

SISSETON-WAHPETON SIOUX TRIBE

CHAPTER 20

JURISDICTION - CIVIL AND CRIMINAL

3.000 F 0005
 Amendment
 New Adoption
Judicial Approved
11-07-94
Council Adopted
11-08-94

20-01-01 CIVIL JURISDICTION

20-01-02 The Tribe shall exercise civil jurisdiction over all civil matters involving the Tribe or any member of the Tribe and any other person or entity and that involves the transaction of any business or the commission of a tortious act on or within the Indian country within the exterior boundaries of the Lake Traverse Indian Reservation or on or within any other property related to or that involve a contract, wherever entered into, to supply goods or services on or within such Indian country. The Tribe shall also exercise civil jurisdiction over any person who commits a tortious act outside of such Indian country causing injury to the Tribe or any member of the Tribe on or within such Indian country, provided that such person regularly does or solicits business, or engages in any other persistent course of conduct, or derives substantial revenue from goods used or consumed or services rendered on or within such Indian country, or expects or should reasonably expect the act to have consequences on or within such Indian country and derives substantial revenue from interstate or international commerce or from commerce with the Tribe.

20-01-03 Any person or entity employed by, doing business or engaging in commerce with the Tribe or any, political subdivision, agency or entity of the Tribe, including, but not limited to, the Tribal Council, any district, any department, board, commission, committee, the Tiospa Zina Tribal School, the Sisseton-Wahpeton Community College, the Dakota Western Corporation, and any gaming enterprise of the Tribe as an employee, agent, contractor, licensee, permittee, lessee, or otherwise shall, as a condition of such employment or agency, contract, license, permit, lease or other business or commerce formally consent to the civil regulatory jurisdiction of the Tribe, to the exclusive jurisdiction of the Tribe over any civil matter within the civil jurisdiction conferred by Section 20-01-02 and to comply with the laws of the Tribe while such person or entity is within the Indian country within the exterior boundaries of the Lake Traverse Indian Reservation.

20-01-04 Whenever the Tribe or any political subdivision, agency or entity of the Tribe has the authority to approve a license, permit, lease or agreement, each application for such license, permit, lease or agreement, shall require the applicant to execute an acknowledgement that acceptance of such license, permit, lease or agreement by the applicant constitutes the applicant's formal acquiescence to the civil jurisdiction of the Tribe. The acknowledgement shall be stated in bold face and with each letter of each word capitalized.

20-01-05 Each license, permit, lease or agreement issued by the Tribe or any political subdivision, agency or entity of the Tribe shall also contain a statement that in accordance with the licensee's, permittee's, lessee's or contractor's application, the licensee, permittee, lessee or contractor has formally acquiesced to the exclusive civil jurisdiction of the Tribe as a condition for such license, permit, lease or agreement.

20-01-06 A violation of the conditions of any license, permit, lease or agreement or of any law of the Tribe by any licensee, permittee, lessee or contractor while such person or entity, within the Indian country within the exterior boundaries of the Lake Traverse Indian Reservation, is engaged in any business or activity pursuant to such license, permit, lease or agreement or otherwise, shall subject the violator to civil fines and to forfeiture of any property used in the commission of such violation. The Tribal Council, any district, any department, board, or commission of the Tribe is authorized to adopt rules and regulations establishing a schedule of civil fines for violations of the laws or the licenses, permits, leases or agreements administered by such agency of the Tribe, and procedures governing the forfeiture of property used in the commission of such violations.

20-02-01 **CRIMINAL JURISDICTION**

20-02-02 The Tribe shall exercise criminal jurisdiction over all members of the Tribe and nonmember Indians who commit an offense defined in this Code within the Indian country within the exterior boundaries of the Lake Traverse Indian Reservation. } language

- 20-02-03 The Tribe shall exercise criminal jurisdiction over all non-Indians who commit an offense defined in this Code within the Indian country within the exterior boundaries of the Lake Traverse Indian Reservation whenever such nonmember formally acquiesces to such jurisdiction in return for the Tribe's agreement not to exercise its power to exclude the offender from such Indian country.
- 20-02-04 Whenever the Tribe or any political subdivision, agency or entity of the Tribe has the authority to approve a license, permit, lease or agreement, each application for such license, permit, lease or agreement shall require the applicant to execute an acknowledgement that acceptance of such license, permit, lease or agreement by the applicant constitutes the applicant's formal acquiescence to the criminal jurisdiction of the Tribe in return for the Tribe's agreement that whenever such criminal jurisdiction is to be exercised, the Tribe will not exercise its power to exclude the offender from the Indian country subject to the Tribe's jurisdiction. The acknowledgment shall be stated in bold face and with each letter of each word capitalized.
- 20-02-05 Each license, permit, lease or agreement issued by the Tribe or any political subdivision, agency or entity of the Tribe shall also contain a statement that in accordance with the licensee's, permittee's, lessee's or contractor's application, the licensee, permittee, lessee or contractor has formally acquiesced to the criminal jurisdiction of the Tribe.
- 20-02-06 In the exercise of criminal jurisdiction over a non-Indian offender, such offender shall be afforded the protections of the Bill of Rights of the Constitution of the United States, except that such offender, if indigent, shall not have the right to counsel appointed by the Tribal Court.
- 20-02-07 Notwithstanding the lack of any formal acquiescence by a non-Indian to the Tribe's criminal jurisdiction, law enforcement officers of the Tribe shall have the authority to arrest a non-Indian who commits any offense defined in this Code or in the laws of the United States or the State of South Dakota or the State of North Dakota and detain such non-Indian pending the transfer of such non-Indian to the custody of a law enforcement officer of a jurisdiction having authority to prosecute such non-Indian for the commission of the offense.

20-02-08 The term "non-Indian" as used in this section includes any corporation, partnership, trust or other entity owned or controlled by non-Indians. The term "agreement" as used in this section includes any contract, whether oral or written.

20-02-09 Any contraband or other property used in the commission of an offense shall be forfeited to the Tribe.

20-03-01 SEVERABILITY

If any clause, sentence, paragraph, section, or part of this code shall, for any reason be adjudicated by any Court of competent jurisdiction, to be invalid or unconstitutional, such judgement shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which the judgement shall have been rendered.

Amendment
 New Adoption
Judicial Approved
02-24-88
Council Adopted
03-01-88

(Chapter 20 of the Tribal Codes of Laws to replace and supersede Ordinance No. 79-02, Ordinance No. 79-02A, and Resolution No. 89-007.)