



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

**(Adopting Ordinance Nos. 245, 246, 247 & 248, Amending the  
White Mountain Apache Tribe Criminal Code, Government Code,  
& Rules of Criminal Procedure & Health & Safety Code)**

- WHEREAS,** pursuant to Article IV, Section 1(a) of the Constitution of the White Mountain Apache Tribe, *inter alia*, the Tribal Council has the authority to represent the Tribe and act in all matters that concern the welfare of the Tribe, and enact ordinances; and
- WHEREAS,** the Legal Department and the Prosecution Unit proposed revisions to the Criminal Code, Government Code, Rules of Criminal Procedure and Health & Safety Code for the White Mountain Apache Tribe as set forth in Ordinance Nos. 245, 246, 247 & 248 attached to Resolution No. 12-2010-310; and
- WHEREAS,** Ordinance No. 245 proposed changes to Criminal Code Sections 2.4, 2.5, 2.6, 2.7, 2.8, 2.9, 2.18, 2.20, 2.22, 2.23, 2.28, 2.37, 2.38, 2.40, 2.41, 2.45, 2.46, 2.50, 2.51, 2.52, 2.54, 2.55, 2.56, 2.59, 2.71, 3.2, 4.4, 4.22 and 4.23; added Sections 2.72 through 2.95; added a new Chapter Five, Sex Offender Registration, and moved the Victim's Bill of Rights from Chapter Five to Chapter Seven; and
- WHEREAS,** Ordinance No. 246 proposed changes to Section 5.4 of the Government Code; and
- WHEREAS,** Ordinance No. 247 proposed changes to Rule 7.1 of the Rules of Criminal Procedure; and
- WHEREAS,** Ordinance No. 248 proposed changes to the General Penalties and Criminal Penalties portions of Section 11.11 of the Health & Safety Code to correspond with the proposed changes to the Criminal Code set forth in Ordinance No. 245; and
- WHEREAS,** pursuant to Article XV, Section 2 of the Constitution, and Section 1.6 of the White Mountain Apache Judicial Code, "All proposed ordinances of the Council shall be posted in each district at least ten days before final action by the Council," and the codes of the Tribe may be "amended by the adoption of ordinances by the Tribal Council"; and
- WHEREAS,** the Office of the Tribal Council Secretary has not received any comments regarding the proposed changes as set forth in Ordinance Nos. 245, 246, 247 & 248 since posting Resolution No. 12-2010-310; and
- WHEREAS,** the Council has reviewed Ordinance Nos. 245, 246, 247 & 248 carefully, and considered the recommendations and the implications thereof in great detail and finds

**Resolution No. 12-2010-327**  
**Ordinance Nos. 245, 246, 247 & 248**

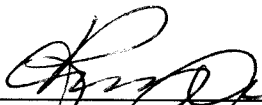
that the adoption of these ordinances would greatly improve the administration of public safety and justice for crimes committed on the Fort Apache Indian Reservation.


**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that proposed Ordinance Nos. 245, 246, 247 & 248 attached to Resolution No. 12-2010-310, which amend the Criminal Code, Government Code, Rules of Criminal Procedure and Health & Safety Code are hereby adopted by the Tribal Council.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall govern.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his 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 **DECEMBER 13, 2010** duly adopted by a vote of **FIVE** for and **ONE** against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (a), (q), (s), (t), and (u) of the Constitution of the Tribe, 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 of the Tribal Council

  
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Mariddie J. Craig, Secretary of the Tribal Council