

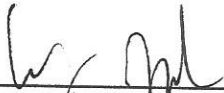
ROSEBUD SIOUX TRIBE
Resolution No. 2020-115

- WHEREAS**, the Rosebud Sioux Tribe is a federally recognized Indian Tribe organized pursuant to the Indian Reorganization Act of 1934 and all 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 has declared that a State of Emergency exists within the Rosebud Sioux Tribe as it relates to the novel Coronavirus (COVID-19), and
- WHEREAS**, the Attorney General's Office has recommended the Rosebud Sioux Tribe to adopt and approve the proposed amendment that establishes the crime of Assault by Bodily Fluid to the Rosebud Sioux Tribe Law and Order Code Title Five Chapter Five, (RSTLOC 5-6), ASSAULT AND RELATED CRIMES, RST Ordinance No. 2020-06, Attachment #1; and
- WHEREAS**, the Rosebud Sioux Tribe agrees with and adopts the proposed amendment to the Rosebud Sioux Tribe Law and Order Code by the Rosebud Sioux Tribe Attorney General's Office and
- THEREFORE BE IT RESOLVED**, that the Rosebud Sioux Tribal Council adopts the proposed amendment to the Rosebud Sioux Tribe Law and Order Code; and
- 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, prosecutors, public defenders, tribal attorneys and any other department responsible for enforcement of this law.

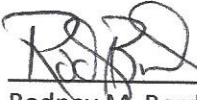
CERTIFICATION

This is to certify that the above Resolution No. 2020-115 and Ordinance 2020-06 was duly passed by the Rosebud Sioux Tribal Council for a first reading on May 14, 2020, by a vote of fifteen (15) in favor, zero (0) opposed and zero (0) not voting and ratified on May 26, 2020. A second reading was held on May 26, 2020, by a vote of sixteen (16) in favor, zero (0) opposed and zero (0) not voting. The said resolution was adopted pursuant to authority vested in the Council. A quorum was present.

ATTEST:



Wayne Boyd, Secretary
Rosebud Sioux Tribe



Rodney M. Bordeaux, President
Rosebud Sioux Tribe

ROSEBUD SIOUX TRIBE
Resolution No. 2020-115

WHEREAS, the Rosebud Sioux Tribe is a federally recognized Indian Tribe organized pursuant to the Indian Reorganization Act of 1934 and all 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 has declared that a State of Emergency exists within the Rosebud Sioux Tribe as it relates to the novel Coronavirus (COVID-19), and

WHEREAS, the Attorney General's Office has recommended the Rosebud Sioux Tribe to adopt and approve the proposed amendment that establishes the crime of Assault by Bodily Fluid to the Rosebud Sioux Tribe Law and Order Code Title Five Chapter Five, (RSTLOC 5-6), ASSAULT AND RELATED CRIMES, RST Ordinance No. 2020-06, Attachment #1; and

WHEREAS, the Rosebud Sioux Tribe agrees with and adopts the proposed amendment to the Rosebud Sioux Tribe Law and Order Code by the Rosebud Sioux Tribe Attorney General's Office and

THEREFORE BE IT RESOLVED, that the Rosebud Sioux Tribal Council adopts the proposed amendment to the Rosebud Sioux Tribe Law and Order Code; and

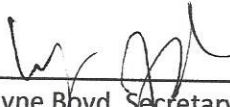
BE IT ALSO RESOLVED, that the effective date of the amendment to the Rosebud Sioux Tribal Code shall be upon the final approval by the Rosebud Sioux Tribal Council and publication as required by law; and

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ATTEST:



Wayne Boyd, Secretary
Rosebud Sioux Tribe

Rodney M. Bordeaux, President
Rosebud Sioux Tribe

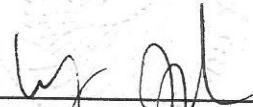
ROSEBUD SIOUX TRIBE
Resolution No. 2020-115

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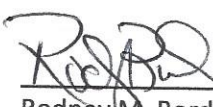
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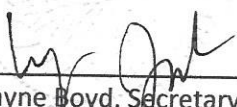
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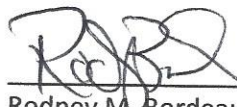
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Wayne Boyd, Secretary
Rosebud Sioux Tribe



Rodney M. Bordeaux, President
Rosebud Sioux Tribe

ATTACHMENT #1

AMENDEMENT 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

ATTACHMENT #1

AMENDEMENT TO THE ROSEBUD SIOUX TRIBE

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

AMENDMENTS TO ENACTED AS

ORDINANCE No. 2020-06

(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.

ATTACHMENT #1

AMENDEMENT TO THE ROSEBUD SIOUX TRIBE

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

AMENDMENTS TO ENACTED AS

ORDINANCE No. 2020-06

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(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.

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

AMENDMENTS TO ENACTED AS

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Class A Offense. Mandatory Minimum 14 day sentence.

ATTACHMENT #1

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ATTACHMENT #1

AMENDEMENT TO THE ROSEBUD SIOUX TRIBE

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- (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.
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ROSEBUD SIOUX TRIBE
Resolution No. 2020-115

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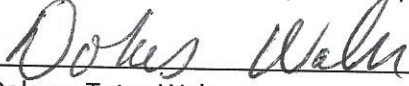
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Delores Totes Waln

Antelope Council Representative

5-13-20
Date



Russell Eagle Bear

Black Pipe Council Representative

5-14-20
Date

Lisa White Pipe
Bull Creek Council Representative

Date

ROSEBUD SIOUX TRIBE
Resolution No. 2020-115

C. Steve Brave

C. Steve Brave

Butte Creek Council Representative

5-13-20

Date

Arlene R. Black Bear

Arlene R. Black Bear

Corn Creek Council Representative

5-14-20

Date

Rita Means

Rita Means

Grass Mountain Council Representative

5-13-20

Date

Clifford Lafferty

Clifford Lafferty

He Dog Council Representative

5-14-2020

Date

Robert Rattling Leaf

Robert Rattling Leaf

Horse Creek Council Representative

5-14-20

Date

Shizue LaPointe

Ideal Council Representative

Date

Byron Andrews

Milks Camp Council Representative

Wilda Wooden Knife

Wilda Wooden Knife

Okreek Council Representative

Date

5-13-20

Date

Eileen Shot

Eileen Shot

Parmelee Council Representative

5-13-20

Date

Martha Blue Thunder

Martha Blue Thunder

Ring Thunder Council Representative

5-13-20

Date

Lenard Wright

Rosebud Council Representative

Date

ROSEBUD SIOUX TRIBE
Resolution No. 2020-115

Kathleen Wooden Knife
Kathleen Wooden Knife
Soldier Creek Council Representative

05/14/2020
Date

Lila Kills In Sight
Lila Kills In Sight
Spring Creek Council Representative

5-13-20
Date

Sharon Swift
Sharon Swift
St. Francis Council Representative

5-13-20
Date

James Leader Charge
James Leader Charge
Swift Bear Council Representative

5-13-2020
Date

Richard Whipple
Richard Whipple
Two Strike Council Representative
Dwight Spotted Tail
Dwight Spotted Tail
Upper Cut Meat Council Representative

Date
05/13/2020
Date

CERTIFICATION

This is to certify that the above Resolution No. 2020-115 was duly circulated and signed by representatives of the Rosebud Sioux Tribal Council. Said petition was duly passed, as signed by a majority of the Rosebud Sioux Tribal Council.

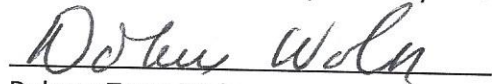
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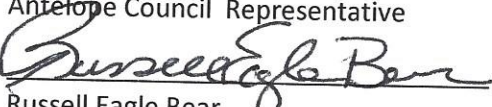
Wayne Boyd
Wayne Boyd, Secretary
Rosebud Sioux Tribe

Rodney Bordeaux
Rodney Bordeaux, President
Rosebud Sioux Tribe

ROSEBUD SIOUX TRIBE
Resolution No. 2020-115

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Antelope Council Representative


Russell Eagle Bear
Black Pipe Council Representative

5-13-20
Date

5-14-20
Date

Lisa White Pipe
Bull Creek Council Representative

Date

ROSEBUD SIOUX TRIBE
Resolution No. 2020-115

C. Steve Brave
C. Steve Brave

5-13-20
Date

Butte Creek Council Representative
Arlene R. Black Bear
Arlene R. Black Bear
Corn Creek Council Representative

5-14-20
Date

Rita Means
Rita Means
Grass Mountain Council Representative

5-13-20
Date

Clifford Lafferty
Clifford Lafferty
He Dog Council Representative

5-14-2020
Date

Robert Rattling Leaf
Robert Rattling Leaf
Horse Creek Council Representative

5-14-20
Date

Shizue LaPointe
Ideal Council Representative

Date

Byron Andrews
Milks Camp Council Representative

Date

Wilda Wooden Knife
Wilda Wooden Knife
Okreek Council Representative

5-13-20
Date

Eileen Shot
Eileen Shot
Parmelee Council Representative

5-13-20
Date

Martha Blue Thunder
Martha Blue Thunder
Ring Thunder Council Representative

5-13-20
Date

Lenard Wright
Rosebud Council Representative

Date

ROSEBUD SIOUX TRIBE
Resolution No. 2020-115

Kathleen Wooden Knife
Kathleen Wooden Knife
Soldier Creek Council Representative

05/14/2020
Date

Lila Kills In Sight
Lila Kills In Sight
Spring Creek Council Representative

5-13-20
Date

Sharon Swift
Sharon Swift
St. Francis Council Representative

5-13-20
Date

James Leader Charge
James Leader Charge
Swift Bear Council Representative

5-13-2020
Date

Richard Whipple
Richard Whipple
Two Strike Council Representative
Dwight Spotted Tail
Dwight Spotted Tail
Upper Cut Meat Council Representative

Date

05/13/2020
Date

CERTIFICATION

This is to certify that the above Resolution No. 2020-115 was duly circulated and signed by representatives of the Rosebud Sioux Tribal Council. Said petition was duly passed, as signed by a majority of the Rosebud Sioux Tribal Council.

ATTEST:

Wayne Boyd
Wayne Boyd, Secretary
Rosebud Sioux Tribe

Rodney Bordeaux
Rodney Bordeaux, President
Rosebud Sioux Tribe



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Rosebud Agency

Post Office Box 228

Mission, South Dakota 57555

IN REPLY REFER TO:
Office of the Superintendent

JUN 05 2020

Honorable Rodney Bordeaux
President, Rosebud Sioux Tribe
Post Office Box 430
Rosebud, South Dakota 57570

Attention: Louis Wayne Boyd, RST Secretary

Dear President Bordeaux:

The following resolutions, received in this office on 06/05/2020 have been reviewed and re-routed to the appropriate branches.

Resolution No. 2019-13 (Amended: 04/22/2020)
Resolution No. 2020-102
Resolution No. 2020-103
Resolution No. 2020-104
Resolution No. 2020-105
Resolution No. 2020-106
Resolution No. 2020-107
Resolution No. 2020-109
Resolution No. 2020-110

Resolution No. 2020-111
Resolution No. 2020-114
Resolution No. 2020-115
Resolution No. 2020-116
Resolution No. 2020-117
Resolution No. 2020-118
Resolution No. 2020-119
Resolution No. 2020-120
Resolution No. 2020-121

Sincerely,

Lee A. Beardt
Superintendent

Enclosure

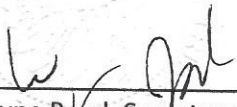
ROSEBUD SIOUX TRIBE
Resolution No. 2020-115

- WHEREAS**, the Rosebud Sioux Tribe is a federally recognized Indian Tribe organized pursuant to the Indian Reorganization Act of 1934 and all 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 has declared that a State of Emergency exists within the Rosebud Sioux Tribe as it relates to the novel Coronavirus (COVID-19), and
- WHEREAS**, the Attorney General's Office has recommended the Rosebud Sioux Tribe to adopt and approve the proposed amendment that establishes the crime of Assault by Bodily Fluid to the Rosebud Sioux Tribe Law and Order Code Title Five Chapter Five, (RSTLOC 5-6), ASSAULT AND RELATED CRIMES, RST Ordinance No. 2020-06, Attachment #1; and
- WHEREAS**, the Rosebud Sioux Tribe agrees with and adopts the proposed amendment to the Rosebud Sioux Tribe Law and Order Code by the Rosebud Sioux Tribe Attorney General's Office and
- THEREFORE BE IT RESOLVED**, that the Rosebud Sioux Tribal Council adopts the proposed amendment to the Rosebud Sioux Tribe Law and Order Code; and
- 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, prosecutors, public defenders, tribal attorneys and any other department responsible for enforcement of this law.

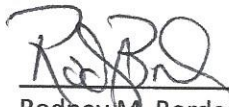
CERTIFICATION

This is to certify that the above Resolution No. 2020-115 and Ordinance 2020-06 was duly passed by the Rosebud Sioux Tribal Council for a first reading on May 14, 2020, by a vote of fifteen (15) in favor, zero (0) opposed and zero (0) not voting and ratified on May 26, 2020. A second reading was held on May 26, 2020, by a vote of sixteen (16) in favor, zero (0) opposed and zero (0) not voting. The said resolution was adopted pursuant to authority vested in the Council. A quorum was present.

ATTEST:



Wayne Boyd, Secretary
Rosebud Sioux Tribe



Rodney M. Bordeaux, President
Rosebud Sioux Tribe

ATTACHMENT #1

AMENDEMENT 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

ATTACHMENT #1

AMENDEMENT TO THE ROSEBUD SIOUX TRIBE

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

AMENDMENTS TO ENACTED AS

ORDINANCE No. 2020-06

(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.

ROSEBUD SIOUX TRIBE
Resolution No. 2020-116

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 (k), and (m), and

WHEREAS, The Rosebud Sioux Tribe is authorized to provide for the protection of all minors, mentally incompetent and any others who need protection or assistance for reason of health, age, or other extenuating circumstances, pursuant to Rosebud Sioux Tribe Constitution and By-laws Article IV Section 1 (q); and

WHEREAS, The Rosebud Sioux Tribe Attorney General has recommended the Rosebud Sioux Tribal Council amend and/or repeal Rosebud Sioux Tribe Law and Order Code Title 5, Chapter 45, PUBLIC HEALTH CRIMES, 5-45-1, 5-45-2, 5-45-3, 5-45-4, 5-45-5, 5-45-5, and 5-45-6, shall be amended and/or repealed, with amendments signified as underlined text, and repealed text with a strikethrough, in Attachment #1, and;


THEREFORE BE IT RESOLVED, that the Rosebud Sioux Tribal Council adopts and amends the Rosebud Sioux Tribe Law and Order Code enacted as RST Ordinance No. 2020-08; and

BE IT ALSO RESOLVED, that the effective date of the amendments to the Rosebud Sioux Tribe Law and Order Code Title 5, Chapter forty five, shall be final upon approval by the Rosebud Sioux Tribal Council.


CERTIFICATION

This is to certify that the above petition Resolution No. 2020-116 and Ordinance 2020-08 was duly passed by the Rosebud Sioux Tribal Council for a first reading on May 14, 2020, by a vote of sixteen (16) in favor, zero (0) opposed and zero (0) not voting and ratified on May 26, 2020. A second reading was held on May 26, 2020, by a vote of sixteen (16) in favor, zero (0) opposed and zero (0) not voting. The said resolution was adopted pursuant to authority vested in the Council. A quorum was present.

ATTEST:



Wayne Boyd, Secretary
Rosebud Sioux Tribe



Rodney Bordeaux, President
Rosebud Sioux Tribe

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

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

(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.



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Rosebud Agency

Post Office Box 228

Mission, South Dakota 57555

IN REPLY REFER TO:
Office of the Superintendent

JUN 11 2020

Honorable Rodney Bordeaux
President, Rosebud Sioux Tribe
Post Office Box 430
Rosebud, South Dakota 57570

Attention: Louis Wayne Boyd, RST Secretary

Dear President Bordeaux:

The following resolutions, received in this office on 06/10/2020 have been reviewed and re-routed to the appropriate branches.

Resolution No. 2020-101
Resolution No. 2020-108
Resolution No. 2020-112
Resolution No. 2020-114
Resolution No. 2020-115
Resolution No. 2020-116
Resolution No. 2020-121 (Amended: 05/26/2020)
Resolution No. 2020-122

Resolution No. 2020-123
Resolution No. 2020-124
Resolution No. 2020-126
Resolution No. 2020-127
Resolution No. 2020-128
Resolution No. 2020-129
Resolution No. 2020-130
Resolution No. 2020-131

Sincerely,

Lee A. Beardt
Superintendent

Enclosure

ROSEBUD SIOUX TRIBE
Resolution No. 2020-115

WHEREAS, the Rosebud Sioux Tribe is a federally recognized Indian Tribe organized pursuant to the Indian Reorganization Act of 1934 and all 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 has declared that a State of Emergency exists within the Rosebud Sioux Tribe as it relates to the novel Coronavirus (COVID-19), and

WHEREAS, the Attorney General's Office has recommended the Rosebud Sioux Tribe to adopt and approve the proposed amendment that establishes the crime of Assault by Bodily Fluid to the Rosebud Sioux Tribe Law and Order Code Title Five Chapter Five, (RSTLOC 5-5), ASSAULT AND RELATED CRIMES, RST Ordinance No.2020-06, Attachment #1; and

WHEREAS, the Rosebud Sioux Tribe agrees with and adopts the proposed amendment to the Rosebud Sioux Tribe Law and Order Code by the Rosebud Sioux Tribe Attorney General's Office and

THEREFORE BE IT RESOLVED, that the Rosebud Sioux Tribal Council adopts the proposed amendment to the Rosebud Sioux Tribe Law and Order Code; and

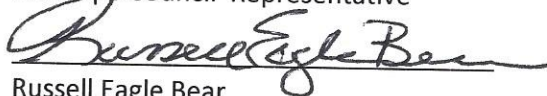
BE IT ALSO RESOLVED, that the effective date of the amendment to the Rosebud Sioux Tribal Code shall be upon the final approval by the Rosebud Sioux Tribal Council and publication as required by law; and

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, prosecutors, public defenders, tribal attorneys and any other department responsible for enforcement of this law.



Delores Totes Waln

Antelope Council Representative

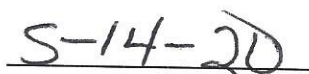


Russell Eagle Bear

Black Pipe Council Representative



Date



Date

Lisa White Pipe

Bull Creek Council Representative

Date

ROSEBUD SIOUX TRIBE
Resolution No. 2020-115

<u>C. Steve Brave</u> C. Steve Brave Butte Creek Council Representative	<u>5-13-20</u> Date
<u>Arlene R. Black Bear</u> Arlene R. Black Bear Corn Creek Council Representative	<u>5-14-20</u> Date
<u>Rita Means</u> Rita Means Grass Mountain Council Representative	<u>5-13-20</u> Date
<u>Cliff Lafferty</u> Clifford Lafferty He Dog Council Representative	<u>5-14-2020</u> Date
<u>Robert Rattling Leaf</u> Robert Rattling Leaf Horse Creek Council Representative	<u>5-14-20</u> Date
<u>Shizue LaPointe</u> Shizue LaPointe Ideal Council Representative	<u> </u> Date
<u>Byron Andrews</u> Byron Andrews Milks Camp Council Representative	<u> </u> Date
<u>Wilda Wooden Knife</u> Wilda Wooden Knife Okreek Council Representative	<u>5-13-20</u> Date
<u>Eileen Shot</u> Eileen Shot Parmelee Council Representative	<u>5-13-20</u> Date
<u>Martha Blue Thunder</u> Martha Blue Thunder Ring Thunder Council Representative	<u>5-13-20</u> Date
<u>Lenard Wright</u> Lenard Wright Rosebud Council Representative	<u> </u> Date

ROSEBUD SIOUX TRIBE
Resolution No. 2020-115

Kathleen Wooden Knife
Kathleen Wooden Knife
Soldier Creek Council Representative

05/14/2020
Date

Lila Kills In Sight
Lila Kills In Sight
Spring Creek Council Representative

5-13-20
Date

Sharon Swift
Sharon Swift
St. Francis Council Representative

5-13-20
Date

James Leader Charge
James Leader Charge
Swift Bear Council Representative

5-14-2020
Date

Richard Whipple
Richard Whipple
Two Strike Council Representative

Dwight Spotted Tail
Dwight Spotted Tail
Upper Cut Meat Council Representative

Date

05/13/2020
Date

CERTIFICATION

This is to certify that the above Resolution No. 2020-115 was duly circulated and signed by representatives of the Rosebud Sioux Tribal Council. Said petition was duly passed, as signed by a majority of the Rosebud Sioux Tribal Council.

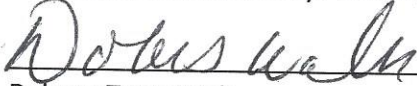
ATTEST:

Wayne Boyd
Wayne Boyd, Secretary
Rosebud Sioux Tribe

Rodney Bordeaux
Rodney Bordeaux, President
Rosebud Sioux Tribe


ROSEBUD SIOUX TRIBE
Resolution No. 2020-115

- WHEREAS**, the Rosebud Sioux Tribe is a federally recognized Indian Tribe organized pursuant to the Indian Reorganization Act of 1934 and all 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 has declared that a State of Emergency exists within the Rosebud Sioux Tribe as it relates to the novel Coronavirus (COVID-19), and
- WHEREAS**, the Attorney General's Office has recommended the Rosebud Sioux Tribe to adopt and approve the proposed amendment that establishes the crime of Assault by Bodily Fluid to the Rosebud Sioux Tribe Law and Order Code Title Five Chapter Five, (RSTLOC 5-5), ASSAULT AND RELATED CRIMES, RST Ordinance No.2020-06, Attachment #1; and
- WHEREAS**, the Rosebud Sioux Tribe agrees with and adopts the proposed amendment to the Rosebud Sioux Tribe Law and Order Code by the Rosebud Sioux Tribe Attorney General's Office and
- THEREFORE BE IT RESOLVED**, that the Rosebud Sioux Tribal Council adopts the proposed amendment to the Rosebud Sioux Tribe Law and Order Code; and
- 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, prosecutors, public defenders, tribal attorneys and any other department responsible for enforcement of this law.



Delores Totes Wain
Antelope Council Representative

5-13-20
Date



Russell Eagle Bear
Black Pipe Council Representative

5-14-20
Date

Lisa White Pipe
Bull Creek Council Representative

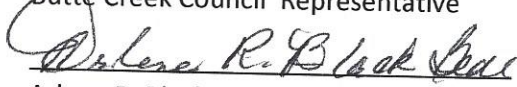
Date

ROSEBUD SIOUX TRIBE
Resolution No. 2020-115



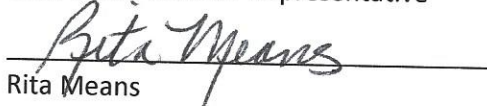
C. Steve Brave
Butte Creek Council Representative

5-13-20
Date



Arlene R. Black Bear
Corn Creek Council Representative

5-14-20
Date



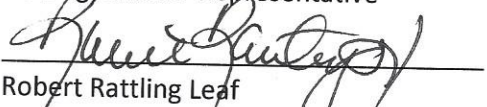
Rita Means
Grass Mountain Council Representative

5-13-20
Date



Clifford Lafferty
He Dog Council Representative

5-14-2020
Date



Robert Rattling Leaf
Horse Creek Council Representative

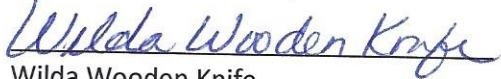
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Date

Shizue LaPointe
Ideal Council Representative

Date

Byron Andrews
Milks Camp Council Representative

Date



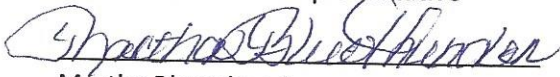
Wilda Wooden Knife
Okreek Council Representative

5-13-20
Date



Eileen Shot
Parmelee Council Representative

5-13-20
Date



Martha Blue Thunder
Ring Thunder Council Representative

5-13-20
Date

Lenard Wright
Rosebud Council Representative

Date

ROSEBUD SIOUX TRIBE
Resolution No. 2020-115

Kathleen Wooden Knife
Kathleen Wooden Knife
Soldier Creek Council Representative

05/14/2020
Date

Lila Kills In Sight
Lila Kills In Sight
Spring Creek Council Representative

5-13-20
Date

Sharon Swift
Sharon Swift
St. Francis Council Representative

5-13-20
Date

James Leader Charge
James Leader Charge
Swift Bear Council Representative

5-13-2020
Date

Richard Whipple
Richard Whipple
Two Strike Council Representative
Dwight Spotted Tail
Dwight Spotted Tail
Upper Cut Meat Council Representative

Date
05/13/2020
Date

CERTIFICATION

This is to certify that the above Resolution No. 2020-115 was duly circulated and signed by representatives of the Rosebud Sioux Tribal Council. Said petition was duly passed, as signed by a majority of the Rosebud Sioux Tribal Council.

ATTEST:

Wayne Boyd
Wayne Boyd, Secretary
Rosebud Sioux Tribe

Rodney Bordeaux
Rodney Bordeaux, President
Rosebud Sioux Tribe

ATTACHMENT #1

AMENDEMENT 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

ATTACHMENT #1

AMENDEMENT TO THE ROSEBUD SIOUX TRIBE

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

AMENDMENTS TO ENACTED AS

ORDINANCE No. 2020-06

(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.

ATTACHMENT #1

AMENDEMENT 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

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

(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.

ATTACHMENT #1

AMENDEMENT 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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Class A Offense. Mandatory Minimum 14 day sentence.

ATTACHMENT #1

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- (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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Class A Offense. Mandatory Minimum 14 day sentence.