- 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 Sections1 (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Code Title 5, Chapter 18, PROTECTIVE CUSTODY AND RELATED CRIMES, 5-18-4, 5-18-5, and 5-18-6, shall be amended and/or repealed, with amendments signified as underlined text, and repealed text with a strikethrough, in Attachment #1, and;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 amends the Rosebud Sioux Tribe Law and Order Code enacted as RST Ordinance No. 2020-09; and

**BE IT ALSO RESOLVED**, that the effective date of the amendments to the Rosebud Sioux Tribe Law and Order Code Title 5, Chapter Eighteen, PROTECTIVE CUSTODY AND RELATED CRIMES, shall be final upon approval by the Rosebud Sioux Tribal Council.

#### CERTIFICATION

This is to certify that the above petition Resolution No. 2020-117 and Ordinance 2020-09 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 fifteen (15) in favor, zero (0) opposed and one (1) not voting. The said resolution and ordinance 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

- 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
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Dolus Waly	5-13-20
Delores Totes Waln	Date
Antelope, Council Representative	
Suspelot & Been Russell Eagle Bear	S-14-20
Black Pipe Council Representative	
Lisa White Pipe	Date
Bull Creek Council Representative	
( Sten Dru	5-13-20
C. Steve Brave	Date

Butte Creek Council Representative

### **ROSEBUD SIOUX TRIBE**

Arlene R. Black Bear Corn Creek Council Representative    S-13-20
Arlene R. Black Bear  Corn Creek Council Representative    S-13-20     Rita Means   Date     S-13-20     Rita Means   Date     Grass Mountain Council Representative     Clifford Lafferty   Date     He Dog Council Representative     S-14-20     Clifford Lafferty   Date     Horse Creek Council Representative     Shizue LaPointe   Date     Ideal Council Representative     Byron Andrews   Date     Milks Camp Council Representative     Wilda Wooden Knife   Date     Wilda Wooden Knife   Date     Chreek Council Representative     Chreek Council Repres
Rita Means Grass Mountain Council Representative  S-13-20 Date  Grass Mountain Council Representative  S-19-2020 Clifford Lafferty He Dog Council Representative  Robert Rattling Leaf Horse Creek Council Representative  Shizue LaPointe Ideal Council Representative  Byron Andrews Milks Camp Council Representative  Wilda Wooden Knife Okreek Council Representative  S-13-20 Eileen Shot Parmelee Council Representative  S-13-20 Date  S-13-20 Date  S-13-20 Date
Rita Means Grass Mountain Council Representative  S-/9-2020 Clifford Lafferty He Dog Council Representative  Robeyt Rattling Leaf Horse Creek Council Representative  Shizue LaPointe Ideal Council Representative  Byron Andrews Milks Camp Council Representative  Wilda Wooden Knife Okreek Council Representative  Selem Shot Eileen Shot Parmelee Council Representative  S-13-20 Date  S-13-20 Date
Rita Means Grass Mountain Council Representative  Clifford Lafferty He Dog Council Representative  Robert Rattling Leaf Horse Creek Council Representative  Shizue LaPointe Ideal Council Representative  Byron Andrews Milks Camp Council Representative  Date  S-13 - 20  Wilda Wooden Knife Okreek Council Representative  Eileen Shot Parmelee Council Representative  Date  5-13-20  Date  S-13-20  Date
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Robert Rattling Leaf Horse Creek Council Representative  Shizue LaPointe Ideal Council Representative  Byron Andrews Milks Camp Council Representative  Wilda Wooden Knife Okreek Council Representative  Date  S-13-20  Eileen Shot Parmelee Council Representative  S-13-20  Date  S-13-20  Date
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Parmelee Council Representative  4 hartha Blue Hay der  5-13-20
Grantha Glevather 5-13-20
Martha Blue Thunder Date
Ring Thunder Council Representative
Lenard Wright Date
Rosebud Council Representative
Jula 4) 000 Per 15/14/2020
Kathleen Wooden Knife Date
Soldier Creek Council Representative
LINIO 1. 1.11
Lila Kills In Sight Date

Spring Creek Council Representative

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Dolena R. Black Bear	5-14-20
Arlene R. Black Bear	Date
Corn Creek Council Representative	
Betw Means	5-13-20
Rita Means /	Date
Grass Mountain Council Representative	
Offer John	5-19-2020
Clifford Lafferty	Date
He Dog Gouncil Representative	٠
Robert Rottling Last	5-14-20
Robert Rattling Leaf	Date
Horse Creek Council Representative	
Shizue LaPointe	Date
Ideal Council Representative	
Byron Andrews	Date
Milks Camp Council Representative	
Wilda Wooden Knye	5-13-20
Wilda Wooden Knife	Date
Okreek Council Representative	
Leben Shot	5-13-20
Eileen Shot	Date
Parmelee Council Representative	
Shartha Blue Hoursten	5-13-20
Martha Blue Thunder	Date
Ring Thunder Council Representative	
Lenard Wright	Date
Rosebud Council Representative	
Kathley Word life	05/14/2020
Kathleen Wooden Knife	Date
Soldier Creek Council Representative	_
DibKillsku Sat	5-13-20
Lila Kills In Sight	Date

Spring Creek Council Representative

### **ROSEBUD SIOUX TRIBE**

11	Resolution No. 2020-117	
Sharon Swift	_	5-13-25 Date
St. Francis Council Representative		Date
James Leader Charge Swift Bear Council Representative	_	5-13-2020 Date
Richard Whipple Two Strike Council Representative  Dwight Spotted Tail Upper Cut Meat Council Representative		Date  Date  Date

### CERTIFICATION

This is to certify that the above Resolution No. 2020-117 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, Secretary

Rosebud Sioux Tribe

Rodney Bordeaux, President

Rosebud Sioux Tribe

### AMENDMENT TO THE ROSEBUD SIOUX TRIBE

### LAW AND ORDER CODE TITLE FIVE, CHAPTER 28 & CHAPTER 29

#### **AMENDMENTS TO ENACTED AS**

### ORDINANCE NO. 2020-09

### 5-18-4 Bootlegging

Any person who:

- 1. does not hold a tribal or state liquor license and a business license; or
- 2. who intentionally purchases, procures, trades, barters or otherwise secures any alcoholic liquor, malt beverage or other beverage containing alcohol or causes another person to purchase, procure, trade, barter or otherwise secure any alcoholic liquor, malt beverage; and
- 3. with the intent to sell for profit, trade, barter or otherwise distribute to any third person.

is guilty of Bootlegging as a Class B Offense.

Exception: Persons who work as servers, waiters, waitresses and bartenders for businesses who have a state or tribal liquor license are exempt from enforcement of this statute as long as their employer has either license and they are acting within the scope of their employment and not contrary to any ordinance of the Rosebud Sioux Tribe.

Where this statute conflicts with RSTLOC 10-1-33, this statute shall govern criminal prosecutions.

### 5-18-5 Bootlegging While Alcohol Ban in Effect

For the purposes of this statute, an alcohol ban may be defined as "any limitation placed on the sale, transport, or consumption of alcohol, whether it be by Presidential Declaration of a State of Emergency or Rosebud Sioux Tribal Council Resolution."

For the purposes of this statute, it shall be no defense that a Presidential Declaration of Emergency was lifted or the alcohol ban was rescinded by Rosebud Sioux Tribal Council prior to arraignment on this charge. The alleged act must have been committed on a date when the ban was in effect.

Any person who fulfills each of the elements covered in 5-8-4 above during an Alcohol Ban is a Class A Offense.

### 5-18-6 Mandatory Minimum Sentences

A person convicted of Bootlegging shall serve no less than sixty (60) days and pay no less than \$300 fine plus court costs.

### 5-18-4 Bootlegging

Any person who:

- 1. does not hold a tribal or state liquor license and a business license; or
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### 5-18-6 Mandatory Minimum Sentences

A person convicted of Bootlegging shall serve no less than sixty (60) days and pay no less than \$300 fine plus court costs.

- 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 Sections1 (k), and (m), and
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- 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 18, PROTECTIVE CUSTODY AND RELATED CRIMES, 5-18-4, 5-18-5, and 5-18-6, 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 amends the Rosebud Sioux Tribe Law and Order Code enacted as RST Ordinance No. 2020-09; and

**BE IT ALSO RESOLVED**, that the effective date of the amendments to the Rosebud Sioux Tribe Law and Order Code Title 5, Chapter Eighteen, PROTECTIVE CUSTODY AND RELATED CRIMES, shall be final upon approval by the Rosebud Sioux Tribal Council.

Delores Totes Waln  Antelope Council Representative  Bussell Eagle Bear  Black Pipe Council Representative	$\frac{5-13-20}{\text{Date}}$
Lisa White Pipe Bull Creek Council Representative C. Steve Brave	Date  5-13-20  Date

Butte Creek Council Representative

### AMENDMENT TO THE ROSEBUD SIOUX TRIBE

### LAW AND ORDER CODE TITLE FIVE, CHAPTER 28 & CHAPTER 29

#### AMENDMENTS TO ENACTED AS

#### ORDINANCE NO. 2020-09

### 5-18-4 Bootlegging

Any person who:

- 1. does not hold a tribal or state liquor license and a business license; or
- 2. who intentionally purchases, procures, trades, barters or otherwise secures any alcoholic liquor, malt beverage or other beverage containing alcohol or causes another person to purchase, procure, trade, barter or otherwise secure any alcoholic liquor, malt beverage; and
- 3. with the intent to sell for profit, trade, barter or otherwise distribute to any third person.

is guilty of Bootlegging as a Class B Offense.

Exception: Persons who work as servers, waiters, waitresses and bartenders for businesses who have a state or tribal liquor license are exempt from enforcement of this statute as long as their employer has either license and they are acting within the scope of their employment and not contrary to any ordinance of the Rosebud Sioux Tribe.

Where this statute conflicts with RSTLOC 10-1-33, this statute shall govern criminal prosecutions.

### 5-18-5 Bootlegging While Alcohol Ban in Effect

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Any person who fulfills each of the elements covered in 5-8-4 above during an Alcohol Ban is a Class A Offense.

### 5-18-6 Mandatory Minimum Sentences

A person convicted of Bootlegging shall serve no less than sixty (60) days and pay no less than \$300 fine plus court costs.

### AMENDMENT TO THE ROSEBUD SIOUX TRIBE

### LAW AND ORDER CODE TITLE FIVE, CHAPTER 28 & CHAPTER 29

### **AMENDMENTS TO ENACTED AS**

### ORDINANCE NO. 2020-09

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### AMENDMENT TO THE ROSEBUD SIOUX TRIBE

### LAW AND ORDER CODE TITLE FIVE, CHAPTER 28 & CHAPTER 29

### **AMENDMENTS TO ENACTED AS**

### ORDINANCE NO. 2020-09

### AMENDMENT TO THE ROSEBUD SIOUX TRIBE

### LAW AND ORDER CODE TITLE FIVE, CHAPTER 28 & CHAPTER 29

### AMENDMENTS TO ENACTED AS

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### AMENDMENT TO THE ROSEBUD SIOUX TRIBE

### LAW AND ORDER CODE TITLE FIVE, CHAPTER 28 & CHAPTER 29

### AMENDMENTS TO ENACTED AS

### ORDINANCE NO. 2020-09

## ROSEBUD SIQUY TRIBE

	MODED OF STOCK TRIDE	
0 D	Resolution No. 2020-117	
Sharon Soft	_	5-13-20
Sharon Swift		Date
St. Francis Council Representative		
James Leader Charge	_	5-13-2020 Date
Swift Bear Council Representative		
Richard Whipple		Date
Two Strike Council Representative		05/17/2020
Dwight Spotted Tail		Date
Upper Cut Meat Council Representative	2	

### CERTIFICATION

This is to certify that the above Resolution No. 2020-117 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, Secretary

Rosebud Sioux Tribe

Rodney Bordeaux, President Rosebud Sioux Tribe

3

- 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
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Dolers Waly	5-13-20
Delores Totes Waln	Date
Antelope Council Representative	
Sunce Ext. Ban	5-14-20
Russell Eagle Bear	Date
Black Pipe Council Representative	
Line Mall in the	
Lisa White Pipe	Date
Bull Creek Council Representative	(12-70)
C. Steve Brave	Date
Butte Creek Council Representative	0000000

Resolution No. 2020-117	
Dolene R. Black Bear	5-14-20
Arlene R. Black Bear	Date
Corn Creek Council Representative	
Bita Means	5-13-20
Rita Means	Date
Grass Mountain Council Representative	2 330
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Clifford Lafferty	3-19-2010
He Dog Souncil Representative	$\frac{S-19-2020}{Date}$
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Robert Rattling Leaf	Date
Horse Creek Council Representative	
Shizue LaPointe	Date
Ideal Council Representative	
Byron Andrews	Date
Milks Camp Council Representative	
Welda Wooden Kmya	5-13-20
Wilda Wooden Knife	Date
Okreek Council Representative	
Selven & had	5-13-30
Eileen Shot	Date
Parmelee Council Representative	
I hartha Bleed Herrise	5-13-20
Martha Blue Thunder	Date
Ring Thunder Council Representative	
Lenard Wright	Date
Rosebud Council Representative	
Kathley Words Cox	05/14/2020
Kathleen Wooden Knife	Date
Soldier Creek Council Representative	
Jul Kills Un Sont	5-13-21
Lifa Kills In Sight	Date
Spring Creek Council Representative	

Resolution No. 2020-117	
Sharon Swift	5-13-20 Date
St. Francis Council Representative	
James Leader Charge Swift Bear Council Representative	<u>G-137220</u> Date
Richard Whipple Two Strike Council Representative Dwight Spotted Tail	Date  05/13/2020  Date
Upper Cut Meat Council Representative	

### CERTIFICATION

This is to certify that the above Resolution No. 2020-117 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, Secretary

Rosebud Sioux Tribe

Rodney Bordeaux, President Rosebud Sioux Tribe

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Dolus Waln	5-13-20
Delores Totes Waln	Date
Antelope Council Representative	
Bussell El Ben	5-14-20
Russell Eagle Bear	Date
Black Pipe Council Representative	
Lisa White Pipe	Date
Bull Creek Council Representative	
( Sten Fran	5-13-20
C. Steve Brave	Date

Butte Creek Council Representative

R	Resolution No. 2020-117	
Delene R. Black Beas		5-14-20
Arlene R. Black Bear		Date
Corn Creek Council Representative		
Buta Means		5-13-20
Rita Means		Date
Grass Mountain Council Representative		
Cll TIM		5-14-2020
Clifford Lafferty		Date
He Dog Council Representative		Dute
Must be and		5-14.00
Robert Rattling Leaf		
Horse Creek Council Representative		Date
Horse oreek council Representative		
Shizue LaPointe		Date
Ideal Council Representative		
Byron Andrews		Date
Milks Camp Council Representative		
Wilda Wooden Knye		5-13-20
Wilda Wooden Knife		Date
Okreek Council Representative		
Orlor Shot		5-13-20
Eileen Shot		Date
Parmelee Council Representative		
Shart hast lin Showden		5-13-20
Martha Blue Thunder		Date
Ring Thunder Council Representative		
Lenard Wright		Date
Rosebud Council Representative		
Kath Word Vel		05/14/2020
Kathleen Wooden Knife		, ,
Soldier/Creek Council Representative		Date
71 VIII 1 1 1		F 12 20
Lile Kille le Siehe		5-13-20
Lila Kills In Sight		Date
Spring Creek Council Representative		

Λ	Resolution No. 2020-117	
Sharon Suft	- -	<u>5-13-20</u>
St. Francis Council Representative		
James Leader Charge Swift Bear Council Representative	-	<u> </u>
Richard Whipple		 Date
Two Strike Council Representative		05/13/2020
Dwight Spotted Tail		Date
Upper Cut Meat Council Representative		

### CERTIFICATION

This is to certify that the above Resolution No. 2020-117 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, Secretary

Rosebud Sioux Tribe

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 0 5 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 rerouted to the appropriate branches.

Resolution No. 2019-13 (Amended: 04/22/2020)	Resolution No. 2020-111
Resolution No. 2020-102	Resolution No. 2020-114
Resolution No. 2020-103	Resolution No. 2020-115
Resolution No. 2020-104	Resolution No. 2020-116
Resolution No. 2020-105	Resolution No. 2020-117
Resolution No. 2020-106	Resolution No. 2020-118
Resolution No. 2020-107	Resolution No. 2020-119
Resolution No. 2020-109	Resolution No. 2020-120
Resolution No. 2020-110	Resolution No. 2020-121

Sincerely,

Lee A. Beardt Superintendent

Beaudy

Enclosure

### 5-18-4 Bootlegging

Any person who:

- 1. does not hold a tribal or state liquor license and a business license; or
- 2. who intentionally purchases, procures, trades, barters or otherwise secures any alcoholic liquor, malt beverage or other beverage containing alcohol or causes another person to purchase, procure, trade, barter or otherwise secure any alcoholic liquor, malt beverage; and
- 3. with the intent to sell for profit, trade, barter or otherwise distribute to any third person.

is guilty of Bootlegging as a Class B Offense.

Exception: Persons who work as servers, waiters, waitersses and bartenders for businesses who have a state or tribal liquor license are exempt from enforcement of this statute as long as their employer has either license and they are acting within the scope of their employment and not contrary to any ordinance of the Rosebud Sioux Tribe.

Where this statute conflicts with RSTLOC 10-1-33, this statute shall govern criminal prosecutions.

### 5-18-5 Bootlegging While Alcohol Ban in Effect

For the purposes of this statute, an alcohol ban may be defined as "any limitation placed on the sale, transport, or consumption of alcohol, whether it be by Presidential Declaration of a State of Emergency or Rosebud Sioux Tribal Council Resolution."

For the purposes of this statute, it shall be no defense that a Presidential Declaration of Emergency was lifted or the alcohol ban was rescinded by Rosebud Sioux Tribal Council prior to arraignment on this charge. The alleged act must have been committed on a date when the ban was in effect.

Any person who fulfills each of the elements covered in 5-8-4 above during an Alcohol Ban is a Class A Offense.

### 5-18-6 Mandatory Minimum Sentences

A person convicted of Bootlegging shall serve no less than sixty (60) days and pay no less than \$300 fine plus court costs.

### 5-18-4 Bootlegging

Any person who:

- 1. does not hold a tribal or state liquor license and a business license; or
- who intentionally purchases, procures, trades, barters or otherwise secures any alcoholic liquor, malt beverage or other beverage containing alcohol or causes another person to purchase, procure, trade, barter or otherwise secure any alcoholic liquor, malt beverage; and
- 3. with the intent to sell for profit, trade, barter or otherwise distribute to any third person.

is guilty of Bootlegging as a Class B Offense.

Exception: Persons who work as servers, waiters, waitersses and bartenders for businesses who have a state or tribal liquor license are exempt from enforcement of this statute as long as their employer has either license and they are acting within the scope of their employment and not contrary to any ordinance of the Rosebud Sioux Tribe.

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For the purposes of this statute, it shall be no defense that a Presidential Declaration of Emergency was lifted or the alcohol ban was rescinded by Rosebud Sioux Tribal Council prior to arraignment on this charge. The alleged act must have been committed on a date when the ban was in effect.

Any person who fulfills each of the elements covered in 5-8-4 above during an Alcohol Ban is a Class A Offense.

### 5-18-6 Mandatory Minimum Sentences

A person convicted of Bootlegging shall serve no less than sixty (60) days and pay no less than \$300 fine plus court costs.

#### AMENDMENT TO THE ROSEBUD SIOUX TRIBE

#### LAW AND ORDER CODE TITLE FIVE, CHAPTER 28 & CHAPTER 29

### **AMENDMENTS TO ENACTED AS**

### **ORDINANCE NO. 2020-09**

### 5-18-4 Bootlegging

Any person who:

- 1. does not hold a tribal or state liquor license and a business license; or
- 2. who intentionally purchases, procures, trades, barters or otherwise secures any alcoholic liquor, malt beverage or other beverage containing alcohol or causes another person to purchase, procure, trade, barter or otherwise secure any alcoholic liquor, malt beverage; and
- 3. with the intent to sell for profit, trade, barter or otherwise distribute to any third person.

is guilty of Bootlegging as a Class B Offense.

Exception: Persons who work as servers, waiters, waitresses and bartenders for businesses who have a state or tribal liquor license are exempt from enforcement of this statute as long as their employer has either license and they are acting within the scope of their employment and not contrary to any ordinance of the Rosebud Sioux Tribe.

Where this statute conflicts with RSTLOC 10-1-33, this statute shall govern criminal prosecutions.

### 5-18-5 Bootlegging While Alcohol Ban in Effect

For the purposes of this statute, an alcohol ban may be defined as "any limitation placed on the sale, transport, or consumption of alcohol, whether it be by Presidential Declaration of a State of Emergency or Rosebud Sioux Tribal Council Resolution."

For the purposes of this statute, it shall be no defense that a Presidential Declaration of Emergency was lifted or the alcohol ban was rescinded by Rosebud Sioux Tribal Council prior to arraignment on this charge. The alleged act must have been committed on a date when the ban was in effect.

Any person who fulfills each of the elements covered in 5-8-4 above during an Alcohol Ban is a Class A Offense.

### 5-18-6 Mandatory Minimum Sentences

A person convicted of Bootlegging shall serve no less than sixty (60) days and pay no less than \$300 fine plus court costs.

### AMENDMENT TO THE ROSEBUD SIOUX TRIBE

### LAW AND ORDER CODE TITLE FIVE, CHAPTER 28 & CHAPTER 29

### **AMENDMENTS TO ENACTED AS**

### ORDINANCE NO. 2020-09

- 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 Sections1 (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 18, PROTECTIVE CUSTODY AND RELATED CRIMES, 5-18-4, 5-18-5, and 5-18-6, 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 amends the Rosebud Sioux Tribe Law and Order Code enacted as RST Ordinance No. 2020-09; and

**BE IT ALSO RESOLVED**, that the effective date of the amendments to the Rosebud Sioux Tribe Law and Order Code Title 5, Chapter Eighteen, PROTECTIVE CUSTODY AND RELATED CRIMES, shall be final upon approval by the Rosebud Sioux Tribal Council.

#### CERTIFICATION

This is to certify that the above petition Resolution No. 2020-117 and Ordinance 2020-09 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 fifteen (15) in favor, zero (0) opposed and one (1) not voting. The said resolution and ordinance was adopted pursuant to authority vested in the Council. A quorum was present.

Wayne Boyd, Secretary
Rosebud Sioux Tribe

Rodney M. Bordeaux, President
Rosebud Sioux Tribe

### 5-18-4 Bootlegging

Any person who:

- 1. does not hold a tribal or state liquor license and a business license; or
- who intentionally purchases, procures, trades, barters or otherwise secures any alcoholic liquor, malt beverage or other beverage containing alcohol or causes another person to purchase, procure, trade, barter or otherwise secure any alcoholic liquor, malt beverage; and
- 3. with the intent to sell for profit, trade, barter or otherwise distribute to any third person.

is guilty of Bootlegging as a Class B Offense.

Exception: Persons who work as servers, waiters, waitresses and bartenders for businesses who have a state or tribal liquor license are exempt from enforcement of this statute as long as their employer has either license and they are acting within the scope of their employment and not contrary to any ordinance of the Rosebud Sioux Tribe.

Where this statute conflicts with RSTLOC 10-1-33, this statute shall govern criminal prosecutions.

### 5-18-5 Bootlegging While Alcohol Ban in Effect

For the purposes of this statute, an alcohol ban may be defined as "any limitation placed on the sale, transport, or consumption of alcohol, whether it be by Presidential Declaration of a State of Emergency or Rosebud Sioux Tribal Council Resolution."

For the purposes of this statute, it shall be no defense that a Presidential Declaration of Emergency was lifted or the alcohol ban was rescinded by Rosebud Sioux Tribal Council prior to arraignment on this charge. The alleged act must have been committed on a date when the ban was in effect.

Any person who fulfills each of the elements covered in 5-8-4 above during an Alcohol Ban is a Class A Offense.

### 5-18-6 Mandatory Minimum Sentences

A person convicted of Bootlegging shall serve no less than sixty (60) days and pay no less than \$300 fine plus court costs.

### 5-18-4 Bootlegging

Any person who:

- 1. does not hold a tribal or state liquor license and a business license; or
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### 5-18-6 Mandatory Minimum Sentences

A person convicted of Bootlegging shall serve no less than sixty (60) days and pay no less than \$300 fine plus court costs.

- 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 Sections1 (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 18, PROTECTIVE CUSTODY AND RELATED CRIMES, 5-18-4, 5-18-5, and 5-18-6, 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 amends the Rosebud Sioux Tribe Law and Order Code enacted as RST Ordinance No. 2020-09; and

**BE IT ALSO RESOLVED**, that the effective date of the amendments to the Rosebud Sioux Tribe Law and Order Code Title 5, Chapter Eighteen, PROTECTIVE CUSTODY AND RELATED CRIMES, shall be final upon approval by the Rosebud Sioux Tribal Council.

#### CERTIFICATION

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Wayne Boyd Secretary

Rosebud Sioux Tribe

ATTEST:

Rodney M. Bordeaux, President

Rosebud Sioux Tribe

### 5-18-4 Bootlegging

Any person who:

- 1. does not hold a tribal or state liquor license and a business license; or
- 2. who intentionally purchases, procures, trades, barters or otherwise secures any alcoholic liquor, malt beverage or other beverage containing alcohol or causes another person to purchase, procure, trade, barter or otherwise secure any alcoholic liquor, malt beverage; and
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Exception: Persons who work as servers, waiters, waitersses and bartenders for businesses who have a state or tribal liquor license are exempt from enforcement of this statute as long as their employer has either license and they are acting within the scope of their employment and not contrary to any ordinance of the Rosebud Sioux Tribe.

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### 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

JUL 0 7 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 07/06/2020 have been reviewed and re-

routed to the appropriate branches.

Resolution No. 2019-42	Resolution No. 2020-146
Resolution No. 2020-45	Resolution No. 2020-147
Resolution No. 2020-117	Resolution No. 2020-148
Resolution No. 2020-123	Resolution No. 2020-149
Resolution No. 2020-132 (Amended: 06/17/2020)	Resolution No. 2020-150
Resolution No. 2020-133 (Amended: 06/07/2020)	Resolution No. 2020-151
Resolution No. 2020-142	Resolution No. 2020-152
Resolution No. 2020-143	Resolution No. 2020-153
Resolution No. 2020-144	Resolution No. 2020-154
Resolution No. 2020-145	

Sincerely,

Ira Dean Wilson Superintendent

Enclosure