

RESOLUTION NO. 152 -14  
OF THE GOVERNING BODY OF THE  
YAVAPAI-APACHE NATION

**A Resolution Adopting a Juvenile Curfew Code applicable on all Lands within the  
Jurisdiction of the Yavapai-Apache Nation**

**WHEREAS:** The Yavapai-Apache Tribal Council (“Council”) is authorized to represent the Yavapai-Apache Nation (“Nation”) and act on all matters that concern the health and welfare of the Nation, and to make decisions not inconsistent with or contrary to the Constitution of the Yavapai-Apache Nation (“Constitution) as provided by Article V(a) of the Constitution; and

**WHEREAS:** The Council is authorized to enact codes and ordinances governing law enforcement on lands within the jurisdiction of the Nation as provided by Article V (0) of the Constitution; and

**WHEREAS:** The Council, as the legislative body of the Nation, is authorized to enact laws, ordinances and resolutions incidental to the exercise of its legislative powers as provided by Article V(v) of the Constitution; and

**WHEREAS:** The Council has determined that there is a need to adopt a Juvenile Curfew Code in the interest of supporting the Nation’s parents, protecting the Nation’s children and promoting greater peace and security within the community; and

**WHEREAS:** The Council has reviewed the proposed Juvenile Curfew Code (*attached to this Resolution as Exhibit A and incorporated herein by reference*) and deems it in the Nation’s best interest to approve the same.

**NOW THEREFORE BE IT RESOLVED** that the Yavapai-Apache Tribal Council, in Council assembled, at which a quorum is present, hereby approves the attached Juvenile Curfew Code (*attached to this Resolution as Exhibit A and incorporated herein by reference*) and said Code shall be effective immediately.

**BE IT FURTHER RESOLVED** that the Curfew Code shall be filed with the Secretary of the Tribe, the Yavapai-Apache Police Department, the Tribal Court, the Human Resources Department, and the Office of Attorney General.

**BE IT FINALLY RESOLVED** that the Chairman, and Vice-Chairwoman, or either of them, are hereby authorized to take such further action as deemed necessary to carry out the purposes and intent of this Resolution.

**CERTIFICATION**

I hereby certify that the foregoing resolution was adopted by an affirmative vote of the Tribal Council, with a quorum in attendance, presented for approval

on July 31 2014, by a vote of 7 7 in favor, 0 opposed and 0 abstaining, pursuant to the authority contained under the Constitution of the Yavapai-Apache Nation as cited above.

Thomas Beauty  
Thomas Beauty, Chairman

**ATTEST:**

Karla Reimer  
Karla Reimer, Council Secretary

Approved as to form:

Scott Eady  
Office of the Attorney General

# EXHIBIT A

Yavapai-Apache Nation Juvenile Curfew Code

July 31, 2014

**Section 101. Curfew for Juveniles**

**A. In General: 10:00 p.m. – 6:00 a.m.**

It shall be unlawful for any juvenile (person under the age of eighteen (18) years) to be, remain or loiter in, about or upon any place in the community (all lands within the jurisdiction of the Yavapai-Apache Nation) away from the dwelling house or usual place of abode of said juvenile, between the hours of 10:00 p.m. and 6:00 a.m. of the following day.

**B. Parks & Playgrounds: sunset to sunrise**

It shall be unlawful for any juvenile (person under the age of eighteen (18) years) to be, remain or loiter in, about or upon any of the Nation's parks, playgrounds or non-residential areas, as an individual or in a group, after sunset and until sunrise the following day.

**Section 201. Exceptions**

The provisions of Section 101 do not apply to said juvenile under any of the following circumstances:

- A. When juvenile is accompanied by his or her parent, guardian or other adult person having the care, custody or supervision of said juvenile;
- B. When said juvenile is on a reasonable, legitimate and specific business or activity directed or permitted by his or her parent, guardian, or other adult person having the care, custody or supervision of said juvenile;
- C. When said juvenile is attending or participating in any cultural, religious, school or duly organized recreational function; in such event, if such function should end after 10:00 p.m., then such juvenile shall proceed immediately to his or her dwelling house or usual place of abode;
- D. When said juvenile is involved in an emergency; or
- E. When said juvenile is emancipated.

A juvenile accused of violating Section 101 shall have the burden of proving by a preponderance of the evidence that an exception enumerated in Section 201 applies.

**Section 301. Responsibility of Parent or Guardian**

It shall be unlawful for the parent, guardian, or other adult person having the care, custody or supervision of a juvenile to permit such juvenile to be, remain or loiter in, about or upon any place in the community away from the dwelling house or usual place of abode of said juvenile or any of the Nation's parks, playgrounds or non-residential areas in violation of Section 101, unless said parent can prove, by a preponderance of the evidence, that an exception enumerated in Section 201 applies.

**Section 401. Parents Not Having Knowledge Does Not Constitute a Defense**

It shall not constitute a defense hereto that such parent, guardian or other adult person having the care, custody or supervision of such juvenile coming within the provisions of Section 101 did not have actual knowledge of the presence of such juvenile in, about or upon any place in the community away from the dwelling house or usual place of abode of said juvenile or any of the

Nation's parks, playgrounds or non-residential areas, if said parent, guardian or other person having the care, custody or supervision of such juvenile, in the exercise of reasonable care and diligence, should have known of the aforementioned unlawful acts of such juvenile.

**Section 501. Delivery of Juvenile into Custody of Parent or Guardian**

Any law enforcement officer who arrests a juvenile for violating any of the provisions of Section 101 is hereby empowered to demand of the parent, guardian or other person having the care, custody or supervision of such juvenile that such parent, guardian or other person come and take such juvenile into custody. It shall be unlawful for any such parent, guardian, or other person having the care, custody or supervision of said juvenile to fail or refuse to take such juvenile into custody after such a demand is made. Should there be a failure of the parent, guardian or other person to take custody of such juvenile, the parent, guardian or other person may be charged with a separate offense under Section 701. Should the parent, guardian or other person fail to take custody of said juvenile, said adult shall be responsible for any costs associated with continued custody by the Nation, including, but not limited to, transportation costs to and from any juvenile facility as well as costs associated with housing said juvenile at a juvenile facility.

**Section 601. Curfew Violations to be Separate Offenses.**

Each violation of Section 101 shall constitute a separate offense.

**Section 701. Penalties**

**A. Juvenile**

1. First Offense: any juvenile who is found by the Juvenile Court to have violated any provision of Section 101 shall be ordered to complete up to 40 hours of community service, as directed by the Yavapai-Apache Probation Department.
2. Second Offense: any juvenile who is found by the Juvenile Court to have violated any provision of Section 101 as a second offense shall be ordered to complete up to 80 hours of community service as directed by the Yavapai-Apache Probation Department, and in addition the Court may impose a fine of up to a maximum of \$250.
3. Third and Subsequent Offense: in addition to community service and a fine of up to a maximum of \$500, as determined by the Juvenile Court, any juvenile who is found to have violated any provision of Section 101 as a third or subsequent offense shall be detained in a juvenile facility until the juvenile can go before the Juvenile Court for an initial appearance. The juvenile can appear either in person or telephonically.
4. In addition to the above-provided penalties, any juvenile who, while engaged in violating any provision of Section 101, also engages in the commission of any crime, as defined by the Yavapai-Apache Nation Criminal Code, Title 5, is subject to procedures and penalties provided under the Yavapai-Apache Nation Juvenile Code, Title 7.

**B. Parent, guardian, or other adult having the care, custody or supervision of juvenile**

1. First offense: no penalty shall be imposed against the parent, guardian, or other adult having the care, custody or supervision of a juvenile who is found to have violated any provision of Section 101 as a first offense.

Juvenile Curfew Code  
Adopted on 7/9/ 2014 by Resolution No. 152-14

2. Second offense: the parent, guardian or other adult having the care, custody or supervision of a juvenile who is found to have violated any provision of Section 101 as a second offense shall be fined up to \$250.
3. Third and subsequent offense: the parent, guardian or other adult having the care, custody or supervision of a juvenile who is found to have violated any provision of Section 101 for a third or subsequent offense shall be financially responsible for all costs associated with any penalties imposed on said juvenile, plus a fine of up to \$500.