

**HUALAPAI TRIBAL COUNCIL
RESOLUTION NO. 40-2011
OF THE GOVERNING BODY OF THE
HUALAPAI TRIBE OF THE HUALAPAI RESERVATION**

WHEREAS, the Hualapai Tribe of Arizona, is organized pursuant to the Indian Reorganization Act of 1934; and

WHEREAS, the Hualapai Tribal Council is the legal governing body of the Hualapai Indian Tribe, organized according to the Constitution and Bylaws of the Hualapai Indian Tribe; and

WHEREAS, on July 19, 2007 the Hualapai tribe passed Resolution 23-2007 and elected by majority vote of the council to become a Sex Offender Registration and Notification Act (SORNA) compliant Registration Jurisdiction; and

WHEREAS, elected to meet the minimum established requirements set forth in the Adam Walsh Child Protection and Safety Act(P.L. 109-248) title one which is SORNA and update the current Hualapai Tribe Sex Offender Registration laws found in Section 6.126 to 6.136 as adopted in July 2004; and

WHEREAS, the Tribe shall establish and maintain a Sex Offender Registration program that is in compliance with the terms and requirements of the Act and as such amends the current Sex Offender Registration section of the Hualapai Tribal Law and Order Code adopted in July 2004 by replacing it with the 2011 Sex Offender Registration Code presented today consisting of Section 6.126 to Section 6.139; and

WHEREAS, the purpose of the Sex Offender Registration Code is as follows:

1. To Implement the federal Sex offender Registration and Notification Act (SORNA), Title 1 of Public Law 109-248, and shall be interpreted liberally to comply with the terms and conditions of SORNA as presently written or hereafter amended; and
2. To insure the safety of all people living within the exterior boundaries of the Hualapai Indian Reservation against sex offenders; and
3. To establish an official system where sex offenders must be registered within the exterior boundaries of the Reservation; and

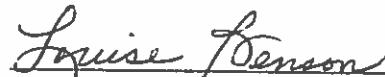
WHEREAS, the Tribe to become substantially compliant with federal law by the federal dead line set of July 26, 2011 and to avoid any possible penalties that may compromise tribal sovereignty, jurisdiction and or future funding adopt the 2011 Sex Offender Registration Code as presented.

NOW, THEREFORE, BE IT RESOLVED that the Hualapai Tribal Council hereby amend the Law and Order Code of 2004 in specifically Section 6.126 to 6.136 and replace it with the 2011 Sex Offender Registration Code Section 6.126 to 6.139 as amended.

BE IT FURTHER RESOLVED, that the Chairperson and/or Vice-Chairman of the Tribal Council is authorized to take all steps necessary to implement this resolution.


CERTIFICATION

I, the undersigned as Chairwoman of the Hualapai Tribal Council hereby certify that the Hualapai Tribal Council of the Hualapai Tribe is composed of nine (9) members of whom (6) constituting a quorum were present at a Regular Council meeting thereof held on this 9th day of July, 2011; and that the foregoing resolution was duly adopted by a vote of (6) in favor, (0) opposed, (0) not voting, (3) excused, pursuant to authority of Article V, Section (a) of the Constitution of the Hualapai Tribe approved March 13, 1991.



Louise Benson, Chairwoman
Hualapai Tribal Council

ATTEST:



Adeline Crozier, Assis. Secretary
Hualapai Tribal Council

**HUALAPAI TRIBE SEX OFFENDER REGISTRATION CODE
TABLE OF CONTENTS**

Title		1
SECTION 6.126	Purpose	3
SECTION 6.127	Creation of Registries	3
SECTION 6.128	Definitions	3
SECTION 6.129	Covered Offenses	5
SECTION 6.130	TIERING OF OFFENSES	8
SECTION 6.130 A	Tier I Offenses	8
SECTION 6.130 B	Tier II Offenses	9
SECTION 6.130 C	Tier III Offenses	10
SECTION 6.131	REQUIRED INFORMATION	10
SECTION 6.131 A	General Requirements	10
SECTION 6.131 B	Criminal History	11
SECTION 6.131 C	Date of Birth	11
SECTION 6.131 D	DNA Sample	11
SECTION 6.131 E	Driver's Licenses, Identification Cards, Passports, and Immigration Documents	11
SECTION 6.131 F	Employment Information	12
SECTION 6.131 G	Finger and Palm Print	12
SECTION 6.131 H	Internet Identifiers	12
SECTION 6.131 I	Name	12
SECTION 6.131 J	Phone Numbers	12
SECTION 6.131 K	Picture	12
SECTION 6.131 L	Physical Description	13
SECTION 6.131 M	Professional Licensing Information	13
SECTION 6.131 N	Residence Address	13
SECTION 6.131 O	School	13
SECTION 6.131 P	Social Security Number	13
SECTION 6.131 Q	Temporary Lodging	13
SECTION 6.131 R	International Travel	14
SECTION 6.131 S	Offense Information	14
SECTION 6.131 T	Vehicle Information	14
SECTION 6.132	REGISTRATION	14
SECTION 6.132 A	Where Registration Is Required	14
SECTION 6.132 B	Initial Registration	15
SECTION 6.132 C	Retroactive Registration	15
SECTION 6.132 D	Keeping Registration Current	16
SECTION 6.132 E	Failure To Appear For Registration and Absconding	17
SECTION 6.133	VERIFICATION and APPEARANCE REQUIREMENTS	18
SECTION 6.133 A	Frequency	18
SECTION 6.133 B	Requirements for In Person Appearances	19
SECTION 6.133 C	Sex Offender Acknowledgement Form	19
SECTION 6.134	PUBLIC SEX OFFENDER REGISTRY WEBSITE	19
SECTION 6.134 A	Website	19
SECTION 6.134 B	Required and Prohibited Information	20
SECTION 6.135	COMMUNITY NOTIFICATION	20
SECTION 6.135 A	Law Enforcement Community Notification	20
SECTION 6.135 B	Community Notification	20
SECTION 6.136	CRIMES AND CIVIL SANCTIONS	21
SECTION 6.136 A	Indians	21

SECTION 6.136 B	Non-Indians	21
SECTION 6.137	UNLAWFUL USE OF REGISTRY INFORMATION	21
SECTION 6.137 A	Unlawful use of registry information for criminal act	21
SECTION 6.137 B	Unlawful use of registry information for criminal act by an Indian	21
SECTION 6.137 C	Unlawful use of registry information for criminal act by a Non-Indian	21
SECTION 6.138	HINDERENCE OF SEX OFFENDER REGISTRATION	22
SECTION 6.138 A 1	Knowingly harboring a sex offender	22
SECTION 6.138 A 2	Knowingly assisting a sex offender	22
SECTION 6.138 A 3	Providing false information on sex offender to Law Enforcement	22
SECTION 6.138 B	Violation of Sec. 138 A by an Indian	22
SECTION 6.138 C	Violation of Sec. 138 A by a Non-Indian	22
SECTION 6.139	IMMUNITY	22

SEX OFFENDER REGISTRATION

Sec. 6.126 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 USC 16901 et seq). and shall be interpreted liberally to comply with the terms and conditions of SORNA as presently written or hereafter amended. This Chapter supersedes and replaces Sec. 6.126 to 6.140 of the Hualapai Law and Order Code adopted on July 1, 2004.

Sec. 6.127 Creation of Registries

- A. Sex Offender Registry. There is hereby established a sex offender registry program, which the Hualapai Tribal Police Department shall maintain and operate pursuant to the provisions of this code, as amended.
- B. Public Sex Offender Registry Website. There is hereby established a public sex offender registry website, which the Hualapai Tribal Police Department shall maintain and operate pursuant to the provisions of this code, as amended.

Sec. 6.128 Definitions

The definitions below apply to Sections 6.126 through 6.139 of the Revised Law and Order Code:

- A. Convicted. An adult sex offender is "convicted" for the purposes of this code if the sex offender has been subjected to penal consequences based on the conviction, however the conviction may be styled.

A juvenile offender is "convicted" for purposes of this code if the juvenile offender is either:
 - 1. Prosecuted and found guilty as an adult for a sex offense; or
 - 2. Is adjudicated delinquent as a juvenile for a sex offense, but only if the offender is 14 years of age or older at the time of the offense and the offense adjudicated was comparable to or more severe than aggravated sexual abuse (as described in either (a) or (b) of section 2241 of title 18, United States Code), or was an attempt or conspiracy to commit such an offense.
- B. Dru Sjodin National Sex Offender Public Website (NSOPW). The public website maintained by the Attorney General of the United States pursuant to 42 U.S.C. §16920.
- C. Foreign Convictions. A foreign conviction is one obtained outside of the United States.

- D. Employee. The term "employee" as used in this code includes, but is not limited to, an individual who is self-employed or works for any other entity, regardless of compensation. Volunteers of a tribal agency or organization are included within the definition of employee for registration purposes.
- E. Immediate. "Immediate" and "immediately" mean within 3 business days.
- F. Imprisonment. The term "imprisonment" refers to incarceration pursuant to a conviction, regardless of the nature of the institution in which the offender serves the sentence. The term is to be interpreted broadly to include, for example, confinement in a state "prison" as well as in a federal, military, foreign, BIA, private or contract facility, or a local or tribal "jail". Persons under "house arrest" following conviction of a covered sex offense are required to register pursuant to the provisions of this code during their period of "house arrest".
- G. Jurisdiction. The term "jurisdiction" as used in this code refers to the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, the United States Virgin Islands, and any Indian Tribe that has asserted jurisdiction pursuant to Public Law 109-248 Section 127 of the SORNA (42 USC § 16927).
- H. Minor. The term "minor" means an individual who has not attained the age of 18 years.
- I. National Sex Offender Registry (NSOR). The national database maintained by the Federal Bureau of Investigation pursuant to 42 U.S.C. §16919.
- J. Resides. The term "reside" or "resides" means, with respect to an individual, the location of the individual's home or other place where the individual habitually lives or sleeps.
- K. Sex Offense. The term "sex offense" as used in this code includes those offenses contained in 42 U.S.C. § 16911(5) (as amended) and those offenses commented in section 6.129 of this code or any other register able offense under Hualapai Tribal law.

An offense involving consensual sexual conduct is not a sex offense for the purposes of this code if the victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense, or if the victim was at least 13 years old and the offender was not more than 4 years older than the victim.

- L. Sex Offender. A person convicted of a sex offense is a "sex offender".
- M. Sexual Act. The term "sexual act" means:
 1. contact between the penis and the vulva or the penis and the anus, and for purposes of this definition contact involving the penis occurs upon penetration, however slight;
 2. contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;
 3. the penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or

4. the intentional touching, not through the clothing, of the genitalia of another person that has not attained the age of 18 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.
- N. Sexual Contact. The intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desires of any person.
- O. SORNA. The "SORNA" refers to the Sex Offender Registration and Notification Act as provided in Title I of the Adam Walsh Child Protection and Safety Act of 2006, P.L. 109-248 (as codified at 42 U.S.C. § 16901 *et. seq.*).
- P. Student. A "student" is a person who enrolls in or attends either a private or public education institution, including a secondary school, trade or professional school, or an institution of higher education.
- Q. Sex Offender Registry. The term "sex offender registry" means the registry of sex offenders, and a notification program, maintained by Hualapai Tribal Police Department.
- R. SMART Office. The Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking, which was established within the United States Department of Justice under the general authority of the Attorney General of the United States pursuant to 42 U.S.C. §16945.
- S. "Tier I Sex Offender". A "tier I sex offender", or a "sex offender" designated as "tier I", is one that has been convicted of a "tier I" sex offense as defined in section 6.130 (A).
- T. "Tier II Sex Offender". A "tier II sex offender", or a "sex offender" designated as "tier II", is one that has been either convicted of a "tier II" sex offense as defined in section 6.130 (B), or who is subject to the recidivist provisions of 6.130(B 1).
- U. "Tier III Sex Offender". A "tier III sex offender", or a "sex offender" designated as "tier III", is one that has been either convicted of a "tier III" sex offense as defined in section 6.130 (C), or who is subject to the recidivist provisions of 6.130(C 1).

Sec. 6.129 Covered Offenses

Offenders who reside within the exterior boundaries of the reservation or otherwise reside on property owned by the Hualapai Tribe in fee or trust regardless of location, are employed within the exterior boundaries of the reservation or on property owned by the Hualapai 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 Hualapai Tribe in fee or trust regardless of location, that have been convicted of the following offenses are subject to the requirements of this code:

- A. Tribal Offenses. A violation of the Law and Order Code of the Hualapai Tribe, "Sexual Offenses," or any conviction for attempt, conspiracy, or aiding and abetting of the following offenses:

1. Sec. 6.112 Sexual Assault
2. Sec. 6.113 Forcible Sexual Penetration with a Foreign Object
3. Sec. 6.114 Unlawful Sexual Acts
4. Sec. 6.115 Unlawful Sexual Conduct
5. Sec. 6.116 Reserved
6. Sec. 6.117 Indecent Exposure
7. Sec. 6.118 Enticement of a Child for the Purposes of Prostitution or Illicit Intercourse
8. Sec. 6.119 Reserved
9. Sec. 6.120 Child Pornography
10. Sec. 6.121 Transporting a Child for Sexual Purpose
11. Sec. 6.122-6.125 Reserved

B. Federal Offenses. 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 USC § 1152 or § 1153).

1. 18 U.S.C. §1591 (sex trafficking of children),
2. 18 U.S.C. §1801 (video voyeurism of a minor),
3. 18 U.S.C. §2241 (aggravated sexual abuse),
4. 18 U.S.C. §2242 (sexual abuse),
5. 18 U.S.C. §2243 (sexual abuse of a minor or ward),
6. 18 U.S.C. §2244 (abusive sexual contact),
7. 18 U.S.C. §2245 (offenses resulting in death),
8. 18 U.S.C. §2251 (sexual exploitation of children),
9. 18 U.S.C. §2251A (selling or buying of children),
10. 18 U.S.C. §2252 (material involving the sexual exploitation of a minor),
11. 18 U.S.C. §2252A (material containing child pornography),
12. 18 U.S.C. §2252B (misleading domain names on the internet),
13. 18 U.S.C. §2252C (misleading words or digital images on the internet),
14. 18 U.S.C. §2260 (production of sexually explicit depictions of a minor for import into the United States),
15. 18 U.S.C. §2421 (transportation of a minor for illegal sexual activity),

16. 18 U.S.C. §2423 (), (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)
 17. 18 U.S.C. §2424 (failure to file factual statement about an alien individual), and
 18. 18 U.S.C. §2425 (transmitting information about a minor to further criminal sexual conduct).
- C. Foreign Offenses. Any conviction for a sex offense involving any conduct listed in Section 6.129(D) which was obtained under the laws of Canada, the United Kingdom, Australia, New Zealand, and any foreign country where the United States State Department, in its Country Reports on Human Rights Practices, has concluded that an independent judiciary generally or vigorously enforced the right to a fair trial in that country during the year in which the conviction occurred.
- D. Military Offenses. Any military offense specified by the Secretary of Defense under Section 115(a) (8) (C) (i) of P.L. 105-119 (codified at 10 U.S.C. § 951).
- E. Juvenile Offenses or Adjudications. Any sex offense, or attempt or conspiracy to commit a sex offense, that is comparable to or more severe than the federal crime of aggravated sexual abuse (as codified in 18 U.S.C. § 2241) and committed by a minor who is 14 years of age or older. This includes engaging in a sexual act with another by force or the threat of serious violence; or engaging in a sexual act with another by rendering unconscious or involuntarily drugging the victim.
- F. Jurisdiction Offenses. Any sex offense committed in any jurisdiction, including this Hualapai Tribe that involves:
1. Any type of degree of genital, oral, or anal penetration,
 2. Any sexual touching of or contact with a person's body, either directly or through the clothing,
 3. Kidnapping of a minor,
 4. False imprisonment of a minor,
 5. 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. Use of a minor in a sexual performance,
 7. Solicitation of a minor to practice prostitution,
 8. Video voyeurism of a minor as described in 18 U.S.C. § 1801,
 9. Possession, production, or distribution of child pornography,
 10. 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,
 11. Any conduct that by its nature is a sex offense against a minor, and

12. 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),
- g. 18 U.S.C. § 2423(a) (transporting a minor to engage in illicit conduct).

3Sec. 6.130 Tiered Offenses

A. **Sex Offenses.** A “Tier I” offense includes any sex offense, for which a person has been convicted, or an attempt or conspiracy to commit such an offense that is not a “Tier II” or “Tier III” offense.

1. **Offenses Involving Minors.** A “Tier I” offense also includes any offense for which a person has been convicted by any jurisdiction, local government, or qualifying foreign country pursuant to Section 6.129(C) that involves the false imprisonment of a minor, video voyeurism of a minor, or possession or receipt of child pornography.
2. **Tribal Offenses.** Any sex offense covered by this act where punishment was limited to one year in jail shall be considered a “Tier I” sex offense.
3. **Certain Federal Offenses.** Conviction for any of the following federal offenses or an attempt to commit such offense shall be considered a conviction for a “Tier I” offense:
 - a. 18 U.S.C. § 1801 (video voyeurism of a minor),
 - b. 18 U.S.C. § 2252 (material involving the sexual exploitation of a minor),
 - c. 18 U.S.C. § 2252A (material containing child pornography),
 - d. 18 U.S.C. § 2252B (misleading domain names on the internet),
 - e. 18 U.S.C. § 2252C (misleading words or digital images on the internet),
 - f. 18 U.S.C. § 2422(a) (coercion to engage in prostitution),
 - g. 18 U.S.C. § 2423(b) (travel with the intent to engage in illicit conduct),
 - h. 18 U.S.C. § 2423(c) (engaging in illicit conduct in foreign places),
 - i. 18 U.S.C. § 2424 (failure to file factual statement about an alien individual), and
 - j. 18 U.S.C. § 2425 (transmitting information about a minor to further criminal sexual conduct).

4. **Certain Military Offenses.** Any military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (codified at 10 U.S.C. §951 note) that is similar to those offenses outlined in Section 6.28(A) (1),(2), or (3) shall be considered “Tier I” offenses.

B. Tier II Offenses

1. **Recidivism and Felonies.** Unless otherwise covered by Section 6.130(C), any sex offense that is not the first sex offense for which a person has been convicted or an attempt or conspiracy to commit such an offense and is punishable by more than one year in jail is considered a “Tier II” offense.
2. **Offenses Involving Minors.** A “Tier II” offense includes any sex offense against a minor for which a person has been convicted, or an attempt or conspiracy to commit such offense that involves:
 - a. The use of minors in prostitution, including solicitations,
 - b. Enticing a minor to engage in criminal sexual activity,
 - c. A non-forcible Sexual Act with a minor 16 or 17 years old,
 - d. Sexual contact with a minor 13 years of age or older, whether direct or through the clothing, that involves the intimate parts of the body,
 - e. The use of a minor in a sexual performance, or
 - f. The production for distribution of child pornography.
3. **Certain Federal Offenses.** Conviction for any of the following federal offenses shall be considered a conviction for a “Tier II” offenses:
 - a. 18 U.S.C. §1591 (sex trafficking by force, fraud, or coercion),
 - b. U.S.C. §2423(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),
 - c. 18 U.S.C. § 2244 (abusive sexual contact),
 - d. 18 U.S.C. § 2251 (sexual exploitation of children),
 - e. 18 U.S.C. § 2251A (selling or buying of children),
 - f. 18 U.S.C. § 2252 (material involving the sexual exploitation of a minor),
 - g. 18 U.S.C. § 2252A (production or distribution of material containing child pornography),
 - h. 18 U.S.C. § 2260 (production of sexually explicit depictions of a minor for import into the United States),
 - i. 18 U.S.C. § 2421 (transportation of a minor for illegal sexual activity),
 - j. 18 U.S.C. § 2422(b)(coercing a minor to engage in prostitution),
 - k. 18 U.S.C. § 2423(a) (transporting a minor to engage in illicit conduct).

4. **Certain Military Offenses.** Any military offense specified by the Secretary of Defense under Section 115(a)(8)(C)(i) of Public Law 105-119 (codified at 10 U.S.C. § 951 note) that is similar to those offenses outlined in Section 6.130(B) (1), (2), or (3) shall be considered "Tier II" offenses.

C. Tier III Offenses

1. **Recidivism and Felonies.** Any sex offense that is punishable by more than one year in jail where the offender has at least one prior conviction or an attempt or conspiracy to commit such offense for a Tier II sex offense, or has become a Tier II sex offender, is a "Tier III" offense.
2. **General Offenses.** A "Tier III" offense includes any sex offense, for which a person has been convicted, or an attempt or conspiracy to commit such an offense that involves:
 - a. Non-parental kidnapping of a minor,
 - b. A sexual act with another by force or threat,
 - c. A sexual act with another who has been rendered unconscious or involuntarily drugged, or who is otherwise incapable of appraising the nature of the conduct or declining to participate, or
 - d. Sexual contact with a minor 12 years of age or younger, including offenses that cover sexual touching of or contact with the intimate parts of the body, either directly or through the clothing.
3. **Certain Federal Offenses.** Conviction for any of the following federal offenses shall be considered conviction for a "Tier III" offense:
 - a. 18 U.S.C. § 2241 (aggravated sexual abuse),
 - b. 18 U.S.C. § 2242 (sexual abuse), or
 - c. 18 U.S.C. §2243 (sexual abuse of a minor or ward),
 - d. Where the victim is 12 years of age or younger, 18 U.S.C. § 2244 (abusive sexual contact).
4. **Certain Military Offenses.** Any military offense specified by the Secretary of Defense under Section 115(a) (8) (C) (i) of PL 105-119 (codified at 10 U.S.C. § 951) that is similar to those offenses outlined in Section 6.130(C) (1),(2), or (3) shall be considered "Tier III" offenses.

Sec. 6.131 Required Information

A. General Requirements

1. **Duties.** A sex offender covered by this code who is required to register with the Hualapai Tribe pursuant to Chapter 5 shall provide all of the information detailed in this chapter to the Hualapai Tribal Police Department, and the Hualapai Tribal Police Department shall obtain all of the information detailed in this chapter from covered sex offenders who are required to register with the Hualapai Tribe in accordance with this code and implementing policies and procedures.

2. Digitization. All information obtained under this code shall be, at a minimum, maintained by the Hualapai Tribal Police Department in digitized format.
 3. Electronic Database. A sex offender registry shall be maintained in an electronic database by the Hualapai Tribal Police Department and shall be in a form capable of electronic transmission.
- B. Criminal History. The Hualapai Tribal Police Department shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's sex offense criminal history:
1. The date of all arrests,
 2. The date of all convictions,
 3. The sex offender's status of parole, probation, or supervised release,
 4. The sex offender's registration status, and
 5. Any outstanding arrest warrants.
- C. Date of Birth. The Hualapai Tribal Police Department shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's date of birth:
1. The sex offender's actual date of birth, and
 2. Any other date of birth used by the sex offender.
- D. DNA Sample.
1. DNA. If the sex offender's DNA is not already contained in the Combined DNA Index System ("CODIS"), the sex offender shall provide the Hualapai Tribal Police Department a sample of his DNA.
 2. CODIS. Any DNA sample obtained from a sex offender shall be submitted to an appropriate lab for analysis and entry of the resulting DNA profile in to CODIS.
- E. Driver's License, Identification Cards, Passports, and Immigration Documents.
1. Driver's License. A covered sex offender shall provide all of the sex offender's valid driver's licenses issued by any jurisdiction and the Hualapai Tribal Police Department shall make a photocopy of any such licenses.
 2. Identification Cards. A covered sex offender shall provide to the Hualapai Tribal Police Department any identification card issued by any jurisdiction, including the sex offender's tribal enrollment, and the Hualapai Tribal Police Department shall make a photocopy of all such identification cards.
 3. Passports. A covered sex offender shall provide to the Hualapai Tribal Police Department any passport issued by any jurisdiction, and the Hualapai Tribal Police Department shall make a photocopy of all such passports.
 4. Immigration Documents. A covered sex offender shall provide to the Hualapai Tribal Police Department any immigration documents issued by any jurisdiction, and the Hualapai Tribal Police Department shall make a photocopy of all such immigration documents.

- F. **Employment Information.** The Hualapai Tribal Police Department shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's employment, to include any and all places where the sex offender is employed in any means including volunteer and unpaid positions:
1. The name of the sex offender's employer,
 2. The address of the sex offender's employer, and
 3. Similar information related to any transient or day labor employment.
- G. **Finger and Palm Prints.** The Hualapai Tribal Police Department shall obtain, and a covered sex offender shall provide, both finger prints and palm prints which must be submitted to the FBI Next Generation Identification Program.
- H. **Internet Names.** The Hualapai Tribal Police Department shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's internet related activity:
1. Any and all e-mail addresses used by the sex offender,
 2. Any and all Instant Message addresses and identifiers,
 3. Any and all other designations or monikers used for self-identification in Internet communications or postings, and
 4. 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, twitter accounts, video posting site identifications such as You Tube etc...
- I. **Name.** The Hualapai Tribal Police Department shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's name:
1. The sex offender's full primary given name,
 2. Any and all nicknames, aliases, and pseudonyms regardless of the context in which it is used, and
 3. Any and all ethnic or tribal names by which the sex offender is commonly known. This does not include any religious or sacred names not otherwise commonly known.
- J. **Phone Numbers.** The Hualapai Tribal Police Department shall obtain, and a covered sex offender shall provide, any and all telephone numbers and any other designations used by sex offenders for the purposes of routing or self-identification in telephonic communications including but not limited to:
1. Any and all cellular telephone numbers.
 2. Any and all land line telephone numbers.
 3. Any and all Voice over IP (VOIP) telephone numbers.
- K. **Picture.**
1. **Photograph.** A covered sex offender shall permit his photograph to be taken by the Hualapai Tribal Police Department:
 - a. Every 90 days for Tier III sex offenders,

- b. Every 180 days for Tier II sex offenders, and
 - c. Every year for Tier I sex offenders.
 - 2. Update Requirements. Unless the appearance of a sex offender has not changed significantly a digitized photograph shall be collected at each appearance indicated in Section 6.131 K (1).
- L. Physical Description. The Hualapai Tribal Police Department shall obtain, and a covered sex offender shall provide, an accurate description of the sex offender as follows:
 - 1. A physical description,
 - 2. A general description of the sex offender's physical appearance or characteristics, and
 - 3. Any identifying marks, such as, but not limited to, scars, moles, birthmarks, or tattoos.
- M. Professional Licensing Information. The Hualapai Tribal Police Department shall obtain, and a covered sex offender shall provide, all licensing of the sex offender that authorizes the sex offender to engage in an occupation or carry out a trade or business.
- N. Residence Address. The Hualapai Tribal Police Department shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's residence:
 - 1. The address of each residence at which the sex offender resides or will reside, and
 - 2. Any location or description that identifies where the sex offender habitually resides regardless of whether it pertains to a permanent residence or location otherwise identifiable by a street or address.
- O. School. The Hualapai Tribal Police Department shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's school:
 - 1. The address of each school where the sex offender is or will be a student, intern, or volunteer, and
 - 2. The name of each school the sex offender is or will be a student, intern, or volunteer.
- P. Social Security Number. The Hualapai Tribal Police Department shall obtain, and a covered sex offender shall provide, the following information:
 - 1. A valid social security number for the sex offender, and
 - 2. Any social security number the sex offender has used in the past, valid or otherwise.
- Q. Temporary Lodging. The Hualapai Tribal Police Department shall obtain, and a covered sex offender shall provide, the following information when the sex offender will be absent from his residence for 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.
3. The registered sex offender shall provide the information in Section 6.131 Q (1) and (2) no later than 3 days before his scheduled travel. The information shall be provided in person.

R. INTERNATIONAL TRAVEL

1. Travel Abroad. Sex offenders must inform their residence jurisdictions 21 days in advance if they intend 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 also must be made to NCIC/NSOR.

S. Offense Information

1. Offense Information. The Hualapai Tribal Police Department shall obtain the text of each provision of law defining the criminal offense(s) for which the sex offender is registered.
2. SORNA Database. The text of each provision of law mentioned in Section 6.131(S) (1) shall be cross linked to the SORNA Database containing the text of relevant sex related laws for all jurisdictions.

T. Vehicle Information. The Hualapai Tribal Police Department shall obtain, and a covered sex offender shall provide, the following information related to all vehicles owned or operated by the sex offender for work or personal use including land vehicles, aircraft, and watercraft:

1. License plate numbers,
2. Registration numbers or identifiers,
3. General description of the vehicle to include color, make, model, and year, and
4. Any permanent or frequent location where any covered vehicle is kept.

Sec. 6.132 Registration

A. Where Required

1. Jurisdiction of Conviction. A sex offender must initially register with the Hualapai Tribal Police Department if the sex offender was convicted by the Tribal Court of a covered sex offense regardless of the sex offender's actual or intended residency.
2. Jurisdiction of Incarceration. A sex offender must register with the Hualapai Tribal Police Department if the sex offender is incarcerated by the tribe while completing any sentence for a covered sex offense, regardless of whether it is the same jurisdiction as the jurisdiction of conviction or residence.
3. Jurisdiction of Residence. A sex offender must register with the Hualapai Tribal Police Department if the sex offender resides within the exterior

boundaries of the reservation or otherwise resides on property owned by the tribal jurisdiction in fee or trust, regardless of location.

4. Jurisdiction of Employment. A sex offender must register with the Hualapai Tribal Police Department if he or she is employed by the Hualapai Tribe in any capacity or otherwise is employed within the exterior boundaries of the Hualapai reservation or on property owned by the Hualapai Tribe in fee or trust, regardless of location.
5. Jurisdiction of School Attendance. A sex offender must register with the Hualapai Tribal Police Department if the sex offender is a student in any capacity within lands subject to the jurisdiction of the Hualapai Tribe.

B. Initial Registration

1. Timing. A sex offender required to register with the Hualapai Tribe under this code shall do so in the following time frame:
 - a. If convicted by the Hualapai Tribe for a covered sex offense and incarcerated, the sex offender must register before being released from incarceration;
 - b. If convicted by the Hualapai tribe but not incarcerated, within 3 business days of sentencing for the registration offense, and
 - c. Within 3 business days of establishing a residence, commencing employment, or becoming a student on lands subject to the jurisdiction of the Hualapai Tribe, a sex offender must appear in person to register with the Hualapai Tribal Police Department.
2. Duties of Hualapai Tribal Police Department. The Hualapai Tribal Police Department shall have policies and procedures in place to ensure the following:
 - a. That any sex offender incarcerated or sentenced by the Hualapai Tribe for a covered sex offense completes their initial registration with the Hualapai Tribe,
 - b. That the sex offender reads, or has read to them, and signs a form stating the duty to register has been explained to them and that the sex offender understands the registration requirement, [See the requirement and guidance in Section 6.132]
 - c. That the sex offender is registered, and added to the public website if applicable and
 - d. That upon entry of the sex offender's information in to 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 student status.
 - e. That all information is entered and updated in the NCIC/NSOR.

C. Retroactive Registration.

1. Retroactive Registration. The Hualapai Tribal Police Department shall have in place policies and procedures to ensure the following three categories of sex offenders are subject to the registration and updating requirements of this code:

- a. Sex offenders incarcerated or under supervision of the Hualapai Tribe, whether for a covered sex offense or other crime,
 - b. Sex offenders already registered or subject to a pre-existing sex offender registration requirement, and
 - c. Sex offenders reentering the justice system due to conviction for any crime.
 2. Timing of Recapture. The Hualapai Tribal Police Department shall ensure recapture of the sex offenders mentioned in Section 6.132(C)(1) within the following timeframe to be calculated from the date of passage of this code:
 - a. For Tier I sex offenders, 1 year,
 - b. For Tier II sex offenders, 180 days, and
 - c. For Tier III sex offenders, 90 days.
- D. Keeping Registration Current
1. Jurisdiction of Residency. All sex offenders who reside in lands subject to the jurisdiction of the Hualapai Tribe who are required to register in this jurisdiction shall immediately appear in person at the Hualapai Tribal 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 Hualapai Tribal Police Department in person of any changes to their temporary lodging information, and in writing of any changes to their vehicle information, internet identifiers, or telephone numbers. In the event of a change in temporary lodging, of 7 days the sex offender shall immediately notify the registering official of the residence jurisdiction and the Hualapai Tribal Police Department shall notify the jurisdiction in which the sex offender will be temporarily staying.
 2. Duties of Hualapai Tribal Police Department. The Hualapai Tribal Police Department shall have policies and procedures in place to ensure the following: With regard to changes in a sex offender's registration information, the Hualapai Tribal Police Department or designee shall immediately notify:
 - a. All jurisdictions where a sex offender intends to reside, work, or attend school,
 - b. Any jurisdiction where the sex offender is either registered or required to register, and
 - c. 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 Hualapai Tribal Police Department shall also ensure this information is immediately updated on NSOR.
 3. Jurisdiction of Employment. Any sex offender, who is employed by the Hualapai Tribe in any capacity or otherwise are employed within lands subject to the jurisdiction of the Hualapai Tribe regardless of location that change their employment, or otherwise terminate their employment, shall immediately appear in person at the Hualapai Tribal Police Department to

update that information. The Hualapai Tribal Police Department shall ensure that each jurisdiction in which the sex offender is required to register, or was required to register prior to updated information being given, are immediately notified of the charge.

4. Jurisdiction of School Attendance. Any sex offender who is a student in any capacity within lands subject to the jurisdiction of the Hualapai Tribe regardless of the location that change their school, or otherwise terminate their schooling, shall immediately of the school the exterior boundaries of the reservation or on property owned by the Hualapai Tribe in fee or trust regardless of location change their school, or otherwise terminate their schooling, shall immediately appear in person at the Hualapai Tribal Police Department to update that information. The Hualapai Tribal Police Department shall ensure that each jurisdiction in which the sex offender is required to register, or was required to register prior to the updated information being given, are immediately notified of the change.

E. Failure to Appear for Registration and Absconding

1. Failure to Appear. In the event a sex offender fails to register with the Hualapai Tribe as required by this code, the Hualapai Tribal Police Department shall immediately inform the jurisdiction that provided notification that the sex offender was to commence residency, employment, or school attendance with the Hualapai Tribe that the sex offender failed to appear for registration.
2. Absconded Sex Offenders. If the Hualapai Tribal Police Department receives information that a sex offender has absconded the Hualapai Tribal Police Department shall make an effort to determine if the sex offender has actually absconded.
 - a. In the event no determination can be made, the Hualapai Tribal Police Department shall ensure the tribal police and any other appropriate law enforcement agency is notified.
 - b. If the information indicating the possible absconding came through notice from another jurisdiction or federal authorities, they shall be informed that the sex offender has failed to appear and register.
 - c. If an absconded sex offender cannot be located then the Hualapai Tribal Police Department shall take the following steps:
 - i. Update the registry/public website to reflect the sex offender has absconded or is otherwise not capable of being located,
 - ii. Notify the U.S. Marshalls Service,
 - iii. Seek a warrant for the sex offender's arrest. The U.S. Marshals Service or FBI may be contacted in an attempt to obtain a federal warrant for the sex offender's arrest,
 - iv. Update the NCIC/NSOR to reflect the sex offender's status as an absconder, or is otherwise not capable of being located, and
 - v. Enter the sex offender into the National Crime Information Center Wanted Person File.

3. Failure to Register. In the event a sex offender who is required to register due to their employment or school attendance status fails to do so or otherwise violates a registration requirement of this code, the Hualapai Tribal Police Department shall take all appropriate follow-up measures including those outlined in Section 6.132(E)(2). The Hualapai Tribal Police Department shall first make an effort to determine if the sex offender is actually resides, is employed or attending school in lands subject to the Hualapai Tribe's jurisdiction.

Sec. 6.133 Verification and Appearance Requirements

A. Frequency

1. Frequency. A sex offender who is required to register shall, at a minimum, appear in person at the Hualapai Tribal Police Department for purposes of verification and keeping their registration current in accordance with the following time frames:
 - a. For "Tier I" offenders, once every year for 15 years from the time of release from custody for a sex offender who is incarcerated for the registration offense or from the date of sentencing for a sex offender who is not incarcerated for the registration offense.
 - b. For "Tier II" offenders, once every 180 days for 25 years from time of release from custody for a sex offender who is incarcerated for the registration offense or from the date of sentencing for a sex offender who is not incarcerated for the registration offense.
 - c. For "Tier III" offenders, once every 90 days for the rest of their lives.
2. Reduction of Registration Periods. A sex offender may have their period of registration reduced as follows:
 - a. A Tier I offender may have his or her period of registration and verification reduced to 10 years if he or she has maintained a clean record for 10 consecutive years,
 - b. A Tier III offender may have their period of registration and verification reduced to 25 years if they were adjudicated delinquent of an offense as a juvenile which required Tier III registration and they have maintained a clean record for 25 consecutive years.
3. Clean Record. For purposes of Section 6.131(A)(2), a person has a clean record if:
 - a. He or she has not been convicted of any offense for which imprisonment for more than 1 year may be imposed;
 - b. He or she has not been convicted of any sex offense;
 - c. He or she has successfully completed, without revocation, any period of supervised release, probation, or parole; and
 - d. 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.

B. Requirements for In Person Appearances

1. Photographs. At each in person verification, the sex offender shall permit the Hualapai Tribal Police Department to take a photograph of the sex offender.
2. Review of Information. At each in person verification the sex offender shall review existing information for accuracy.
3. Notification. If any new information or change in information is obtained at an in person verification, the Hualapai Tribal Police Department shall immediately notify all other jurisdictions in which the sex offender is required to register of the information or change of in information.
4. If any new information or change in information is obtained at an in person verification, the Hualapai Tribal Police Department shall immediately update the public website, if applicable, and update information in NCIC/NSOR.

C. Sex Offender Acknowledgement Form

1. 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 Hualapai Tribal Police Department or designee's and that the sex offender understands the registration requirement.
2. The form shall be signed and dated by the Hualapai Tribal Police Department personnel registering the sex offender.
3. The Hualapai Tribal Police Department shall immediately upload the acknowledgement form into the Hualapai Tribal Police Department or sex offender registry.

Sec. 6.134 Public Sex Offender Registry Website

A. Website.

1. Website. The Hualapai Tribal Police Department shall use and maintain a public sex offender registry website.
2. Links. The Hualapai Tribal Sex Offender Registry website shall include links to sex offender safety and education resources.
3. Instructions. The Hualapai Tribal Sex Offender Registry website shall include instructions on how a person can seek correction of information that the individual contends is erroneous.
4. Warnings. The Hualapai Tribal Sex Offender Registry website shall include a warning that the information contained on the website should not be used to unlawfully injure, harass, or commit a crime against any individual named in the registry or residing or working at any reported addresses and that any such action could result in civil or criminal penalties.
5. Search Capabilities. The Hualapai Tribal Sex Offender Registry website shall have the capability of conducting searches by (1) name; (2) county, city, and/or town; and, (3) zip code or geographic radius.
6. Dru Sjodin National Sex Offender Public Website. The Hualapai Tribe shall include in the design of its registry website all field search capabilities needed for full participation in the Dru Sjodin National Sex Offender Public Website and shall participate in that website as provided by the Attorney General of the United States.

B. Required and Prohibited Information

1. **Required Information.** The following information shall be made available to the public on the sex offender registry website:
 - a. Notice that an offender is in violation of their registration requirements or cannot be located if the sex offender has absconded,
 - b. All sex offenses for which the sex offender has been convicted,
 - c. The sex offense(s) for which the offender is currently registered,
 - d. The address of the sex offender's employer(s),
 - e. The name of the sex offender including all aliases,
 - f. A current photograph of the sex offender,
 - g. A physical description of the sex offender,
 - h. The residential address and, if relevant, a description of a habitual residence of the sex offender,
 - i. All addresses of schools attended by the sex offender, and
 - j. The sex offender's vehicle license plate number along with a description of the vehicle.
2. **Prohibited Information.** The following information shall not be available to the public on the sex offender registry website:
 - a. Any arrest that did not result in conviction,
 - b. The sex offender's social security number,
 - c. Any travel and immigration documents, and
 - d. The identity of the victim.
 - e. Internet identifiers (as defined in 42 U.S.C. §16911).
3. **Witness Protection.** For sex offenders who are under a witness protection program, the Hualapai Tribal Police Department may honor the request of the United States Marshal Service or other agency responsible for witness protection by not including the original identity of the offender on the publicly accessible sex offender registry website.

Sec. 6.135 Community Notification

- A. Law Enforcement Notification.** Whenever a sex offender registers or updates his or her information with the Hualapai Tribe, the Hualapai Tribal Police Department shall:
1. Monitor and utilize the SORNA Exchange Portal for inter-jurisdictional change of residence, employment or student status.
 2. Immediately update NCIC/NSOR,
 3. Immediately notify any agency, department, or program within the Hualapai Tribe that is responsible for criminal investigation, prosecution, child welfare or sex offender supervision functions, 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; and

5. 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 public website.

B. Community Notification. The Hualapai Tribal Police Department shall ensure there is an automated community notification process in place that ensures the following:

1. Upon a sex offender's registration or update of information with the Hualapai Tribe, the Hualapai Tribal Sex Offender Registry website is immediately updated.

2. The Hualapai Tribal Sex Offender Registry has a function that enables the general public to request e-mail notice that will notify them when a sex offender commences residence, employment, or school attendance with the Hualapai Tribe, within a specified zip code, or within a certain geographic radius. This e-mail notice shall include the sex offender's identity so that the public can access the public registry for new information.

Sec. 6.136 Crimes and Civil Sanctions

A. Indians. Any violation of a provision of this code by a sex offender who is an Indian shall be considered a crime and subject to imprisonment for a period not to exceed one year or a fine not to exceed \$5,000.00, or both.

B. Non-Indians. Any violation of a provision of this code by a sex offender who is not an Indian shall be considered a civil violation subject to enforcement by any means not prohibited by federal law, including, but not limited to the issuance of fines, forfeitures, civil contempt, and exclusion from all lands within the jurisdiction of the Hualapai Tribe

Sec. 6.137 Unlawful Use of Registry Information

A. A person is guilty of an offense if they knowingly use, or cause to be used, registry information to commit a criminal act against another person, including but not limited to use for the purpose of harassing or intimidating another person.

B. Any violation of Section 6.137(A) by a person who is an Indian shall be considered a crime and subject to imprisonment for a period not to exceed 1 year, or a fine not to exceed \$5,000.00, or both.

C. Any violation of Section 6.137(A) by a person who is not an Indian shall be considered a civil violation subject to enforcement by any means not prohibited by federal law, including, but not limited to the issuance of fines, forfeitures, civil contempt, and exclusion from all lands within the jurisdiction of the Hualapai Tribe.

Sec. 6.138 Hindrance of Sex Offender Registration

- A. A person is guilty of an offense if they:
1. Knowingly harbor or knowingly attempt to harbor, or knowingly assist another person in harboring or attempting to harbor a sex offender who is in violation of Sections 6.126 through 6.137;
 2. Knowingly assist a sex offender in eluding a law enforcement agency that is seeking to find the sex offender to question the sex offender about, or to arrest the sex offender for, noncompliance with the requirements of Section 6.126 through 6.137; or
 3. Provide information to law enforcement agencies regarding a sex offender which the person knows to be false.
- B. Any violation of Section 6.138(A) by a person who is an Indian shall be considered a crime and subject to imprisonment for a period not to exceed 1 year, or a fine not to exceed \$5,000.00, or both.
- C. Any violation of Section 6.138(A) by a person who is not an Indian shall be considered a civil violation subject to enforcement by any means not prohibited by federal law, including, but not limited to the issuance of fines, forfeitures, civil contempt, and exclusion from all lands within the jurisdiction of the Hualapai Tribe.

Sec. 6.139 Immunity

No waiver of immunity. Nothing under this chapter shall be construed as a waiver of sovereign immunity for the Hualapai Tribe, its departments, agencies, employees, or Agents.

Good faith. Any person acting under good faith shall be immune from any civil liability arising out of such action.

HUALAPAI TRIBAL COUNCIL
RESOLUTION NO. 20-2011
OF THE GOVERNING BODY OF THE
HUALAPAI TRIBE OF THE HUALAPAI RESERVATION
PEACH SPRINGS, ARIZONA

(Enactment of Law and Order Code Section 2.16, Eminent Domain)

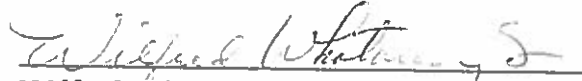
- WHEREAS, the Hualapai Tribal Council is the legislative body of the Hualapai Tribe and is empowered by inherent sovereign rights and powers, and the Constitution of the Hualapai Indian Tribe to exercise eminent domain over all property subject to the jurisdiction of the Hualapai Tribe; and
- WHEREAS, it has been the law, customs and tradition from a time beyond memory that the Hualapai People, acting through their leaders, may take the property of an individual within its territory for the public good, provided a fair trade is made for such property; and
- WHEREAS, the Hualapai Tribal Council is empowered by the Constitution of the Hualapai Indian Tribe to take any and all actions necessary and proper to the exercise of its powers and duties under the Constitution, and those powers and duties vested in the Tribal Council through its inherent sovereignty; and
- WHEREAS, the Hualapai Tribal Council has a duty under the Constitution of the Hualapai Indian Tribe and the traditions of the Hualapai People to ensure just compensation for the taking of private property for a public use; and
- WHEREAS, to ensure due process and equal protection under the law, the Hualapai Tribal Council finds it necessary to create procedures for the exercise of its listing and inherent power of eminent domain.

NOW, THEREFORE, BE IT RESOLVED that the Hualapai Tribal Council assembled this 4th day of April, 2011, does hereby approve and enact Section 2.16 of the Hualapai Tribe Law and Order Code, attached hereto as Ex. A; and


BE IT FINALLY RESOLVED that Section 2.16 shall go into effect immediately upon passage by the Tribal Council.

CERTIFICATION

I, the undersigned, as Chairman of the Hualapai Tribal Council, hereby certify that the Hualapai Tribal Council of the Hualapai Tribe is composed of nine (9) members of whom (9), constituting a quorum, were present at a Special Council meeting held on the 4th day of April, 2011; and that the foregoing resolution was duly adopted by a vote of (9) in favor, (0) opposed, (0) not voting, (0) excused, pursuant to authority of Article V, Section (a) of the Constitution of the Hualapai Tribe, approved March 13, 1991.


Wilfred Whatoname, Sr., Chairman
HUALAPAI TRIBAL COUNCIL

ATTEST:


Adeline Crozier, Assist. Secretary
HUALAPAI TRIBAL COUNCIL

Sec. 2.16

A. Definitions

1. Throughout this Section, "public use" means any of the following:

a. The possession, occupation, use and/or enjoyment of property by the general public or the Tribe;

b. The use of property for the creation or functioning of utilities;

c. The acquisition of property to eliminate (i) a threat or hazard to public health or safety, (ii) a blight or detriment to an area possessed, occupied, used and/or enjoyed by the general public, or (iii) an obstacle or hindrance, whether tangible or intangible, to the possession, occupation, use and/or enjoyment by the general public of property belonging to the Tribe, caused in any such case by the property in its current condition or by an encumbrance, tangible or intangible, affecting such property, including elimination by means of (a) the removal of a structure that is or is foreseeably beyond repair at a reasonable expense or unfit for human habitation or use, (b) completion of a structure in order to facilitate human habitation or use, and/or (c) the removal of the obstacle, hindrance or encumbrance;

d. The acquisition of abandoned property; or

e. The public benefit of economic development, including an increase in tax base, tax revenues, general revenues, tourism, employment or general economic health.

2. Throughout this Section, "take," "taken" and "taking" mean the transfer of ownership or use from a property owner to the Tribe.

3. Throughout this Section, "include," "included" and "including" denote a partial definition, by way of illustration and not by way of limitation, and have the same effect as if the phrase "without limitation" (or any variation thereof) were added thereto.

4. Throughout this Section, "Tribe" means and refers to the Hualapai Indian Tribe, a federally recognized Indian Tribe, its governmental departments and agencies, and/or its tribally owned businesses. This definition shall not be construed to limit the definition of "Tribe" or its variants in other portions of the Hualapai Law and Order Code.

B. Purposes For Which Eminent Domain May Be Exercised

Subject to the provisions of this Section, the right of eminent domain may be exercised by the Tribe, through action of the Tribal Council, for the following uses:

1. All public uses authorized by the government of the United States or the Tribe.

2. Buildings, grounds and other facilities for the use of the Tribe.

3. All property interests, tangible or intangible, for any use of the Tribe, or any other use authorized by the Tribal Council.

4. Sanitary sewage systems, including collection, transport, storage, treatment, dispersal, effluent use and discharge.

5. Drainage and flood control systems, including collection, transport, diversion, storage, detention, retention, dispersal, use and discharge.

6. Water systems for domestic, industrial, irrigation, tribal government or fire protection purposes, including production, collection, storage, treatment, transport, delivery, connection and dispersal.

7. Electrical systems, including generation, storage, transmission, and distribution of electrical power.

8. Telecommunications systems, including all forms of telecommunications equipment, towers, receivers, transmitters, lines, antennae, and dishes.

9. Highways, streets, roadways and parking facilities, including all areas for vehicular use for travel, ingress, egress and parking.

10. Areas for pedestrian, equestrian, bicycle or other nonmotor vehicle use for travel, ingress, egress and parking.

11. Pedestrian malls, parks, performance venues, views, vistas, outlooks and other prospects, recreational facilities, stadiums, other structures, facilities and improvements, and open space areas for use of members of the public for entertainment, assembly, tourism and recreation.

12. Landscaping, including earthworks, structures, lakes and other water features, plants, trees, and related water delivery systems.

13. Lighting systems.

14. Traffic control systems and devices, including signals, controls, markings and signage.

15. Wharves, docks, piers, ramps, marinas, chutes, booms, ferries, bridges, toll roads, byroads, plank and turnpike roads and highways.

16. Railroads, railways, transit lines, and trolley lines, including rights of way, station grounds, pits, yards, sidetracks and other necessary facilities for the foregoing.

17. Pipe lines used for carrying gas, petroleum, petroleum products or any other gas or liquid.

18. All transportation, transmission and intercommunication facilities of public service agencies.

19. Aviation fields.

20. Roads, tunnels, ditches, flumes, pipes and dumping places for working mines, and outlets, natural or otherwise, for the flow, deposit or conduct of tailings or refuse matter from mines, or any place for the flow, deposit or conduct of tailings or refuse matter from their several mines.

C. Estates in Land Subject to Condemnation

All estates and interests, including rights, assignments, easements, encumbrances and other interests, in, on or to land located on or within the boundaries of the Hualapai Reservation are subject to be taken for public use.

D. Private Property Subject to Condemnation

3. The declaration of taking shall contain or have annexed to it:

a. A statement of the public use for which the property is taken, which declaration may take the form solely of citing the pertinent category or categories of public use set forth in subsection A of this Section;

b. A description of the property sufficient to identify it;

c. A statement of the estate or interest in the property taken, which statement may be identical or similar to the description provided pursuant to paragraph 3(b) of this subsection; and

d. A statement of the amount of money estimated by the Tribe to be just compensation for the property taken.

e. The declaration of taking is not required to, and need not, contain or have annexed to it any other statement or other material.

4. On filing the declaration of taking:

a. title to the estate or interest specified in the declaration of taking shall vest in the Tribe, and such vesting shall include that, if the property is an estate or interest in an intangible such as a contract, franchise, license, lease, patent, trade route or other types of property, the Tribe shall be the party thereto in the full place and stead of the defendant, to the full extent as if the Tribe and not the defendant were the original signator or party thereto, and the defendant shall no longer be a party thereto;

b. the property is condemned and taken for the use of the Tribe;

c. the parties in possession of the property shall be deemed to have surrendered possession to the Tribe, and any attempt by such parties to remain in possession of the property or otherwise to exert control over or with respect to the property shall be deemed a trespass against the Tribe; and

d. the right to just compensation vests in the person(s) entitled to just compensation.

5. The Court shall not require the Tribe to post a bond or deposit any money as a condition of filing a declaration of taking or initiating a condemnation proceeding; however, if the Tribal Council, in its sole and absolute discretion, deems a deposit necessary or appropriate under the circumstances, the Tribe may elect to deposit in the court the amount of estimated compensation listed in the declaration of taking.

a. The making of a deposit shall not be a condition to the effectiveness of matters set forth in subsections F(4)(a) through (4)(d) of this Section.

b. The absence of a deposit at the time of the filing of the declaration of taking shall not preclude the Tribe from subsequently electing to make such a deposit.

6. Within ten (10) days of the filing of the declaration of taking, the defendant may file a motion to dismiss the condemnation action and declaration of taking solely for the purpose of challenging the validity of the taking as not being for a public use.

a. The motion to dismiss and hearing on the motion to dismiss shall be limited to a judicial determination on whether the taking is for a public use. The motion to dismiss shall not contain and the court shall not adjudicate any other challenge or issue at this stage of the

In addition to the estates and interests in land in subsection C, estates and interests in private property which may be taken includes:

1. All property located on or within the boundaries of the Hualapai Reservation belonging to any person.
2. All property subject to the jurisdiction of the Tribe having an effect on the Hualapai Reservation, the Tribe or a Hualapai Tribal Member.
3. All tangible or intangible property, including intangibles such as contracts, franchises, licenses, leases, patents, trade routes, and other types of property, including contracts pertaining to the possession, occupation, use, design, development, improvement, construction, operation and/or management of property, including property owned by the Tribe.
4. Property appropriated to public use.
5. All other classes of private property not enumerated may be taken for public use.

E. Right of Tribe to Enter, and Examine, Survey, Inspect or Inventory

1. Where land is required for public use, the Tribe, through its agent(s), may enter upon the land, and make examinations, surveys and maps thereof.
2. Where property other than land is required for public use, the Tribe, through its agent(s), may subject the property to examination, inventory or inspection, including any property that is associated with a contract, franchise, license, lease, patent, trade route or other type of property which is subject to being taken. The person in control of such property shall cooperate with the Tribe, or its agent(s), in making the property available for examination, inventory or inspection.
3. A person authorized by the Tribal Council to seek to acquire property for any of the public uses authorized by this Section is an agent of the Tribe. The Tribe, or its agent(s), may exclude other persons, including the person in control of the property, from the property or portions thereof as and to the extent deemed necessary or appropriate by the Tribe, or its agent(s), to facilitate any examination, survey, mapping, inventory or inspection.
4. No one shall have a cause of action against the Tribe, or its agent(s), for exercising the authority granted under this subsection.
5. The Tribal Council may, but is not required to, enforce this subsection through judicial process or its inherent contempt power. The Tribal Council is not required to obtain a writ, subpoena or other judicial process prior to exercising its rights under this subsection. If deemed necessary or appropriate, the Tribal Council may, but is not required to, issue one or more subpoenas and/or enlist the assistance of the Hualapai Nation Police Department in exercising its rights under this subsection.

F. Actions for Condemnation; Declaration of Taking

1. All actions for condemnation shall be brought as other civil actions in the Hualapai Tribal Court.
2. At the time of filing the complaint, or at any time after filing the complaint, the Tribe may file with the tribal court a declaration of taking, signed by the Tribal Chairperson, the Tribal Vice-Chairperson, or the Tribal Council's authorized agent, declaring that the property described in the Complaint is taken for the use of the Tribe.

proceeding, including any claim that the defendant is not a real party in interest, that the defendant does not hold title to any estate or interest in the property, or that there are other persons who might hold an estate or interest in the property or might otherwise be interested in the taking.

b. Within twenty (20) days of the filing of the motion to dismiss, the Tribe may respond to the motion to dismiss.

c. The court shall set a hearing on the matter, which hearing shall be held within forty (40) days of the filing of the declaration of taking, and the court shall rule on the matter within sixty (60) days of the filing of the declaration of taking. The taking shall be presumed in all cases to have been for a public use. The defendant(s) shall have the burden of proving and establishing by clear and convincing evidence facts rebutting the presumption.

d. During the period of defendant(s)' challenge to the taking as not being for an authorized public use, the Tribe shall hold a defeasible title to the property listed in the declaration of taking. The Tribe shall have the full right and authority to possess and use the property, including acting as the party to the contract or other intangible property, described in the declaration of taking. The Tribe's right and authority to possess and use the property, including acting as the party to the contract or other intangible property, described in the declaration of taking shall not be delayed or prevented through any court action.

e. If, after a hearing, the court determines that the taking is for a public use, fee simple absolute title to the property described in the declaration of taking shall vest in the Tribe and, in the case of a contract or other intangible property, the Tribe shall be the party thereto in the full placement and stead of the defendant(s), all as provided in paragraph 4(a) of this subsection, and the right to just compensation shall vest in the defendant(s).

f. No subsequent proceedings shall affect the title acquired by the Tribe to the property, or its status as a party to the contract or other intangible property, described in the declaration of taking.

7. Just compensation shall be determined and awarded as prescribed in subsection L of this Section.

a. If compensation finally awarded is more than the amount of money, if any, deposited in the court at the time of the filing of the declaration of taking, the court shall enter judgment against the Tribe in the amount of the deficiency.

b. If compensation finally awarded is less than the amount of money deposited in the court at the time of the filing of the declaration of taking, the court shall immediately refund the excess to the Tribe.

8. If the Tribe elected to make a deposit as provided in subsection F(5) of this Section, on application of the defendant, the court may order that any part of the money deposited in the court, if any, be paid immediately to the defendant as compensation for the taking, subject to the following conditions:

a. The application must contain (i) a statement of the defendant's interest in the property described in the declaration of taking, how much money the defendant is seeking as compensation for that interest, a representation that the defendant has not conveyed or become obligated to convey the defendant's interest in such property to any other person, and the names and addresses of all other persons having an interest in such property, and (ii) an indemnity in form and substance satisfactory to the Tribe in its sole and absolute discretion regarding the true and complete nature of such statement.

b. In addition to the application, the defendant shall file with the court a stipulation that the money applied for constitutes full and just compensation for the taking.

c. Payment of the money to the defendant shall constitute a complete settlement of the case with respect to that defendant, a full relinquishment of that defendant's claims arising in connection with the action or proceeding and of that defendant's right, title and interest in and to the property described in the declaration of taking, and an abandonment of that defendant's defenses to the action or proceeding, other than the right to the just compensation described Section 2.16(F)(7)(b).

d. Any other defendant having an interest in the property described in the declaration of taking may contest the amount of compensation sought by the defendant filing an application for an award out of the deposited funds. The court shall determine the respective rights of the defendants seeking compensation for the taking.

9. On the filing of the declaration of taking, the court may make just and equitable orders, not inconsistent with the other provisions of this subsection, with respect to encumbrances, liens, rents, taxes, assessments, insurance, and other charges.

10. Any information contained in the declaration of taking and the amount of money, if any, deposited by the Tribe into the court shall not be introduced in evidence or used to the prejudice of any party on the trial of the action.

11. In the event of any inconsistency or conflict between subsection F of this Section and any other provision of this Section, subsection F shall control and govern the matter.

G. Complaint

The complaint shall set forth:

1. The Tribe and, if applicable, the name of the Tribe's agent(s), as plaintiff.

2. The names of all persons having an interest in the property, if known, or a statement that they are unknown, as defendants.

3. A statement of the right of the Tribe, including a statement of the public use for which the property is sought, which statement may take the form solely of citing the pertinent category or categories of public use set forth in subsection A of this Section.

4. A general description of the property subject to condemnation sufficient to identify it.

5. A statement of the estate or interest in the property taken, which statement may be identical or similar to the description provided pursuant to paragraph 4 of this subsection.

6. The Tribe is not required to, and need not, plead or prove any other matter, including that the public use is "necessary."

H. Joint or Separate Actions; Consolidation

All separate property required for the same public use may be included in the same or separate proceedings, at the election of the Tribe, but the court may consolidate or separate them for convenience of the parties.

I. Summons; Contents; Service

1. Upon receiving the Complaint for filing, the clerk of the court shall follow the procedures for issuance of a summons and notice of hearing prescribed by Sections 4.4 and 4.5 of this Code.

2. Notice to defendants shall include a statement for them to appear and show cause why the property described should not be condemned as prayed for in the Complaint.

3. Failure of the clerk of the court to follow any of the specialized procedures in this Section shall not constitute grounds for dismissal of the action or affect the consequences of a declaration of taking; however, the court may remedy the procedural error in a manner equitable to the parties.

J. Right to Defend Action

1. All persons occupying, or having or claiming an interest in any of the property described in the Complaint, or in the damages for the taking thereof, though not named, may appear, plead and defend such interest in the property or damages as if named in the complaint.

2. This Section provides the sole and exclusive means to defending one's interest in any of the property described in the Complaint. The Court shall issue no injunction, stay or other order, or provide any right or remedy not provided for in this Section.

K. Powers of Court; Precedence over Other Actions

1. No pro tem judge shall hear or adjudicate actions arising under this Section. Only judges appointed to full-time positions on the Hualapai Tribal Court may adjudicate actions arising under this action.

2. The court shall hear and determine all adverse or conflicting claims to the property sought to be condemned and the claim of damages therefor, and shall determine the respective rights of different parties seeking condemnation of the same property.

3. The court shall, at the request of any party, give the condemnation action precedence over other civil actions.

L. Ascertainment and Assessment of Value, Damages and Benefits

1. The court shall ascertain and assess:

a. The value of the property sought to be condemned.

b. The value of all improvements on or to the property, if applicable.

c. The value of each and every separate estate or interest in the property.

d. The value of each parcel or portion, and each separate estate or interest in the parcel or portion, if the property consists of different parcels or portions.

e. The damages that will accrue to the portion of the property not sought to be condemned by reason of its severance from the portion sought to be condemned, if the property sought to be condemned constitutes only a part of a larger whole.

f. How much the portion not sought to be condemned and each estate or interest in such portion will be benefited, if at all, by the condemnation proposed by the Tribe. If the benefit is equal to the damages assessed, the owner of the parcel shall be allowed no

compensation except for the value of the portion taken. If the benefit is less than the damages so assessed, the benefit shall be deducted from the damages, and the remainder shall be the only damages allowed in addition to the value.

g. Any effect on the value of the property due to the condition of improvements on the property, or of the defendant's performance or failure to perform all of its obligations pertaining to or arising in connection with the property

2. As far as practicable, compensation shall be assessed for each source of damage separately. In ascertaining and assessing value, the court shall take into all of the applicable items listed in subsection L(1) of the Section.

3. Value shall be determined by ascertaining the most probable price estimated in terms of cash in United States dollars or comparable market financial arrangements that the property would bring if exposed for sale in the open market, with reasonable time allowed in which to find a purchaser, buying with knowledge of all of the uses and purposes to which it was adapted and for which it was capable.

4. Defendant(s) shall have the burden of proving the amount of just compensation.

M. Accrual of Right to Compensation and Damages; Limitation

1. For the purpose of assessing compensation and damages, the right to compensation and damages shall be deemed to accrue at the date of the summons, and its actual value at that date shall be the measure of compensation and damages.

2. If there was a declaration of taking filed, the compensation and damages awarded shall draw interest from the date of the declaration of taking at the weekly average one-year constant maturity (nominal) Treasury yield, as published by the United States Federal Reserve System. Interest shall not be allowed on as much of the compensation as has been deposited into the court at the time of the filing of the declaration of taking. Amounts deposited with the court shall not be charged with commissions, fees, or poundage.

3. No improvements placed upon or made in connection with the property, and no performance by defendant of any of its obligations pertaining to or arising in connection with the property, subsequent to the date of service of the summons or, if later, filing of the declaration of taking shall be included in the assessment of compensation or damages.

N. Payment of Compensation; Effect of Failure to Pay

1. Payment of compensation and damages may be made to a defendant or defendants entitled thereto, or the money may be deposited with the court and distributed to the defendant or defendants entitled thereto.

2. If the Tribe does not pay the compensation and damages ordered by the court within one hundred eighty (180) days of such an order, upon a showing to that effect, the court shall set aside and annul the entire proceedings, and restore possession and title of the property to defendant or defendants, if possession has been taken by the Tribe.

3. The Tribe shall be granted extensions of time for payment of compensation for good cause shown.

O. Final Order of Condemnation; Vesting of Property

1. When the final judgment has been satisfied, the court shall make a final order of condemnation, describing the property condemned and the purposes of the condemnation.

2. Upon issuance of the final order of condemnation, all interest in the property described shall vest in the Tribe for the purposes therein specified.

3. This subsection does not apply when the Tribe has filed a declaration of taking.

P. Possession by the Tribe After Judgment or Pending Appeal; Receipt of Payment as Abandonment; Custody of Money Paid into Court; Costs of New Trial

1. Unless a declaration of taking has been filed, at any time after judgment is entered, or pending an appeal from the judgment, when the Tribe has paid into court for defendant or defendants the full amount of the judgment, and such other amounts as required by the court as a fund to pay further damages and costs which may be recovered in the proceedings, as well as all damages that may be sustained by defendant or defendants if for any cause the property is not finally taken for public use, the court may, upon notice of not less than ten days, authorize the Tribe, if already in possession, to continue therein (including, in the case of a contract or other intangible property, to continue as the party thereto in the full place and stead of the defendant(s)), or if not, then to take possession of and use the property (including, to act as the party to and otherwise perform such contract or other intangible property) until final conclusion of the litigation.

2. The defendant or defendants who are entitled to the money paid into court upon any judgment may demand and receive the money at any time thereafter upon an order of the court. The court shall, upon application, order the money so paid into court delivered to the party entitled thereto upon his filing with the Court either a satisfaction of the judgment or a receipt for the money, as well as a stipulation fully relinquishing that defendant's claims arising in connection with the action or proceeding and that defendant's right, title and interest in and to the property, and abandoning all defenses to the action or proceeding except as to the amount of damages to which he may be entitled if a new trial is granted. Such payment shall be deemed an abandonment of all defenses and claims, except the party's claim for greater compensation.

3. The money paid into court on final judgment may be placed by order of court in the custody of the clerk to be held or disbursed upon order of court.

4. When a new trial is granted upon application of a defendant, and he fails upon the trial to obtain greater compensation than was allowed upon the first trial, the costs of the new trial, plus a penalty in the amount of thirty percent (30%) of such costs, shall be taxed against him.

Q. Costs and Fees

Except as provided in Section 2.16(P)(4), each party shall be responsible for its own costs and fees, and no party shall be entitled to recover such costs and fees from any other party.

R. Dismissal of Condemnation Action

1. If the Tribe causes a condemnation action under this article to be dismissed without prejudice before payment of the compensation and damages awarded the defendant by the court, the Tribe shall not initiate any eminent domain proceeding with respect to the same property for the same or a related project for at least one year after the date of the verdict or judgment.

2. At any time after service of the Complaint and before the court renders judgment on the issues of compensation and damages, the Tribe may dismiss the action without prejudice upon motion to the court.

3. The Tribe may not dismiss the condemnation action if a declaration of taking has been filed unless the defendant(s) have agreed to the just compensation offered by the Tribe as a settlement of the action or the Tribe revokes the declaration of taking prior to the defendant(s) receiving just compensation.

S. Applicability

If a conflict arises between this Section and any other law, this Section controls.

T. Severability

If any provision of this Section or its application to any person or circumstance is held invalid, that invalidity does not affect other provisions or applications of this Section that can be given effect without the invalid provision or application, and to this end the provisions of this Section are severable.

U. Sovereign Immunity

Nothing in this Section shall be construed as a waiver of the Hualapai Tribe's inherent sovereign immunity, or any other immunity or privilege.

**HUALAPAI TRIBAL COUNCIL
RESOLUTION NO. 77-2010
OF THE GOVERNING BODY OF THE
HUALAPAI TRIBE OF THE HUALAPAI RESERVATION
PEACH SPRINGS, ARIZONA**

(Revisions to the Hualapai Law and Order Code Section 10)

WHEREAS, the Hualapai Tribal Council is the legislative body of the Hualapai Tribe and is empowered by the Hualapai Constitution to enact legislation regarding the health, welfare, and safety of the Hualapai Tribe;

WHEREAS, the Hualapai Tribal Council adopted a Revised Law and Order Code on June 2, 2004, pursuant to the Constitution of the Hualapai Indian Tribe;

WHEREAS, the Hualapai Judiciary has been working with the UCLA Tribal Legal Development Clinic to fulfill the mandate of Article VI, section 14 of the Hualapai Constitution and Section 10.10 – Rules Governing Appeals of the Law and Order Code, which direct the creation of Rules of Appellate Procedure to govern procedural matters not addressed in the Law and Order Code itself;

WHEREAS, a Working Committee, consisting of representatives of the Hualapai Judiciary, practitioners before the Hualapai Court, and the Hualapai Tribal Council, has met consistently over the course of the past several months to create the Proposed Rules of Appellate Procedure;

WHEREAS, the Working Committee has held five open meetings with the Hualapai community to discuss the types of rules that are needed for the Court of Appeals and the language used to draft such rules;

WHEREAS, based on this input from the Hualapai community, two of the Working Committee's important goals in drafting the Proposed Rules are to facilitate appeals within the Hualapai legal system and to promote more orderly court administration;

WHEREAS, the Working Committee determined that clarifying access to appeals for parties to juvenile proceedings, lengthening the period for filing a Notice of Appeal, eliminating the requirement of a cash bond for criminal appeals, and eliminating burdensome procedures for challenging findings of fact on appeal are appropriate ways to facilitate appeals within the Hualapai legal system, and to render the Law and Order Code more consistent with the Hualapai Constitution;

WHEREAS, the Working Committee determined that establishing the position of Chief Justice of the Court of Appeals would promote more order court administration;

WHEREAS, the Hualapai Constitution requires that any court rules be consistent with the Law and Order Code;

WHEREAS, the Working Committee has uncovered five inconsistencies between the Proposed Rules of Appellate Procedure and the Law and Order Code that could best be resolved by amendment of the Code so as to facilitate appeals and to ensure that the Court of Appeals may administer court proceedings as efficiently as possible;

WHEREAS, Article V, Section (aa) of the Hualapai Constitution states, *“The Tribal Council shall have all of the legislative powers vested in the Hualapai Tribe through its inherent sovereignty and Federal law and shall, in accordance with established customs of the Hualapai Tribe and subject to the express limitations contained in this constitution and the applicable laws of the United States, have the followings powers: to enact laws, ordinances and resolutions necessary or incidental to the exercise of its legislative powers.”*

NOW, THEREFORE, BE IT RESOLVED, that the Hualapai Tribal Council assembled this _06th_ day of _November_, 2010 does hereby approve the below-stated revisions and amendments to Chapter 10 of the Revised Law and Order Code:

BE IT FURTHER RESOLVED, that the revised Section 10.3 – Right of Appeal of the Revised Law and Order Code shall supersede and replace the previous Section 10.3, shall go into effect immediately, and shall read as follows:

Section 10.3 – Right of Appeal of the Revised Law and Order Code, “Any party to a civil action, including a matter before the juvenile court, or a defendant in a criminal action dissatisfied with a final judgment or order of the Tribal Court may appeal there from to the Tribal Court of Appeals.”

BE IT FURTHER RESOLVED, that revised Section 10.4 (A)(1) – How Taken of the Revised Law and Order Code shall supersede and replace the previous Section 10.4 (A)(1), shall go into effect immediately, and shall read as follows:

Section 10.4(A)(1) – How Taken of the Revised Law and Order Code, “Appeals may be taken from any judgment or order of the Tribal Court or Juvenile Court by filing written notice of appeal within 30 days after the date of the action appealed.”

BE IT FURTHER RESOLVED, that Section 10.4 (A)(3) - How Taken of the Revised Law and Order Code shall be removed from the Revised Law and Order Code. The current Section 10.4 (A)(4) shall therefore be renumbered Section 10.4 (A)(3).

BE IT FURTHER RESOLVED, that Section 10.8 – Review of Findings of Fact of the Revised Law and Order Code shall be removed from the Revised Law and Order Code. The current Section 10.9 – Review of Tribal Court Procedure and Conclusions of Law shall therefore be renumbered Section 10.8, and the current Section 10.10 – Rules Governing Appeals shall therefore be renumbered Section 10.9.

BE IT FINALLY RESOLVED, that the following section shall be incorporated as Section 10.10 (A-E) – The Chief Justice of the Revised Law and Order Code:

The Chief Justice

The Justices of the Court of Appeals shall select from within their membership a Chief Justice. The Chief Justice’s powers and duties shall include:

- A. In consultation with the Chief Judge of the Tribal Court, designating one member of the Clerk of Courts staff to serve as the Chief Clerk of the Court of Appeals.

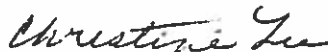
- B. When a Notice of Appeal is filed, ensuring that each panel of Justices is provided with the necessary documents and materials for all cases appearing on the docket.
- C. Filling any vacancy in a judicial panel by either selecting another Justice for the panel or by appointing a visiting judge or judges with qualifications corresponding to those of the absent member(s) of the panel.
- D. On behalf of the Court of Appeals, applying for grants and contracts to provide supplementary funding for the Court. The Chief Justice shall consult with the Chief Judge of the Tribal Court and with the Justices of the Court of Appeals when preparing such applications.
- E. Ordering the periodic publication of the decisions of the Court of Appeals on the internet or in other publication forums, or the distribution of the same to law libraries, other appropriate repositories, and subscribers.

CERTIFICATION

I, the undersigned as Chairman of the Hualapai Tribal Council hereby certify that a Hualapai Tribal Council of the Hualapai Tribe is composed of nine (9) members of whom 9 constituting a quorum were present at a **SPECIAL COUNCIL MEETING** thereof held on this **06th day of November, 2010**; and that the foregoing resolution was duly adopted by a vote of 9 in favor, 0 opposed, 0 not voting, 0 excused pursuant to authority of Article V, Section (a) of the Constitution of the Hualapai Tribe approved March 13, 1991.


Wilfred Whatoname, Chairperson
Hualapai Tribal Council

ATTEST:


Christine Lee, Secretary
Hualapai Tribal Council

**HUALAPAI TRIBAL COUNCIL
RESOLUTION NO. 11-2009
OF THE GOVERNING BODY OF THE
HUALAPAI TRIBE OF THE HUALAPAI RESERVATION
PEACH SPRINGS, ARIZONA**

WHEREAS, the Hualapai Tribal Council is the legislative body of the Hualapai Tribe and is empowered by the Hualapai Constitution to enact legislation regarding the health, welfare and safety of the Hualapai Tribe;

WHEREAS, the Hualapai Tribal Council adopted a Revised Law and Order Code on June 2, 2004, pursuant to the Constitution of the Hualapai Indian Tribe;

WHEREAS, the Revised Law and Order Code does not contain adequate provisions regulating and/or prohibiting the activities of criminal street gangs;

WHEREAS, the Hualapai Tribal Council finds that the activities of criminal street gangs pose a substantial and ongoing threat to community safety and tribal unity;

WHEREAS, the Hualapai Tribal Council finds that recent dangerous and unlawful activities of criminal street gang members have diminished community safety and have caused harm to individual community members;

WHEREAS, the Hualapai Tribal Council finds it necessary to create a comprehensive legislative plan to eliminate the activities of criminal street gangs in order to protect the health, welfare, and safety of the Hualapai Tribe and its Members.

NOW, THEREFORE, BE IT RESOLVED, that the Hualapai Tribal Council assembled this 9th day of March, 2009 does hereby approve the below-stated revisions and amendments to Chapters 6 and 13 of the Revised Law and Order Code.

BE IT FURTHER RESOLVED, that the following revisions and amendments shall be incorporated into Chapters 6 and 13 of the Revised Law and Order Code:

Sec. 6.66 Criminal Street Gangs

A. Definitions

1. "Criminal Act" means any act punishable by a term of detention, jail or imprisonment under the laws and ordinances of the Hualapai Nation, of any state, or the United States.
2. "Criminal Street Gang" means any ongoing formal or informal association of three or more persons whose members or associates individually or collectively engage in the commission, attempted commission, facilitation or solicitation of any criminal act, or any act that would be a criminal act if the youth were an adult, and who has at least one individual who is an identified gang member.

3. "Gang Loitering" means remaining in any one place under circumstances that would warrant a reasonable person to believe that the purpose or effect of that behavior is to enable a criminal street gang to establish control over identifiable areas, to intimidate others from entering those areas, or to conceal or facilitate illegal activities.
 4. "Gang Member" means an individual to whom at least two of the following seven criteria that indicate criminal street gang membership apply:
 - i. Self-proclamation.
 - ii. Witness testimony or official statement.
 - iii. Written or electronic correspondence.
 - iv. Paraphernalia or photographs.
 - v. Tattoos.
 - vi. Clothing or colors.
 - vii. Any other indicia of criminal street gang membership
 5. "Gang-Related Offense" means any criminal offense identified under Tribal Law committed by any individual with the intent to promote or further the objectives of a criminal street gang.
 6. "Public Place" means the public way and any other location open to the public, whether publicly or privately owned.
- B. Participating in a Criminal Street Gang**
1. A person commits participating in a criminal street gang by:
 - i. Intentionally organizing, managing, directing or supervising a criminal street gang with the intent to promote or further the criminal objectives of the criminal street gang; or
 - ii. Knowingly enticing or inducing others to engage in violence or intimidation to promote or further the criminal objectives of the criminal street gang; or
 - iii. Furnishing advice or direction in the conduct, financing or management of a criminal street gang's affairs with the intent to promote or further the objectives of a criminal street gang; or
 - iv. Hiring, engaging or using a minor for any conduct preparatory to or in completion of any gang-related offense; or
 - v. Committing, attempting to commit, or soliciting one or more gang-related offenses.
 2. Any person guilty of this offense may be sentenced to imprisonment for a period not to exceed six months, or a fine not to exceed \$4,000, or both. Any person convicted of participating in a criminal street gang shall not be eligible for a suspension of sentence, probation, parole or any other release from custody until the sentence imposed by the Tribal Court is fully served. Any sentence of imprisonment imposed pursuant to this subsection shall be in addition and consecutive to any sentence imposed for the commission of an underlying gang-related offense.
 3. Evidence of gang membership: Evidence concerning indicia of gang membership including, but not limited to, possession of gang-related paraphernalia, gang-related tattoos, or gang-related clothing may be admitted, with proper foundation therefore, for submission into evidence in any case brought under this Section.

C. Gang Loitering

1. Whenever a police officer observes a gang member engaged in gang loitering with one or more other persons in any public place, the police officer shall, subject to all applicable procedures promulgated by the chief of police: (i) inform all such persons that they are engaged in gang loitering in a public place; (ii) order all such persons to disperse and remove themselves from within sight and hearing of the place at which the order was issued; and (iii) inform those persons that they will be subject to arrest if they fail to obey the order promptly or engage in further gang loitering within sight or hearing of the place at which the order was issued during the next eight hours.
2. Any person who fails to obey promptly an order issued under subsection (C)(1), or who engages in further gang loitering within sight or hearing of the place at which such an order was issued during the eight-hour period following the time the order was issued, is subject to a fine of not less than \$100 and not more than \$500 for each offense, or imprisonment for not more than six months for each offense, or both. In addition, any person who violates this subsection may be required to perform up to 120 hours of community service at the discretion of the Tribal Court. A second or subsequent offense shall be punishable by a mandatory minimum sentence of not less than five days imprisonment.

Sec. 6.63 Maintaining a Public Nuisance

- A. Any person who maintains or keeps a place which is injurious to health, which is indecent or offensive to the senses or which is an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property by another person or persons or which unlawfully obstructs the free passage or use in the customary manner, of any lake, river, canal or tribal property shall be deemed guilty of maintaining a public nuisance.
- B. Any person(s) who own(s), rent(s), lease(s), or otherwise control(s) the premises in which an illegal juvenile gathering occurs, or any person(s) who organize(s) an illegal juvenile gathering shall be deemed guilty of maintaining a public nuisance.
 1. An "Illegal Juvenile Gathering" is an assemblage where three or more persons under the age of 21 years are present for a social occasion or a social activity, and controlled substances or alcoholic beverages are possessed or consumed by any person under the age of 21 years.
 2. If the premises in which an illegal juvenile gathering occurs are rented, leased or otherwise exclusively controlled by someone other than the legal owner of the premises, the legal owner of the premises shall not be criminally liable for maintaining a public nuisance unless the illegal juvenile gathering occurred with the owner's knowledge.
- C. Any person guilty of this offense may be sentenced to a fine not to exceed \$500. If the Tribal Court finds that a public nuisance has been maintained, the Court may issue an order imposing reasonable requirements to abate the nuisance and enjoining the defendant from maintaining such a nuisance in the future.

Sec. 6.262 Drive-by Shooting

A. Definitions

1. "Drive-by Shooting" means the discharge of a firearm, paintball gun, BB or pellet gun, or the propulsion of any explosive or explosive device from a vehicle whether moving or stopped.
 2. "Participant" means any person who, of his or her own will, is physically present in a vehicle used in a drive-by shooting during the drive-by shooting.
- B. Any participant in a drive-by shooting may be sentenced to imprisonment for a period not to exceed one year, or a fine not to exceed \$5,000, or both. Any person convicted of violating this section who is sentenced to imprisonment shall not be eligible for suspension of sentence, probation, parole, or any other release from custody until the sentence imposed by the Court is served.**

Sec. 6.8 Preparatory Offenses

A. Attempt

1. A person commits attempt if, acting with the kind of culpability otherwise required for commission of an offense, such person:
 - i. Intentionally engages in conduct which would constitute an offense if the attendant circumstances were as such person believes them to be; or
 - ii. Intentionally does or omits to do anything which, under the circumstances as such person believes them to be, is any step in a course of conduct planned to culminate in commission of an offense; or
 - iii. Engages in conduct intended to aid another to commit an offense, although the offense is not committed or attempted by the other person, provided his conduct would establish his complicity under chapter 3 if the offense were committed or attempted by the other person.
2. It is no defense that it was impossible for the person to aid the other party's commission of the offense, provided such person could have done so had the circumstances been as he believed them to be.
3. A person guilty of attempt may be sentenced to imprisonment for a period not to exceed one-half of the maximum period of imprisonment for the offense attempted, or a fine not to exceed one-half of the maximum fine for the offense attempted, or both.

B. Solicitation

1. A person, other than a police officer acting in his or her official capacity within the scope of his or her authority and in the line of duty, commits solicitation if, with the intent to promote or facilitate the commission of any offense under Chapter 6 of the Revised Law and Order Code, such person commands, encourages, requests or solicits another person to engage in specific conduct which would constitute the felony or misdemeanor or which would establish the other's complicity in its commission.
2. A person guilty of solicitation may be sentenced to imprisonment for a period not to exceed one-half of the maximum period of imprisonment for the offense solicited, or a fine not to exceed one-half of the maximum fine for the offense solicited, or both.

C. Conspiracy

1. A person commits conspiracy if, with the intent to promote or aid the commission of an offense, such person agrees with one or more persons that at least one of them or another person will engage in conduct constituting the offense and one of the parties commits an overt act in furtherance of the offense.
2. If a person guilty of conspiracy knows or has reason to know that a person with whom such person conspires to commit an offense has conspired with another person or persons to commit the same offense, such person is guilty of conspiring to commit the offense with such other person or persons, whether or not such person knows their identity.
3. A person who conspires to commit a number of offenses is guilty of only one conspiracy if the multiple offenses are the object of the same agreement or relationship and the degree of the conspiracy shall be determined by the most serious offense conspired to.
4. A person guilty of conspiracy may be sentenced to the same penalty as that prescribed for the most serious offense which is the object of or result of the conspiracy.

D. Facilitation

1. A person commits facilitation if, acting with knowledge that another person is committing or intends to commit an offense, the person knowingly provides the other person with means or opportunity for the commission of the offense.
2. This subsection does not apply to police officers who act in their official capacity within the scope of their authority and in the line of duty.
3. A person guilty of facilitation may be sentenced to imprisonment for a period not to exceed one-half of the maximum period of imprisonment for the offense facilitated, or a fine not to exceed one-half of the maximum fine for the offense facilitated, or both.

E. Renunciation of Attempt, Solicitation, Conspiracy, or Facilitation; Defenses

1. In a prosecution for attempt, conspiracy or facilitation, it is a defense that the defendant, under circumstances manifesting a voluntary and complete renunciation of his criminal intent, gave timely warning to law enforcement authorities or otherwise made a reasonable effort to prevent the conduct or result which is the object of the attempt, conspiracy or facilitation.
2. In a prosecution for solicitation, it is a defense that the defendant, under circumstances manifesting a voluntary and complete renunciation of the defendant's criminal intent completed both of the following acts:
 - i. Notified the person solicited.
 - ii. Gave timely warning to law enforcement authorities or otherwise made a reasonable effort to prevent the conduct or result solicited.
3. A renunciation is not voluntary and complete within the meaning of this subsection if it is motivated in whole or in part by:
 - i. A belief that circumstances exist which increase the probability of immediate detection or apprehension of the accused or another participant in the criminal enterprise or which render more difficult the accomplishment of the criminal purpose; or

- ii. A decision to postpone the criminal conduct until another time or to transfer the criminal effort to another victim, place or another but similar objective.
 - 4. A warning to law enforcement authorities is not timely within the meaning of this subsection unless the authorities, reasonably acting upon the warning, would have the opportunity to prevent the conduct or result. An effort is not reasonable within the meaning of this subsection unless the defendant makes a substantial effort to prevent the conduct or result.
- F. Effect of Immunity, Irresponsibility or Incapacity of a Party to Solicitation, Conspiracy, or Facilitation
 - 1. It is not a defense to a prosecution for solicitation, conspiracy or facilitation that a person solicited, facilitated or with whom the defendant conspired could not be guilty of committing the offense because:
 - i. Such person is, by definition of the offense, legally incapable in an individual capacity of committing the offense; or
 - ii. Such person is not criminally responsible as defined in chapter 5 of this title, or has an immunity to prosecution or conviction for the commission of the offense; or
 - iii. Such person does not have the state of mind sufficient for the commission of the offense in question.
 - 2. It is not a defense to a prosecution for solicitation or conspiracy that the defendant is, by definition of the offense, legally incapable in an individual capacity of committing the offense that is the object of the solicitation or conspiracy.

Sec. 13.39 Gang Diversion Program

- A. Notwithstanding Section 5.33, any individual under the age of 18 years may be referred by the Tribal Prosecutor to the Hualapai Tribe's Gang Diversion Program in lieu of criminal prosecution where the following criteria are met:
 - 1. The individual has been charged with committing a gang-related offense or with violating Section 6.66; and
 - 2. The individual has no prior convictions or adjudications for gang-related or violent offenses in any jurisdiction; and
 - 3. The individual admits to participating in a criminal street gang and/or membership in a criminal street gang; and
 - 4. The individual and individual's parent(s) or legal guardian(s) agree to participate in the Gang Diversion Program by signing the Diversion Contract.
- B. If the Tribal Prosecutor refers the individual to the Gang Diversion Program, the following procedures must be completed before the individual may participate in the Gang Diversion Program:
 - 1. The Tribal Prosecutor and/or the Diversion Officer must ensure that the individual meets the criteria under subsection (A).
 - 2. The individual and the individual's parent(s) or legal guardian(s) must meet with the Tribal Prosecutor and/or a Diversion Officer within ten days of the individual's initial court appearance.

3. During the meeting, the Tribal Prosecutor and/or the Diversion Officer will explain the Diversion Contract and conditions of the Gang Diversion Program to the individual and the individual's parent(s) or legal guardian(s).
4. The Diversion Contract must be agreed to and signed by the individual and the individual's parent(s) or legal guardian(s).
5. The Diversion Contract will be tailored to the rehabilitative needs of the individual and it must include:
 - i. Specific conditions that must be met for the individual and the individual's parent(s) or legal guardian(s) to complete the Gang Diversion Program successfully; and
 - ii. An agreement by the individual and the individual's parent(s) or legal guardian(s) to submit to the jurisdiction of the Tribal Court; and
 - iii. A parental responsibility form; and
 - iv. A formal admission by the individual to participating in a criminal street gang and/or membership in a criminal street gang; and
 - v. An agreement by the individual not to participate in the activities of criminal street gangs and not to associate with gang members while in the Gang Diversion Program; and
 - vi. A plea of guilty to the charged offenses to the satisfaction of the Tribal Prosecutor, and
 - vii. A statement that the individual's plea of guilty shall be vacated and all charges dismissed once the individual successfully completes the Gang Diversion Program.

C. Gang Diversion Program

1. The Gang Diversion Program shall be administered by the Prosecutor's Office and that agency shall create policies and procedures for administration and content of the Gang Diversion Program in accordance with the law.
2. The individual and individual's parent(s) or legal guardian(s) shall attend diversion training consisting of:
 - i. Gang education and prevention course.
 - ii. Cultural education course.
 - iii. Elder counseling course.
 - iv. Specialized parenting course.
 - v. Alcohol and/or drug abuse education and prevention course.
 - vi. Family nutrition course.
 - vii. Any other course that will meet the rehabilitative needs of the individual.
3. The individual may be required to complete a community service project.
4. A schedule of the individual's particular diversion program will be provided to the individual and individual's parent(s) or legal guardian(s).

D. Once the individual successfully completes the Gang Diversion Program, the Tribal Prosecutor shall vacate the individual's plea of guilty and shall dismiss all charges against the individual that led to the referral to the Gang Diversion Program with prejudice.

E. If the individual fails to complete the Gang Diversion Program within the timelines set in the Diversion Contract or otherwise breaches the Diversion Contract, the Tribal


Prosecutor may submit the individual's guilty plea to the Tribal Court. The Tribal Court may then sentence the individual as provided by the Revised Law and Order Code.

BE IT FURTHER RESOLVED, the Hualapai Tribal Council hereby adopts the foregoing revisions and amendments to Chapters 6 and 13 of the Revised Law and Order Code to be used to govern the administration of justice by the Hualapai Tribe's criminal and juvenile justice systems and to promote a safe and secure Hualapai tribal community.

BE IT FINALLY RESOLVED that the above stated revised and amended sections Chapters 6 and 13 of the Revised Law and Order Code shall go into effect immediately upon passage by the Tribal Council and that this Resolution and the revisions and amendments described herein shall supersede all earlier versions of Chapters 6 and 13, and all seemingly contradictory sections of the Revised Law and Order Code passed prior to this date.


CERTIFICATION

I, the undersigned as Chairman of the Hualapai Tribal Council hereby certify that the Hualapai Tribal Council of the Hualapai Tribe is composed of nine (9) members of whom 8 constituting a quorum were present at Regular Council Meeting thereof held on this 9th day of March, 2009; and that the foregoing resolution was duly adopted by a vote of 8 in favor, 0 - oppose, 1 - excused, pursuant to authority of Article V, Section (a) of the Constitution of the Hualapai Tribe approved March 13, 1991.



Wilfred Whatoname, Sr., Chairman
HUALAPAI TRIBAL COUNCIL

ATTEST:



Adeline Crozier, Assist. Secretary
HUALAPAI TRIBAL COUNCIL

**HUALAPAI TRIBAL COUNCIL
RESOLUTION NO. 07--2009
OF THE GOVERNING BODY OF THE
HUALAPAI TRIBE OF THE HUALAPAI RESERVATION**

(Revision to the Hualapai Law and Order Code Section 13.38 A-D)

WHEREAS, the Hualapai Tribal Council is the legislative body of the Hualapai Tribe and is empowered by the Hualapai Constitution to enact legislation in regards to the health, safety, and Law and Order of the Hualapai Tribe.

WHEREAS, the Hualapai Tribal Council adopted a Revised Law and Order Code on June 2, 2004, pursuant to the 1991 Revised Hualapai Constitution.

WHEREAS, Article V, Section (aa) of the Hualapai Constitution states, *"The Tribal Council shall have all of the legislative powers vested in the Hualapai Tribe through its inherent sovereignty and Federal law and shall, in accordance with established customs of the Hualapai Tribe and subject to the express limitations contained in this constitution and the applicable laws of the United States, have the following powers: to enact laws, ordinances and resolutions necessary or incidental to the exercise of its legislative powers."*

WHEREAS, Section 13.38 (A-D) – Juvenile Detention Facility of the 2004 Law and Order Code states, "A. Establishment – The Tribe may designate, establish, and/or operate a facility for the purpose of providing secure confinement and rehabilitation of youth; B. Management – The Tribal Court shall be responsible for the oversight and supervision of the operation of any juvenile facility established by the Tribe; C. Annual Inspection – The Tribal Court shall inspect and approve, on an annual basis, the operation of any Tribally established juvenile detention facility. The inspection shall consider the nature and condition of the physical plant, the level and training of staff, and the delivery of a comprehensive package of programs and services designed to promote wellness and rehabilitation; D. Purpose – the purpose of any juvenile detention facility shall be to provide education, training, and rehabilitation services in residential facility that is safe and secure for the children, the staff, and the community."

WHEREAS, The Tribal Council has decided to not have the Court manage and inspect the Juvenile Detention Center.

WHEREAS, the conflict between the Code and the Council's determination can be remedied by revising the Section 13.38 of the Code by revising the clauses that give management and inspection duties to the Tribal Court;

NOW, THEREFORE, BE IT RESOLVED, that the Hualapai Tribal Council assembled this 26th Day of January, 2009 does hereby approve the below stated revision to Section 13.38(A-D) of the Hualapai Law and Order Code.

BE IT FURTHER RESOLVED, that Sections 13.38 (A-D) shall be revised by assigning responsibilities noted in Sections B and C to other entities and agents.

BE IT FURTHER RESOLVED, The Hualapai Tribal Council hereby adopts said revision to the Law and Order Code to be used to govern the administration of the justice by the tribe's juvenile justice system and corrections.


BE IT FURTHER RESOLVED, that this revised Section of the Hualapai Tribal Law and Order Code supercedes and replaces the previous section, with the revisions stated in Section 13.38.

BE IT FINALLY RESOLVED that the revised Section 13.38.(A-D) of the Hualapai Law and Order Code shall go into affect immediately and shall read as follows:

Section 13.38 (A-D) – Juvenile Detention Facility of the 2004 Law and Order Code, “A. Establishment – The Hualapai Tribe may designate, establish, and/or operate a facility for the purpose of providing secure confinement and rehabilitation of youth; B. Management – The Tribal Administration shall be responsible for the oversight and supervision of the operation of any juvenile facility established by the Tribe; C. Inspection – An Agent(s) assigned by the Tribal Council shall inspect and approve, on a designated basis, the operation of any Tribally established juvenile detention facility. The inspection shall consider the nature and condition of the physical plant, the level and training of staff, and the delivery of a comprehensive package of programs and services designed to promote wellness and rehabilitation; D. Purpose – the purpose of any juvenile detention facility shall be to provide education, training, and rehabilitation services in residential facility that is safe and secure for the children, the staff, and the community.”

CERTIFICATION

I, the undersigned as Chairman of the Hualapai Tribal Council hereby certify that a Hualapai Tribal Council of the Hualapai Tribe is composed of nine (9) members of whom 9 constituting a quorum were present at a **SPECIAL COUNCIL MEETING** thereof held on this **26th day of January, 2009**; and that the foregoing resolution was duly adopted by a vote of 7 in favor, 0 opposed, 2 not voting, 0 excused pursuant to authority of Article V, Section (a) of the Constitution of the Hualapai Tribe approved March 13, 1991.


Wilfred Whatoname, Chairperson
Hualapai Tribal Council

ATTEST:
Christine Lee, Secretary
Hualapai Tribal Council



**HUALAPAI TRIBAL COUNCIL
RESOLUTION NO. 41-2008
OF THE GOVERNING BODY OF THE
HUALAPAI TRIBE OF THE HUALAPAI RESERVATION**

(Revision to the Law and Order Code – Curfew for Minors and Curfew Enforcement)

WHEREAS, the Hualapai Tribal Council is the legislative body of the Hualapai Tribe and is empowered by the Hualapai Constitution to enact legislation in regards to the health and safety of the Hualapai Tribe.

WHEREAS, the Hualapai Tribal Council adopted a Revised Law and Order Code on June 2, 2004, pursuant to the Hualapai Constitution, which was most recently revised in 1991.

WHEREAS, the 2004 Revised Law and Order Code did not contain adequate sections regarding Curfew for Minors or Enforcement of Curfew on minors and/or their parent(s) or guardian(s).

WHEREAS, the Hualapai Tribal Council Amended the 2004 a Revised Law and Order Code (“Code”) on December 28, 2006 adding Sections 6.203 and 6.204.

WHEREAS, the Tribal Council finds it necessary to amend Sections 6.203 and 6.204 due to recent dangerous and unlawful activity that have diminished community safety and caused harm to community members.

WHEREAS, community safety issues are extreme and circumstances exist that warrant vigorous enforcement of the Curfew laws with increased sanctions on both the Minor and/or Parent/Guardian/Supervising Adult in order to help address community safety issues that have become apparent.

NOW, THEREFORE, BE IT RESOLVED, that the Hualapai Tribal Council assembled this 21st Day of July, 2008 does hereby approve the below stated Amendments to Chapter 6 - Sections 203 & 204 of the Hualapai Law and Order Code.

BE IT FURTHER RESOLVED, that the following amendments shall be incorporated in Chapter 6 of the Hualapai Law and Order Code and that they shall be vigorously enforced by the Tribe on minor children and their parent(s)/guardian(s):

6.203 Curfew for Minors: Accompaniment by Proper Adult, Exception

It shall be unlawful for any minor child under the age of eighteen years to be loitering upon any of the streets, alleys or in public places or in private residences not their own; or for such minors to ride upon the streets, alleys or public places in the communities of Hualapai Nation between Sundown and 5:00 a.m. of any day unless such minor is accompanied by a parent, guardian, or adult relative; except when said minor is attending any church, school or duly organized function. In such an event, if the function ends after 10:00 o'clock p.m., then the parent/guardian/supervising adult shall assure that the minor child is transported immediately to his or her place of residence.

Any Minor Child found guilty of this offense may be sentenced to imprisonment for a period not to exceed 90 days, and shall be assessed a fine of not less than \$300.00 and not to exceed

\$5,000.00, and any other penalties provided under Section 5.20 - Nature of Sentences in Chapter 5 of the Hualapai Law and Order Code.

6.204 Non-Enforcement of Curfew for Minor Child by their Parent, Guardian, or Supervising Adult

It shall be unlawful for any parent, guardian, or supervising adult to allow their children or dependent minor(s) to loiter upon any of the streets, alleys or in public places or in private residences not their own; or for such children or minors to ride upon the streets, alleys or public places in the communities of Hualapai Nation between sundown and 5:00 a.m. of any day unaccompanied. For community activities including church, school or duly organized children's function; if such event ends after 10:00 o'clock p.m., then the parent, guardian, or supervising adult shall assure the minor child is transported immediately to his or her place of residence.

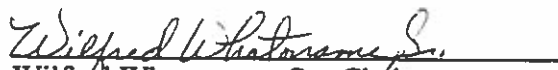
Any person (parent, guardian, custodian, or supervising adult) found guilty of this offense may be sentenced to imprisonment for a period not to exceed 90 days, and shall be assessed a fine not less than \$300.00 and not to exceed \$5,000.00 and any other penalties provided under Section 5.20 Nature of Sentences in Chapter 5 of the Hualapai Law and Order Code.

BE IT FURTHER RESOLVED, The Hualapai Tribal Council hereby adopts said amendments to the Law and Order Code to be used to govern the administration of the justice by the Tribe's criminal and juvenile justice system and to promote a safe and secure Hualapai community.

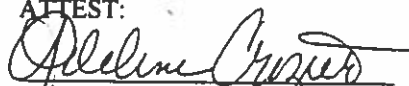
BE IT FINALLY RESOLVED that the above stated amended Sections 6.203 & 6.204 of the Hualapai Law and Order Code shall go into affect immediately and this Resolution shall supersede Hualapai Tribal Council Resolution 68-2006.

CERTIFICATION

I, the undersigned as Chairperson of the Hualapai Tribal Council hereby certify that a Hualapai Tribal Council of the Hualapai Tribe is composed of nine (9) members of whom 7 constituting a quorum were present at a **SPECIAL COUNCIL MEETING** thereof held on this **21st Day of July, 2008**; and that the foregoing resolution was duly adopted by a vote of **7 - in favor, 0 - opposed, 0 - not voting, 1 - excused, 1 - vacant**, pursuant to authority of Article V, Section (a) of the Constitution of the Hualapai Tribe approved March 13, 1991.


Wilfred Whatoname, Sr., Chairperson
Hualapai Tribal Council

ATTEST:


Adeline Crozier, Assist., Secretary
Hualapai Tribal Council

**HUALAPAI TRIBAL COUNCIL
RESOLUTION NO. 24-2008
OF THE GOVERNING BODY OF THE
HUALAPAI TRIBE OF THE HUALAPAI RESERVATION**

(Revision to the Hualapai Law and Order Code Section 2.15)

WHEREAS, the Hualapai Tribal Council is the legislative body of the Hualapai Tribe and is empowered by the Hualapai Constitution to enact legislation in regards to the health, safety, and governance of the Hualapai Tribe.

WHEREAS, the Hualapai Tribal Council adopted a Revised Law and Order Code ("Code") on June 2, 2004, pursuant to the 1991 Hualapai Constitution.

WHEREAS, Section 2.15 – Tribal Court Administrator; Duties of the 2004 Law and Order Code states, "*A Tribal Court Administrator, and such deputies and assistants as may be required, administer the Tribal Court shall be employed by the Tribal Court. The Administrator shall render support and assistance with complaints, subpoenas, warrants, commitments and any other documents incidental to the lawful function of the Court. The Administrator shall have authority to attend and keep a record of all proceedings of the Hualapai Tribal Court, to read complaints to defendants, to administer oaths to witnesses, to collect all fines paid pursuant to judgments and orders of the Court, and to make an accounting of all fines collected to the proper Tribal officials. The Administrator shall act as Clerk of the Court for all branches and divisions of the Hualapai Tribal Court.*"

WHEREAS, the pre 2004 Hualapai Law and Order Code contained similar language, however, it described the duties of the Chief Court Clerk. There was no language regarding a Court Administrator and it is unclear why the Duties of the Chief Court Clerk Section was removed and replaced by Duties of a Court Administrator.

WHEREAS, it has become apparent that while it is necessary to state in the Code that a Chief Court Clerk and subordinates be hired by the Court and to describe their duties, it is not necessary that a Court Administrator be required by law; though the Court finds it prudent to include in its staff an administrative staff person to facilitate general Court administration.

WHEREAS, it is necessary to revise the Hualapai Law and Order Code to replace the Duties section of the Court Administrator with a Duties section of a Chief Court Clerk.

NOW, THEREFORE, BE IT RESOLVED, that the Hualapai Tribal Council assembled this 3rd day of May, 2008 does hereby approve the below stated revision to Section 2.15 of the 2004 Hualapai Law and Order Code.

BE IT FURTHER RESOLVED, that Section 2.15 of the Hualapai Law and Order Code shall now read: "*A Chief Court Clerk, and such deputies and assistants as may be required, to facilitate the administration of justice and to support a Court of Record, shall be employed by the Hualapai Judicial Branch. The Chief Court Clerk shall render support and assistance with complaints, subpoenas, warrants, commitments and any other documents incidental to the lawful function of the Court. The Chief Clerk shall have authority to attend and keep a record of all proceedings of the Hualapai Tribal Court, to read complaints to defendants, to administer oaths to witnesses, to collect all fees and fines pursuant to judgments and orders of the Court, and to make an accounting of all fines and fees collected to the proper officials. The Chief Clerk and*

subordinates shall act as Clerk of the Court for all branches and divisions of the Hualapai Judicial Branch."

BE IT FURTHER RESOLVED, The Hualapai Tribal Council hereby adopts said revision to the Law and Order Code to be used to govern and support the administration of the justice by the Hualapai Judicial Branch, including criminal, juvenile, domestic relations, other civil, and all other divisions and processes created legislatively and judicially.

BE IT FURTHER RESOLVED, that this revised Section 2.15 of the Hualapai Tribal Law and Order Code supercedes and replaces the previous Section 2.15.

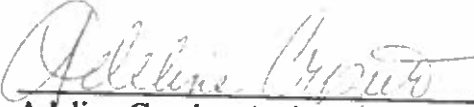
BE IT FINALLY RESOLVED that the revised Section 2.15 of the Hualapai Law and Order Code shall go into affect immediately.

CERTIFICATION

I, the undersigned as Chairman of the Hualapai Tribal Council hereby certifies that the Hualapai Tribal Council of the Hualapai Tribe is composed of nine (9) members of whom 9 constituting a quorum were present at a Regular Council Meeting thereof held on this 3rd day of May, 2008; and that the foregoing resolution was duly adopted by a vote of 7 - in favor, 1 - opposed, 1 - not voting, pursuant to authority of Article V, Section (a) of the Constitution of the Hualapai Tribe approved March 13, 1991.


Charles Vaughn, Chairman
Hualapai Tribal Council

ATTEST:


Adeline Crozier, Assist. Secretary
Hualapai Tribal Council

**HUALAPAI TRIBAL COUNCIL
RESOLUTION NO. 08-2007
OF THE GOVERNING BODY OF THE
HUALAPAI TRIBE OF THE HUALAPAI RESERVATION**

(Revision to the Hualapai Law and Order Code Definition of the Term 'Party')

WHEREAS, the Hualapai Tribal Council is the legislative body of the Hualapai Tribe and is empowered by the Hualapai Constitution to enact legislation in regards to the health and safety of the Hualapai Tribe.

WHEREAS, the Hualapai Tribal Council adopted a Revised Law and Order Code on June 2, 2004, pursuant to the Hualapai Constitution, which was most recently revised in 1991.

WHEREAS, Article VI, Section 10 of the Hualapai Constitution states, "*No Judge shall be qualified to act in any case wherein he has any direct interest or wherein any relatives by marriage or blood in the first degree are a party* (emphasis added)."

WHEREAS, Section 1.8(N) – Definitions of the 2004 Law and Order Code Defines 'party' as, "*a person who is a participant, or involved in or subject of or to, whether active or inactive, voluntary or involuntary, including one made a party by action of another person, in or to a case, trial, hearing, controversy, matter, relationship or proceeding that is governed by this Code or other Tribal Law.*"

WHEREAS, Black's Law Dictionary (7th Edition, p. 1144) defines 'party' as "*One by or against whom a lawsuit is brought.*"

WHEREAS, Section 3.4A.1. of the Hualapai Tribe Personnel Policies and Procedures Manual adopted May 4, 2006, defines a member of the immediate family, either by blood or law, to the first degree, to include first cousins.

WHEREAS, the Associate Judge of the Hualapai Tribal Court and the Associate Prosecutor are related in the first degree (i.e., first cousins).

WHEREAS, the family relationship between the Associate Judge and Associate Prosecutor may prevent free and continual transaction of business unless the constitutional issue is addressed in a manner where no one acts unconstitutionally.

WHEREAS, the conflict can be remedied by redefining the word 'party' in such a way that the Associate Judge may act in matters when the Associate Prosecutor is serving in her official capacity.

NOW, THEREFORE, BE IT RESOLVED, that the Hualapai Tribal Council assembled this 16th day of February, 2007 does hereby approve the below stated revision to Section 1.8(N) of the Hualapai Law and Order Code.

BE IT FURTHER RESOLVED, that the following sentence shall be added at the end of the current definition of 'party' in Section 1.8(N) of the Hualapai Law and Order Code: "*Party shall not include Tribal Prosecutors in matters before the Hualapai Tribal Courts where the real party of interest is the Hualapai Tribe.*"

BE IT FURTHER RESOLVED, the Hualapai Tribal Council hereby adopts said revision to the Law and Order Code to be used to govern the administration of justice by the tribe's criminal justice system, juvenile justice system, and in other civil matters when applicable.

BE IT FURTHER RESOLVED, that this revised Section of the Hualapai Tribal Law and Order Code supersedes and replaces the previous section, with the addition of this sentence after the current definition in Section 1.8(N).


BE IT FINALLY RESOLVED that the revised Section 1.8(N) of the Hualapai Law and Order Code shall go into effect immediately.

CERTIFICATION

I, the undersigned as Chairwoman of the Hualapai Tribal Council hereby certify that the Hualapai Tribal Council of the Hualapai Tribe is composed of nine (9) members of whom 7 constituting a quorum were present at a SPECIAL COUNCIL MEETING thereof held on this 16th day of February, 2007, and that the foregoing resolution was duly adopted by a vote of 7 in favor, 0 opposed, 0 not voting, 2 excused pursuant to authority of Article V, Section (a) of the Constitution of the Hualapai Tribe approved March 13, 1991.


Sherry J. Counts, Vice-Chairperson
Hualapai Tribal Council

ATTEST:


Adeline Crozier, Secretary
Hualapai Tribal Council

*Superseded
by Resolution
no. 41-2008*

**HUALAPAI TRIBAL COUNCIL
RESOLUTION NO. 68-2006
OF THE GOVERNING BODY OF THE
HUALAPAI TRIBE OF THE HUALAPAI RESERVATION**

(Addition to the Law and Order Code – Curfew for Persons and Curfew Enforcement)

WHEREAS, the Hualapai Tribal Council is the legislative body of the Hualapai Tribe and is empowered by the Hualapai Constitution to enact legislation in regards to the health and safety of the Hualapai Tribe.

WHEREAS, the Hualapai Tribal Council adopted a Revised Law and Order Code on June 2, 2004, pursuant to the Hualapai Constitution, which was most recently revised in 1991.

WHEREAS, the 2004 Revised Law and Order Code does not contain any sections regarding Curfew for Minors or Enforcement of Curfew by Parent or Guardian.

WHEREAS, the Tribal Council finds it necessary to add sections concerning curfew for minor children and the responsibility of parent(s) or guardian(s) to enforce such curfew for Minors in order to address community safety issues that have become apparent.

NOW, THEREFORE, BE IT RESOLVED, that the Hualapai Tribal Council assembled this 28th Day of December, 2006 does hereby approve the below stated additions to Chapter 6 of the Hualapai Law and Order Code.

BE IT FURTHER RESOLVED, that the following Sections shall be added to Chapter 6 of the Hualapai Law and Order Code:

6.203 Curfew for Persons: Accompaniment by Proper Adult, Exception

It shall be unlawful for any person under the age of eighteen years to be loitering upon any of the streets, alleys or in public places; or for such person to ride upon the streets, alleys or public places in the communities of Hualapai Nation after sundown. An activity curfew will be between the hours of 10:00 p.m. and 5:00 a.m. of any day, unless such person is accompanied by a parent, guardian, or adult relative, except when such person is attending any church, school or duly organized children's function; and in such event, if such function should end after 10:00 o'clock p.m., then such person shall proceed immediately to go directly to his or her place of residence.

Any person guilty of this offense may be sentenced to imprisonment for a period not to exceed 90 days, or a fine not to exceed \$5,000.00 and any other penalties provided under Section 5.20 - Nature of Sentences in Chapter 5 of the Hualapai Law and Order Code.

6.204 Non-Enforcement of Curfew for Persons by their Parent or Guardian

It shall be unlawful for any parent or guardian to allow any person under the age of eighteen years to loiter upon any of the streets, alleys or public places; or for such person to ride upon the streets, alleys or public places in the communities of Hualapai Nation after sundown. An activity curfew will be between the hours of 10:00 p.m. and 5:00 a.m. of any day unaccompanied, except when attending any church, school or duly organized children's function; and in such event if such function should end after 10:00 o'clock p.m., then the person shall proceed immediately to go directly to his or her place of residence.

Any person guilty of this offense may be sentenced to imprisonment for a period not to exceed 90 days, or a fine not to exceed \$ 5,000.00 and any other penalties provided under Section 5.20 Nature of Sentences in Chapter 5 of the Hualapai Law and Order Code. "

BE IT FURTHER RESOLVED, The Hualapai Tribal Council hereby adopts said addition to the Law and Order Code to be used to govern the administration of the justice by the tribe's criminal and juvenile justice system and to promote safe and secure Hualapai communities.

BE IT FINALLY RESOLVED that Sections 6.203 & 6.204 of the Hualapai Law and Order Code shall go into affect immediately.

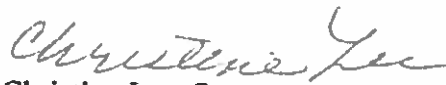
C E R T I F I C A T I O N

I, the undersigned as Chairwoman of the Hualapai Tribal Council hereby certify that a Hualapai Tribal Council of the Hualapai Tribe is composed of nine (9) members of whom 9 constituting a quorum were present at a **SPECIAL COUNCIL MEETING** thereof held on this **28th day of December, 2006**; and that the foregoing resolution was duly adopted by a vote of 7 in favor, 2 opposed, 0 not voting, 0 excused pursuant to authority of Article V, Section (a) of the Constitution of the Hualapai Tribe approved March 13, 1991.



Charles Vaughn, Chairperson
Hualapai Tribal Council

ATTEST:



Christine Lee, Secretary
Hualapai Tribal Council

The Great Spirit created Man and Woman in His own image. In doing so, both were created as equals. Both depending on each other in order to survive. Great respect was shown for each other; in doing so, happiness and contentment was achieved then, as it should be now.

The connecting of the Hair makes them one person; for happiness or contentment cannot be achieved without each other.

The Canyons are represented by the purples in the middle ground, where the people were created. These canyons are Sacred, and should be so treated at all times.

The Reservation is pictured to represent the land that is ours, treat it well.



The Reservation is our heritage and the heritage of our children yet unborn. Be good to our land and it will continue to be good to us.

The Sun is the symbol of life, without it nothing is possible - plants don't grow - there will be no life - nothing. The Sun also represents the dawn of the Hualapai people. Through hard work, determination and education, everything is possible and we are assured bigger and brighter days ahead.

The Tracks in the middle represent the coyote and other animals which were here before us.

The Green around the symbol are pine trees, representing our name Hualapai - PEOPLE OF THE TALL PINES -

Charles Vaughn
Chairman

HUALAPAI NATION OFFICE OF THE CHAIRMAN

P.O. Box 179 • Peach Springs, Arizona 86434 • (928) 769-2216
1-888-769-2221

Sherry J. Counts
Vice-Chairwoman

December 29, 2006

Dear Tribal Member

As we come to the end of another year it is regretful to note that the vitality of our tribal community continues to be threatened by youth and adults who seem to think that no one has authority over them. Indeed, the tribal community has broken down to the point that it has become necessary to act as the Tribal Council to ensure that we are safe from the uncontrolled behavior of children whose parents have lost the ability to govern them.

On December 28, 2006, the Hualapai Tribal Council met in special session to amend the **Hualapai Law and Order Code at 6.203 Curfew for Persons: Accompaniment by Proper Adult, Exception. Effective immediately it shall be unlawful for any person under the age of 18 years to be loitering upon the streets, alleys or in public places or for such person to ride upon the streets, alleys, or public places in the communities of Hualapai Nation after sundown.** However, the Tribal Council has provided an exception to the curfew that allows participation in community activities. That provision reads as follows **'an activity curfew will be between the hours of 10:00 p.m. and 5:00 a.m. of any day, unless such person is accompanied by a parent, guardian, or adult relative, except when such person is attending any church, school or duly organized children's function; and in such event, if such function should end after 10:00 o'clock p.m., then such person shall proceed immediately to go directly to his or her place of residence.**

Any person guilty of this offense may be sentenced to imprisonment for a period not to exceed 90 days, or a fine not to exceed \$5,000.00 and any other penalties provided under Section 5.20-Nature of Sentences in Chapter 5 of the Hualapai Law and Order Code.

6.204 Non-Enforcement of Curfew for Persons by their Parent or Guardian

It shall be unlawful for any parent or guardian to allow any person under the age of 18 years to loiter upon any of the streets, alleys or public places; or for such persons to ride upon the streets, alleys or public places in the communities of Hualapai Nation after sundown. An activity curfew will be between the hours of 10:00 p.m. and 5:00 a.m. of any day unaccompanied, except when attending any church, school or duly organized children's function; and in such event if such function should end after 10:00 o'clock p.m., then the person shall proceed immediately to go directly to his or her place of residence.

Any person guilty of this offense may be sentenced to imprisonment for a period not to exceed 90 days, or a fine not to exceed \$5,000.00 and any other penalties provided under Section 5.20 Nature of Sentences in Chapter 5 of the Hualapai Law and Order Code.

It is regretful that the Tribal Council must take actions such as this to ensure that we are all protected from the escalation in violence and abuse that we all have witnessed in our tribal community. It is my hope that we can all look forward to a New Year that enjoys a new sense of community that builds our character and self esteem as Hualapai People.



Charles Vaughn
Chairman, Hualapai Tribal Council

**HUALAPAI TRIBAL COUNCIL
RESOLUTION NO. 68-2006
OF THE GOVERNING BODY OF THE
HUALAPAI TRIBE OF THE HUALAPAI RESERVATION**

(Addition to the Law and Order Code – Curfew for Persons and Curfew Enforcement)

WHEREAS, the Hualapai Tribal Council is the legislative body of the Hualapai Tribe and is empowered by the Hualapai Constitution to enact legislation in regards to the health and safety of the Hualapai Tribe.

WHEREAS, the Hualapai Tribal Council adopted a Revised Law and Order Code on June 2, 2004, pursuant to the Hualapai Constitution, which was most recently revised in 1991.

WHEREAS, the 2004 Revised Law and Order Code does not contain any sections regarding Curfew for Minors or Enforcement of Curfew by Parent or Guardian.

WHEREAS, the Tribal Council finds it necessary to add sections concerning curfew for minor children and the responsibility of parent(s) or guardian(s) to enforce such curfew for Minors in order to address community safety issues that have become apparent.

NOW, THEREFORE, BE IT RESOLVED, that the Hualapai Tribal Council assembled this 28th Day of December, 2006 does hereby approve the below stated additions to Chapter 6 of the Hualapai Law and Order Code.

BE IT FURTHER RESOLVED, that the following Sections shall be added to Chapter 6 of the Hualapai Law and Order Code:

6.203 Curfew for Persons: Accompaniment by Proper Adult, Exception

It shall be unlawful for any person under the age of eighteen years to be loitering upon any of the streets, alleys or in public places; or for such person to ride upon the streets, alleys or public places in the communities of Hualapai Nation after sundown. An activity curfew will be between the hours of 10:00 p.m. and 5:00 a.m. of any day, unless such person is accompanied by a parent, guardian, or adult relative, except when such person is attending any church, school or duly organized children's function; and in such event, if such function should end after 10:00 o'clock p.m., then such person shall proceed immediately to go directly to his or her place of residence.

Any person guilty of this offense may be sentenced to imprisonment for a period not to exceed 90 days, or a fine not to exceed \$5,000.00 and any other penalties provided under Section 5.20 - Nature of Sentences in Chapter 5 of the Hualapai Law and Order Code.

6.204 Non-Enforcement of Curfew for Persons by their Parent or Guardian

It shall be unlawful for any parent or guardian to allow any person under the age of eighteen years to loiter upon any of the streets, alleys or public places; or for such person to ride upon the streets, alleys or public places in the communities of Hualapai Nation after sundown. An activity curfew will be between the hours of 10:00 p.m. and 5:00 a.m. of any day unaccompanied, except when attending any church, school or duly organized children's function; and in such event if such function should end after 10:00 o'clock p.m., then the person shall proceed immediately to go directly to his or her place of residence.

Any person guilty of this offense may be sentenced to imprisonment for a period not to exceed 90 days, or a fine not to exceed \$ 5,000.00 and any other penalties provided under Section 5.20 Nature of Sentences in Chapter 5 of the Hualapai Law and Order Code. "

BE IT FURTHER RESOLVED, The Hualapai Tribal Council hereby adopts said addition to the Law and Order Code to be used to govern the administration of the justice by the tribe's criminal and juvenile justice system and to promote safe and secure Hualapai communities.


BE IT FINALLY RESOLVED that Sections 6.203 & 6.204 of the Hualapai Law and Order Code shall go into affect immediately.

C E R T I F I C A T I O N

I, the undersigned as Chairwoman of the Hualapai Tribal Council hereby certify that a Hualapai Tribal Council of the Hualapai Tribe is composed of nine (9) members of whom 9 constituting a quorum were present at a **SPECIAL COUNCIL MEETING** thereof held on this **28th day of December, 2006**; and that the foregoing resolution was duly adopted by a vote of 7 in favor, 2 opposed, 0 not voting, 0 excused pursuant to authority of Article V, Section (a) of the Constitution of the Hualapai Tribe approved March 13, 1991.


Charles Vaughn, Chairperson
Hualapai Tribal Council

ATTEST:


Christine Lee, Secretary
Hualapai Tribal Council

The Great Spirit created Man and Woman in His own image. In doing so, both were created as equals. Both depending on each other in order to survive. Great respect was shown for each other; in doing so, happiness and contentment was achieved then, as it should be now.

The connecting of the Hair makes them one person; for happiness or contentment cannot be achieved without each other.

The Canyons are represented by the purples in the middle ground, where the people were created. These canyons are Sacred, and should be so treated at all times.

The Reservation is pictured to represent the land that is ours, treat it well.



The Reservation is our heritage and the heritage of our children yet unborn. Be good to our land and it will continue to be good to us.

The Sun is the symbol of life, without it nothing is possible - plants don't grow - there will be no life - nothing. The Sun also represents the dawn of the Hualapai people. Through hard work, determination and education, everything is possible and we are assured bigger and brighter days ahead.

The Tracks in the middle represent the coyote and other animals which were here before us.

The Green around the symbol are pine trees, representing our name Hualapai - PEOPLE OF THE TALL PINES -

HUALAPAI NATION OFFICE OF THE CHAIRMAN

Charles Vaughn
Chairman

P.O. Box 179 • Peach Springs, Arizona 86434 • (928) 769-2216
1-888-769-2221

Sherry J. Counts
Vice-Chairwoman

December 29, 2006

Dear Tribal Member

As we come to the end of another year it is regretful to note that the vitality of our tribal community continues to be threatened by youth and adults who seem to think that no one has authority over them. Indeed, the tribal community has broken down to the point that it has become necessary to act as the Tribal Council to ensure that we are safe from the uncontrolled behavior of children whose parents have lost the ability to govern them.

On December 28, 2006, the Hualapai Tribal Council met in special session to amend the **Hualapai Law and Order Code at 6.203 Curfew for Persons: Accompaniment by Proper Adult, Exception. Effective immediately it shall be unlawful for any person under the age of 18 years to be loitering upon the streets, alleys or in public places or for such person to ride upon the streets, alleys, or public places in the communities of Hualapai Nation after sundown.** However, the Tribal Council has provided an exception to the curfew that allows participation in community activities. That provision reads as follows **'an activity curfew will be between the hours of 10:00 p.m. and 5:00 a.m. of any day, unless such person is accompanied by a parent, guardian, or adult relative, except when such person is attending any church, school or duly organized children's function; and in such event, if such function should end after 10:00 o'clock p.m., then such person shall proceed immediately to go directly to his or her place of residence.**

Any person guilty of this offense may be sentenced to imprisonment for a period not to exceed 90 days, or a fine not to exceed \$5,000.00 and any other penalties provided under Section 5.20-Nature of Sentences in Chapter 5 of the Hualapai Law and Order Code.

6.204 Non-Enforcement of Curfew for Persons by their Parent or Guardian

It shall be unlawful for any parent or guardian to allow any person under the age of 18 years to loiter upon any of the streets, alleys or public places; or for such persons to ride upon the streets, alleys or public places in the communities of Hualapai Nation after sundown. An activity curfew will be between the hours of 10:00 p.m. and 5:00 a.m. of any day unaccompanied, except when attending any church, school or duly organized children's function; and in such event if such function should end after 10:00 o'clock p.m., then the person shall proceed immediately to go directly to his or her place of residence.

Any person guilty of this offense may be sentenced to imprisonment for a period not to exceed 90 days, or a fine not to exceed \$5,000.00 and any other penalties provided under Section 5.20 Nature of Sentences in Chapter 5 of the Hualapai Law and Order Code.

It is regretful that the Tribal Council must take actions such as this to ensure that we are all protected from the escalation in violence and abuse that we all have witnessed in our tribal community. It is my hope that we can all look forward to a New Year that enjoys a new sense of community that builds our character and self esteem as Hualapai People.



Charles Vaughn
Chairman, Hualapai Tribal Council

HUALAPAI TRIBAL COUNCIL
RESOLUTION NO. 63-2005
OF THE GOVERNING BODY OF THE
HUALAPAI TRIBE OF THE HUALAPAI RESERVATION

TRESPASS, EXCLUSION, AND EXPULSION

WHEREAS, authority is vested in the Hualapai Tribal Council by the Constitution of the Hualapai Tribe approved March 13, 1991, at Article V. Powers of the Council (u) to enact ordinances for the removal of any non-member of the Tribe whose presence may be injurious to the members of the Tribe, and to prescribe conditions in which non-members may remain within the territory of the Tribe Provided/That all actions of exclusion shall be done by court proceedings; and

WHEREAS, non-member Indians, non-Indians and Tribal members now reside on the Hualapai Reservation and their conduct is injurious and/or is a threat to the health, welfare, security, or property of the Tribe or any Tribal member, it is therefore necessary to adopt a measure that affords preservation of community safety and a fair process for Trespass, Exclusion and Expulsion for the nation and those accused.


NOW, THEREFORE, BE IT RESOLVED, that the Hualapai Tribal Council in a meeting assembled this 14th day of September, 2005, adopts the Trespass, Exclusion and Expulsion Ordinance entitled Chapter 9, Trespass, Exclusion and Expulsion, Sections 9.1 through 9.9 for immediate implementation.

BE IT FURTHER RESOLVED, that this Resolution No. 63-2005 shall supercede Resolution No. 41-2004 adopted May 19, 2004; and it shall further amend the Hualapai Law and Order Code at Chapter 9 to provide for the exclusion and expulsion of Hualapai Tribal members. The language change that provides for this exclusion will be the addition of the words "or member", "or tribal member" after the word non-member wherever it occurs throughout Chapter 9 of the Law and Order Code adopted June 02, 2004.


BE IT FINALLY RESOLVED, that the Hualapai Office of the Prosecutor is the designated representative of the Hualapai Tribal Council to pursue all matters of exclusion and removals.

CERTIFICATION

I, the undersigned as Chairman of the Hualapai Tribal Council hereby certify that the Hualapai Tribal Council of the Hualapai Tribe is composed of nine (9) members of whom 9 constituting a quorum were present at a **Special Council Meeting** thereof held on this **14th day of September 2005**; and that the foregoing resolution was duly adopted by a vote of **9- in favor, 0 - opposed**, pursuant to authority of Article V, Section (a), (r) and (u) of the Constitution of the Hualapai Tribe approved March 13, 1991.


Charles Vaughn, Chairman
HUALAPAI TRIBAL COUNCIL

ATTEST:


Adeline Crozier, Assist. Secretary

**HUALAPAI TRIBAL COUNCIL
RESOLUTION NO. 71-2004
OF THE GOVERNING BODY OF THE
HUALAPAI TRIBE OF THE HUALAPAI RESERVATION**

WHEREAS, authority is vested in the Hualapai Tribal Council by the Constitution approved March 13, 1991; and

WHEREAS, the Council adopted on June 1, 2004, Chapter 15, ANIMAL CONTROL, Sections 15-1 through 15-9 for the regulation of animals on the Hualapai Reservation; and

WHEREAS, no penalties are contained in the new Chapter 15 ANIMAL CONTROL, Ordinance, it is therefore necessary to adopt the following:

Section 15.10 Enforcement; civil fines

- A. Any peace officer, community control officer, or any other officer duly appointed by the Hualapai Tribal Council is hereby authorized and empowered to enforce the provisions of Chapter 15 ANIMAL CONTROL Ordinance and to issue citations for violations thereof.

- B. In addition to any penalties prescribed herein under the Criminal Code, any persons who violates any provisions of this Chapter shall be subject to a fine of not less than twenty five dollars (\$25), no more than five hundred dollars (\$500) for each violation. No judge may suspend the imposition of the minimum fine except that Community Service may be substituted in lieu of a fine. Community service shall be served at ten dollars (\$10) per eight hour day. In addition, restitution may be ordered to any victim and this remedy shall not abridge any civil cause of action by the victim.

WHEREAS, Section 15.10 provides a remedy for violations as contained in Chapter 15 ANIMAL CONTROL Ordinance Sections 15.1 through 15.9, and

NOW, THEREFORE, BE IT RESOLVED, that Chapter 15 ANIMAL CONTROL Ordinance, Section 15.10 is hereby adopted.

BE IT FURTHER RESOLVED, that Section 15.10 Enforcement; civil fines shall remain in effect for the life of the Hualapai Tribal Law and Order enacted June 1, 2004.

C E R T I F I C A T I O N

I, the undersigned as Chairman of the Hualapai Tribal Council hereby certify that the Hualapai Tribal Council of the Hualapai Tribe is composed of nine (9) members of whom 9 constituting a quorum were present at a **SPECIAL COUNCIL MEETING** thereof held on this **01st day of September 2004**. The foregoing resolution was duly adopted by a vote of 9 in favor, 0 opposed, 0 not voting, 0 excused pursuant to authority of Article V, Section (a) of the Constitution of the Hualapai Tribe approved March 13, 1991.

Charles Vaughn

Charles Vaughn, Chairman
Hualapai Tribal Council

ATTEST:

Christine Lee
Christine Lee, Secretary
Hualapai Tribal Council

HUALAPAI TRIBAL COUNCIL
RESOLUTION NO. 41-2004
OF THE GOVERNING BODY OF THE
HUALAPAI TRIBE OF THE HUALAPAI RESERVATION

Superseded by
Resolution # 63-2005
on 9/14/05
ac

TRESPASS, EXCLUSION, AND EXPULSION ORDINANCE

WHEREAS, authority is vested in the Hualapai Tribal Council by the Constitution of the Hualapai Tribe approved March 13, 1991, at **Article V. Powers of the Council (u) to enact ordinances for the removal or exclusion of any non-member of the Tribe whose presence may be injurious to the members of the Tribe, and to prescribe conditions upon which non-members may remain within the territory of the Tribe. Provided, That all actions of exclusion shall be done by court proceeding;** and


WHEREAS, non-member Indians and non-Indians now reside on the Hualapai Reservation and the conduct is injurious and/or is a threat to the health, welfare, security or property of the Tribe or any Tribal member, it is therefore necessary to adopt a measure that affords a fair process for Exclusion and Expulsion for the nation and those accused.

NOW, THEREFORE, BE IT RESOLVED that the Hualapai Tribal Council in a meeting assembled this 19th day of May, 2004, adopts Ordinance entitled **Chapter 8, Trespass, Exclusion and Expulsion, Sections 8.3 through 8.11,** for immediate implementation.

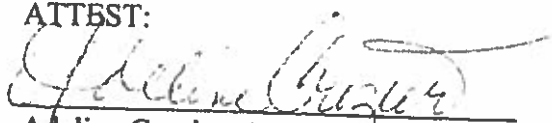
BE IT FURTHER RESOLVED that the Hualapai Office of the Prosecutor is the designated representative of the Hualapai Tribal Council to pursue all matters of exclusion and removals.

CERTIFICATION

I, the undersigned as Chairwoman of the Hualapai Tribal Council hereby certify that the Hualapai Tribal Council of the Hualapai Tribe is composed of nine (9) members of whom 8 constituting a quorum were present at a **Special Council Meeting** thereof held on this **19th day of May, 2004;** and that the foregoing resolution was duly adopted by a vote of **8 - in favor, 1 - excused,** pursuant to authority of Article V, Section (a) of the Constitution of the Hualapai Tribe approved March 13, 1991.


Louise Benson, Chairwoman
HUALAPAI TRIBAL COUNCIL

ATTEST:


Adeline Crozier, Assist. Secretary

CHAPTER 8
TRESPASS, EXCLUSION AND EXPULSION

Sec. 8.3 Who may be Excluded or Expelled

Any non-member of the Tribe may be excluded or expelled from the Reservation pursuant to the provisions of this Chapter.

Sec. 8.4 Trespass; Grounds for Exclusion or Expulsion

The commission of any of the following acts by a non-member of the Tribe constitutes a trespass punishable, in addition to any other sanction imposed under applicable federal or Tribal law, by exclusion or expulsion from the Reservation.

- A. Entering an area of the Reservation for which a permit is required under any Tribal law, without first obtaining the requisite permit.
- B. Failure or refusal to pay any taxes, rents, fees, or other charges due the Tribe after reasonable notice and opportunity to pay.
- C. The commission of any offense defined under Tribal or federal law, including violation of any provision of the Tribal Environmental Review Code and/ or any of its Subtitles.
- D. Unauthorized taking of any property from the Reservation.
- E. Any other act causing physical loss or damage of any nature to Tribal property or to the property of any Tribal member.
- F. Any other action which constitutes a threat to the health, welfare, security, or property of the Tribe or any Tribal member.

Sec. 8.5 Initiation of Expulsion or Exclusion Proceeding by Petition

An expulsion or exclusion proceeding shall be initiated by the filing of a written petition with the Tribal Court by any Tribal member, Peace Officer, Prosecutor, or counsel for the Tribe. The petition shall state in plain terms the reason(s) for the proposed exclusion or expulsion.

Sec. 8.6 Notice of Proposed Expulsion or Exclusion; Service

Upon receipt of an expulsion or exclusion petition, the Clerk of the Tribal Court shall issue a notice of proposed expulsion or exclusion, stating the date, time and place at which the non-member may appear before the Court to show cause why he or she should not be excluded or expelled from the Reservation. The notice shall also state the time

and manner in which the non-member may re-enter the Reservation in the company of a Peace Officer for the purpose of attending the hearing, and shall advise the non-member that he must be accompanied by a Peace Officer at all times during his presence on the Reservation pending the outcome of the hearing. The clerk shall cause the notice, along with a copy of the petition, to be served on the non-member pursuant to the provisions of section 2.11 of this Code.

Sec. 8.7 Timing of Hearing

The hearing shall take place not less than five days after the completion of service of the notice and petition; PROVIDED, that if a judge of the Tribal Court shall have reasonable cause to believe that an emergency exists, and the notice so states, the hearing may be held a minimum of 24 hours after completion of service.

Sec. 8.8 Hearing to Determine Expulsion or Exclusion

The hearing to determine whether the non-member shall be expelled or excluded from the Reservation shall be conducted as provided in this Code. The non-member shall be given an opportunity to present his or her defense at such hearing and may, at his or her own cost, be represented by counsel.

Sec. 8.9 Order of the Court

A. At the conclusion of the hearing, or after the time set for the hearing in the event the non-member fails to appear or obtain a continuance thereof, the Court shall issue an order:

1. Excluding or expelling the non-member from the Reservation, or
2. Permitting the non-member to enter and/or remain upon the Reservation on such conditions as the court sees fit to impose.

B. The order of expulsion or exclusion shall remain in force until revoked by the Court unless the order specifically provides otherwise

Sec. 8.10 Enforcement of Orders of Exclusion or Expulsion

If any non-member ordered excluded or expelled from the Reservation does not promptly obey the order, a Judge of the Tribal Court may order (a) order immediate physical removal of such person from the Reservation, or (b) that the non-member be brought before the Court for a civil contempt hearing under the provisions of Chapter 8 of this Code.

Sec. 8.11 Physical Removal of Trespassers: Emergency

In cases involving immediate danger to the life, health, welfare, security, or property of the Tribe or any of its members, or where any delay would result in irreparable damage, a Judge of the Court may, by written order, authorize any Peace Officer to remove a non-member or any of his property from the Reservation, either before or after the non-member has been ordered excluded or expelled from the Reservation as provided in Section 8.9 above. The Peace Officer executing such emergency removal order shall use only so much force as deemed necessary by the Peace Officer to effect the removal. If service of the notice of proposed expulsion or exclusion has not already been made as provided for in Section 8.6 above, the Court shall cause the Peace Officer to serve the notice upon the non-member at the time of removal or as soon after removal as possible.

