

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

RESOLUTION

No. JUL-26-150

**(Enacting Youth Weapons Safety and Community Protection Act – Section 21, Chapter 6,
Criminal Code of the Tribe's Law & Order Code)**

WHEREAS, the San Carlos Apache Tribe (the "Tribe") is a federally recognized Indian Tribe organized pursuant to the provisions of Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984); and

WHEREAS, the San Carlos Council ("Council") has the authority, among other things, to "represent the Tribe and act in all matters that concern the welfare of the Tribe, and to make decisions not inconsistent with or contrary to [the Tribe's] Constitution and Bylaws, to "enact ordinances, subject to review by the Secretary of the Interior, ... governing ... law enforcement on the Reservation," pursuant to Article V, Section(s) 1(a) and (m) of the Amended Constitution and By-Laws of the San Carlos Apache Tribe; and

WHEREAS, a recent review of crimes occurring on the Tribe's Reservation by the Council's Law & Order Committee and the Tribe's law enforcement agencies reveals that firearm and blade-related injuries, deaths, and accidental incidents involving young people have substantially increased, adversely affecting families emotionally and at great cost to the future of our Tribe; and

WHEREAS, the Committee this day recommends to the Council that in order to prevent avoidable harm, it is essential that the Tribe's Criminal Code be amended, with narrow exceptions for traditional, cultural, subsistence, and lawful sporting and work activities; and

WHEREAS, the Council's Law & Order Committee further presents an emergency amendment to the Tribe's Law & Order Code, to address weapons-related violence, suicide, and accidental injury involving young people, as attached and incorporated by this reference, to be known as:

Title II, Chapter 6 – Criminal Code,

Section 13.1(A)(5) to include definitions for "Machete" and "Dangerous Instrument;

Section 21, Youth Weapons and Community Protection Act; and

WHEREAS, the Council remains committed to ensuring that no further members of the Tribe, guests, families or other residents, suffer the terror of criminal assault, murder and suicide amongst youth on the Reservation, and finds that the grief this community has endured not be repeated, that firearm and blade-related injuries, deaths, suicides and accidental incidents involving youth cause profound harm to families, culture and community stability, that the proposed amendment to the Tribe's Criminal Code provides reasonable age-based limits on the possession and public carrying of firearms and certain large bladed weapons by persons under twenty-one (21) years of age, that the amendment does provide narrow exceptions for traditional, cultural, subsistence and lawful sporting and work activities, that the Tribe has a compelling interest in protecting the safety and welfare of its youth and all persons within its territorial jurisdiction, and thus the attached amendment is necessary, reasonable and in the best interests of the Tribe, its members, and all persons present on the Reservation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the San Carlos Apache Tribe:

1. Section 21 of Chapter 6 of the Tribe's Criminal Code, as attached is hereby enacted, and shall be heretofore known as the "Youth Weapons Safety and Community Protection Act."
2. The Acting Council Secretary is hereby directed to publish said Act in all District Offices and the Administration Office, as well as the local media, and send a copy to the San Carlos Apache Bar Association.
3. The Chief Judge is hereby directed to publish said Act on the Court's website and provide copies thereof upon demand by the public.
4. The Acting Council Secretary, together with the Tribe's Attorney General, is hereby directed to issue a press release on behalf of the Council that provides notice through local media of the Act's terms.
5. This Ordinance shall take effect immediately following its adoption by the Council, allowing thirty (30) days for public comment and further consideration by the Council.

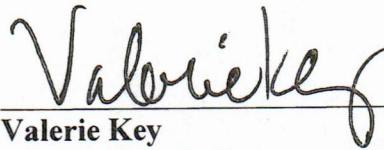
BE IT FURTHER RESOLVED by the Council of the San Carlos Apache Tribe that the Chairman, or in his absence, the Vice Chairman, or designee, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

CERTIFICATION

I, the undersigned, Secretary of the San Carlos Council, hereby certify that the Council is composed of eleven (11) members, of whom 10, constituting a quorum, were at a Meeting

hereto held on the 7th day of JULY, 2026, and that the foregoing Resolution No. JUL-26-150 was duly adopted by a vote of FOR: 9; OPPOSED: 0; ABSTAINED: 0; of the Council pursuant to Article V, Section 1 (a) of the Amended Constitution and Bylaws of the San Carlos Apache Tribe, effective, February 24, 1954, according to the following vote tabulation:

<u>Council Member</u>	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Not Present</u>
Terry Rambler, Chair	___	___	___	___
Tao Etpison, Vice Chairman	<u>x</u>	___	___	___
Ina Salter, 7 Mile	<u>x</u>	___	___	___
John Antonio, 7 Mile	<u>x</u>	___	___	___
Barbara May, Gilson Wash	<u>x</u>	___	___	___
Simon Hooke, Gilson Wash	<u>x</u>	___	___	___
Valerie Key, Peridot	<u>x</u>	___	___	___
Dr. John Bush, Peridot	<u>x</u>	___	___	___
Jonathan Kitcheyan, Bylas	<u>x</u>	___	___	___
Ned Anderson, Jr., Bylas	<u>x</u>	___	___	___
Eugene D. Nozie, Bylas	___	___	___	<u>x</u>



Valerie Key
Acting Council Secretary
SAN CARLOS APACHE TRIBE

Ordinance No. 01-2026

Resolution No. JUL-26-150

Title II, Chapter 6 – Criminal Code
Section 13.1(A)(5), Offenses Involving Weapons or Explosives, Definitions,
“Prohibited Weapon”
And
Amending Sections 13.1, 13.4 and 13.6

Section 13.1(A)(5). This subsection is amended to include new subsections (j) and (k) as follows:

- (j) Any knife that may be used as a cutting instrument and includes a sharpened or pointed blade, or any large, heavy knife that may be described as a “Machete” or otherwise having a broad blade primarily designed or commonly used for cutting brush, vegetation, or similar tasks, with a blade length of more than ten (10) inches measured in a straight line from the tip of the blade to the edge of the hilt or handle nearest the blade.
- (k) Any dangerous instrument that, under the circumstance in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or serious physical injury or fear of imminent harm.

Section 13.4 Misconduct Involving Weapons. This subsection is amended to include subsection (A)(10), as follows:

- 10. Supplying, selling or giving possession or control of a firearm to a person 21 years of age or younger.

Section 13.6 Youth in Unlawful Possession of Firearms

This subsection defines an unemancipated person who is under the age of 21 years of age as follows:

- A. Except as provided in Subsecgion B, an unemancipated person who is under the age of 21 years and who is unaccompanied by a parent, guardian, legal custodian, or certified hunting safety instructor acting with parental consent, shall not knowingly carry or possess on his person within his or her immediate control, or in or on a means of transportation a firearm.

Section 21, the Youth Weapons Safety and Community Protection Act

21.1 Short Title.

This Ordinance shall be known and may be cited as the "Youth Weapons Safety and Community Protection Act," Section 21 of Chapter 6 of the Criminal Code.

21.2 Authority.

This Ordinance is enacted pursuant to the inherent sovereign authority of the San Carlos Apache Tribe and the authority vested in the San Carlos Council by the Tribe's Constitution to protect the health, safety, and welfare of the Tribe's communities on the Reservation.

21.3 Findings.

- A. The Tribe has a compelling interest in protecting the safety and welfare of its youth and all persons within its territorial jurisdiction.
- B. Firearm and knife-related injuries, deaths, and accidental incidents involving young people cause profound harm to members, families, Apache culture, and community stability.
- C. Reasonable age-based limits on the possession and public carrying of firearms and or knives by persons under twenty-one (21) years of age, with narrow exceptions for traditional, cultural, subsistence, and lawful sporting and work activities, are necessary to prevent avoidable harm.

21.4 Purpose. The purpose of this Ordinance is to:

- A. Reduce weapons-related violence, suicide, and accidental injury involving young people;
- B. Promote safe and responsible use of weapons consistent with Apache traditions and values; and
- C. Exercise the Tribe's inherent sovereign authority to regulate conduct within its territory in a manner consistent with the laws of the Tribe, or applicable federal and state laws.

21.5 Jurisdiction.

This Ordinance applies to all persons and events occurring within the exterior boundaries of the San Carlos Apache Reservation, including all trust lands, allotted lands, and fee lands subject to the sovereign jurisdiction of the Tribe.

21.6 Reserved.

21.7 Definitions.

A. This section incorporates by reference Section 13 of the Criminal Code.

B. For the purpose of this section, the following terms shall be defined as follows:

- (1) "*Council*" means the San Carlos Council, the governing body of the Tribe.
- (2) "*Covered Weapon*" means the "Prohibited Weapon" defined in Section 13.1(A)(5) of the Criminal Code as covered in this Ordinance.
- (3) "*Indian*" means an enrolled member of a federally recognized Indian tribe.
- (4) "*Law enforcement*" means the San Carlos Apache Police Department ("SCAPD") or any sworn law enforcement officer exercising jurisdiction within the Reservation.
- (5) "*Minor*" means any person under the age of eighteen (18) years.
- (6) "*Non-Indian*" means a person not enrolled in any federally recognized Indian tribe.
- (7) "*Parent or legal guardian*" means a person recognized under applicable law as having legal custody or guardianship of a minor or person under twenty-one (21).
- (8) "*Person*" means any natural person, whether a member of the Tribe, non-member Indian, or non-Indian, present within the territorial jurisdiction of the Tribe.
- (9) "*Public place*" means any place to which the general public has access, including but not limited to tribal roads and rights-of-way, sidewalks, parks, schools, government buildings, community centers, commercial establishments, and common areas of housing or public facilities.
- (10) "*Traditional or cultural activity*" means ceremonial, cultural or traditional Apache religious practice(s) recognized or sanctioned by the Tribe that may involve the use of a covered weapon.
- (11) "*Tribal Court*" means the courts of the Tribe.
- (12) "*Tribe*" means the San Carlos Apache Tribe.

21.8 Prohibition on Possession and Public Carry by Persons Under Twenty-One

A. Except as otherwise provided in this Chapter, no person under twenty-one (21) years of age shall knowingly:

- (1) Carry a covered weapon on his or her person in any public place within the territorial jurisdiction of the Tribe; or
 - (2) Possess a covered weapon in or on any motor vehicle located in a public place within the territorial jurisdiction of the Tribe.
- B. Except as otherwise provided in this Chapter, it is a violation of this Chapter for any person under twenty-one (21) years of age to knowingly possess a covered weapon anywhere within the territorial jurisdiction of the Tribe, unless such possession falls within one of the exceptions in subsection 21.10.

21.9 Unlawful Transfer of a Covered Weapon to a Person Under Twenty-One

- A. Except as provided in subsection 2, no person shall knowingly sell, give, lend, or otherwise transfer a covered weapon to any person under twenty-one (21) years of age within the territorial jurisdiction of the Tribe.
- B. This subsection does not apply to:
 - (1) A parent or legal guardian who temporarily furnishes a covered weapon to a person under twenty-one (21) solely for use in a lawful activity; or
 - (2) A certified firearms or weapons-safety instructor, or authorized designee, who furnishes a covered weapon solely for the duration of a lawful training, safety, hunting, agricultural, or cultural activity so authorized.

21.10 Authorized activities. The prohibitions in subsections 21.8 and 21.10 do not apply when all conditions of the following specific exceptions are met:

A. Hunting and Subsistence Use

- (1) The person under twenty-one (21) is lawfully engaged in hunting or subsistence activities permitted under tribal or applicable law; and
- (2) The person is either:
 - (a) Accompanied by a parent, legal guardian, or an adult designated in writing by the parent or legal guardian; or
 - (b) At least twenty-one (21) years of age, has successfully completed a recognized hunter-safety or firearm-safety course accredited by the Tribe or a state, and is otherwise lawfully entitled to hunt; and
 - (c) This exception includes possession and use of a machete with a blade over ten (10) inches when reasonably necessary for access, trail

clearing, or processing game, provided all other conditions of this subsection are met.

B. Shooting Ranges and Training

- (1) The person under twenty-one (21) is at an established shooting range, training facility, or location authorized by the Tribe for firearm or weapons practice; and
- (2) The person is directly supervised by:
 - (a) A parent or legal guardian; or
 - (b) A certified firearms or weapons-safety instructor or a person authorized in writing by such instructor.

C. Agricultural, Ranching, and Employment Use

- (1) The person under twenty-one (21) is lawfully employed in agricultural, ranching, forestry, landscaping, or similar work on tribal or privately owned land; and
- (2) The possession or use of a covered weapon is reasonably necessary to perform assigned tasks; and
- (3) For machetes, this includes possession and use of a machete with a blade over ten (10) inches when reasonably necessary for cutting brush, vegetation, or similar tasks; and
- (4) The employer, parent, or legal guardian has authorized such use.

D. Traditional, Ceremonial, and Cultural Activities

- (1) The person under twenty-one (21) is participating in a traditional, ceremonial, or cultural activity recognized or sanctioned by the Tribe; and
- (2) The use or possession of the covered weapon is an integral part of the activity; and
- (3) The activity is supervised by an elder, cultural leader, or person authorized by the Tribe.

E. Residence of Parent or Legal Guardian

- (1) The person under twenty-one (21) possesses a covered weapon solely within the interior of a dwelling owned or leased by his or her parent or legal guardian; and
- (2) Any firearm is stored in compliance with safe-storage requirements in tribal law; and
- (3) The parent or legal guardian has given express permission for such possession and remains legally responsible for the covered weapon.

F. Law Enforcement, Military, and Official Duties

- (1) The person under twenty-one (21) is a duly appointed law enforcement officer, or an active-duty member of the armed forces or National Guard; and
- (2) The possession or carrying of the covered weapon occurs in the course and scope of their official duties and in accordance with applicable regulations.

G. Emergency Self-Defense

Nothing in this Ordinance shall be construed to criminalize the momentary, emergency possession or use of a covered weapon by a person under twenty-one (21) if such possession or use is reasonably necessary to prevent imminent death or great bodily harm and the covered weapon is relinquished to law enforcement or a responsible adult as soon as reasonably practicable after the threat has passed.

21.11 Seizure and Disposition of Covered Weapons

- A. A law enforcement officer who has probable cause to believe that a person under twenty-one (21) is in violation of this Chapter shall seize the covered weapon at the time of the alleged violation, consistent with tribal and federal law.
- B. Seized covered weapons shall be documented and stored in accordance with tribal law enforcement policy and applicable rules of evidence.
- C. Upon final disposition of the case, the Tribal Court may order the covered weapon be:
 - (1) Returned to a lawful owner who is not prohibited from possessing weapons and who did not aid or abet the offense;
 - (2) Forfeited to the Tribe for destruction, training use, or other lawful governmental purpose; or

- (3) Otherwise disposed of, subject to applicable law, including sale with proceeds to a fund designated by Council.

21.12 Criminal Offenses and Penalties

A. Unlawful Possession or Public Carry of a Covered Weapon by a Person Under Twenty-One (21) Years of Age

- (1) A person under twenty-one (21) years of age commits the offense of Unlawful Possession or Public Carry of a Covered Weapon if he or she knowingly possesses a prohibited weapon and no exception applies.

- (2) Unlawful Possession or Public Carry of a Covered Weapon by a Person Under Twenty-One is punishable by:

- (a) A fine not to exceed \$5,000; and
- (b) Any non-confinement sanctions available for this offense, including community service, firearm or weapons-safety education, counseling, together with a parent or legal guardian, or other rehabilitative conditions as ordered by the Court.

B. Aggravated Unlawful Possession or Public Carry of a Covered Weapon

- (1) A person under twenty-one (21) commits Aggravated Unlawful Possession or Public Carry of a Covered Weapon if, in committing the offense described in subsection 1, he or she possesses or displays a covered weapon:

- (a) In a public place; or
- (b) While an occupant or driver of a motor vehicle in a public place; or
- (c) Within or upon the grounds of a school, community center, or government facility; or
- (d) In a manner that reasonably appears intended to intimidate others.

- (2) Aggravated Unlawful Possession or Public Carry of a Covered Weapon is a offense, punishable by:

- (a) A fine not to exceed the maximum allowed; and
- (b) Mandatory weapons-safety training together with the possessor's parent or legal guardian, confinement, and any additional non-confinement conditions the Court deems necessary to protect community safety.

C. Unlawful Transfer of a Covered Weapon to a Person Under Twenty-One

- (1) A person commits the offense of Unlawful Transfer of a Covered Weapon to a Person Under Twenty-One if he or she knowingly sells, gives, lends, or otherwise transfers a covered weapon to a person under twenty-one (21) and no exception applies.
- (2) Unlawful Transfer of a Covered Weapon to a Person Under Twenty-One shall be punishable by:
 - (a) A fine not to exceed the maximum allowed of \$5,000; and
 - (b) For repeat offenders, mandatory forfeiture and destruction of covered weapons used in or associated with the offense and additional non-confinement sanctions as ordered by the Court.

D. Repeat and Habitual Offenders

- (1) Upon a second or subsequent conviction under this Section within one (1) year, the Court shall:
 - (a) Impose fines up to the maximum allowed on each count; and
 - (b) Add enhanced non-confinement conditions, including longer terms of supervision, additional community service, and stricter restrictions on covered-weapon possession under the Tribe's law.
- (2) The Court shall order that any person repeatedly convicted under this Section shall be subject to confinement and prohibited from possessing any covered weapon under the Tribe's law for a specified period, to the extent consistent with federal law.

21.13 Juvenile Offenders and Delinquency Procedures

- A. When the alleged offender is a minor, proceedings shall be initiated and conducted under the Tribe's juvenile or children's code, and the offense shall be treated as a delinquent act, while maintaining the offense definitions and elements contained in this Section.
- B. In juvenile cases, the Court shall order dispositions including, but not limited to:
 - (1) Designation as a prohibited possessor;
 - (2) Supervision or probation or detention;

- (3) Community service;
 - (4) Participation in weapons-safety, violence-prevention, cultural, or mental-health programs together with the possessor's parent or legal guardian;
 - (5) Curfew or other conditions designed to protect the minor and the community.
- C. Juvenile records and proceedings relating to offenses under this Section shall be handled in accordance with the Tribe's confidentiality, record-sealing, and expungement provisions.

21.14 Jurisdiction and Relationship to Other Law

- A. This Section applies to all persons within the territorial jurisdiction of the Tribe to the fullest extent permitted by federal law.
- B. For non-member defendants, the Tribe's exercise of civil or criminal jurisdiction under this Section shall be as authorized by the Tribe's law and applicable federal statutes and case law.
- C. Offenses by non-Indians under this Section are fine-only criminal offenses for purposes of the Tribe's law and shall not result in confinement.
- D. Offenses by members of the Tribe may result in fines and confinement as otherwise authorized under separate juvenile detention provisions in the Tribe's juvenile or children's code.
- E. This Section is intended to supplement, and not to conflict with, applicable federal firearms and weapons laws. Nothing in this Section shall be construed to authorize conduct that is prohibited by federal or applicable state law, or to limit law enforcement cooperation with federal or state authorities.
- F. In the event of a direct conflict between this Section and federal law, federal law shall control to the extent of the conflict.

21.15 Severability; Relationship to Existing Law; Effective Date; Mandatory Review

- A. Severability. If any provision of this Ordinance, or the application of any provision to any person or circumstance, is held invalid by a court of competent jurisdiction, the remainder of this Ordinance and the application of its provisions to other persons or circumstances shall not be affected.
- B. Relationship to Existing Law. This Ordinance supplements and does not supersede any existing law, ordinance, or code governing alcohol licensing, juvenile welfare, or Law Enforcement authority of the Tribe. In the event of a

conflict between this Ordinance and an existing law, the more protective provision shall govern.

- C. Effective Date. This Ordinance shall be published for thirty (30) days to allow for public comments and further consideration by the Council.
- D. Mandatory Review. The Council shall review this Ordinance no later than two (2) years after its effective date, or sooner if directed by resolution of the Council, to assess its effectiveness and make any necessary revisions.

Certification by the Council Secretary that the foregoing Ordinance No. 01-2026 was enacted pursuant to Council Resolution No. JUL-26-150.

By: Valerie Key 7/15/26
Valerie Key (Date)
Acting Council Secretary
San Carlos Apache Tribe