

**MESCALERO APACHE TRIBE  
MESCALERO, NEW MEXICO**

**ORDINANCE 24-05**

**WHEREAS**, the Mescalero Apache Tribe, (the "Tribe"), an Indian Tribe organized under the Indian Reorganization Act of June 18, 1934 (25 U.S.C. § 5123) and under its Revised Constitution has the power to act for the Tribe; and

**WHEREAS**, the Mescalero Apache Tribal Council (the "Tribal Council") has the power to represent the Tribe, act in all matters that concern the welfare of the Tribe, and to make decisions not inconsistent with, or contrary to, its Revised Constitution, pursuant to Article XI, Section 1 (i) of the Revised Constitution; and

**WHEREAS**, the Tribal Council has the power to enact ordinances establishing and governing Tribal courts, regulating social and domestic relations of members of the Tribe, pursuant to Article XI, Section 1 (p) of the Revised Constitution; and

**WHEREAS**, the Tribal Council believes that vandalism causes harm to individual Tribal members and the Tribe as a whole because of the time and money needed to repair or replace damaged property and it is necessary to revise Chapter 10 in order to deter vandalism and protect property to the greatest degree possible; and

**WHEREAS**, the Tribal Council wishes to adopt the attached revisions to Chapter 10 and believes that the same are in the best interests of the Mescalero Apache people.

**NOW, THEREFORE, BE IT ORDAINED** that the following revisions to Chapter 10 of the Mescalero Apache Tribal Code are hereby adopted.

**BE IT FINALLY ORDAINED** that all contrary provisions are hereby repealed.

**CHAPTER 10**

**OFFENSES AND PENALTIES**

[Sections 1 to 12 remain unmodified.]

**SECTION 13. PROPERTY DAMAGE.**

**10-13-1. CRIMINAL DAMAGE TO PROPERTY.** Criminal damage to property consists of intentionally damaging any real or personal property of another without the consent of the owner of the property and whoever commits criminal damage to property upon conviction thereof shall be sentenced for a period not to exceed one hundred eighty (180) days or a fine not to exceed Five Hundred Dollars (\$500.00), or both; in addition, such person may be ordered to pay restitution to the owner of the property pursuant to Section 9-6-3.

[Sections 10-13-2 and 10-13-4 remain unmodified.]

**10-13-5. INJURY TO PUBLIC PROPERTY.** Any person who shall without proper authority, use, transfer, sell, misappropriate, or encumber or injure any public, government or tribal property, shall be deemed guilty of an offense and upon conviction thereof, shall be sentenced to imprisonment for a period not to exceed three hundred and sixty-five (365) days or a fine not to exceed One Thousand Dollars (\$1,000.00), or both; in addition, such person may be ordered to pay restitution to the owner of the property pursuant to Section 9-6-3.

[The remainder of Chapter 10 remains unmodified.]

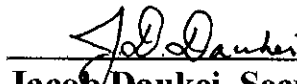
**CERTIFICATION**

**ORDINANCE 24-05**

The foregoing enactment of the Mescalero Apache Tribal Council is duly adopted and approved on the 17<sup>th</sup> day of July 2024, at a legally called session of the Mescalero Apache Tribal Council, by a vote of 7 in favor, 0 opposed, 0 abstained and 1 absent at which a quorum was present and at which a majority of the members voted in favor thereof. This enactment is approved by the President of the Mescalero Apache Tribe under authority of Article XII, Section 1, of the Revised Constitution.



**Thora Padilla, President**



**Jacob Daukei, Secretary**