

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Enacting Criminal Code Section 10.9 - Participating in or Assisting a Criminal Gang)**

**RESOLUTION NO. 08-717**

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 1(c)(2));**  
6 **and**

7 **WHEREAS, the Nation’s members suffer from significant violence, property damage, and other**  
8 **crimes caused by criminal gangs in communities across the Nation; and**

9 **WHEREAS, criminal gangs encourage drug and alcohol abuse, harassment of and violence**  
10 **against women, the destruction of tradition and culture, and create a climate of fear**  
11 **in neighborhoods, communities, and public places; and**

12 **WHEREAS, in response, the Domestic Affairs Committee, in coordination with the Nation’s**  
13 **Prosecutor’s Office and Police Department, has drafted Criminal Code Chapter**  
14 **Section 10.9 - Participating in or Assisting a Criminal Gang; and**

15 **WHEREAS, the enactment of this law will make it a crime for any person who**  
16 **• Intentionally organizes, manages, directs or supervises a criminal gang with the**  
17 **intent to promote or further the criminal objectives of the criminal gang; or**  
18 **• Knowingly entices or induces others to engage in violence or intimidation to**  
19 **promote or further the criminal objectives of a criminal gang; or**  
20 **• Furnishes advice or direction in the conduct, financing or management of a**  
21 **criminal gang’s affairs with the intent to promote or further the criminal**  
22 **objectives of a criminal gang; or**  
23 **• Hires, engages or uses a minor for any conduct preparatory to or in completion**  
24 **of any offense in this section; or**  
25 **• Commits any offense under the Criminal Code with the intent to promote or**  
26 **further the objectives of a criminal gang.**

27 **WHEREAS, Section 10.9 was initially distributed to the public and discussed at public hearings**  
28 **on comprehensive Criminal Code amendments from 2000-2001; and**

29 **WHEREAS, the public was provided with an additional comment period beginning September 29,**

1                   2008 and the Domestic Affairs Committee responded in writing to all written  
2                   comments on December 9, 2008; and

3 WHEREAS, the Domestic Affairs Committee has incorporated public comments into the attached  
4                   draft Section 10.9 - Participating in or Assisting a Criminal Gang, which is  
5                   incorporated by this reference and is dated December 2008, and recommends that  
6                   the Legislative Council enact Section 10.9 as an additional tool for protecting public  
7                   safety and health.

8 NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council hereby enacts  
9                   Section 10.9 - Participating in or Assisting a Criminal Gang, which is hereby added to  
10                  the Criminal Code of the Tohono O'odham Nation.

11 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 15<sup>TH</sup>. Day  
12 of DECEMBER, 2008 at a meeting at which a quorum was present with a vote of 2,335.3 FOR; -0-  
13 AGAINST; -0- NOT VOTING; and 199.2[0 5] ABSENT, pursuant to the powers vested in the Council by  
14 Section 1 (c)(2) and (6) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by  
15 the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant  
16 Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June  
17 18, 1934 (48 Stat. 984).

18  
19 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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22 \_\_\_\_\_  
23 Verlon M. Jose, Legislative Chairman

24  
25 18 day of December, 2008

26  
27 ATTEST:

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29   
30 \_\_\_\_\_  
31 Lucille Lopez, Acting Legislative Secretary


32  
33 15 day of December, 2008.

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35 Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham  
36 Nation on the 15 day of December, 2008 at 12:00 o'clock, P..M.,  
37 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective  
38 upon his approval or upon his failure to either approve or disapprove it within 48 hours of  
39 submittal.

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TOHONO O'ODHAM LEGISLATIVE COUNCIL

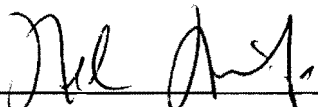
  
\_\_\_\_\_  
Verlon M. Jose, Legislative Chairman

APPROVED

on the 19 day of December, 2008

DISAPPROVED

at 10:08 o'clock, a.M.

  
\_\_\_\_\_  
NED NORRIS, JR., CHAIRMAN  
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 22 day of

December, 2008, at 8:33 o'clock, A.M.

  
\_\_\_\_\_  
Lucille Lopez, Acting Legislative Secretary

ACTION: ENACTING CRIMINAL CODE SECTION 10.9 - PARTICIPATING IN OR ASSISTING A CRIMINAL GANG

MOVED: COUNCILMAN TIMOTHY JOAQUIN

SECOND: COUNCILWOMAN WAVALENE ROMERO

DATE: DECEMBER 15, 2008

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>BABOQUIVARI</b> 316.9	1. FRANCES MIGUEL (Roberta Harvey)	158.45	X			
	2. FRANCES G. ANTONE (Vernon Smith)	158.45	X			
<b>CHUKUT KUK</b> 264.8	1. ETHEL GARCIA ( )	132.40	X			
	2. VERLON M. JOSE ( )	132.40	X			
<b>GU ACHI</b> 227.9	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	113.95	X			
	2. CYNTHIA E. MANUEL ( )	113.95	X			X
<b>GU VO</b> 199.2	1. GRACE MANUEL ( )	99.60				X
	2. RAYMOND VICTOR ( )	99.60				X
<b>HICKIWAN</b> 172.0	1. MICHELLE ORTEGA ( )	86.00	X			
	2. SANDRA ORTEGA ( )	86.00	X			X
<b>PISINEMO</b> 182.4	1. CHESTER ANTONE <i>(Absent)</i> (Tony Murrietta) <i>(Present)</i>	91.20	X			
	2. GERALD FAYUANT ( )	91.20	X			
<b>SAN LUCY</b> 181.1	1. LORRAINE EILER ( )	90.55	X			
	2. GLORIA RAMIREZ ( )	90.55	X			
<b>SAN XAVIER</b> 196.5	1. FELICIA NUÑEZ (Adam P. Andrews)	98.25	X			X
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	98.25	X			
<b>SCHUK TOAK</b> 154.6	1. FRANCES B. CONDE (Frederick Jose)	77.30	X			
	2. PHYLLIS CACHORA (Agnes Joaquin)	77.30	X			
<b>SELLS</b> 444.7	1. KIMBERLY LISTO ( )	222.35	X			
	2. EVELYN B. JUAN MANUEL ( )	222.35	X			
<b>SIF OIDAK</b> 194.4	1. WAVALENE ROMERO ( )	97.20	X			
	2. MARY LOPEZ ( )	97.20	X			
<b>TOTAL</b>		<b>2,534.5</b>	<b>2,335.3</b>	<b>-0-</b>	<b>-0-</b>	<b>199.2[05]</b>

\*\*PASSED VOTES