



WHITE MOUNTAIN APACHE TRIBE

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

Resolution No. 09-2012-148

(Approving the Enactment of Ordinance No. 251, Amending 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,** on July 25, 2012 the Legal Department and the Prosecution Unit proposed revisions to the Criminal Code for the White Mountain Apache Tribe as set forth in Ordinance No. 251 attached hereto; and
- WHEREAS,** Ordinance No. 251 proposes changes to Sections 1.1, 2.5, 2.21, 2.74, 2.74A, 2.75, 5.1, 5.4 F, 5.5, 5.6, 5.7, 5.8, 5.12, 5.16, 5.18, 5.25, 5.26, 5.27, 5.28, 5.29, 5.30, 5.31, 5.32, 5.33, 5.34, 5.35, 5.36, 5.37, 5.38, 5.39, 5.40, 5.41, and 6.2; 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 (10) 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 No. 251 since posting Resolution No. 07-2012-118; and
- WHEREAS,** the Council has reviewed Ordinance No. 251 carefully, and considered the recommendations and the implications thereof in great detail and finds the adoption of Ordinance No. 251 would greatly improve the administration of the Sex Offender Registration system on the Fort Apache Indian Reservation.

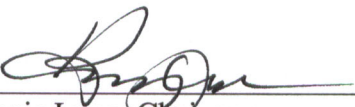
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that proposed Ordinance 251 attached hereto, which amends Sections 1.1, 2.5, 2.21, 2.74, 2.74A, 2.75, 5.1, 5.4 F, 5.5, 5.6, 5.7, 5.8, 5.12, 5.16, 5.18, 5.25, 5.26, 5.27, 5.28, 5.29, 5.30, 5.31, 5.32, 5.33, 5.34, 5.35, 5.36, 5.37, 5.38, 5.39, 5.40, 5.41, and 6.2 of the Criminal Code, is hereby adopted by the Tribal Council.

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. This Resolution shall not be subject to Judicial Interpretation, only the Tribal Attorney, with the assistance of the Tribal Council Secretary, may opine on Tribal Council intent and the meaning of the language as used herein.

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 provided that the Tribal Secretary and a Tribal Attorney attest to the veracity of the subject matter of this Resolution.


The foregoing resolution was on SEPTEMBER 19, 2012 duly adopted by a vote of SIX 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).



Ronnie Lupe, Chairman

9-27-12

Date



Mariddie J. Craig, Secretary

09/24/2012

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. 251, amending White Mountain Apache Criminal Code, Sections 1.1, 2.5, 2.21, 2.74, 2.74A, 2.75, 5.1, 5.4 F, 5.5, 5.6, 5.7, 5.8, 5.12, 5.16, 5.18, 5.25, 5.26, 5.27, 5.28, 5.29, 5.30, 5.31, 5.32, 5.33, 5.34, 5.35, 5.36, 5.37, 5.38, 5.39, 5.40, 5.41, and 6.2 as follows:

SECTION 1.1 DEFINITIONS

B. In this Code, unless the context otherwise requires, the following definitions shall apply:

(30) “Disability” means a physical or mental inability of a victim to perform his or her usual profession, trade or occupation, and/or usual household tasks.

SECTION 2.5 ASSAULT; AGGRAVATED

C. If the commission of this offense results in the death or disability for a period exceeding Six (6) Months of another person, a person found guilty under this Section shall be sentenced to imprisonment for a period of not less than Two Hundred Seventy (270) days, nor more than Three (3) Years, to pay a fine of no less than Three Thousand Dollars (\$3,000.00) nor more than Fifteen Thousand Dollars (\$15,000.00), which fine may be suspended only if the person found guilty pays restitution to the victim or, in the case of death, to the victim’s family, in an amount equal to the fine. All restitution must be paid through the Court.

SECTION 2.21 CRIMINAL NEGLIGENCE

C. If the commission of this offense results in death or disability exceeding Six (6) Months of another person, a person found guilty under this Section shall be sentenced to imprisonment for a period of not less than Two Hundred Seventy (270) days, nor more than Three (3) Years, to pay a fine of no less than Three Thousand Dollars (\$3,000.00) nor more than Fifteen Thousand Dollars (\$15,000.00), which fine may be suspended only if the person found guilty pays restitution to the victim or, in the case of death, to the victim’s family, in an amount equal to the fine. All restitution must be paid through the Court.

SECTION 2.74 BOOTLEGGING

Bootlegging means the illegal manufacture, sale, possession, or transporting of liquor as defined in Section 11.2 (cc) of the Health & Safety Code.

D. For purposes of this statute and Section 11.10(A)(6) of the White Mountain Apache Health and Safety Code, a person shall be presumed to be in possession with intent to sell alcoholic beverages if he or she is in possession of any amount exceeding the following quantities:

Beer, Ale, or other Malt Liquor: 1200 ounces (100 12-ounce cans or bottles or equivalent);

Wine: 36 liters (48 750 ml bottles or equivalent); or

Distilled Spirits (Whiskey, Vodka, Tequila, etc.): 21 liters (28 750 ml bottles or equivalent).

DE. **General Civil Penalties.** Any person adjudged to be in violation of this Section shall be subject to a civil penalty of **not less than Five Hundred Dollars (\$500.00) or the retail value of the illegally possessed or sold alcoholic beverages, whichever is greater, and** not more than Five Thousand Dollars (\$5,000.00) for each such violation, notwithstanding any penalty for repeated violations adopted by the Liquor Board.

EF. A person found guilty of this offense shall be sentenced to imprisonment of **no less than Ninety (90) days and up to Three Hundred Sixty-Five (365) days** for each violation. **No part of any sentence may be commuted or suspended unless the entire sentence is served.**

FG. Motor vehicles that are used in violation of this Section are subject to seizure for forfeiture in the manner provided for in Rule 2.5 of the White Mountain Apache Rules of Criminal Procedure governing the disposition of seized property.

SECTION 2.74A AGGRAVATED BOOTLEGGING

A. A person commits this offense by knowingly selling to or engaging in any transaction involving alcoholic beverages with the following persons:

1. Any person under the age of twenty-one (21) years;
2. Any person who subsequently drives while under the influence of alcohol as defined by Section 2.78, and causes a traffic accident as defined in Section 2.80;
3. Any person who offers stolen property of any kind in exchange for alcoholic beverages; or

4. Any person who accepts stolen property in exchanges for alcoholic beverages.

5. Any person who knowingly buys or sells alcoholic beverages containing toxic substances including, but not limited to, isopropyl (rubbing) alcohol, methyl alcohol, mineral spirits (paint thinner), any petroleum products, or other toxic substances.

B. A person found guilty under this Section shall be sentenced to no less than One Hundred Eighty (180) days in custody nor more than Three (3) Years in custody, and shall be fined no less than One Thousand Dollars (\$1,000.00) nor more than Fifteen Thousand Dollars (\$15,000.00).

SECTION 2.75 BURGLARY

B. A person found guilty under this Section shall be sentenced to imprisonment for a period not to exceed Three (3) Years, but not less than Thirty (30) days, and to pay a fine not to exceed Fifteen Thousand Dollars (\$15,000.00).

**CHAPTER FIVE
SEX OFFENDER REGISTRATION**

SECTION 5.1 PURPOSE

The intent of this Code is to implement the Federal Sex Offender Registration and Notification Act (SORNA) (Title I of Public Law 109-248) (42 U.S.C. 16901 et seq) and shall be interpreted liberally to comply with the terms and conditions of SORNA as presently written or hereafter amended.

SECTION 5.4 DEFINITIONS

F. Jurisdiction. The term “jurisdiction” as used in this Section refers to the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, and any Indian tribe that elected to function as a SORNA registration and notification jurisdiction pursuant to PL 109-248 Section 127 (42 U.S.C. § 16927).

SECTION 5.5 COVERED REGISTERABLE OFFENSES

Individuals who reside within the exterior boundaries of the reservation or otherwise reside on property owned by the tribe in fee or trust regardless of location, are employed within the exterior boundaries of the reservation or on property owned by the

tribe in fee or trust regardless of location, or who attend school within the exterior boundaries of the reservation or on property owned by the tribe in fee or trust regardless of location, that have been convicted of any of the following offenses, or convicted of an attempt or conspiracy to commit any of the following offenses, are subject to the requirements of this ~~Chapter~~ Code:

A. Tribal offenses.

1. WMAT Criminal Code §2.7 (Assault with Intent to Commit Rape),
2. WMAT Criminal Code §4.2 (Indecent Exposure),
3. WMAT Criminal Code §4.3B (Public Sexual Indecency to a Minor),
24. WMAT Criminal Code §4.4 (Sexual Abuse – if it involves a victim under fourteen (14) years of age),
35. WMAT Criminal Code §4.5 (Sexual Conduct with a Minor – if it involves a victim under fourteen (14) years of age),
46. WMAT Criminal Code §4.6 (Sexual Assault),
57. WMAT Criminal Code §4.7 (Sexual Assault of a Spouse),
68. WMAT Criminal Code §4.9 (Molestation of a Child),
79. WMAT Criminal Code §4.13 (Commercial Sexual Exploitation of a Minor – if it involves a victim under fourteen (14) years of age),
810. WMAT Criminal Code §4.14 (Sexual Exploitation of a Minor – if it involves a victim under fourteen (14) years of age).

B. Federal Offenses. ~~A conviction for any of the following, and any other offense hereafter included in the definition of “sex offense” at 42 U.S.C. §16911(5) A conviction for, or a conviction for an attempt, or conspiracy to commit any of the following, and any other offense hereafter included in the definition of “sex offense” at 42 U.S.C. § 16911(5): Including any offenses prosecuted under the Assimilative Crimes Act (18 U.S.C. § 1152 or § 1153):~~

17. 18 U.S.C. §2423 (~~Mann Act~~) (Transportation of Minors for Illegal Sexual Activity, Travel With the Intent to Engage in Illicit Sexual Conduct with a

Minor, Engaging in Illicit Sexual Conduct in Foreign Places),

F. Jurisdiction Offenses. Any sex offense committed in any jurisdiction, including this Tribe, that involves:

- ~~10~~1. Any conduct that by its nature is a sex offense against a minor,
- ~~1~~2. Any type or degree of genital, oral, or anal penetration,
- ~~2~~3. Any sexual touching of or sexual contact with a person's body, either directly or through the clothing,
- ~~9~~4. Criminal sexual conduct that involves physical contact with a minor or the use of the internet to facilitate or attempt such conduct. This includes offenses whose elements involve the use of other persons in prostitution, such as pandering, procuring, or pimping in cases where the victim was a minor at the time of the offense,
- ~~4~~5. False imprisonment of a minor,
- ~~3~~6. Kidnapping of a minor,
- ~~8~~7. Possession, production, or distribution of child pornography,
- ~~7~~8. Solicitation of a minor to practice prostitution,
- ~~5~~9. Solicitation to engage a minor in sexual conduct understood broadly to include any direction, request, enticement, persuasion, or encouragement of a minor to engage in sexual conduct,
- ~~6~~10. Use of a minor in a sexual performance, or
11. Any offense similar to those outlined in:
 - a. 18 U.S.C. §1591 (sex trafficking by force, fraud, or coercion),
 - b. 18 U.S.C. §1801 (video voyeurism of a minor),
 - c. 18 U.S.C. §2241 (aggravated sexual abuse),

- d. 18 U.S.C. §2242 (sexual abuse),
- e. 18 U.S.C. §2244 (abusive sexual contact),
- f. 18 U.S.C. §2422(b) (coercing a minor to engage in prostitution), or
- g. 18 U.S.C. §2423(a) (transporting a minor to engage in illicit conduct); or.

12. Offenses involving Consensual Sexual Conduct. An offense involving consensual sexual conduct is not a sex offense for the purposes of this Sex Offense Registration Code if the victim was an adult, or if the victim was at least thirteen (13) years old and the offender was not more than four (4) years older than the victim.

SECTION 5.6 **TIER 1 OFFENSES**

D. Certain Federal Offenses. Conviction for any of the following federal offenses shall be considered a conviction for a "Tier 1" offense:

9. 18 U.S.C. § 2423(d) (arranging, inducing, procuring, or facilitating the travel in interstate commerce of an adult for the purpose of engaging in illicit conduct for financial gain),

10. 18 U.S.C. §2424 (failure to file factual statement about an alien individual),

11. 18 U.S.C. §2425 (transmitting information about a minor to further criminal sexual conduct).

SECTION 5.7 **TIER 2 OFFENSES**

B. Offenses Involving Minors. A "Tier 2" offense includes any sex offense against a minor for which a person has been convicted, or an attempt or conspiracy to commit such an offense, that involves:

- 1. The use of minors in prostitution, including solicitations,
- 2. Enticing a minor to engage in criminal sexual activity,

3. A non-forcible Sexual Act with a minor sixteen (16) or seventeen (17) years old,

34. Sexual contact with a minor thirteen (13) years of age or older, whether directly or indirectly through the clothing, that involves the intimate parts of the body,

45. The use of a minor in a sexual performance, or

56. The production or distribution of child pornography.

D. Certain Federal Offenses. Conviction for any of the following federal offenses shall be considered a conviction for a "Tier 2" offense:

1. 18 U.S.C. §1591 (sex trafficking by force, fraud, or coercion),

~~2. 18 U.S.C. §2243 (sexual abuse of a minor or ward),~~

2. 18 U.S.C. § 2243(d) (arranging, inducing, procuring, or facilitating the travel in interstate commerce of a minor for the purpose of engaging in illicit conduct for financial gain),

3. 18 U.S.C. §2244 (abusive sexual contact, where the victim is thirteen (13) years of age or older),

4. 18 U.S.C. §2251 (sexual exploitation of children),

5. 18 U.S.C. §2251A (selling or buying of children),

6. 18 U.S.C. §2252 (material involving the sexual exploitation of a minor),

7. 18 U.S.C. §2252A (production or distribution of material containing child pornography),

8. 18 U.S.C. §2260 (production of sexually explicit depictions of a minor for import into the United States),

9. 18 U.S.C. §2421 (transportation of a minor for illegal sexual activity),

10. 18 U.S.C. §2422(b) (coercing a minor to engage in prostitution),
11. 18 U.S.C. §2423(a) (transporting a minor to engage in illicit conduct).

SECTION 5.8 TIER 3 OFFENSES

C. Certain Federal Offenses. Conviction for any of the following federal offenses shall be considered conviction for a "Tier 3" offense:

1. 18 U.S.C. §2241 (aggravated sexual abuse),
2. 18 U.S.C. §2242 (sexual abuse), ~~or~~
3. 18 U.S.C. § 2243 (sexual abuse of a minor or ward), or
34. Where the victim is twelve (12) years of age or younger, 18 U.S.C. §2244 (abusive sexual contact).

SECTION 5.12 DNA SAMPLE

A. DNA. If the sex offender's DNA is not already contained in the Combined DNA Index System (CODIS), the sex offender shall provide the White Mountain Apache Tribe Police Department or designee a sample of his/~~her~~ DNA.

SECTION 5.16 INTERNET IDENTIFIERS

A. Internet Names. The White Mountain Apache Tribe Police Department or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's internet related activity:

1. **Internet user names or identifiers, including but not limited to:**
 - 1a. Any and all email addresses used by the sex offender,
 - 2b. Any and all Instant Message addresses and identifiers,
 - 3c. Any and all other designations or monikers used for self-identification in internet communications or postings, and
 - 4d. Any and all designations used by the sex offender for the purpose of routing or self-identification in internet communications or

postings, including but not limited to social network identifications, online gaming names, and video posting site identifications such as facebook, twitter, flickr, instagram, etc.

SECTION 5.18 PHONE NUMBERS

A. Phone Numbers. The White Mountain Apache Tribe Police Department or designee shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's telephone numbers:

1. Any and all land line telephone numbers, ~~and~~
2. Any and all cellular telephone numbers, ~~and~~
3. Any and all Voice over IP (VOIP) telephone numbers.

SECTION 5.25 TEMPORARY LODGING

A. Lodging Information. The White Mountain Apache Tribe Police Department or designee shall obtain, and a covered sex offender shall provide, the following information when the sex offender will be absent from his residence for seven (7) days or more:

1. Identifying information of the temporary lodging locations including addresses and names, ~~and~~
2. The dates the sex offender will be staying at each temporary lodging location, ~~and~~
3. The registered sex offender shall provide the information no later than five (5) days before the schedule travel. The information shall be provided in person.

SECTION 5.26 INTERNATIONAL TRAVEL

A. Travel Abroad. Sex offenders must inform their residence jurisdictions twenty-one (21) days in advance if they intent to travel outside of the United States. Jurisdictions must notify the U.S. Marshals Service and immediately notify any other jurisdiction where the sex offender is either registered, or is required to register, of that updated information. Update must also be made to NCIC/NSOR.

SECTION 5.267 OFFENSE INFORMATION

SECTION 5.278 **VEHICLE INFORMATION**

SECTION 5.289 **FREQUENCY, DURATION AND REDUCTION**

A. Frequency. A sex offender who is required to register shall, at a minimum, appear in person at the White Mountain Apache Tribe Police Department for purposes of verification and keeping their registration current in accordance with the following time frames:

3. For "Tier 3" offenders, once every ninety (90) days for the rest of their lives, and

a. must allow for their picture to be taken, and

b. must review their existing registration information for accuracy.

C. Clean Record. For purposes of Section 5.289(B) a person has a clean record if:

1. He or she has not been convicted of any offense, for which imprisonment for more than one(1) year may be imposed,

2. He or she has not been convicted of any sex offense during the period in question,

3. He or she has successfully completed, without revocation, any period of supervised release, probation, or parole, and

4. He or she has successfully completed an appropriate sex offender treatment program certified by the tribe, another jurisdiction, or by the Attorney General of the United States.

SECTION 5.2930 **REQUIREMENTS FOR IN PERSON APPEARANCES**

D. If any new information or change in information is obtained at an in person verification, the White Mountain Apache Police Department shall immediately update the public website, if applicable, and update information in NCIC/NSOR.

SECTION 5.31 **SEX OFFENDER ACKNOWLEDGEMENT FORM**

A. The sex offender shall read, or have read to them, and sign a form stating

that the duty to register has been explained to them by the White Mountain Apache Police Department and that the sex offender understands the registration requirement.

1. The form shall be signed and dated by the White Mountain Apache Police Department personnel registering the sex offender.

B. The White Mountain Apache Police Department shall immediately upload the acknowledgment form into the White Mountain Apache Tribal sex offender registry.

SECTION 5.302 **WHERE REGISTRATION IS REQUIRED**

SECTION 5.313 **TIMING OF REGISTRATION**

B. Duties of White Mountain Apache Tribe Police Department. The White Mountain Apache Tribe Police Department shall have policies and procedures in place to ensure the following:

3. That the sex offender is registered, and added to the public website if applicable,

4. That upon entry of the sex offender's information into the registry, that information is immediately forwarded to all other jurisdictions in which the sex offender is required to register due to the sex offender's residency, employment, or study status;

5. That all information is entered and updated in NCIC/NSOR.

SECTION 5.324 **RETROACTIVE REGISTRATION**

SECTION 5.335 **KEEPING REGISTRATION CURRENT**

A. Jurisdiction of Residency. All sex offenders required to register in this jurisdiction shall immediately appear in person at the White Mountain Apache Tribe Police Department to update any changes to their name, residence (including termination of residency), employment, or school attendance. All sex offenders required to register in this jurisdiction shall immediately inform the White Mountain Apache Tribe Police Department in person of any changes to their temporary lodging information, vehicle information, internet identifiers, or telephone numbers. In the event of a change in temporary lodging of over seven (7) days, the sex offender shall immediately notify the jurisdiction in which the sex offender will be temporarily staying.

D. Duties of White Mountain Apache Tribe Police Department. With regard

to changes in a sex offender's registration information, the White Mountain Apache Tribe Police Department or designee shall immediately notify:

3. Specifically with respect to information relating to a sex offender's intent to commence residence, school, or employment outside of the United States, any jurisdiction where the sex offender is either registered or required to register, and the U.S. Marshals Service. The tribal police shall also ensure this information is immediately updated on **NCIC/NSOR**.

SECTION 5.346 **FAILURE TO APPEAR FOR REGISTRATION AND
ABSCONDING**

3. If an absconded sex offender cannot be located then the tribal police shall take the following steps.

d. Update the **NCIC/NSOR** to reflect the sex offender's status as an absconder, or is otherwise not capable of being located, and

SECTION 5.357 **PUBLIC SEX OFFENDER REGISTRY WEBSITE**

SECTION 5.368 **REQUIRED AND PROHIBITED INFORMATION**

SECTION 5.379 **COMMUNITY NOTIFICATION**

A. Law Enforcement Notification. Whenever a sex offender registers or updates his or her information with the tribe, the White Mountain Apache Tribe Police Department shall:

1. **Monitor and utilize the SORNA Exchange Portal for inter-jurisdictional change of residence, employment or student status.**

2. Immediately notify the FBI or other federal agency as designated by the Attorney General in order that the information may be updated on **NCIC/NSOR** or other relevant databases, **or if able, immediately update NCIC/NSOR.**

3. Immediately notify any agency, department, or program within the tribe that is responsible for criminal investigation, prosecution, child welfare or sex offender supervision functions, including but not limited to, police, whether BIA, tribal, or FBI, tribal prosecutors and tribal probation.

4. Immediately notify any and all other registration jurisdictions where

the sex offender is registered due to the sex offender's residency, school attendance, or employment.

45. Immediately notify National child Protection Act agencies, which includes any agency responsible for conducting employment-related background checks under Section 3 of the National Child Protection Act of 1993 (42 U.S.C. §5119a) when a sex offender registers or updates registration.

6. Enter or update information posted on the public website.

SECTION 5.3840 **IMMUNITY**

SECTION 5.3941 **CRIMES AND CIVIL SANCTIONS**

C. Customs and traditions and ~~banishment~~/exclusion.

1. The customs and traditions of the White Mountain Apache Tribe may be used to supplement the provisions of this Code.

D. Hindrance of sex offender registration.

2. A person found guilty under this Section shall 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).

CHAPTER SIX
DOMESTIC VIOLENCE

SECTION 6.2 **GENERAL DEFINITION**

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

1. Assault
2. Aggravated Assault
23. Assault with a Deadly Weapon
34. Assault with Intent to Commit Rape
45. Assault with Intent to Cause Serious Bodily Injury
56. Assault with Intent to Kill
67. Battery
78. Criminal Negligence

- 89. Disobedience to a Lawful Order of the Court
- 10. Threatening and Intimidating
- 11. Unlawful Restraint
- 912. Sexual Abuse
- ±013. Sexual Conduct with a Minor
- ±14. Sexual Assault
- ±215. Sexual Assault of a Spouse
- ±316. Molestation of Child
- ±417. Child Abuse
- ±518. Sexual Exploitation of a Minor.

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.