

ORDINANCE OF THE OGLALA SIOUX TRIBAL COUNCIL  
OF THE OGLALA SIOUX TRIBE  
(An Unincorporated Tribe)

ORDINANCE OF THE OGLALA SIOUX TRIBAL COUNCIL OF THE OGLALA SIOUX TRIBE AMENDING ORDINANCE NO. 17-11 SECTION 569 CURFEW PROVISIONS AS ADOPTED BY ORDINANCE NO. 23-13 REVISED CRIMINAL OFFENSE CODE AND IMPOSING A 10PM TO 6AM CURFEW FOR JUVENILES AND BUSINESSES, EXCLUDING PRAIRIE WIND CASINO AND EAST WIND CASINO, UNDER THE OST PRESIDENTIAL PROCLAMATION DECLARING OF A STATE OF EMERGENCY DUE TO THE INCREASE IN HOMICIDES AND GUN VIOLENCE, DRUG TRAFFICKING, AND OTHER CRIMINAL CONDUCT AND SHALL REMAIN IN EFFECT UNTIL AMENDED OR RESCINDED BY TRIBAL COUNCIL.

WHEREAS, the Oglala Sioux Tribe is a sovereign tribal nation that has entered into treaties as the "supreme law of the land" with the United States government pursuant to the U.S. Constitution Article VI, and is a signatory to the Treaty of Fort Laramie of 1851, 1 Stat. 749 (Sept.17, 1851), and the Treaty of Fort Laramie of 1868, 15 Stat. 635 (Apr. 29, 1868) and continues the nation to nation relationship with the federal government, and

WHEREAS, the Oglala Sioux Tribe organized under Section 16 of the Indian Reorganization Act of 1934 (25 U.S.C. § 5123), by adopting a federally approved Constitution and By-Laws, and under Article III of the Tribal Constitution, the Oglala Sioux Tribal Council is the governing body of the Tribe, and

WHEREAS, Article IV, Sections 1(f), 1(k), 1(m), and 1(w) empower the Tribal Council to manage the economic affairs of the Tribe, protect and preserve the property of the Tribe, adopt laws governing the conduct of persons on the Pine Ridge Indian Reservation, and adopt laws protecting and promoting the health and general welfare of the Oglala Sioux Tribe and its membership, and

WHEREAS, on December 30, 2024, the Oglala Sioux Tribe President Star Comes Out reaffirmed and restated the Presidential Proclamation declaring a State of Emergency due to the lawlessness occurring on the Pine Ridge Indian Reservation and insufficient response to requests for law enforcement assistance from the Bureau of Indian Affairs, and

WHEREAS, there has been increased gun violence and homicides occurring within our tribal communities resulting in more deaths and injuries, and

WHEREAS, there have been homicides that occurred involving juveniles as either the victim or the perpetrator, and

WHEREAS, local businesses and 24/7 convenience stores are a gathering place for individuals including juveniles during the evening and nighttime hours, and

WHEREAS, to help deter the occurrence of criminal activity and violence within our communities, the Tribal Council deems it necessary to amend the curfew on juveniles and impose a curfew on local businesses that are open beyond 10pm for the duration of the state of emergency, and

WHEREAS, the OST Law and Order Committee met on December 30, 2024 and discussed these matters and recommends to Tribal Council to take immediate action by amending the curfew time period and imposing a curfew between 10pm and 6am for juveniles and local businesses; now

THEREFORE BE IT ORDAINED, that the Oglala Sioux Tribal Council does hereby amends Ordinance No. 17-11 as adopted by Ordinance No. 23-13 Revised Criminal Offense Code section 569 for the duration of the President's Proclamation and Declaration of a State of Emergency and shall read as follows (with deletions in strikethrough and additions in bold):

§ 569. Curfew Violations

- (a) It shall be unlawful for a parent, guardian or other person having physical charge or control of a minor to allow said minor to be away from his place of residence, or place where the minor is permitted to spend the night, in a public or in a private place other than the place where he intends to spend the night with the permission of the owner of such place, or in a vehicle driving about, ~~after the hour of eleven o'clock p.m.~~ **after the hour of ten o'clock p.m. and before the hour of six o'clock a.m.** local time unless accompanied by a parent, guardian, or other person having physical charge of said minor or in attendance at or returning directly from an organized school, church or tribal or public function.
- (b) **All local businesses shall have a curfew from 10 o'clock p.m. to 6 o'clock a.m. during the Declaration of the State of Emergency.**
- (c) For the purposes of this section, a minor is a person under the age of eighteen (18) years old.
- (d) Any person, having physical control or charge of a minor, who violates the provision of this section is guilty of a Class 3 misdemeanor.

and,

BE IT FURTHER ORDAINED, that this ordinance shall not apply to the Prairie Wind Casino or the East Wind Casino, and

BE IT FURTHER ORDAINED, that the Secretary of the Oglala Sioux Tribe is directed to forward this Curfew Ordinance to the schools, and local businesses, the OST Courts and OST Department of Public Safety and OST Attorney General's Office and District Service Centers and post on the Tribe's social media page and website, and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect immediately and shall supersede, repeal, and replace all prior, inconsistent laws of the Oglala Sioux Tribe and shall remain in effect until amended or rescinded by the Tribal Council.

C-E-R-T-I-F-I-C-A-T-I-O-N

I, as the undersigned Secretary of the Oglala Sioux Tribal Council, of the Oglala Sioux Tribe hereby certify that this Ordinance was adopted by a vote of: 14 For; 1 Against; 0 Abstain; and 0 Not Voting; during a SPECIAL SESSION held on the 31<sup>ST</sup> day of DECEMBER, 2024.

Stacy L. Two Lance  
STACY L. TWO LANCE  
Secretary  
Oglala Sioux Tribe

A-T-T-E-S-T:

Frank Stars Comes Out  
FRANK STARS COMES OUT  
President  
Oglala Sioux Tribe

