



WHITE MOUNTAIN APACHE TRIBE

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

Resolution No.

(Enactment of Ordinance No. 264, Amending Sections 2.2, 2.3, 2.18, 2.27, 2.36, 2.46, 2.51, 2.59, 2.66, 2.70, 2.78 and 4.3B. 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, Article IV, Section 1(q) to act in all matters that concern the welfare of the Tribe, including but not limited to, the amendment of codes through the adoption of ordinances; and

WHEREAS, Ordinance No. 264 proposed changes to Sections 2.2, 2.3, 2.18, 2.27, 2.36, 2.46, 2.51, 2.59, 2.66, 2.70, 2.78 and 4.3 B. of the Criminal Code; and

WHEREAS, on October 2, 2013 the Tribal Council authorized the posting of Ordinance No. 264, pursuant to Article XV of the Constitution of the White Mountain Apache Tribe and it was posted on October 7, 2013. Since that time, the Office of the Tribal Council Secretary has received no comments regarding the proposed changes; and

WHEREAS, the Council has reviewed Ordinance No. 264 carefully, and considered the recommendations and implications thereof in great detail and finds the adoption of the amendments to the Criminal Code, as set forth in Ordinance No. 264 to be in the best interest of the White Mountain Apache Tribe.

BE IT ENACTED by the Tribal Council of the White Mountain Apache Tribe that it hereby adopts Ordinance No. 264, attached hereto and incorporated by reference, which amends Sections 2.2, 2.3, 2.18, 2.27, 2.36, 2.46, 2.51, 2.59, 2.66, 2.70, 2.78 and 4.3 B. of the Criminal Code.

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.

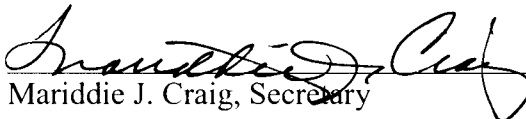
The foregoing resolution was on NOVEMBER 1, 2013 duly adopted by a vote of SIX for, ZERO against and ZERO abstentions by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (q), (s), (t) and (u) of the Tribal Constitution, ratified 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).



Ronje Lupe, Chairman

12/5/13

Date



Mariddie J. Craig, Secretary

12/02/2013

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. 264, amending White Mountain Apache Criminal Code, Sections 2.2, 2.3, 2.18, 2.27, 2.36, 2.46, 2.51, 2.59, 2.66, 2.70, 2.78 and 4.3 B. as follows:

SECTION 2.2 ACCOMPLICE LIABILITY

~~B. A person found guilty under this Section may be sentenced to imprisonment for a period not to exceed one half (1/2) the maximum sentence for the underlying offense or to pay a fine not to exceed one half (1/2) the maximum fine for the underlying offense, or both such term of imprisonment and payment of fine.~~

SECTION 2.3 ADULTERY

A. A person who has sexual intercourse with another person, either of such persons ~~being~~ married to a third person, is guilty of an offense.

SECTION 2.18 CARRYING A CONCEALED WEAPON

~~B. Subsection A shall not apply to any person authorized by any tribal government, or state government, or by the government of the United States or any subdivision of any of the aforementioned governments to carry such weapon.~~

~~SECTION 2.27 DEFAMATION~~

~~A. — A person is guilty of an offense who, with malice towards another and with intent to harm such other person in his relationship with others, publishes, declares or otherwise communicates to a third person in an unprivileged communication a statement, knowing the statement is false or in reckless disregard of the truthfulness of such statement, which exposes such other person to public hatred, contempt, or ridicule.~~

~~B. — A person found guilty under this Section may be sentenced to imprisonment for a period not to exceed Fifty (50) days or to pay a fine not to exceed Fifty (\$50.00), or both.~~

SECTION 2.36 FAILURE TO SUPPORT

A. A person is guilty of an offense who knowingly and without justification fails to support, care for, or protect a spouse, child, or other person for whose support he or she is responsible.

SECTION 2.46 INTERFERENCE WITH JUDICIAL PROCEEDINGS

A. A person commits interference with Judicial Proceedings if such person knowingly:

9. Threatens a witness or offers or agrees to confer any benefit upon a witness, or a person he/she believes may become a witness, in any official proceeding with the intent to influence the testimony or to induce or coerce that person to avoid legal process or absent himself from any official proceeding to which he has been legally summoned.

SECTION 2.51 NARCOTICS AND DANGEROUS DRUGS

A. A person is guilty of an offense who:

1. Knowingly possesses _____, sells, produces, trades, transports, gives away ~~or uses~~ any opium, cocaine, methamphetamine, heroin, or any derivative thereof; or

2. Knowingly possesses _____, sells, produces, transports, gives away ~~or uses~~ any controlled substance; or

3. Knowingly possesses _____, sells, trades, produces, transports, gives away ~~or uses~~ peyote which is not being used, or intended for use in connection with the bona fide practice of a religious belief, or as an integral part of a religious exercise; or

4. Knowingly possesses _____, sells, produces, trades, transports, gives away or uses any vapor-releasing substance containing a toxic substance, including _____ paint, gas _____ or glue or other vapor-releasing toxic substance for the purpose of becoming intoxicated.

C. A person found guilty under Subsection A (1), (2) ~~or~~ (3) _____ may be sentenced to imprisonment for a period _____ not to exceed ~~Three (3) Years~~, _____ or to pay a fine _____ not to exceed ~~Fifteen Thousand Dollars (\$15,000.00)~~, _____ or both;

_____ a person found guilty under Subsection A (4) _____ may be sentenced to imprisonment for a period not to exceed ~~One (1) Year~~ _____ or to pay a fine not to exceed ~~Five~~ Thousand Dollars (\$5,000.00), or both.

SECTION 2.59 RECEIVING STOLEN PROPERTY

A. A person is guilty of an offense who buys, receives, _____ conceals or aids in concealing any property which he knows or has reason to know has been obtained by theft, extortion, fraud, or other means declared to be unlawful under the provisions of this Code.

SECTION 2.66 TELEPHONE CALLS

A. A person who commits any of the following is guilty of an offense:

1. Uses, during a telephone call _____ with the intent to terrify, intimidate, threaten, harass, annoy or offend, any obscene, lewd or profane language to suggest any lewd or

lascivious act, or threatens to inflict injury or physical harm to the person or property of any person; or

SECTION 2.70 UNLAWFUL RESTRAINT

A. A person is guilty of an offense who unlawfully causes the removal, detention or confinement of another person, so as to interfere with the person's liberty

SECTION 2.78 DRIVING UNDER THE INFLUENCE

C. A person who is convicted of violating this Section shall be sentenced to serve not less than Ten (10) consecutive days in jail, and to pay a fine of not less than Two Hundred Fifty Dollars (\$250.00), and is not eligible for probation or suspension of sentence unless the entire sentence is served.

D. A person who is convicted of violating this Section for a second time in a Sixty (60) month period shall be sentenced to serve not less than Thirty (30) days in jail, and to pay a fine of not less than Five Hundred Dollars (\$500.00), and is not eligible for probation or suspension of sentence unless the entire sentence is served. Also, the person's driver's license shall be suspended for a period of One (1) Year.

SECTION 4.3 PUBLIC SEXUAL INDECENCY; PUBLIC SEXUAL INDECENCY TO A MINOR; CLASSIFICATIONS

B. A person commits public sexual indecency to a minor if he intentionally or knowingly engages in any of the acts listed in subsection A and such person is reckless whether a minor under the age of fifteen years is present.