

ROSEBUD SIOUX TRIBAL OFFENSE CODE—UPDATED

<u>Code Section</u>	<u>Generic Name</u>	<u>Classification</u>	<u>Special Notes</u>
5-1-2	Aiding, Abetting, Advising or Assisting Criminal Conduct	A,B	The underlying offense determines the classification of offense if underlying is an A then so is this
5-1-3	Accessory to a Crime	A	Only Class A offenses can be charged as this
5-5-1	Simple Assault	B	
5-5-2	Aggravated Assault	A	
5-6-1	Kidnapping	A	
5-6-4	Stalking	A	Follows, harasses OR makes a credible threat of bodily injury
5-7-1	Aggravated Sexual Abuse	A	Coercion, force, threats of bodily injury or kidnapping OR when the victim is under the age of 12 NOTE: this section covers all acts of penetration
5-7-2	Sexual Abuse	A	Incapable of consent, victim is 12-16 YOA, or if suspect is more than 4 yrs older than victim. This code section includes incest NOTE: this section covers acts of penetration
5-7-4	Abusive Sexual Contact	A	Force, fear, threats of force, death bodily injury, mental or physical incapacity, under the age of 12 OR 12-16 and suspect is 4 yrs older than victim and incest NOTE: this section does NOT cover any acts of penetration
5-7-5	Sexual Contact without Consent with Person Capable of Consenting	A	
5-7-7	Threatening to Commit a Sexual Offense	B	
5-8-4	Child Neglect	A	
5-8-5	Child Abuse	A	
5-9-1	Prostitution	B	
5-9-3	Procuring & Promoting Prostitution	B	
5-11-4	Discharge of Weapon in a Public Place	A	
5-11-5	Carrying a Concealed Weapon	B	

<u>Code Section</u>	<u>Generic Name</u>	<u>Classification</u>	<u>Special Notes</u>
5-11-6	Possession of a Firearm by a Felon	A	Applies to any Class A conviction in tribal court if the conviction is less than 6 years prior
5-11-7	Possession of a Firearm or Dangerous Weapon while Intoxicated	B & C	Loaded Gun=B Unloaded=C Any other dangerous weapon =B
5-11-8	Possession of a Firearm by a Minor	B	Must be under the age of 16 and without consent of parent
5-13-1	Vandalism	A,B,C	A=damage exceeds \$500 B=Damage \$100-\$500 C=Damage less than \$100
5-14-1	Escape	B	
5-14-2	Aiding an Escape	B	
5-16-1	Perjury	B	
5-16-2	False Alarm	B	False fire alarm, or emergency, Implicating another falsely, False reporting or failing or refusing to give correct Name, or address
5-16-3	Tampering with a Witness	A	
5-16-4	Retaliation Against a Witness	A	
5-16-14	Resisting Arrest	B	
5-16-15	Failure to Appear	A	
5-17-1	Disorderly Conduct	C	<ol style="list-style-type: none"> 1. fighting or violent behavior 2. unreasonable noise 3. Disturbing assembly 4. obstructing vehicular or pedestrian traffic 5. indecent, profane, vulgar actions or words 6. noxious odor by chemical 7. displays firearm in public 8. begs for money or thing of value
5-18-1	Protective Custody	C	
5-18-2	Public Consumption of Alcohol -aka open container	C	
5-18-3	Minor in Possession of Alcoholic Beverage	C	
5-19-1	Curfew Violation	C	
5-20-1	Contributing to the Delinquency of a Minor	B	Minor MUST be under the age of 18

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5-22-1	Arson	A,B,C	A=damage is \$200+ B=\$100-\$200 C=less than \$100
5-22-4	Reckless Burning	B	
5-23-1	Burglary	A	Enters ANY structure with intent to commit ANY crime
5-23-2	Simple Trespass	C	
5-23-4	Aggravated Trespass	B	Intent to commit a crime on the property
5-24-1	Robbery	A	
5-25-1	Theft	A,B,C	A=value \$200+ B=\$50-200 C= less than \$50
5-25-3	Theft by Fraud	A,B,C	A=value \$200+ B=\$50-200 C= less than \$50
5-25-4	Theft by Extortion	A,B,C	A=value \$200+ B=\$50-200 C= less than \$50
5-25-6	Receiving Stolen Property	A,B,C	A=value \$200+ B=\$50-200 C= less than \$50
5-25-8	Theft by Embezzlement	A,B,C	A=value \$200+ B=\$50-200 C= less than \$50
5-25-9	Theft By Credit Card	A,B,C	A=value \$200+ B=\$50-200 C= less than \$50
5-26-1	Forgery	A	
5-28-10	Distribution, Manufacture, or Possession with Intent to Distribute	A	Controlled Substances ONLY—meth, or prescription excluding tramadol
5-28-11	Unlawful Possession of a Controlled Substance	B	
5-28-13	Inhabiting a room where a Controlled Substance is Illegally Stored or Used	B	
5-29-1	Possession of Marijuana	A,B	A=More than an ounce B=Less than an ounce
5-29-2	Manufacture, Distribution or Possession With Intent to Distribute	A	Grows, packages, repackages, dries or prepares for distribution, distributes or possesses with intent to distribute

<u>Code Section</u>	<u>Generic Name</u>	<u>Classification</u>	<u>Special Notes</u>
5-29-3	Distribution of Marijuana to a minor	A	UNDER the age of 18
5-30-1	Bribery of Public Office	A	
5-31-1	Riot	A	Minimum of 3 people
5-31-2	Failure to Disperse	B	
5-31-5	Drive By Shooting	A	
5-31-6	Participating in Drive By Shooting	A	
5-32-1	Huffing	B	
5-33-1	Window Peeking	C	
5-37-10	INTENTIONAL abuse of the elderly or disabled	B	AGE alone is not enough under the code, must also have a disability— i.e. a walker etc...
5-37-11	NEGLIGENT abuse of the elderly or disabled	B	AGE alone is not enough under the code, must also have a disability— i.e. a walker etc...
5-38-2	Domestic Abuse	A	Fear and Apprehension as well as physical
6-1-1	Driving Under the Influence	B	ASK FOR INTOXILIZER EVERY TIME—IF REFUSE FILL OUT THE FORM AND NOTE REFUSAL
6-2-1	Reckless Driving	B	
6-3-1	Exhibition Driving	C	
6-4-1	Driving while Suspended	B	
8-2-1	Contempt of Court	B	ARRESTABLE OFFENSE
10-3-2	Purchase Possession by a Minor	B	

TRAFFIC CODES---ALL FALL UNDER 6-5-1 AND ALL ARE CLASS C OFFENSES BY COURT RULE

32-5-44	Plates without yearly designation	
32-5-91	No Registration	
32-5-98	Operations without number or No Tags	
32-12-22	No Driver's License	
32-12-39	No license in possession	
32-12-73	Permitting Unauthorized use of vehicle	
32-15-2.1	Cracked or Broken Glass Prohibited	
32-15-2.4	One Way Glass (front side doors)	
32-15-2.5	One Way Glass (rear window)	
32-15-6	Object between Driver and Window	
32-15-7	Windshield Wipers Required	
32-15-10	Horn Required	
32-15-13	Directional Signals Required	
32-16-28	Passing on the Right Driving off of the pavement	
32-17-1	Headlamps Required	
32-17-4	Periods Which Headlamps must be lit	
32-17-5	Construction and Adjustment of Headlamps	
32-17-7	Circumstances Under Which High Headlamps must be dimmed	
32-17-17	Auxiliary Driving Lights (restricted)	
32-25-5.1	Unreasonable Slow Speed	
32-25-7	Establishment of Speed Zones-Posting of Zones	
32-25-11.2	SPEEDING	\$35 fine+15 in court cost and \$2 for every MPH over the posted limit
32-26-19	Left Turning Vehicles-Right of Way of Oncoming Vehicle	
32-26-23	Arm Signals, Mechanical Signals and electrical Signals	
32-26-25	U-Turn Prohibited	
32-26-28	Passing on the Right	
32-26-40	Following Too Closely	
32-28-7	Meaning of Red Flashing Lights	
32-29-2.1	Action Required at Stop Sign	
32-29-2.2	Stop Required Prior to Entering Highway	
32-29-37	Passing in a NO Passing Zone	
32-30-20	Unsafe Backing	
32-31-6	Duty of Other Motorists upon approach of Emergency Vehicles	
32-31-6	Duty of Motorist to slow or stop on obedience to amber or red signals	
32-34-3	Duty of vehicle to stop in Case of an Accident	
32-34-4	Duty to Stop After an Accident	
32-34-5	Hit and Run Accident Resulting in Death or Injury, Leaving the Scene of an Accident	
32-34-7	Duty to Give Immediate Notice of an Accident to an Officer	
32-35-4	Duty to Stop After an Accident With Unattended Vehicle or Property	