

EXHIBIT #1

ORDINANCE NO. 2025 - __.

LAW AND ORDER CODE TITLE EIGHT CHAPTER 10A

BANISHMENT ORDINANCE

8-10A-1. PURPOSE - The purpose of this Ordinance is to implement as a matter of law the inherent right of the Rosebud Sioux Tribe to exclude from its lands those persons or other parties who constitute a threat to the safety, security, and/or welfare of the Tribe or its citizens, neighbors and visitors.

8-10A-2. DEFINITIONS - The following terms shall have the meanings described in this Section for the purposes of this Ordinance:

A. "Territory, Persons and Property Affected" This Title shall apply to the following:

1. The Rosebud Sioux Reservation within the exterior boundaries of the Reservation established in Section Two of the Act of March 2, 1889, 25 Stat. 888, including all lands, islands, waters, roads, and bridges, or any interests therein, whether in trust or non-trust status and notwithstanding the issuance of any patent or right-of-way, and such other lands, waters or any interests thereafter added to the Reservation;

2. All trust or restricted land of the Tribe or any enrolled member of the Tribe within the historical boundaries of the Reservation established in Section Two of the Act of March 2, 1889, 25 Stat. 888, including all lands, islands, waters roads, or any interests therein, including Tripp, Todd, Mellette, Gregory and Lyman Counties; and

3. All persons and property within any geographical area referred to in the subsection above, and that is subject to the jurisdiction and governmental authority of the Tribe.

B. "Person" means an individual who is ,member of the Rosebud Sioux Tribe or is not a of the Rosebud Sioux Tribe.

C. "Threat to the safety, security, and/or welfare" means any person or party who:

1. Is a registered sex offender under the laws of any jurisdiction;
2. Is a perpetrator of domestic violence as is defined by the law of the Rosebud Sioux Tribe or by federal or state law.
3. Provides or sells a controlled substance, as is defined by the laws of the Rosebud Sioux Tribe; or
4. Is a threat to the Tribe's natural resources or environment.
5. Kidnapping, or human trafficking.

D. "Complaining witness" means the person, acting for himself or as an officer or staff member of a tribal entity, who files a request pursuant to Section 6 that the Tribal Prosecutor bring an exclusion action on behalf of the Tribe.

E. "Respondent" means the person against whom the exclusion action is filed.

8-10A-3 BANISHMENT AUTHORITY - The power to exclude, or banish, persons or parties from the lands of the Rosebud Sioux Tribe is exclusively exercised by the Rosebud Sioux Tribal Council, and shall not be delegated.

8-10A-4. REQUEST FOR BANISHMENT - A request to banish a specific person or party may be made in writing by the Tribal Prosecutor or by a citizen of the Tribe and addressed to the Rosebud Sioux Tribal Council or the RST Judiciary Committee.

8-10A-5. INVESTIGATION REQUIRED - A. No consideration of a request for banishment shall be made by the Rosebud Sioux Tribal Council, until the completion of an investigation of the circumstances cited in the request by the Rosebud Sioux Tribe Law Enforcement Services under the direction of the Tribal Prosecutor or the Rosebud Sioux Tribe Attorney General.

A. The results of the investigation shall be reviewed and evaluated by the Tribal Prosecutor and/or the RST Attorney General, who shall then submit a recommendation and all relevant information to the Rosebud Sioux Tribal Council, advising as to whether the results demonstrate a threat to the safety, security and/or welfare of the Tribe and/or its citizens, neighbors and visitors.

8-10A-6. BANISHMENT IS PERMANENT - In making a decision as to whether or not to grant the request for banishment, the Rosebud Sioux Tribal Council shall consider that a banishment order, once issued, is permanent and not subject to revocation, and that it is a severe remedy intended to protect the Rosebud Sioux Tribe from serious threats to its safety, security, or welfare.

8-10A-7. ISSUANCE OF BANISHMENT - In the event that the Rosebud Sioux Tribal Council decides to issue an order of banishment, it shall enact a written resolution identifying the relevant conduct which established the basis for banishment, and specifying the time and date when banishment goes into effect. If the banishment is limited to the lands comprising the Rosebud Sioux Reservation, that limitation must be clearly expressed in the Resolution, as well. A copy of the Resolution and all appendices to it, if any, must be personally served prior to the initiation of any sanction for violating the banishment order. Notice shall be posted in the Rosebud Sioux Tribal Office, the Rosebud Sioux Tribal Court, and may be posted in any other buildings owned by the Rosebud Sioux Tribe designated by the Rosebud Sioux Tribal Council regarding the order of banishment for thirty (30) days after the banished individual has been notified.

8-10A-8. PENALTIES FOR PERSON VIOLATING THE BANISHMENT ORDER - A person subject to an order of banishment shall be subject to the following penalties:

A. Prosecution under the general trespass laws of the Rosebud Sioux Tribe, pursuant to Rosebud Sioux Tribe Law and Order Code, as it may from time to time be amended;

B. Prosecution under the criminal laws of the United States, under 18 U.S.C. §1152, as it may from time to time be amended;

C. Referral for prosecution for prohibited entry on land owned or controlled by the Rosebud Sioux Tribe, which is not held in trust by the United States, under the law of the State where the offense occurs, including criminal trespass;

D. Removal from the lands by the Rosebud Sioux Tribe Law Enforcement Services; and

E. Any other remedy available under the laws of the Rosebud Sioux Tribe, the United States, or applicable state law.

8-10A-9. Enforcement of Exclusion and Banishment Orders.

A. It shall be unlawful for any person who is subject to an exclusion and banishment order not to obey the order, or to be present on the lands of the Rosebud Sioux Reservation while the order is in effect. A violation shall be punishable by fine of up to five thousand dollars (\$5,000.00) per day or per violation. The Rosebud Sioux Tribe Attorney General and the Rosebud Sioux Tribe Law Enforcement Services may refer any person who violates an exclusion and banishment order to the United States Attorney for prosecution for violations of federal law.

B. The Rosebud Sioux Tribal Court shall have the authority to direct the Rosebud Sioux Tribe Law Enforcement Services to enforce an exclusion and banishment order.

C. The Rosebud Sioux Tribe Law Enforcement Services shall keep and maintain an up-to-date list of persons whose removal, exclusion, or banishment from the Rosebud Reservation has been ordered by the Rosebud Sioux Tribal Court or Rosebud Sioux Tribal Council. RST Law Enforcement Officers on patrol shall have access to persons on the removal, exclusion or banishment list and shall enforce and execute removal, exclusion or banishment orders against any persons on the list.

8-10A-9. HARBOURING PERSONS SUBJECT TO REMOVAL, EXCLUSION AND BANISHMENT ORDERS.

A, Any person who harbors or conceals a person subject to an exclusion, removal or banishment order shall be subject to prosecution for obstructing justice as defined by the Rosebud Sioux Tribe Law and Order Code Title __ Section _____.

8-10A-10. RECONSIDERATION AND REVOCATION OF BANISHMENT.

A. After five (5) years the person banished may request reconsideration and revocation of the order for banishment. The banished person shall provide proof that they are a citizen in good standing, and shall provide proof that they do not have any criminal convictions during the period of banishment. The order of banishment may be modified to provide that person shall be on a probationary period of three (3) years.