1) Grazing permits and range management; (2) Brand registration; (3) Livestock health inspections; (4) Movement of animals; (5) Slaughter and processing standards.
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# CHAPTER 7 - FAMILY AND SOCIAL SERVICES

## ARTICLE I. FAMILY LAW

### **Sec. 7-1. Marriage and Domestic Relations.**

The Achukma Nation recognizes marriages and domestic relationships in accordance with tribal customs, Torah law, and applicable federal law, providing for:

- (a) Marriage ceremonies and licensing;
- (b) Divorce and separation procedures;
- (c) Child custody and support;
- (d) Domestic violence protection;
- (e) Adoption and guardianship;
- (f) Property division;
- (g) Spousal support.

### **Sec. 7-2. Marriage Requirements.**

Persons seeking to marry within tribal jurisdiction must:

- (a) Be at least 18 years of age (or 16-17 with parental consent);
- (b) Not be currently married to another person;
- (c) Not be closely related by blood (as defined by tribal law);
- (d) Complete marriage application;
- (e) Pay required fees;
- (f) Undergo premarital counseling (if required);
- (g) Obtain marriage license from tribal authorities.

### **Sec. 7-3. Marriage Ceremonies.**

- (a) Marriages may be performed by: (1) Tribal judges or Minko Judge; (2) Council of Elders members; (3) Authorized religious officials; (4) Persons licensed by the Achukma Nation.
- (b) Ceremonies may incorporate: (1) Traditional tribal customs; (2) Torah and Halakhic wedding practices; (3) Other religious traditions (with consent); (4) Civil ceremonies.
- (c) Marriage certificates shall be issued by the Office of Chancery of Civil Record.

### **Sec. 7-4. Divorce Procedures.**

- (a) Divorce proceedings require: (1) Filing petition in Yerushalayim County Superior Court; (2) Service of process on respondent; (3) Mandatory mediation (except domestic violence cases); (4) Consideration of Torah principles regarding marriage dissolution; (5) Final hearing and decree.
- (b) Grounds for divorce include: (1) Irretrievable breakdown of marriage; (2) Adultery; (3) Abandonment; (4) Cruelty or abuse; (5) Substance abuse affecting family; (6) Other grounds recognized by tribal law.

### **Sec. 7-5. Child Custody and Support.**

- (a) Child custody determinations shall be based on best interests of the child, considering: (1) Physical and emotional needs of child; (2) Capability of each parent; (3) Child's preference (if appropriate age); (4) Stability of home environment; (5) Cultural and spiritual needs; (6) Extended family support; (7) Any history of abuse or neglect.
- (b) Child support shall be: (1) Calculated according to tribal guidelines; (2) Based on income and needs of child; (3) Enforceable through wage garnishment and other means; (4) Modifiable upon change in circumstances; (5) Consistent with Torah principles of parental responsibility.

### **Sec. 7-6. Domestic Violence Protection.**

- (a) The Achukma Nation provides protection from domestic violence through: (1) Emergency protection orders; (2) Temporary and permanent restraining orders; (3) Criminal prosecution of abusers; (4) Victim services and support; (5) Shelter and safety planning; (6) Counseling services.
- (b) Protection orders may include: (1) No-contact provisions; (2) Removal from residence; (3) Temporary custody provisions; (4) Surrender of weapons; (5) Mandatory counseling for abuser.

### **Sec. 7-7. Child Welfare.**

The Achukma Nation shall protect the welfare of children through:

- (a) Child abuse and neglect reporting requirements;
- (b) Investigation and intervention procedures;
- (c) Foster care and adoption services;
- (d) Family preservation programs;
- (e) Juvenile justice proceedings;
- (f) Compliance with Indian Child Welfare Act (ICWA);
- (g) Cultural and spiritual support for children.

#### **Sec. 7-8. Indian Child Welfare Act Compliance.**

- (a) All child custody proceedings involving Indian children shall comply with ICWA, 25 U.S.C. § 1901 et seq.;
- (b) The Achukma Nation asserts exclusive jurisdiction over: (1) Children domiciled on the reservation; (2) Wards of tribal court; (3) Children who are enrolled tribal members.
- (c) Tribal preference shall apply in placement decisions: (1) Extended family members; (2) Other tribal members; (3) Other Indian families; (4) Non-Indian families (last resort).

#### **Sec. 7-9. Adoption Procedures.**

- (a) Adoptions within tribal jurisdiction require: (1) Petition filed in Yerushalayim County Superior Court; (2) Home study and background investigation; (3) Consent of biological parents (unless terminated); (4) Consent of child (if appropriate age); (5) Compliance with ICWA for Indian children; (6) Final adoption decree.
- (b) The Achukma Nation encourages adoption by tribal members and provides support for adoptive families.

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## **ARTICLE II. SOCIAL SERVICES**

#### **Sec. 7-10. Social Services Authority.**

The Achukma Nation Department of Social Services shall provide comprehensive social services to tribal members and residents, including:

- (a) Financial assistance programs;
- (b) Food assistance and nutrition programs;
- (c) Housing assistance and development;
- (d) Transportation services;
- (e) Elder care and support services;
- (f) Disability services;
- (g) Employment and training programs;
- (h) Emergency assistance.

**Sec. 7-11. Eligibility Requirements.**

Social services eligibility shall be based on:

- (a) Tribal enrollment status (priority to enrolled members);
- (b) Residency requirements (residing on or near tribal lands);
- (c) Income and asset limitations;
- (d) Family size and composition;
- (e) Special circumstances and needs;
- (f) Available funding and program capacity.

**Sec. 7-12. General Assistance Program.**

The General Assistance Program provides:

- (a) Monthly cash assistance for basic needs;
- (b) Assistance with housing costs;
- (c) Utility assistance;
- (d) Emergency financial assistance;

- (e) Work requirements or exemptions;
- (f) Case management services;
- (g) Transitional support.

#### **Sec. 7-13. Food and Nutrition Programs.**

Food and nutrition programs include:

- (a) Food distribution program;
- (b) Commodity supplemental food;
- (c) Elder nutrition program;
- (d) Summer food program for children;
- (e) Community gardens and traditional foods;
- (f) Nutrition education;
- (g) Coordination with federal food programs.

#### **Sec. 7-14. Housing Assistance.**

Housing assistance includes:

- (a) Rental assistance programs;
- (b) Home purchase assistance;
- (c) Home repair and rehabilitation;
- (d) Weatherization assistance;
- (e) Emergency housing for homeless;
- (f) Elder housing programs;
- (g) Development of affordable housing.

#### **Sec. 7-15. Elder Services.**

Elder services include:

- (a) Elder nutrition and meals program;
- (b) Transportation for medical appointments;
- (c) In-home care and support;
- (d) Case management;
- (e) Recreation and social activities;
- (f) Respect and honor programs;
- (g) Traditional knowledge preservation;
- (h) Protection from abuse and exploitation.

**Sec. 7-16. Disability Services.**

Disability services include:

- (a) Americans with Disabilities Act (ADA) compliance;
- (b) Reasonable accommodations;
- (c) Accessibility improvements;
- (d) Support services for independent living;
- (e) Vocational rehabilitation;
- (f) Assistive technology;
- (g) Advocacy and information.

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# **CHAPTER 8 - HEALTH AND WELFARE**

## **ARTICLE I. PUBLIC HEALTH**

**Sec. 8-1. Public Health Authority.**

The Achukma Nation shall protect public health through:

- (a) Disease prevention and control programs;
- (b) Environmental health monitoring;
- (c) Health education and promotion;
- (d) Emergency health response;
- (e) Coordination with Indian Health Service and other health agencies;
- (f) Traditional healing practices;
- (g) Integration of Torah health principles.

**Sec. 8-2. Health Care Services.**

The Achukma Nation shall provide or arrange for:

- (a) Primary health care services;
- (b) Emergency medical services;
- (c) Mental health and counseling services;
- (d) Substance abuse treatment programs;
- (e) Dental services;
- (f) Vision care;
- (g) Traditional healing and medicine;
- (h) Health insurance programs.

**Sec. 8-3. Communicable Disease Control.**

- (a) Communicable diseases must be reported to tribal health authorities;

(b) Tribal health officer may: (1) Order quarantine or isolation; (2) Require testing and treatment; (3) Contact trace; (4) Mandate vaccinations during outbreaks; (5) Close facilities posing health risk; (6) Coordinate with public health agencies.

(c) Rights of individuals shall be protected during public health emergencies while ensuring community safety.

#### **Sec. 8-4. Environmental Health.**

Environmental health programs address:

(a) Water quality testing and protection;

(b) Sanitation and waste management;

(c) Food safety and inspections;

(d) Air quality monitoring;

(e) Vector control (mosquitoes, rodents);

(f) Hazardous materials management;

(g) Healthy housing standards.

#### **Sec. 8-5. Mental Health and Substance Abuse.**

(a) Mental health services include: (1) Counseling and therapy; (2) Crisis intervention; (3) Psychiatric services; (4) Traditional healing integration; (5) Peer support programs; (6) Suicide prevention; (7) Trauma-informed care.

(b) Substance abuse services include: (1) Prevention and education; (2) Assessment and treatment; (3) Detoxification services; (4) Residential treatment; (5) Outpatient counseling; (6) Recovery support; (7) Family programs.

#### **Sec. 8-6. Traditional Healing.**

(a) The Achukma Nation recognizes traditional healing as integral to health and wellness;

(b) Traditional healers shall: (1) Be recognized by Council of Elders; (2) Practice according to tribal customs; (3) Maintain confidentiality; (4) Work in coordination with medical providers when appropriate; (5) Preserve traditional knowledge.

(c) Traditional healing practices may include: (1) Herbal medicine; (2) Spiritual healing; (3) Ceremonies for healing; (4) Prayer and counseling; (5) Other traditional methods.

#### **Sec. 8-7. Health Emergency Response.**

(a) The Achukma Nation shall maintain emergency response capability for: (1) Disease outbreaks and epidemics; (2) Natural disasters; (3) Mass casualty incidents; (4) Environmental emergencies; (5) Bioterrorism threats.

(b) Emergency response includes: (1) Emergency operations plan; (2) Coordination with emergency services; (3) Emergency medical services; (4) Public communication; (5) Resource mobilization; (6) Recovery and continuity planning.

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## **ARTICLE II. WELFARE PROGRAMS**

#### **Sec. 8-8. Tribal Welfare Programs.**

The Achukma Nation shall maintain welfare programs including:

- (a) General assistance for eligible members;
- (b) Emergency financial assistance;
- (c) Employment and training programs;
- (d) Educational assistance and scholarships;
- (e) Housing assistance programs;
- (f) Child care assistance;
- (g) Transportation assistance;
- (h) Energy assistance.

#### **Sec. 8-9. Educational Assistance.**

Educational assistance includes:

- (a) Higher education scholarships;
- (b) Vocational training support;
- (c) Adult education programs;
- (d) Cultural education and language programs;

- (e) K-12 supplemental support;
- (f) Books and supplies assistance;
- (g) Study abroad and special opportunities.

#### **Sec. 8-10. Employment and Training.**

Employment and training programs include:

- (a) Job placement services;
- (b) Vocational training;
- (c) On-the-job training;
- (d) Apprenticeship programs;
- (e) Career counseling;
- (f) Resume and interview preparation;
- (g) Job fairs and recruitment;
- (h) Support for entrepreneurs and small business.

#### **Sec. 8-11. Program Administration.**

Welfare programs shall be administered with:

- (a) Fair and impartial eligibility determination;
- (b) Confidentiality of applicant information;
- (c) Regular program evaluation and improvement;
- (d) Coordination with other assistance programs;
- (e) Appeal procedures for benefit denials;
- (f) Case management and support;
- (g) Fraud prevention and investigation.

#### **Sec. 8-12. Work Requirements.**

(a) Able-bodied adults receiving assistance may be required to: (1) Participate in work activities; (2) Attend training programs; (3) Perform community service; (4) Engage in job search; (5) Meet with case managers.

(b) Exemptions apply for: (1) Elders; (2) Persons with disabilities; (3) Primary caregivers of young children; (4) Students in approved programs; (5) Other good cause reasons.

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# CONCLUSION AND SEVERABILITY

## **Sec. 8-13. Code Supremacy.**

This Achukma Nation Unified Tribal Code serves as the comprehensive legal framework for the Achukma Nation, establishing clear procedures, rights, and responsibilities for all aspects of tribal governance and community life. This Code reflects the Nation's commitment to sovereignty, self-determination, Torah law, traditional values, and the protection of tribal members' rights and welfare.

## **Sec. 8-14. Constitutional Supremacy.**

In all matters, the Achukma Nation Constitution shall be supreme. Where any provision of this Code conflicts with the Constitution, the Constitution shall prevail and the conflicting provision shall be void to that extent.

## **Sec. 8-15. Severability.**

If any provision of this Code is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the remaining provisions, which shall remain in full force and effect.

## **Sec. 8-16. Amendments.**

This Code may be amended by:

- (a) Resolution of the Tribal Council approved by two-thirds vote;
- (b) Approval of the Head Minko (or two-thirds override if vetoed);
- (c) Review by Council of Elders for constitutional compliance;
- (d) Publication and notice to tribal members;
- (e) Effective date as specified in amendment.

## **Sec. 8-17. Effective Date.**

This Achukma Nation Unified Tribal Code shall become effective upon:

- (a) Adoption by the Tribal Council and Head Minko collectively;
- (b) Review and approval by Council of Elders for constitutional compliance;

- (c) Publication and distribution to tribal members;
- (d) Filing with the Office of Chancery of Civil Record;
- (e) The effective date specified in the adoption resolution.

#### **Sec. 8-18. Repeal of Prior Codes.**

Upon effectiveness of this Code, all previous tribal codes and ordinances inconsistent with this Code are hereby repealed, except:

- (a) Rights and obligations that accrued under prior law;
  - (b) Pending litigation or proceedings;
  - (c) Contracts entered into under prior law;
  - (d) Specific ordinances expressly preserved by Tribal Council resolution.
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# **ADOPTION RESOLUTION**

**RESOLUTION NO. [5222023]**

## **ADOPTING THE ACHUKMA NATION UNIFIED TRIBAL CODE**

**WHEREAS**, the Achukma Nation is a sovereign indigenous nation with inherent authority to govern itself and its territory; and

**WHEREAS**, the Constitution of the Achukma Nation vests legislative and executive authority in the Tribal Council under Article VIII; and

**WHEREAS**, the Tribal Council has authority to establish a comprehensive legal code governing all aspects of tribal life; and

**WHEREAS**, this Unified Tribal Code has been drafted to comply with the Achukma Nation Constitution (2023 Official), incorporating all constitutional requirements including Torah law, Halakhic principles, the Great Law of Peace, and protection of tribal member rights; and

**WHEREAS**, the Council of Elders has reviewed this Code for constitutional compliance and cultural appropriateness; and

**WHEREAS**, this Code will strengthen tribal sovereignty, protect tribal members, and provide clear legal framework for governance;

**NOW THEREFORE BE IT RESOLVED** that the Tribal Council of the Achukma Nation hereby adopts the Achukma Nation Unified Tribal Code as set forth in this document.

**BE IT FURTHER RESOLVED** that this Code shall become effective on [DATE], and all tribal officials, departments, and members shall comply with its provisions.

**BE IT FURTHER RESOLVED** that the Office of Chancery of Civil Record shall maintain the official copy of this Code and publish it for access by all tribal members and the public.

**ADOPTED THIS 22<sup>nd</sup>, DAY OF May, 2023**


**BY THE TRIBAL COUNCIL OF THE ACHUKMA NATION:**

**Head Minko:**



Habenachihowa BayitYah

**Secondary Head Minko:**



Jeffrey-Allen: Hill-Yisra'el

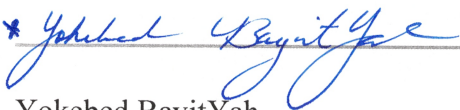
**Tribal Judges:**



MaitthYah YirmeYah BayitYah

**ATTEST:**

**Nation Secretary:**



Yokebed BayitYah

**APPROVED AS TO CONSTITUTIONAL COMPLIANCE:**

**Council of Elders:**

MatitthYah YirmeYah BayitYah

MatitthYah YirmeYah BayitYah, Presiding Elder

## CERTIFICATION

I hereby certify that the foregoing Achukma Nation Unified Tribal Code was duly adopted by the Tribal Council of the Achukma Nation on the date indicated above, and is the official and complete Code of the Achukma Nation.

Yokebed BayitYah

Yokebed BayitYah, Nation Secretary

Date: 5/22/2023

## SEAL OF THE ACHUKMA NATION



## END OF ACHUKMA NATION UNIFIED TRIBAL CODE

*This document represents a comprehensive revision and consolidation of the Achukma Nation tribal code, incorporating all constitutional requirements for consistency, clarity, and legal effectiveness while maintaining the Nation's sovereign authority, Torah and Halakhic law foundations, traditional values, and protection of tribal member rights.*

**Prepared by:** [Legal Counsel/Drafting Committee]

**Date:** May 22, 2023

**Constitutional Authority:** Achukma Nation Constitution (2023 OFFICIAL)

**Federal Authority:** 25 U.S.C. (Indian Law), Federal Indian Common Law

**Traditional Authority:** Torah, Halakhic Law, Great Law of Peace

