



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approving Posting of Ordinance No. 290, Amending the Criminal Code of the White Mountain Apache Tribe)

- WHEREAS,** pursuant to Article IV, Section 1(q) of the Tribal Constitution, the Tribal Council may enact ordinances 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 Office of the Attorney General has this day proposed revisions to the Criminal Code, in its entirety, as set forth in Ordinance No. 290 attached hereto; 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. 290 carefully, and considered the recommendations and the implications thereof in great detail and finds the posting of Ordinance No. 290 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 290, which amends the Criminal Code, in its entirety, attached hereto, 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:

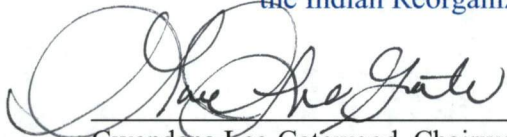
1. The Tribal Council Secretary is hereby authorized and directed to post this resolution and Ordinance No. 290, in each district for at least ten (10) days before final action by the Council. In addition, notices of the proposed ordinance shall be sent in the form of a press release to KNNB-FM and the Apache Scout.
2. Any and all comments concerning Ordinance No. 290 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 and the Attorney General's Office and to report any public comments to the Tribal Council, and schedule a meeting thereof for final action. Proof of posting should include start and end date of posting period, and locations of posting.

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 any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed null and void and have no legal effect.

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 the Chairwoman, or in her absence, the Vice-Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

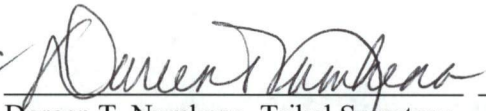
The foregoing resolution was on **OCTOBER 4, 2018** duly adopted by a vote of **ELEVEN** for, **ZERO** against, and **ZERO** abstention by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1 of the WMAT Constitution, so ratified on September 30, 1993, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).



Gwendena Lee-Gatewood, Chairwoman

10/10/18

Date



Doreen T. Numkena, Tribal Secretary

10-10-18

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. 290, amending White Mountain Apache Criminal Code Sections 2.1, 2.29, 2.33, 2.67, 2.68 and 2.71, as follows:

SECTION 2.1 ABDUCTION

A. A person is guilty of an offense who willfully takes, keeps, or entices away:

3. Any other person against his or her will.

SECTION 2.29 DISORDERLY CONDUCT

A A person is guilty of an offense who:

5. Causes emotional distress in others by threatening or attempting to harm himself or herself.

SECTION 2.33 EXTORTION

A person is guilty of an offense who compels or induces another person to deliver property, services, or any tangible or intangible benefit to himself or to a third person, or to perform any act which the other person has a right to refrain from performing, or to refrain from performing any act which the other person has a right to perform, by threatening that if ~~the property is not delivered~~ the actor's demand is not complied with, the actor or another will:

SECTION 2.67 THEFT

A A person is guilty of an offense who unlawfully takes or exercises control of property, services, or any other tangible or intangible benefit not his own, whether or not possession was originally obtained with consent of the owner, with the intent of permanently depriving the owner of the value or use of the property, services, or other tangible or intangible benefit, for the benefit of himself or another.

SECTION 2.68 THREATENING OR INTIMIDATING

A. A person commits threatening ~~and~~ or intimidating if such person threatens or intimidates by word or conduct:

1. To cause physical injury to himself or another person or serious damage to the property of another; or

SECTION 2.71 WEAPONS OFFENSES

D. Possession by persons while committing other crimes.

Any person found in possession or immediate control of a firearm while committing any of the following is guilty of an additional offense:

1. Crimes of Violence: Assault (2.4), Aggravated Assault (2.5), Assault with a Deadly Weapon (2.6), Assault with Intent to Commit Rape (2.7), Assault with Intent to Cause Serious Physical Injury (2.8), Assault with Intent to Kill (2.9), Drive-By Shooting (2.31), Stalking (2.65), Threatening or Intimidating (2.68), Unlawful Restraint (2.70), Sexual Abuse (4.4), Sexual Assault (4.6), Sexual Assault of a Spouse (4.7) and any Domestic Violence Offense under Section 6.2).

2. Crimes Involving Drugs or Bootlegging: Narcotics and Dangerous Drugs (2.51), Participating or Assisting a Criminal Street Gang (2.52), 2.55 Possession of Drug Paraphernalia (2.55), Possession of Marijuana (2.56), Bootlegging (2.74), Aggravated Bootlegging (2.74A), and Processing of Methamphetamine (2.92).

3. Crimes Involving Property: Arson of an Occupied Structure (2.72), Arson of a Structure or Property (2.73), Burglary (2.75), Robbery (2.93), Aggravated Robbery (2.94), and Armed Robbery (2.95).

4. Any person found in violation of this Subsection shall be sentenced to imprisonment not to exceed Three (3) Years, a fine not to exceed Fifteen Thousand Dollars (\$15,000.00) or both. Any penalties imposed pursuant to this Subsection shall run consecutively to those imposed for the underlying offense(s).