

**ATTACHMENT #1**  
**AMENDMENT TO THE ROSEBOUD SIOUX TRIBE**  
**LAW AND ORDER CODE, Introduction, Section 1, Code Interpretation**  
**ENACTED AS ORDINANCE NO. 2020-04**  
**ROSEBUD SIOUX TRIBE LAW AND ORDER CODE**

**Section 1. Code Interpretation**

This code shall be strictly interpreted and construed to fulfill the following purposes:

- (a) to provide for the welfare, care and protection of the Wakanyeja and families and adults within the reservation court's authority,
- (b) to preserve unity of the family, and to separate the Wakanyeja from his/her parents only when absolutely necessary, and to take into consideration Lakota Kinship relationships,
- (c) to take such actions as may be imperative to prevent the abuse, neglect, abandonment, or delinquency of Wakanyeja, their families if in need of assistance, and incompetent adults,
- (d) to provide services for Wakanyeja and their families and adults ranging from prevention to residential treatment with emphasis on prevention, early intervention and community-based alternatives,
- (e) to guarantee the rights of and due process to the Wakanyeja, parents, guardians, extended family, care-providers, custodians of Wakanyeja, or other parties who come before the court under this law,
- (f) to ensure that off-reservation courts return tribal Wakanyeja to the reservation by establishment of this law,
- (g) to acknowledge the tribal Wakanyeja -rearing customs and traditions, and other tribal customs and traditions for the control of families and adults,
- (h) to guarantee that Wakanyeja and their families and adults enjoy without hindrance freedom of religion, speech, press, assembly, conscience and association,
- (i) to guarantee that Wakanyeja and their families and adults accused of any offense shall have a speedy and public trial, unless a closed trial is necessary to protect persons under the age of 18 years, to be informed of the nature and cause of the accusation, and to be confronted with witnesses against them,
- (j) to guarantee that Wakanyeja and their families and indigent adults accused of any offense have assistance of counsel and to demand trial by jury six persons for criminal trials and twelve persons for civil cases.

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(k) to guarantee that Wakanyeja and their families and adults shall not be subject to the same offense to be twice put in jeopardy, nor be compelled in any criminal case to be a witness against themselves,

(l) to guarantee that Wakanyeja and their families and adults shall not be deprived of life, liberty, or property, without due process of law nor be denied equal protection of the law,

(m) to ensure that Wakanyeja and their families and adults shall be secure in their persons, houses, papers and effect against unreasonable search and seizures, and be served with warrants only upon probable cause, supported by oath or affirmation, particularly describing the place to be searched and the person or thing to be seized,

(n) to ensure that Wakanyeja and their families and adults shall not have their private property taken for a public use without just compensation,

(o) to ensure that Wakanyeja and their families and adults have a compulsory process for obtaining witnesses in their favor,

(p) to ensure that Wakanyeja and their families and adults shall not be sentenced for the conviction of any one offense to any penalty or punishment for a maximum term of confinement of three years, a fine of \$15,000, or both; or for multiple offenses: an aggregate sentence with a maximum term of confinement of nine years, a fine of \$15,000, or both.

(q) to ensure that Wakanyeja and families and adults shall not be subject to any bill of attainder or ex post facto law, and

(r) to assure that Wakanyeja and families and adults shall have the right of appeal to the highest court of the Rosebud Sioux Tribe

[History, Ord. 91-01]

**ROSEBUD SIOUX TRIBE**  
**Resolution No. 2020-05**

**WHEREAS,** The Rosebud Sioux Tribe is a federally recognized Indian Tribe organized pursuant to the Indian Reorganization Act of 1934 and pertinent amendments thereof; and

**WHEREAS,** The Rosebud Sioux Tribe is governed by a Tribal Council made up of elected representatives who act in accordance with the powers granted to it by its Constitution and By-laws; and

**WHEREAS,** The Rosebud Sioux Tribal Council is authorized to promulgate and enforce ordinances for the maintenance of law and order, and to safeguard the peace and morals, and general welfare of the Tribe, pursuant to the Rosebud Sioux Tribe Constitution and By-Laws Article IV Sections 1 (l), (m), (p) and (q), and

**WHEREAS,** The Rosebud Sioux Tribal Council authorized and directed the Attorney General's Office to work with the Rosebud Sioux Tribe Judiciary Committee, Rosebud Sioux Tribe Law Enforcement Services, Rosebud Sioux Tribal Courts, White Buffalo Women's Society and the Rosebud Sioux Tribal Council to amend the Law and Order Code of the Rosebud Sioux Tribe to comply with the provisions of Violence Against Women Act to authorize RST Tribal Courts to prosecute and sentence Non-Indians and the Tribal Law and Order Act to enhance sentencing authority provide the maximum protection provided by federal and Tribal law to the victims of sexual assault and domestic violence under Resolution No. 2018-95;

**WHEREAS,** The Rosebud Sioux Tribal Council has recommended the Rosebud Sioux Tribe to adopt and approve the proposed amendments to the Law and Order code; Introduction, Section 1, Code Interpretation; in that all sections that state "children" will be amended to state "Wakanyeja".

That in subsection (r) the language "for a term of more than year or a fine of more than \$5,000 or both", will be struck from the text and inserted with "for a term of no more than three years or a fine of no more than \$15,000 or both. Attachment #1; and

**WHEREAS,** the Rosebud Sioux Tribe agrees with and adopts the proposed amendments to the Rosebud Sioux Tribe Law and Order Code by the Rosebud Sioux Tribe; and

**THEREFORE BE IT RESOLVED,** that the Rosebud Sioux Tribal Council adopts the amendments to the Rosebud Sioux Tribe Law and Order Code by the Rosebud Sioux Tribe; and it will be set forth in Ordinance No. 2020-04.

**BE IT ALSO RESOLVED,** that the effective date of the amendment to the Rosebud Sioux Tribal Code shall be upon the final approval by the Rosebud Sioux Tribal Council and publication as required by law; and

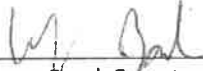
**BE IT ALSO RESOLVED,** that the RST Office of the Secretary shall distribute the Ordinance to the Office of the Attorney General and all interested tribal entities, including tribal judges, police, Office of the Prosecutor, tribal attorney and any other department responsible for enforcement of this law.

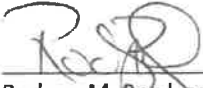
**ROSEBUD SIOUX TRIBE**  
**Resolution No. 2020-05**

**CERTIFICATION**

This is to certify that the above Resolution No. 2020-05 and Ordinance 2020-04 was duly passed by the Rosebud Sioux Tribal for a First Reading on January 9, 2020. By a vote of fifteen (15) in favor, zero (0) opposed and one (1) not voting. A second reading was held on September 10, 2020 and passed by a vote of fifteen (15) in favor, zero (0) opposed and two (2) not voting. The said resolution was adopted pursuant to authority vested in the Council. A quorum was present.

**ATTEST:**

  
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Wayne Boyd, Secretary  
Rosebud Sioux Tribe

  
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Rodney M. Bordeaux, President  
Rosebud Sioux Tribe