

# Flandreau Santee Sioux Tribe

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## RESOLUTION NO. 2020-80

**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, and further amended November 16, 1967, and further amended November 14, 1984, and further amended 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 this 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,** the Executive Committee finds that it is in the interest of public safety to deter individuals who have illnesses and diseases from intentionally or recklessly spreading them to others.

**NOW THEREFORE BE IT RESOLVED** that that the Flandreau Santee Sioux Tribe Tribal Law and Order Code is hereby amended to criminalize additional actions related to incest. The amendments are attached to this resolution and incorporated herein; and

**NOW THEREFORE BE IT FURTHER RESOLVED** that these amendments shall be published on the tribal website and in the tribal newsletter; and copies shall be provided to the Flandreau Santee Sioux Tribal Court and Flandreau Santee Sioux Police Department.

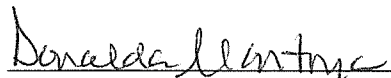
[Certification follows on next page.]

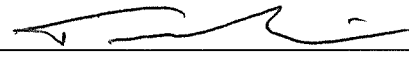
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**CERTIFICATION**

The foregoing Resolution was duly enacted and adopted on this 22 day of October, 2020, by the Executive Committee of the Flandreau Santee Sioux Tribe during a duly called meeting with a quorum was present of 5 In Favor, 0 Opposed, 0 Abstaining, and 2 Not Voting, as follows:

Vice President, Cynthia Allen-Weddell:	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> ABSTAIN	<input checked="" type="radio"/> NOT PRESENT
Secretary, Donalda Montoya:	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> ABSTAIN	<input type="radio"/> NOT PRESENT
Trustee I, Kristi Bietz:	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> ABSTAIN	<input type="radio"/> NOT PRESENT
Trustee II, Jonathan Schrader, Sr.:	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> ABSTAIN	<input type="radio"/> NOT PRESENT
Trustee III, Kenneth Weston:	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> ABSTAIN	<input type="radio"/> NOT PRESENT
Trustee IV, Richard Jones:	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> ABSTAIN	<input type="radio"/> NOT PRESENT
President, Anthony Reider ( <i>If Required</i> ):	<input type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> ABSTAIN	<input type="radio"/> NOT PRESENT

  
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Donalda Montoya, Tribal Secretary

  
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Anthony Reider, Tribal President

Amendments Related to Incest

June 16, 2020

Title 3. CRIMINAL LAW, Chapter 6. SEX OFFENSES,

**Section 3-6-5. Incest:** No person, age fifteen years or older, shall engage in sexual contact with another person, other than the person's spouse, if the person is under age twenty-one and is a child, grandchild, great grandchild, sister, brother, niece, nephew, or cousin of the half as well as the whole blood. A violation of this Section is a felony.

shall be amended to state:

**Section 3-6-5 Incest.** No person, age sixteen years or older, shall engage in sexual contact with another person, other than the person's spouse, if the person is an ancestor or descendant, of the half as well as the whole blood, whether the relationship is legitimate or illegitimate. The relationships provided for in this section include such relationships that arise through foster care and legal adoption.

- (1) Any person who commits incest with another person who is a parent/child, sibling, or grandparent/grandchild, shall be guilty of a Class 2 felony;
- (2) Any person who knowingly engages in sexual contact with a person who is less than eighteen years of age and is either:
  - (a) the child of the perpetrator or the child of a spouse or former spouse of the perpetrator; or
  - (b) at the time of the offense, has been placed, and resides, in a licensed foster home and the perpetrator is The licensed foster care provider or a resident of the licensed foster care provider's home and related to the licensed foster care provider by blood or marriage;is guilty of aggravated incest. Aggravated incest is a Class 1 felony.