

Flandreau Santee Sioux Tribe

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RESOLUTION NO. 2023-01

WHEREAS, the Flandreau Santee Sioux Tribe is a recognized Indian tribe organized pursuant to a Constitution and By-laws approved by the Secretary of Interior and Commissioner of Indian Affairs on April 24, 1936, amended February 7, 1941; November 16, 1967; November 14, 1984; and May 17, 1997; and

WHEREAS, Article III of the Tribe's Constitution and By-laws provides that the governing body of the Tribe shall be the Executive Committee; and

WHEREAS, Article VIII Section 1(f) of said Constitution provides that the Executive Committee has the authority to promulgate and enforce ordinances governing and regulating the conduct of all persons on the reservation; and

WHEREAS, Article VIII Section 1(h) of said Constitution provides that the Executive Committee has the authority to adopt resolutions consistent with said Constitution and By-Laws, regulating the procedure of the Executive Committee itself and of other tribal agencies, tribal officials or tribal organizations of the Flandreau Santee Sioux Tribe; and

WHEREAS, Article IX Section 1 of said Constitution vests the judicial power of the Tribe in the tribal court system; and

WHEREAS, the Flandreau Santee Sioux Tribe Tribal Law and Order Code ("FSST T.L.O.C." or "Code") builds upon these constitutional foundations in its various Titles. Specifically, Title 2 sets forth Criminal Procedures. Title 3, the Criminal Law, sets forth various crimes and penalties. Title 8A, the Banishment Ordinance, includes an offense for violating a banishment order. Together these Titles set forth the cornerstone of the Tribe's criminal justice system; and

WHEREAS, the Executive Committee previously passed amendments to Title 3 that have not yet been written into the body of the document. The amendments create new offenses, update the classifications of offenses, add penalties, and alter the statute of limitations for some offenses; and

WHEREAS, in order to further promote public safety, the Executive Committee applied for and received the Department of Justice's SMART FY 2020 Support for Adam Walsh Act Implementation Grant Program. The Tribe hired a Registry Coordinator from the grant to develop additional code amendments that improve

community safety, especially related to prosecuting and reporting sex offenses;
and

WHEREAS, The Registry Coordinator collaborated with the FSST Police Department, Legal Department, Office of Social Services, and Compliance Officer to propose amendments to Titles 2, 3, and 8A. These amendments create even more offenses, provide the Tribal Courts with additional sentencing flexibility, and strengthen the Tribe's response to the most harmful crimes. The amendments also codify the Tribal Court's requirement to report sex offense and other convictions to the National Crime Information Center (NCIC).

Lastly, the Registry Coordinator provided an updated bond sheet that reflects the new offenses and their classifications.

NOW THEREFORE BE IT RESOLVED that the proposed amendments to Chapter 19, Title 2, Sentencing and Judgment; Title 3, Criminal Law; and Chapter 3 of Title 8A, Enforcement of Banishments and Punishment, are approved and attached hereto; and

NOW THEREFORE BE IT FURTHER RESOLVED that the proposed updates to the Courts' bond sheet, attached hereto, are supported by the Executive Committee; however the Tribal Courts may adopt any bond sheet and amount that it deems appropriate in accordance with the Code; and

NOW THEREFORE BE IT FINALLY RESOLVED the Tribal Secretary shall publish a copy of this resolution and amended Titles on the Tribe's website in accordance with Title 1, Chapter 8, Section 1-8-2, FSST T.L.O.C.


[Certification follows on the next page.]

CERTIFICATION

The foregoing Resolution was duly enacted and adopted on this 27th day of February 2023, by the Executive Committee of the Flandreau Santee Sioux Tribe during a duly called meeting with a quorum was present of 6 In Favor, 0 Opposed, 0 Abstaining, and 1 Not Voting, as follows:

Vice President, Cynthia Allen-Weddell:	<u>YES</u>	NO	ABSTAIN	NOT PRESENT
Secretary, April Herrick:	<u>YES</u>	NO	ABSTAIN	NOT PRESENT
Trustee I, Kristi Bietz:	<u>YES</u>	NO	ABSTAIN	NOT PRESENT
Trustee II, Jonathan Schrader, Sr.:	<u>YES</u>	NO	ABSTAIN	NOT PRESENT
Trustee III, Kenneth Weston:	<u>YES</u>	NO	ABSTAIN	NOT PRESENT
Trustee IV, Richard Jones:	<u>YES</u>	NO	ABSTAIN	NOT PRESENT
President, Anthony Reider (<i>If Required</i>):	YES	NO	ABSTAIN	NOT PRESENT


April Herrick, Tribal Secretary


Anthony Reider, Tribal President