

**ATTACHMENT #1**

**AMENDMENT TO THE ROSEBUD SIOUX TRIBE**

**LAW AND ORDER CODE TITLE FIVE, CHAPTER 28 ANMD CHAPTER 29**

**AMENDMENTS TO ENACTED AS**

**ORDINANCE No. 2020-06**

**RSTLOC 5-5-6 Assault with a Bodily Fluid against a Public Safety Officer or a Medical Professional.**

(1) Any person who knowingly and intentionally strikes any public safety officer or medical professional with any bodily fluid is guilty of assault with a bodily fluid against a public safety officer or a medical professional.

(2) Assault with a bodily fluid against a public safety officer is a Class A Offense if the person committing the offense strikes said officer or medical professional with a bodily fluid and knew or had reason to suspect that the source of the bodily fluid was infected with a communicable disease, including but not limited to human immunodeficiency virus, hepatitis B, or hepatitis C.

(3) Upon a showing of probable cause by affidavit to a judge of the Rosebud Sioux Tribe that an offense as defined in subsection (1) of this section has been committed and that identifies the probable source of the bodily fluid or bodily fluids used to commit the offense, the judge shall grant an order or issue a search warrant authorizing the collection of any evidence, including any bodily fluid or medical records or the performance of any medical or scientific testing or analysis, that may assist with the determination of whether or not the person committing the offense or the person from whom the person committing the offense obtained the bodily fluid or bodily fluids is infected with the human immunodeficiency virus, hepatitis B, or hepatitis C.

(4) As used in this section:

(a) Bodily fluid shall be defined as “any naturally produced secretion or waste product generated by the human body and shall include, but not be limited to, any quantity of human blood, urine, saliva, mucus, vomitus, seminal fluid, or feces”; and

(b) Public safety officer shall include any of the following persons who are engaged in the performance of their official duties at the time of the offense: A police officer; an officer employed by the Game, Fish and Parks; a probation officer; court services officer; judges, court staff, prosecutors and public defenders, school resource officers; a firefighter; individuals performing official contact tracing functions or similar tasks targeted at determining the social path of those who were exposed to a virus, a corrections officer at the adult correctional facility or the juvenile detention facility; and any employee of either the adult correctional facility or the juvenile detention facility

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(c) A medical professional shall include any of the following persons who are engaged in the performance of their official duties at the time of the offense: a licensed physician; physician's assistant; nurse practitioner; nurse; mental health counselor; substance abuse counselor; an out-of-hospital emergency licensed care provider; ambulance staff; paramedics;

Class A Offense. Mandatory Minimum 14 day sentence.