

RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION

WHEREAS, the Tribal Council has enacted 159 Ordinances; and

WHEREAS, the Tribal Council has reviewed and enacted five of the proposed revised tribal codes; specifically:

1. the Domestic Code
2. the Education Code
3. the Game and Fish Code
4. the Government Code
5. the Judicial Code

and

WHEREAS, there remains approximately 69 active ordinances that have not been incorporated into the approved codes; and

WHEREAS, the Legal Department has advised the Tribal Council of the difficulties in identifying and accessing the current tribal law due to the partial enactment of the revised code and the uncodified ordinances; and

WHEREAS, the Legal Department has codified the remaining 69 ordinances into the following titles:

1. Business Code
2. Criminal Code
3. Health and Safety Code
4. Housing and Construction Code
5. Juvenile Code
6. Labor Code
7. Land Code
8. Livestock Code
9. Probate Code
10. Tax Code

and

WHEREAS, the Tribal Council has been advised that the ordinance codification is not revised law and does not preempt the revised tribal code but merely provides for a temporary uniform systemization of current approved tribal law until such time as the Tribal Council has reviewed and enacted the remaining proposed revised codes; and

WHEREAS, the Tribal Council is further advised that no changes have been made to the existing tribal law through the codification of the active ordinances, except to categorize the ordinances into an applicable code and assign appropriate and uniform section numbers and identification of each section through a section title; and

WHEREAS, the following ordinances have been codified as the White Mountain Apache Criminal Code:

Ordinance 96: Law and Order Code as amended May 1, 1974; Chapter V; Part I. Definitions; Part II. Offenses

Ordinance 40: Extradition; enacted April 13, 1960.

and

WHEREAS, the Tribal Council has reviewed the codification of the foregoing ordinances and concludes that said ordinances should be codified as the White Mountain Apache Criminal Code until such time as the Tribal Council has had the opportunity to thoroughly review and enact the proposed revised Criminal Code.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the codification of the foregoing ordinances as the White Mountain Apache Criminal Code.

BE IT FURTHER RESOLVED by the Tribal Council that the sections of the foregoing ordinances shall be renumbered and identified pursuant to the outline attached to and made a part of this resolution.

BE IT FURTHER RESOLVED by the Tribal Council that the codification of the foregoing ordinances does not constitute any amendment or repeal of the existing tribal law and therefore, it is not mandatory that the codification be posted for public comment.

The foregoing resolution was on March 1, 1989, duly adopted by a vote of NINE for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (j) of the Amended Constitution and Bylaws of the Tribe, ratified by the Tribe June 27, 1958, and approved by the Secretary of the Interior on May 29, 1958,

pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

Leo Johnson

Chairman of the Tribal Council

Harold J. Craig

Secretary of the Tribal Council

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MAR 10 1989

Fort Apache Indian Agency
White River, Arizona

CRIMINAL CODE

ORDINANCE NO. 96:

CHAPTER V
PART I. DEFINITIONS

Section 51.1 Definitions

- (1) Adult
- (2) Bodily injury
- (3) Deadly weapon
- (4) Dangerous weapon
- (5) Serious bodily injury
- (6) Sexual contact

CHAPTER V
PART II. OFFENSES

- Section 52.1 Abduction
- Section 52.2 Adultery
- Section 52.3 Assault
- Section 52.4 Assault With a Deadly Weapon
- Section 52.5 Assault With Intent to Commit Rape
- Section 52.6 Assault With Intent to Cause Serious Bodily Injury
- Section 52.7 Assault With Intent to Kill
- Section 52.8 Battery
- Section 52.9 Begging or Soliciting
- Section 52.10 Bigamy
- Section 52.11 Branding Livestock of Another
- Section 52.12 Bribery - Giving
- Section 52.13 Bribery - Receiving
- Section 52.14 Bribery - Soliciting
- Section 52.15 Carrying a Concealed Weapon
- Section 52.16 Child Molesting

CHAPTER ONE
DEFINITIONS

SECTION 1.1 DEFINITIONS

- A. Adult
- B. Bodily injury
- C. Deadly weapon
- D. Dangerous weapon
- E. Serious bodily injury
- F. Sexual contact

CHAPTER TWO
OFFENSES

- SECTION 2.1 ABDUCTION
- SECTION 2.2 ADULTERY
- SECTION 2.3 ASSAULT
- SECTION 2.4 ASSAULT WITH A DEADLY WEAPON
- SECTION 2.5 ASSAULT WITH INTENT TO COMMIT RAPE
- SECTION 2.6 ASSAULT WITH INTENT TO CAUSE SERIOUS BODILY INJURY
- SECTION 2.7 ASSAULT WITH INTENT TO KILL
- SECTION 2.8 BATTERY
- SECTION 2.9 BEGGING OR SOLICITING
- SECTION 2.10 BIGAMY
- SECTION 2.11 BRANDING LIVESTOCK OF ANOTHER
- SECTION 2.12 BRIBERY - GIVING
- SECTION 2.13 BRIBERY - RECEIVING
- SECTION 2.14 BRIBERY - SOLICITING
- SECTION 2.15 CARRYING A CONCEALED WEAPON
- SECTION 2.16 CHILD MOLESTING

PART II. OFFENSES (cont'd):

- Section 52.17 Contributing to The
Delinquency of a Minor
- Section 52.18 Criminal Negligence
- Section 52.19 Criminal Trespass
- Section 52.20 Cruelty to Animals
- Section 52.21 Cutting Green Timber Without
a Permit
- Section 52.22 Defamation
- Section 52.23 Disobedience to a Lawful
Order of the Court
- Section 52.24 Disorderly Conduct
- Section 52.25 Disposing of Property of
an Estate
- Section 52.26 Escape
- Section 52.27 Extortion
- Section 52.28 Failing to Submit to Treatment
for a Contagious Disease
- Section 52.29 Failure to Send Children to
School
- Section 52.30 Failure to Support
- Section 52.31 Forgery
- Section 52.32 Fornication
- Section 52.33 Fraud
- Section 52.34 Gambling
- Section 52.35 Illicit Cohabitation
- Section 52.36 Incest
- Section 52.37 Indecent Exposure
- Section 52.38 Inhaling Toxic Vapors
- Section 52.39 Interfering with an Officer

CHAPTER TWO - OFFENSES (cont'd):

- SECTION 2.17 CONTRIBUTING TO THE
DELINQUENCY OF A MINOR
- SECTION 2.18 CRIMINAL NEGLIGENCE
- SECTION 2.19 CRIMINAL TRESPASS
- SECTION 2.20 CRUELTY TO ANIMALS
- SECTION 2.21 CUTTING GREEN TIMBER WITHOUT
A PERMIT
- SECTION 2.22 DEFAMATION
- SECTION 2.23 DISOBEDIENCE TO A LAWFUL
ORDER OF THE COURT
- SECTION 2.24 DISORDERLY CONDUCT
- SECTION 2.25 DISPOSING OF PROPERTY OF
AN ESTATE
- SECTION 2.26 ESCAPE
- SECTION 2.27 EXTORTION
- SECTION 2.28 FAILING TO SUBMIT TO TREATMENT
FOR A CONTAGIOUS DISEASE
- SECTION 2.29 FAILURE TO SEND CHILDREN TO
SCHOOL
- SECTION 2.30 FAILURE TO SUPPORT
- SECTION 2.31 FORGERY
- SECTION 2.32 FORNICATION
- SECTION 2.33 FRAUD
- SECTION 2.34 GAMBLING
- SECTION 2.35 ILLICIT COHABITATION
- SECTION 2.36 INCEST
- SECTION 2.37 INDECENT EXPOSURE
- SECTION 2.38 INHALING TOXIC VAPORS
- SECTION 2.39 INTERFERING WITH AN OFFICER

PART II. OFFENSES (cont'd):

- Section 52.40 Joyriding
- Section 52.41 Littering
- Section 52.42 Maintaining a Public Nuisance
- Section 52.43 Misusing Property
- Section 52.44 Narcotics and Dangerous Drugs
- Section 52.45 Perjury
- Section 52.46 Possession of Marijuana
- Section 52.47 Prostitution
- Section 52.48 Removal or Destruction of Antiquities
- Section 52.49 Public Intoxication
- Section 52.50 Receiving Stolen Property
- Section 52.51 Refusing to Aid an Officer
- Section 52.53 Shoplifting

NOTE: Section 52.52 was omitted from Ord. No. 96.

- Section 52.54 Theft
- Section 52.55 Unlawful Burning
- Section 52.56 Unlawful Restraint

ORDINANCE NO. 40:

BE IT ENACTED by the Council of the White Mountain Apache Tribe that:

- 1. Whenever the Chairman . . .

BE IT FURTHER ENACTED THAT:

- 1. If any person . . .

CHAPTER TWO - OFFENSES (cont'd):

- SECTION 2.40 JOYRIDING
- SECTION 2.41 LITTERING
- SECTION 2.42 MAINTAINING A PUBLIC NUISANCE
- SECTION 2.43 MISUSING PROPERTY
- SECTION 2.44 NARCOTICS AND DANGEROUS DRUGS
- SECTION 2.45 PERJURY
- SECTION 2.46 POSSESSION OF MARIJUANA
- SECTION 2.47 PROSTITUTION
- SECTION 2.48 REMOVAL OR DESTRUCITON OF ANTIQUITIES
- SECTION 2.49 PUBLIC INTOXICATION
- SECTION 2.50 RECEIVING STOLEN PROPERTY
- SECTION 2.51 REFUSING TO AID AN OFFICER
- SECTION 2.52 SHOPLIFTING
- SECTION 2.53 THEFT
- SECTION 2.54 UNLAWFUL BURNING
- SECTION 2.55 UNLAWFUL RESTRAINT

CHAPTER THREE
EXTRADITION

- SECTION 3.1 CHAIRMAN'S ORDER
 - A. Whenever the Chairman. . .
- SECTION 3.2 HEARING UPON DEMAND
 - A. If any person . . .