



# WHITE MOUNTAIN APACHE TRIBE

*A Sovereign Nation Exercising Self-Governance  
Over the Fort Apache Indian Reservation*

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## **Resolution No. 09-2013-191**

### **(Approving the Posting of Ordinance No. 262, Amending Section 6.2 F. of the Criminal Code of the White Mountain Apache Tribe)**

**WHEREAS,** the Tribal Council of the White Mountain Apache Tribe (“Tribe”) is entrusted by the Tribe’s Constitution to act in all matters that concern the welfare of the Tribe, to manage all economic affairs and enterprises of the Tribe, and to regulate subordinate organizations for economic and other purposes; and

**WHEREAS,** the Legal Department and the Prosecution Unit have this day proposed revisions to the Criminal Code for the White Mountain Apache Tribe as set forth in Ordinance No. 262 attached hereto; and

**WHEREAS,** Ordinance No. 262 proposes changes to Section 6.2 F. of the Criminal Code; and

**WHEREAS,** pursuant to Article XV of the Constitution of the White Mountain Apache Tribe, the proposed amendments shall be posted in each district for at least ten (10) days before final action by the Council; and

**WHEREAS,** the Council has reviewed Ordinance No. 262 carefully, and considered the recommendations and the implications thereof in great detail and finds the posting of Ordinance No. 262 to be in the best interest of the Tribe.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that proposed Ordinance 262 attached hereto, which amends Section 6.2 F. of the Criminal Code, is hereby recommended for posting by the Tribal Council.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe, as follows:

1. The Tribal Council Secretary is hereby authorized and directed to post this resolution and Ordinance No. 262, in each district for at least ten (10) days before final action by the Council. In addition, notices of the proposed ordinance shall be sent in the form of a press release to KNNB-FM and the Apache Scout.

2. Any and all comments concerning Ordinance No. 262 proposed herein may be sent to the attention of the Tribal Council Secretary, White Mountain Apache Tribe, P. O. Box 700, Whiteriver, AZ 85941.
3. Upon completion of the posting period, the Tribal Council Secretary is further directed to submit proof of posting to the Tribal Council as well as the Legal Department and to report any public comments to the Tribal Council, and schedule a meeting thereof for final action.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

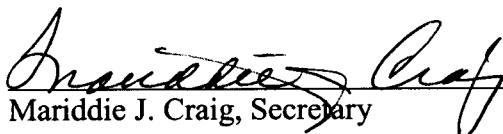
**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances or Federal Laws, this Resolution shall be declared null and void and have no legal effect.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Acting Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution. In the event that the Chairman fails to delegate signatory authority to an Acting Chairman, the Vice-Chairman may sign.

The foregoing resolution was on **SEPTEMBER 19, 2013** duly adopted by a vote of **FIVE** for, **ZERO** against and **ONE** abstention by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (q), (s), (t) and (u) of the Tribal Constitution, ratified by the Tribe September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

  
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Ronnie Lupe, Chairman

10/7/13  
Date

  
\_\_\_\_\_  
Mariddie J. Craig, Secretary

10/03/2013  
Date

**ORDINANCE OF THE  
WHITE MOUNTAIN APACHE TRIBE OF THE  
FORT APACHE INDIAN RESERVATION**

BE IT ENACTED BY THE COUNCIL OF THE WHITE MOUNTAIN APACHE TRIBE Ordinance No. 262, amending White Mountain Apache Criminal Code, Section 6.2 F. as follows:

**SECTION 6.2      GENERAL DEFINITION**

D.      “Domestic Violence” means abuse, mental anguish, physical harm, bodily injury, assault, or the infliction of reasonable fear ~~or~~ of bodily injury, between family or household members or romantic partners, or sexual assault of one family or household member or romantic partner by another. Domestic violence offenses shall consist of the following:

F.      “Family or Household Member” means spouses, former spouses, parents, grandparents, children, siblings ~~of the opposite sex~~, half-siblings ~~of the opposite sex~~, cousins ~~of the opposite sex~~, aunts, uncles, adult persons or emancipated minors presently residing together, or any two persons who are or have been in a romantic or sexual relationship, or who have a child in common, regardless of whether they have been married at any time.

N.      “Romantic Partner” means any person with whom a subject is involved in a romantic or sexual relationship, whether or not the person and the subject reside in the same household or have children together.

NO.      “Victim” means a family or household member or a romantic partner who has been subjected to domestic violence.