

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Amending 7 Tohono O'odham Code Chapter 1 – Criminal Code, Section 3.4
Criminal Trespass)**

RESOLUTION NO. 17-021

1 **WHEREAS, the Legislative Council is vested with the power “to enact criminal and civil laws**
2 **governing the conduct of any person within the Tohono O'odham Nation” and to**
3 **provide laws “to promote, protect and provide for public health, peace, morals,**
4 **education and general welfare of the Tohono O'odham Nation and its members”**
5 **(Constitution of the Tohono O'odham Nation, Article VI, Section 1(c)(6) and**
6 **1(c)(2)); and**

7 **WHEREAS, the Tohono O'odham Legislative Council has enacted and amended the Tohono**
8 **O'odham Criminal Code to define criminal offenses, establish sentencing**
9 **guideline, define the Judicial Court's jurisdiction in criminal actions, and to**
10 **otherwise govern the enforcement of the Nation's criminal laws (7 T.O.C.**
11 **Chapter 1 – Criminal Code); and**


12 **WHEREAS, in response to public safety concerns raised by Nation's members and districts,**
13 **the Domestic Affairs Committee has drafted an amendment to Criminal Code**
14 **Section 3.4 Criminal Trespass to clarify that a member of the Nation who enters**
15 **a district while banished and after receiving notice of the banishment may be**
16 **prosecuted for Criminal Trespass; and**

17 **WHEREAS, the Domestic Affairs Committee distributed the draft amendment for public**
18 **comment and recommends that the Legislative Council amend 7 Tohono**
19 **O'odham Code Chapter 1 – Criminal Code, Section 3.4 Criminal Trespass as**
20 **dated for reference January 2017, which is incorporated by this reference, as an**
21 **additional tool for protecting public safety.**

22 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council amends 7**
23 **Tohono O'odham Code Chapter 1 – Criminal Code, Section 3.4 Criminal**
24 **Trespass, which shall become effective on the date this resolution takes effect in**
25 **accordance with the Constitution of the Tohono O'odham Nation.**

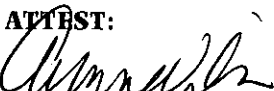
26 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 10TH**
27 **day of JANUARY, 2017 at a meeting at which a quorum was present with a vote of 2,765.05 FOR;**
28 **256.35 AGAINST; -0- NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the**
29 **Council by Article I and Article VI, Section 1(c)(6) and 1(c)(2) of the Constitution of the Tohono**
30 **O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved**
31 **by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986,**
32 **pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).**
33

TOHONO O'ODHAM LEGISLATIVE COUNCIL



Timothy Joaquin, Legislative Chairman
18 day of January, 2017

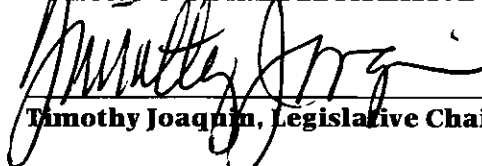
ATTEST:



Evonne Wilson, Legislative Secretary
17 day of January, 2017

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 18 day of January, 2017 at 1:27 o'clock, P.m., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL



Timothy Joaquin, Legislative Chairman

APPROVED

on the 20th day of January, 2017

DISAPPROVED

at 10:20 o'clock, A.m.



EDWARD D. MANUEL, CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 20 day of

January, 2017, at 10:25 o'clock, A.m.



Evonne Wilson, Legislative Secretary

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ACTION: AMENDING 7 TOHONO O'ODHAM CODE CHAPTER 1 - CRIMINAL CODE, SECTION 3.4 CRIMINAL TRESPASS

Moved: COUNCILWOMAN LORETTA LEWIS

SECOND: COUNCILWOMAN LORRAINE EILER

DATE: JANUARY 10, 2017

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 367.2	1. FRANCES MIGUEL (Roberta E. Harvey)	183.60	X			
	2. VERNON J. SMITH (Gloria Zazueta)	183.60	X			
CHUKUT KUK 332.1	1. ETHEL GARCIA (Marlakay K. Henry)	166.05		X		
	2. BILLMAN LOPEZ (Patricia Vicenti)	166.05	X			
GUACHI 265.0	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	132.50	X			
	2. LORETTA LEWIS ()	132.50	X			
GU VO 250.6	1. GRACE MANUEL (Dallas Lewis)	125.30	X			
	2. PAMELA ANGHILL (Jeffery Antone, Sr.)	125.30	X			X
HICKIWAN 205.8	1. LOUIS R. LOPEZ (Shirley Molina)	102.90	X			X
	2. SANDRA ORTEGA ()	102.90	X			
PISINEMO 219.9	1. CHESTER ANTONE ()	109.95	X			
	2. MONICA K. MORGAN ()	109.95	X			X
SAN LUCY 226.5	1. DIANA MANUEL (<i>Absent</i>) (Lorraine Eller) (<i>Present</i>)	113.25	X			
	2. JANA MONTANA (Gloria Ramirez)	113.25	X			
SAN XAVIER 228.6	1. DANIEL L.A. PRESTON III (Felicia Nunez)	114.3	X			
	2. RACHEAL VILSON-STONER (Olivia Villegas-Liston)	114.3	X			
SCHUK TOAK 180.6	1. ANTHONY J. FRANCISCO JR. (Mario J.B. Juan)	90.3		X		
	2. QUINTIN C. LOPEZ (John Fendenheim)	90.3	X			
SELLS 513.5	1. ARTHUR WILSON (Beverly Rivas)	256.75	X			
	2. BARBARA HAVIER (Idaleen Reyes)	256.75	X			
SIF OIDAK 231.6	1. LUCINDA ALLEN ()	115.80	X			
	2. MARY LOPEZ ()	115.80	X			X
TOTAL		3,021.4	2,765.05	256.35	-0-	[04]