

SISSETON WAHPETON OYATE

**CHAPER 57
(Reserved)**

This Code was merged into Chapter 52 in 2014, in the interest of creating a more comprehensive domestic violence code.

*Repealed: August 28, 2014
Motion No. 85
Resolution No. SWO-14-083*

**Sisseton-Wahpeton Oyate
Judicial Committee**
New Code Amended Code Repealed Code
Tribal Council Resolution No. 14-083
Judicial Committee Adoption Date 08-28-14
Tribal Council Approval Date 08-28-14



Sisseton Wahpeton Oyate

LAKE TRAVERSE RESERVATION

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Phone: (605) 698-3911

TRIBAL COUNCIL RESOLUTION NO. SWO-14-083

SISSETON-WAHPETON OYATE CODES OF LAW REPEAL CHAPTER 57 – DOMESTIC ABUSE MANDATORY ARREST ORDINANCE

- WHEREAS,** The Sisseton-Wahpeton Oyate is organized under a Constitution and By-laws adopted by the members of the Tribe on August 1-2, 1966, and approved by the Commissioner of Indian Affairs on August 25, 1966, and last amended effective November 15, 2006; and
- WHEREAS,** The Constitution ARTICLE III, Section 1, states that, the Sisseton-Wahpeton Oyate shall be governed by a Council, and ARTICLE VII, Section 1, states that, the Council shall have the following powers: (a) to represent the Tribe in all negotiations with Federal, State and local governments; (b) to acquire, own, use, manage, lease and otherwise encumber and to dispose of Tribal property, both real and personal, wherever situated; (c) to engage in any business that will further the economic development of the Tribe and its Members, and to use Tribal funds or other resources for such purposes; (d) to make rules governing the relationship of the members of the Tribe, to Tribal property, and to one another as members of the Tribe; (e) to hire employees and agents, including legal counsel, directly or as independent contractors, and to compensate them for their services; (f) to deposit Tribal funds to the credit of the Tribe, without limitations of the amount in any account; (g) to take any action by ordinance, resolution, or otherwise which are reasonably necessary through committees, boards, agents or otherwise, to carry into effect the for-going purposes; (h) to promote public health, education, charity, and such other services as may contribute to the social advancement of the members of the Sisseton-Wahpeton Oyate; (i) adopt resolutions regulating the procedures of the Tribal Council, its officials and committees in the conduct of Tribal Affairs; and
- WHEREAS,** On July 29, 2010, the federal government enacted the Tribal Law and Order Act of 2010 (TLOA), to allow, in part, Tribal Courts to increase jail sentences imposed by Tribal Courts; and
- WHEREAS,** On March 7, 2013, the federal government enacted the Violence Against Women Reauthorization Act of 2013 (VAWA), which recognized the Tribes' inherent right to exercise, "special domestic violence criminal jurisdiction" (SDVCJ) over certain defendants, regardless of their Indian or non-Indian status, who commit act of domestic violence or dating violence or violate certain protection orders in Indian Country; and
- WHEREAS,** The Tribal Council responded to each of these Federal Laws by directing the SWO Legal Department and entities of the Sisseton-Wahpeton Oyate to work together in implementing each of these laws (SWO-10-112, SWO-14-039); and

SWO CODES REPEAL CHAPTER 57 – DOMESTIC ABUSE MANDATORY ARREST ORDINANCE

WHEREAS, Pursuant to the above TLOA and VAWA provisions, the Sisseton-Wahpeton Oyate (SWO) applied for and received a grant from the National Congress of American Indians (NCAI) to implement the provisions of VAWA and TLOA; and

WHEREAS, In addition, the SWO has been designated by the federal government as a voluntary "Pilot Project", in order to allow the SWO to begin the process of implementing the provisions of VAWA on an accelerated basis and in conjunction, the provisions of TLOA; and

WHEREAS, In order to implement the provisions of federal law, the SWO Judicial Committee has recommended the **REPEAL** of Chapter 57, Domestic Abuse Mandatory Arrest Ordinance as being duplicative of Chapter 52, the Domestic Violence Ordinance. The provisions of Chapter 57, Domestic Abuse mandatory Arrest ordinance have been merged into chapter 52 to create one Domestic Violence Ordinance; and

WHEREAS, The SWO Judicial Committee presented the proposed **REPEAL** of Chapter 57, Domestic Abuse Mandatory Arrest Ordinance to the seven (7) districts in order to solicit comments and recommendations of Chapter 57, Domestic Abuse Mandatory Arrest Ordinance and now recommends **REPEAL** of Chapter 57.

NOW THEREFORE, BE IT RESOLVED that the Tribal Council of the Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, hereby approves to **REPEAL** Chapter 57, Domestic Abuse Mandatory Arrest Ordinance; and

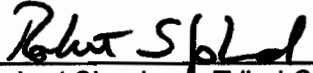
BE IT FURTHER RESOLVED that Chapter 57 is hereby reserved for future use; and

BE IT FINALLY RESOLVED that the Chairman and Secretary of the Sisseton-Wahpeton Tribal Council are hereby authorized and instructed to sign this Resolution for and on behalf of the Tribal Council.

CERTIFICATION

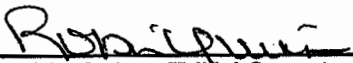
We, the Undersigned duly elected Tribal Chairman and Tribal Secretary of the Sisseton-Wahpeton Oyate Tribal Council, do hereby certify that the above resolution was duly adopted by the Sisseton-Wahpeton Oyate Tribal Council, which is composed of 10 members (representing a total of 15 Tribal Council weighted votes and two Executive Committee votes for a total of 17 votes) of whom 10 constituting a quorum, were present at a Tribal Council meeting, duly noticed, called, convened and held at the TiWakan Tio Tipi, Agency Village, South Dakota, August 28, 2014, by a vote of 17 for, 0 opposed, 0 abstained, 0 absent from vote, 1 not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 28th day of August 2014.



 Robert Shepherd, Tribal Chairman
 Sisseton-Wahpeton Oyate

ATTEST:



 Robin Quinn, Tribal Secretary
 Sisseton-Wahpeton Oyate



WEIGHTED VOTE ON MOTION NO. 82: 17 For: Dawn Eagle (3); Lynn Halbert (2); Francis Crawford (2); Marc Beaudreau (3); Virginia Max (2); Louis Johnson (1); Jerome Renville, Sr. (2); Tribal Vice-Chairman (1); Tribal Secretary (1). 0 Opposed. 0 Abstained. 0 Absent From Vote. 1 Not Voting: Tribal Chairman.

MOTION PASSED.

Resolution No. SWO-14-080

MOTION NO. 83: made by Marc Beaudreau, second by Robin Quinn, question by Dawn Eagle, in resolution form, to approve the Revised and Amended SWO Chapter 24 – Penal Code, with changes, as recommended by the Judicial Committee, and presented by Tribal Attorney Megan LaFromboise and NCAI Project Consultant Michael T. Swallow, Esq.

WEIGHTED VOTE ON MOTION NO. 83: 17 For: Dawn Eagle (3); Lynn Halbert (2); Francis Crawford (2); Marc Beaudreau (3); Virginia Max (2); Louis Johnson (1); Jerome Renville, Sr. (2); Tribal Vice-Chairman (1); Tribal Secretary (1). 0 Opposed. 0 Abstained. 0 Absent From Vote. 1 Not Voting: Tribal Chairman.

MOTION PASSED.

Resolution No. SWO-14-081

MOTION NO. 84: made by Sara Lincoln, second by Robin Quinn, question by Virginia Max, in resolution form, to approve the Revised and Amended SWO Chapter 52 – Domestic Violence Ordinance, as recommended by the Judicial Committee, and presented by Tribal Attorney Megan LaFromboise and NCAI Project Consultant Michael T. Swallow, Esq.

WEIGHTED VOTE ON MOTION NO. 84: 17 For: Dawn Eagle (3); Lynn Halbert (2); Francis Crawford (2); Marc Beaudreau (3); Virginia Max (2); Louis Johnson (1); Jerome Renville, Sr. (2); Tribal Vice-Chairman (1); Tribal Secretary (1). 0 Opposed. 0 Abstained. 0 Absent From Vote. 1 Not Voting: Tribal Chairman.

MOTION PASSED.

Resolution No. SWO-14-082

MOTION NO. 85: made by Francis Crawford, second by Marc Beaudreau, question by Virginia Max, in resolution form, to repeal from the SWO Codes of Law, Chapter 57 – Domestic Abuse Mandatory Arrest Ordinance, as recommended by the Judicial Committee, and presented by Tribal Attorney Megan LaFromboise and NCAI Project Consultant Michael T. Swallow, Esq.

WEIGHTED VOTE ON MOTION NO. 85: 17 For: Dawn Eagle (3); Lynn Halbert (2); Francis Crawford (2); Marc Beaudreau (3); Virginia Max (2); Louis Johnson (1); Jerome Renville, Sr. (2); Tribal Vice-Chairman (1); Tribal Secretary (1). 0 Opposed. 0 Abstained. 0 Absent From Vote. 1 Not Voting: Tribal Chairman.

MOTION PASSED.

Resolution No. SWO-14-083

