

ORDINANCE OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Sex Offender Registration and Notification Law)

ORDINANCE NO. 2000-02

1 **WHEREAS, the Legislative Council of the Tohono O'odham Nation has a constitutional obligation**
2 **and responsibility to protect our greatest resources, our children; and**
3 **WHEREAS, the Sex Offender Registration and Notification Law would inform Districts and**
4 **communities if a known convicted sex offender will be returning to their**
5 **communities; and**
6 **WHEREAS, the Domestic Affairs Committee and the Effective Sex Offender Management Task**
7 **Force did present this ordinance to the Districts and communities of the Tohono**
8 **O'odham Nation as requested, for their support and approval; and**
9 **WHEREAS, the Tohono O'odham Police Department will be the lead agency in the notification**
10 **to the Districts and the communities.**
11 **NOW, THEREFORE, BE IT ORDAINED by the Tohono O'odham Legislative Council that it hereby**
12 **enacts the following ordinance:**

13
14 **Registration of Sex Offenders; Community Notification**

- 15
16 **A. Mandatory Registration. Any member or non-member residing upon or**
17 **entering the Tohono O'odham Nation who has ever been convicted of any sexual**
18 **offense shall register with the Tohono O'odham Nation Police Department. For**
19 **purposes of this statute, "sexual offense" means**
20 **1. a violation of the Tohono O'odham Criminal Code, Chapter 9, "Sexual and**
21 **Related Offenses", or any conviction for attempt, conspiracy, or aiding and**
22 **abetting such an offense; or**
23 **2. a conviction in a tribal, state, or federal jurisdiction that, if committed on**
24 **the Tohono O'odham Nation, would be a sex offense.**
25 **For purposes of this ordinance, "non-member" means any non-Indian or Indian**
26 **who is not an enrolled member of the Tohono O'odham Nation.**
27 **B. Timeliness. Any person required to register under this ordinance shall do so:**
28 **1. within twenty-four (24) hours of release from custody in any jail, prison,**
29 **rehabilitative facility, or confinement of any kind;**
30 **2. upon the sentencing date, if the offender is not sentenced to serve a term of**
31 **confinement;**

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3. within twenty-four (24) hours of entering, establishing or re-establishing a residence, residences, or temporary domicile(s) for thirty (30) days or more on the Tohono O'odham Nation;
4. immediately if the offender is currently residing or temporarily domiciled on the Tohono O'odham Nation for thirty (30) days or more.

C. Information to be provided. A convicted offender shall sign and date a form providing the Tohono O'odham Police Department with the following information when registering:

1. Full name and aliases;
2. Physical and mailing addresses, including temporary addresses where offender may stay overnight;
3. Date and place of birth;
4. Social Security Number;
5. Place of employment;
6. Offense(s) committed, including offense date(s), age(s) and gender(s) of victim(s), and probation/parole or other release status;
7. Date and place of conviction.

Tohono O'odham Police Department shall obtain the offender's photograph and a copy of the offender's fingerprints. The offender shall also sign and date a statement acknowledging the duty to register.

D. Changes in information.

1. The offender shall keep all required information current at all times and shall submit any changes in person to the Tohono O'odham Police Department.
2. If any person required to register under this ordinance changes their address following such registration, the offender must present a written notice of change of address and their new address in person to the Tohono O'odham Police Department within ten (10) days prior to establishing a new residence or domicile.

E. Penalties. Failure to register as required constitutes a per se violation of this ordinance. Any person who fails to register as required by this ordinance shall

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be sentenced to the following:

1. **Imprisonment in jail for not less than one hundred and eighty (180) days nor more than three hundred and sixty (360) days for each offense.**
2. **Any person found guilty of failure to register shall not be eligible for concurrent sentencing, suspension or commutation of sentence, probation, pardon, parole or release on any other basis.**
3. **The sentencing court may impose any additional penalties or remedies or order any equitable relief it deems necessary.**
4. **Any non-member of the Tohono O'odham Nation shall be subject to permanent exclusion for failing to register as required by this ordinance.**

F. Community Notification. The Tohono O'odham Nation Police Department shall maintain a sex offender profile and notification data base. The data base shall include all registration information required by this ordinance and the offender's date of release from confinement or, if the offender is sentenced to probation without jail time, the date the sentence is imposed.

1. **Within ten (10) days of receiving registration information, the Chief of Police or his designee shall distribute registration information including the offender's photograph, address, and summary of the offender's status and criminal background to the victim, public, local publications and/or media, current and prospective employers.**
2. **Registration information shall be distributed by the Tohono O'odham Nation Police Department and shall be available to the public at the Tohono O'odham Nation Justice Center, Police Department and substations, Administration Building, District Offices, and all schools on or near the Tohono O'odham Nation.**
3. **The Chief of Police, his designee, or Tohono O'odham Nation law enforcement officers may use any additional means to make community notification of circumstances or persons that may pose a danger to the community or its members.**
4. **The Tohono O'odham Nation Police Department shall register all sex offenders' convictions and warrants into the National Crime Information**

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Center data base. The Chief of Police is authorized to share registration information with any law enforcement agency.

G. **Severability.** If any provision(s) of this ordinance or any application of its provisions is held invalid, the application of the remaining provisions of this ordinance shall not be affected thereby.

H. **Amendments.** This ordinance may be amended by action of the Legislative Council.

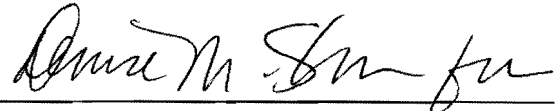
The foregoing Ordinance was passed by the Tohono O'odham Legislative Council on the 04TH day of MAY, 2000 at a meeting at which a quorum was present with a vote of 1,915.6 FOR; 145.1 AGAINST; 104.8 NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by Section 1 (c)(1), (2), (6), and (7) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL



Dennis Ramon, Legislative Chairman
8th day of May, 2000

ATTEST:



Julianna Saraficio, Acting Legislative Secretary
04th day of May, 2000.

Said Ordinance was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 8th day of May, 2000 at 5:07 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



Dennis Ramon, Legislative Chairman


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APPROVED

on the 10th day of May, 20 00

DISAPPROVED

at 1:15 o'clock, P.M.


EDWARD D. MANUEL, Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 10th day of

May, 20 00, at 3:10 o'clock, P.M.


Julianna Saraficio, Acting Legislative Secretary

ACTION: SEX OFFENDER REGISTRATION AND NOTIFICATION LAW

MOVED: COUNCILWOMAN FRANCES MIGUEL

SECOND: COUNCILMAN TONY BURRELL

DATE: MAY 04, 2000

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 171.8	1. MARY ANN ANTONE (Darlene Andrew)	85.9	X			
	2. RITA MARTINEZ (Nicholas Jose)	85.9	X			
SELLS 372.7	1. DENNIS E. JOSE ()	186.35	X			
	2. EVELYN JUAN ()	186.35	X			
SCHUK TOAK 133.4	1. MARY FLORES ()	66.7	X			
	2. AMBROSE ENCINAS ()	66.7		X		
SAN XAVIER 165.9	1. TONY BURRELL ()	82.95	X			
	2. DENNIS RAMON ()	82.95	X			X
BABOQUIVARI 286.5	1. FRANCES MIGUEL ()	143.25	X			
	2. FRANCES G. ANTONE (Edward N. Kisto)	143.25	X			
GU ACHI 209.6	1. CAMILLUS LOPEZ (Louis Johnson)	104.8			X	
	2. ALEX J. RAMON ()	104.8	X			
PISINEMO 156.8	1. BARBARA SALVICIO (Alex Antone)	78.4	X			
	2. JOHNSON JOSE ()	78.4		X		
SAN LUCY 128.1	1. ALBERT MANUEL, JR. ()	64.05	X			
	2. GLORIA RAMIREZ ()	64.05	X			
GU VO 160.0	1. FERN SALCIDO ()	80.0	X			
	2. GLORIA MONTANA (Phillip Antone)	80.0	X			
HICKIWAN 158.1	1. ALEX JOSE (Shirley Santos)	79.05	X			X
	2. LLOYD FRANCISCO (Susan Sam)	79.05	X			
CHUKUT KUK 222.6	1. KENNETH WILLIAMS ()	111.3	X			X
	2. DAVID GARCIA (Mary Audrey Juan)	111.3	X			
TOTAL		2,165.5	1,915.6	145.1	104.8	[03]

**PASSED VOTES