

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

RESOLUTION OF THE OGLALA SIOUX TRIBAL COUNCIL OF THE OGLALA SIOUX TRIBE SUPPORTING LEGISLATION IN THE STATE OF SOUTH DAKOTA TO AMEND SOUTH DAKOTA CODIFIED LAWS § 22-19B-1 TO OUTLAW HATE CRIMES AGAINST PERSONS BASED ON THEIR SEXUAL ORIENTATION, GENDER, GENDER IDENTITY, OR NATIVE AMERICAN TWO SPIRIT.

WHEREAS, the Oglala Sioux Tribe adopted its Constitution and By-Laws by referendum vote on December 14, 1935, in accordance with Section 16 of the Indian Reorganization Act of 1934 (25 U.S.C. § 5123) and under Article III of the Oglala Sioux Tribe Constitution, the Oglala Sioux Tribal Council is the governing body of the Oglala Sioux Tribe, and

WHEREAS, Section 22-19B-1 of the South Dakota Codified Laws (S.D.C.L.) makes it a felony for any person subject to the jurisdiction of the State of South Dakota to engage in malicious intimidation or harassment of another person based on that person's race, ethnicity, religion, ancestry, or national origin, and

WHEREAS, S.D.C.L. § 22-19B-1 presently reads as follows:

Section 22-19B-1 Malicious intimidation or harassment-Felony

No person may maliciously and with the specific intent to intimidate or harass any person or specific group of persons because of that person's or group of persons' race, ethnicity, religion, ancestry, or national origin:

- (1) Cause physical injury to another person; or
- (2) Deface any real or personal property of another person;
or
- (3) Damage or destroy any real or personal property of another person; or
- (4) Threaten, by word or act, to do the acts prohibited if there is reasonable cause to believe that any of the acts prohibited in subdivision (1), (2), or (3) of this section will occur.

A violation of this section is a Class 6 felony.

WHEREAS, the Tribal Council enacts this Resolution to express its support for legislation to amend S.D.C.L. § 22-19B-1 to make it a felony for any person subject to the jurisdiction of the State of South Dakota to engage in malicious intimidation or harassment of another person based that person's sexual orientation, gender, gender identity, or Native American Two Spirit, and

WHEREAS, the text of the proposed amendment to S.D.C.L. § 22-19B-1 is as follows:

Section 22-19B-1 Malicious intimidation or harassment-Felony

A person is guilty of a Class 6 felony if the person maliciously and with specific intent to intimidate or harass any other person or specific group of persons because of that person's or group of persons' race, ethnicity, religion, ancestry, national origin, sexual orientation, gender, gender identity, or Native American Two Spirit:

- (1) Causes physical injury to another person;
- (2) Defaces any real or personal property of another person;
- (3) Damages or destroys any real or personal property of another person; or
- (4) Threatens, by word or act, to do the acts prohibited under this section if there is reasonable cause to believe that any of the acts prohibited will occur.

WHEREAS, the Tribal Council supports the proposed amendment, which affirms the fundamental human right of all persons to live free from malicious intimidation and harassment based on their race, ethnicity, religion, ancestry, national origin, sexual orientation, gender, gender identity, or Native American Two Spirit; now

THEREFORE BE IT RESOLVED, that the Oglala Sioux Tribal Council hereby expresses its support for legislation in the State of South Dakota to amend S.D.C.L. § 22-19B-1 to make it a felony for any person subject to the jurisdiction of the State of South Dakota to engage in malicious intimidation or harassment of another person based that person's sexual orientation, gender, gender identity, or Native American Two Spirit, and

BE IT FURTHER RESOLVED, that the Oglala Sioux Tribal Council authorizes and directs the President of the Oglala Sioux Tribe to send a copy of this Resolution to the State Legislature for its consideration.

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 Resolution was adopted by a vote of: 19 For; 0 Against; 0 Abstain; and 1 Not Voting; during a SPECIAL SESSION held on the 29TH day of JANUARY, 2021.

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STACY L. TWO LANCE
Secretary
Oglala Sioux Tribe

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



KEVIN KILLER
President
Oglala Sioux Tribe



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