

**SAN CARLOS APACHE TRIBE
SAN CARLOS APACHE INDIAN RESERVATION
SAN CARLOS, ARIZONA**

No. JN-20-088

**(Approving Publication of Amendment to Chapters Six and Twelve of the San Carlos
Law and Order Code to Amend Firearm Offenses and to Add Firearm Registration)**

- WHEREAS**, the San Carlos Apache Tribe (the "Tribe") is a federally recognized Indian Tribe organized pursuant to the provisions of Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984); and
- WHEREAS**, the San Carlos Council ("Council") has the authority, among other things, to "represent the Tribe and act in all matters that concern the welfare of the Tribe, and to make decisions not inconsistent with or contrary to [the Tribe's] Constitution and Bylaws" and "[t]o enact ordinances, subject to review by the Secretary of the Interior, establishing and governing [the Tribe's] courts and law enforcement on the Reservation" pursuant to Article V, Sections 1(a) and (m) of the Amended Constitution and By-Laws of the San Carlos Apache Tribe; and
- WHEREAS**, firearm and weapon violence affect the welfare of enrolled members of the Tribe and residents of the Reservation and, thus, falls within the power of the Council to protect the welfare of the Tribe's enrolled members and residents; and
- WHEREAS**, pursuant to Resolution Nos. SEP-05-163 and MAR-08-030, the Council enacted Chapters Six and Twelve of the Tribe's Law and Order Code to regulate firearm and weapon offenses and domestic violence; and
- WHEREAS**, over the last two years, the Council's Law and Order Committee, together with the Tribe's Department of Justice, the Office of the Prosecutor, the Office of the Public Defender, the San Carlos Apache Police Department, the Recreation and Wildlife Department, and the Tribal Court, has been meeting and reviewing Chapters Six and Twelve of the Tribe's Law and Order Code, to improve and strengthen firearm and weapons offenses, especially in domestic violence incidents which occur on the Reservation; and
- WHEREAS**, according to data collected by the Tribe's Department of Justice, there have been approximately 540 assaults which have occurred on the Reservation and have been reported to law enforcement over the last year, of which approximately 78% are domestic violence related, and involve firearms or weapons; and
- WHEREAS**, the Tribe's Law and Order Code on firearm offenses was last revised in 2005 and, since then, the Tribe's population and the scope of crimes has increased correlatively; and

WHEREAS, the Tribe's Attorney General this day presents proposed Amendments, as attached and incorporated by this reference, to Chapters Six and Twelve of the Tribe's Law and Order Code to: 1) strengthen firearm and weapon offenses by making it a crime to be a prohibited possessor and 2) to require all persons subject to the criminal and civil jurisdiction of the Tribe to register all firearms within their possession; and

WHEREAS, the Law and Order Committee has reviewed the proposed amendments at its meeting of June 24, 2020, and recommends that the Council approve the draft amendments for public review and comment; and

WHEREAS, the Council concurs with the Law and Order Committee's recommendations and finds that publishing the draft amendments would foster further discussion and comment by the public, and thus would be in the best interest of the Tribe.

BE IT RESOLVED by the Council of the San Carlos Apache Tribe that:

1. The draft Amendments to Chapters Six and Twelve, as attached, is hereby approved for publication.
2. The Council Secretary is hereby directed to post and publish the draft Amendments to Chapters Six and Twelve, as attached, in the Council's Secretary Office, all District Offices, and appropriate media outlets. The Council Secretary shall make copies available to the public upon request without cost.
3. Alternatively, the Tribe's Department of Justice is hereby directed to work with the Tribe's Information Technology Department to develop a website for purposes of publishing the Amendments to Chapters Six and Twelve to allow the public to review and provide comments.
4. The public comment period shall be 30 calendar days from the date of this Resolution.
5. All comments shall be in writing and transmitted to the attention of the Tribe's Department of Justice for distribution to and review by the Law and Order Committee, which shall provide its recommendations to the Council.
6. In the event that no comments are received from the public, the Law and Order Committee shall so notify the Council and the Council shall consider enactment at the next Regular Session.

BE IT FURTHER RESOLVED by the Council of the San Carlos Apache Tribe that the Chairman, or in his absence, the Vice Chairman, or designee, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

CERTIFICATION

I, the undersigned, Secretary of the San Carlos Council, hereby certify that the Council is composed of eleven (11) members, of whom ten (10), constituting a quorum, were at a Special Meeting hereto held on the 29th day of June, 2020, and that the foregoing Resolution No. JN-20-088 was duly adopted by a vote of FOR: 9; OPPOSED: 0; ABSTAINED: 0; of the Tribal Council pursuant to Article V, Section 1 (a) of the Amended Constitution and Bylaws of the San Carlos Apache Tribe, effective, February 24, 1954.



Santana Dillon
Council Secretary
SAN CARLOS APACHE TRIBE