

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Requesting Second Extension to Substantially Implement the Sex Offender Registration and Notification Act of the Adam Walsh Child Protection and Safety Act of 2006)**

**RESOLUTION NO. 10-182**

1 **WHEREAS, the Constitution of the Tohono O'odham Nation authorizes the Legislative Council to**  
2 **“promote, protect and provide for public health, peace, morals education and general**  
3 **welfare of the Tohono O'odham Nation and its members” and to “consult with . . .**  
4 **appropriate federal agencies regarding federal activities that affect the Tohono**  
5 **O'odham Nation” (Constitution, Article VI, Section 1(c)(2), and Section 1(j)); and**

6 **WHEREAS, the Tohono O'odham Nation has a compelling interest in safeguarding the lives and**  
7 **health of its children, members, and guests on tribal lands as evidenced by the**  
8 **passage of the Tohono O'odham Nation “Sex Offender Registration and Notification**  
9 **Law” on May 10, 2000; and**

10 **WHEREAS, the “Adam Walsh Child Protection and Safety Act of 2006,” Pub.L. 109-248 (42 U.S.C.**  
11 **§16901 et seq.) (“the Adam Walsh Act”) was enacted on July 27, 2006 with the purpose**  
12 **of establishing a comprehensive national system for registration and public**  
13 **awareness of sex offenders and offenders against children to better protect the public;**  
14 **and**

15 **WHEREAS, the Tohono O'odham Legislative Council voted unanimously to enact Resolution No.**  
16 **07-453, “Electing to Carry Out Subtitle A-Sex Offender Registration and Notification of**  
17 **the Adam Walsh Child Protection and Safety Act of 2006” on July 23, 2007; and**

18 **WHEREAS, the deadline to substantially implement SORNA was July 27, 2009, although**  
19 **jurisdictions had the option to submit requests for two one-year extensions to the**  
20 **United States Attorney General through the Office of Sex Offender Sentencing,**  
21 **Monitoring, Apprehending, Registering, and Tracking (“SMART Office”) (42 U.S.C.**  
22 **§16924(b)); and**

23 **WHEREAS, in March 2009, the Legislative Council approved Resolution No. 09-157 requesting the**  
24 **first extension from the Attorney General who subsequently authorized one-year**  
25 **extensions “for jurisdictions to implement the Sex Offender Registration and**  
26 **Notification Act” (U.S. Attorney General Order No. 3081-2009); and**

27 **WHEREAS, the Tohono O'odham Nation has since taken significant steps towards amending**  
28 **Ordinance 2000-02, the Nation’s “Sex Offender Registration and Notification Law,” to**  
29 **meet the requirements under Subtitle A, the “Sex Offender Registration and**

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1 Notification Act," ("SORNA") of the Adam Walsh Act before the July 26, 2010 deadline;  
2 and

3 WHEREAS, the Tohono O'odham Department of Public Safety, Tohono O'odham Police  
4 Department, and Tohono O'odham Judicial Branch continue to develop additional  
5 policies and procedures to comply with SORNA; and

6 WHEREAS, in anticipation of the upcoming July 26, 2010 substantial implementation deadline,  
7 the Tohono O'odham Nation is preparing materials for submission to the SMART Office  
8 to request a second one-year extension pursuant to 42 U.S.C. §16924(b); and

9 WHEREAS, the SMART Office requests all extension requests be submitted as soon as possible and  
10 before July 1, 2010.

11 NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council hereby requests  
12 a second one-year extension from the Department of Justice pursuant to 42 U.S.C.  
13 §16924(b) in order to substantially implement SORNA.

14 BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council authorizes and directs the  
15 Nation's Chairperson to submit the extension request as soon as possible but no later  
16 than July 1, 2010.

17 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 13<sup>TH</sup> Day  
18 of MAY, 2010 at a meeting at which a quorum was present with a vote of 2,271.50 FOR; -0- AGAINST;  
19 -0- NOT VOTING; and 324.0[08] ABSENT, pursuant to the powers vested in the Council by Article VI,  
20 Section 1 (c)(2)&(j) of the Constitution of the Tohono O'odham Nation, adopted by the Tohono  
21 O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -  
22 Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48  
23 Stat. 984).

24  
25 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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

30  
31 18 day of May, 2010  
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34 ATTEST:

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36 \_\_\_\_\_  
37 Evonne Wilson, Legislative Secretary

38  
39 18 day of May, 2010.  
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Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 18 day of May, 2010 at 4:05 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**

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

APPROVED on the 19 day of May, 2010

DISAPPROVED at 12:58 o'clock, P..M.

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

Returned to the Legislative Secretary on the 19 day of May, 2010, at 2:31 o'clock, P..M.

  
\_\_\_\_\_  
Evonne Wilson, Legislative Secretary

**ACTION: REQUESTING SECOND EXTENSION TO SUBSTANTIALLY IMPLEMENT THE SEX OFFENDER REGISTRATION AND NOTIFICATION ACT OF THE ADAM WALSH CHILD PROTECTION AND SAFETY ACT OF 2006**

**MOVED: COUNCILMAN TIMOTHY JOAQUIN**

**SECOND: COUNCILWOMAN ETHEL GARCIA**

**DATE: MAY 13, 2010**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>SIF OIDAK</b> <b>198.7</b>	1. WAVALENE ROMERO (Nicholas Jose)	99.35	X			X
	2. MARY LOPEZ ( )	99.35	X			
<b>SELLS</b> <b>449.6</b>	1. KIMBERLY LISTO ( )	224.80	X			
	2. EVELYN B. JUAN MANUEL ( )	224.80	X			X
<b>SCHUK TOAK</b> <b>159.0</b>	1. FRANCES B. CONDE (Fredrick Jose)	79.50	X			
	2. LINDA PARLEY (Agnes Joaquin)	79.50	X			
<b>SAN XAVIER</b> <b>204.7</b>	1. FELICIA NUÑEZ ( )	102.35	X			
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	102.35	X			X
<b>SAN LUCY</b> <b>187.1</b>	1. LORRAINE EILER ( )	93.55	X			X
	2. GLORIA RAMIREZ ( )	93.55	X			
<b>PISINEMO</b> <b>184.5</b>	1. CHESTER ANTONE (Tony Murrietta)	92.25	X			
	2. EDWARD MANUEL (Gerald Fayuant)	92.25	X			
<b>HICKIWAN</b> <b>174.5</b>	1. MICHELLE ORTEGA ( )	87.25	X			
	2. SANDRA ORTEGA ( )	87.25	X			
<b>GU VO</b> <b>206.3</b>	1. GRACE MANUEL ( )	103.15	X			
	2. PAMELA ANGHILL ( <i>Absent</i> ) (Angela Ortiz) ( <i>Present</i> )	103.15	X			
<b>GU ACHI</b> <b>230.1</b>	1. TIMOTHY L. JOAQUIN ( )	115.05	X			
	2. CYNTHIA E. MANUEL ( )	115.05	X			X
<b>CHUKUT KUK</b> <b>277.0</b>	1. ETHEL GARCIA (Sara Mae Williams)	138.50	X			
	2. VERLON M. JOSE ( )	138.50	X			X
<b>BABOQUIVARI</b> <b>324.0</b>	1. FRANCES MIGUEL (Roberta Harvey)	162.0				X
	2. FRANCES G. ANTONE (Vernon Smith)	162.0				X
<b>TOTAL</b>		<b>2,595.50</b>	<b>2,271.50</b>	<b>-0-</b>	<b>-0-</b>	<b>324.0</b> <b>[08]</b>