

OGLALA SIOUX TRIBE

Sexual Assault

- (a) It shall be unlawful to intentionally, wrongfully, and without consent subject another, not his /her spouse, to any sexual contact:
- (1) With knowledge that the conduct is offensive to the other person;
or
 - (2) With knowledge that the other person suffers from a mental disease or defect which renders him incapable of appraising the nature of his conduct; or
 - (3) With knowledge that the other person is unaware that a sexual act is being committed; or
 - (4) After having substantially impaired the person's power to appraise or control his conduct by administering or employing without the other's knowledge drugs, intoxicants, or other means for the purpose of preventing resistance; or
 - (5) If that person is less than fourteen (14) years old regardless of consent; or
 - (6) If that person is less than sixteen (16) years old and the actor is at least four (4) years older than the person regardless of consent; or
 - (7) If that person is less than twenty-one (21) years old and the actor is his parent, guardian, or otherwise responsible for general supervision of his welfare regardless of consent; or
 - (8) If that person is in lawful custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over him regardless of consent.
- (b) Sexual contact is any touching of the sexual or other intimate parts of the person of another or otherwise taking liberties with another for the purpose of arousing or gratifying sexual desire of either party.
- (c) Sexual Assault shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00), or by a term of imprisonment in the Trial Jail not to exceed six (6) months, or both.