



GILA RIVER INDIAN COMMUNITY

SACATON, AZ 85147

ORDINANCE GR-006-23

THE GILA RIVER INDIAN COMMUNITY COUNCIL HEREBY AMENDS TITLE 5, CRIMINAL CODE BY ADDING SECTION 5.1309 AND AMENDING SECTIONS 5.407, 5.1509 AND 5.1510

WHEREAS, the Gila River Indian Community Council (the “Community Council”) is the governing body of the Gila River Indian Community (the “Community”), a federally recognized and sovereign Indian tribe; and

WHEREAS, the Community Council is authorized by Article XV, Section 1(a)(9) of the Constitution and Bylaws of the Community (Codified July 7, 2021) (the “Constitution”) to promote and protect the health, peace, morals, education, and general welfare of the Community and its members; and

WHEREAS, the Community Council is authorized by Article XV, Section 1(a)(17) of the Constitution to provide for the maintenance of law and order and the administration of justice by establishing a Community Court and police force and defining the powers and duties thereof; and

WHEREAS, the Community Council is authorized by Article XV, Section 1(a)(26) of the Constitution to enact criminal codes or ordinances governing the conduct of members of the Community and non-members on the Reservation; and

WHEREAS, the power to enact laws and ordinances is an inherent function of self-government which the Community has exercised over the years; and

WHEREAS, the Legislative Standing Committee (“LSC”) recommends adding a new provision for the Unlawful Discharge of Firearms, Section 5.1309, if a person negligently discharges a firearm within the boundaries of the Reservation, with certain exceptions and justifications, and the first offense being a misdemeanor and any subsequent offense being either a misdemeanor or felony, Section 5.407; and

WHEREAS, LSC recommends revising release conditions to include the ability of a judge to prohibit the possession of a firearm, deadly weapon, or prohibited weapon while on release if the judge finds the prohibition is required for the safety of another person or the Community, Section 5.1509(D)(4); and

WHEREAS, LSC recommends adding Misuse of Firearms and Unlawful Discharge of Firearms as non-bailable offenses, 5.1510; and

WHEREAS, the proposed amendments have complied with pre-adoption notification procedures pursuant to Title Eight, Chapter Seven, Section 8.703 of the Community Code by publication in the Gila River Indian Community News ("GRIN") on September 15, 2023, held two public hearings on September 22, 2023, presented at District One on October 11, 2023, District 2 on September 18, 2023, District 3 on September 5, 2023, District 4 on October 2, 2023, District 5 on September 18, 2023, District 6 on October 2, 2023, and District 7 on October 16, 2023, and posting at all seven district service centers.

NOW, THEREFORE, BE IT ENACTED, that the Community Council hereby amends Title 5, Criminal Code by adding Section 5.1309 and amending Sections 5.407, 5.1509, and 5.1510, as attached.

BE IT FURTHER ENACTED, that the amendments to Title 5, Criminal Code, Sections 5.1309, 5.407, 5.1509, and 5.1510, as attached, shall be effective November 15, 2023.

BE IT FINALLY ENACTED, that the Governor, or in the Governor's absence the Lieutenant Governor, is hereby authorized to take all steps necessary to carry out the intent of this enactment.