RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL (Adopting Amendments to 6 T.O.C. Chapter 1, Section 1103 and Section 1108, and 7 T.O.C. Chapter 1, Section 1.11)

RESOLUTION NO. 13-390

1	WHEREAS,	the Constitution of the Tohono O'odham Nation vests the Tohono O'odham
2		Legislative Council with the power to enact laws to protect and promote
3		individual rights, "to provide for the maintenance of law and order and the
4		administration of justice," and "to enact criminal and civil laws governing the
5		conduct of any person within the Tohono O'odham Nation consistent with
6		federal law" (Constitution, Article III; Article V, Section 1; and Article VI, Section
7		1(c)(6)); and
8	WHEREAS,	the Legislative Council has enacted provision within 6 Tohono O'odham Code
9		Chapter 1, Courts and Procedures, establishing the qualifications of Judicial
10		Court judges and providing for the right to counsel (6 Tohono O'odham Code
11		Chapter 1, Section 1103 and 1108); and
12	WHEREAS,	the Legislative Council also has enacted criminal laws governing the maximum
١3		sentences for criminal offenses, including general sentencing provisions within
۱4		Criminal Code Section 1.11 Penalties and Remedies (7 Tohono O'odham Code
15		Chapter 1, Section 1.11); and
16	WHEREAS,	in order to ensure criminal court judges are sufficiently qualified and to provide
17		for the effective assistance of counsel, the Domestic Affairs and Judiciary
18		Committees recommend that the Legislative Council amend 6 T.O.C. Chapter 1,
19		Section 1103 and Section 1108, and 7 T.O.C. Chapter 1, Section 1.11 in accordance
20		with the October 2013 Rights in Criminal Proceedings Amendments, which are
21		incorporated by this reference.
22	NOW, THERE	FORE, BE IT RESOLVED that the Tohono O'odham Legislative Council amends 6
23		T.O.C. Chapter 1, Section 1103 and Section 1108, and 7 T.O.C Chapter 1, Section
24		1.11 in accordance with the October 2013 Rights in Criminal Proceedings
25		Amendments.
26	BE IT FINALI	LY RESOLVED by the Tohono O'odham Legislative Council that if the Nation seeks
27		to impose a total term of imprisonment of more than one year in any pending
28		criminal proceeding in which a trial is scheduled within 30 days of the effective

	(Adopting Amendments to 6 T.O.C. Chapter 1, Section 1103 and Section 1108, and 7 T.O.C. Chapter 1, Section 1.11) Page 2 of 3
1	date of this resolution, the Nation shall notify the Court and the defendant shall
2	have (1) the right to a state-licensed attorney in accordance with the October
3	2013 Rights in Criminal Proceedings Amendments and (2) the right to a
4	continuance of the trial in order to obtain an attorney.
5 7 8 9 10	The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 30 TH day of <u>SEPTEMBER</u> , 2013 at a meeting at which a quorum was present with a vote of 2,946.5 FOR; <u>-0</u> - AGAINST; <u>-0</u> - NOT VOTING; and [05] ABSENT, pursuant to the powers vested in the Council Article III; Article V, Section 1; Article VI, Section 1; and Article VIII 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).
12 13	TOHONO O'ODHAM LEGISLATIVE COUNCED
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15	The William Da
16	Timothy Joaquin, Legislative Chairman
17 18	1 Mothy Joaquin, negisiative chairman
19	day of
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23 24	ATTEST:
25 26	amicule:
27	Evonne Wilson, Legislative Secretary
28 29	
30 31 32 33 34 35 36 37 38 39 40 41	Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the day of
42 43 44 45 46 47 48	

APPROVED on the 3 day of Athu, it is a like the provided at 1. It is a like the provided at 1	Jorris, Jr., Chairman on O'Odham Nation day of
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Evonne Wilson, Legislative Secretary	

ACTION: ADOPTING AMENDMENTS TO 6 T.O.C. CHAPTER 1, SECTION 1103 AND SECTION 1108, AND 7 T.O.C.

CHAPTER 1, SECTION 1.11

MOVED: COUNCILMAN VERNON SMITH SECOND: COUNCILMAN BILLMAN LOPEZ

DATE: SEPTEMBER 30, 2013

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK	1. LUCINDA ALLEN (Nicholas Jose)	112.1	X			
224.2	2. MARY LOPEZ	112.1	x			X
SELLS	1. ARTHUR WILSON (Kimberly Mull)	251.0	Х		-	X
502.0	2. BARBARA HAVIER	251.0	x			
SCHUK TOAK	1. FRANCES B. STEPHENS (Anthony J. Rios)	87.1	X			Х
174.2	2. QUINTIN C. LOPEZ (John Fendenheim)	87.1	X			
SAN XAVIER	1. HILARION CAMPUS (Absent) (Daniel L.A. Preston III) (Present)	112.1	Х			
224.2	2. ADAM ANDREWS (Rachel Vilson-Stoner)	112.1	x			
SAN LUCY	1. DIANA MANUEL	109.8	х			
219.6	(Gloria Ramirez) 2. JANA MONTANA ()	109.8	x	i		
PISINEMO	1. CHESTER ANTONE (Tony Murrietta)	105.3	Х			
210.6	2. EDWARD MANUEL, SR.	105.3	x			
HICKIWAN 196.9	1. LOUIS R. LOPEZ (Michelle Ortega)	98.45	Х	_		
190.9	2. SANDRA ORTEGÁ (Manuel Osequeda, Jr.)	98.45	X			
HIA CED 19.6	1. LORRAINE EILER (Jolene Garcia)	9.8	X X			
	2. MICHAEL FLORES ()	9.8	X			X
GU VO 241.0	1. GRACE MANUEL (Floyd Flores)	120.5	X			
	2. PAMELA ANGHILL (Jeffery Antone, Sr.)	120.5	X			Х
GU ACHI 257.3	1. TIMOTHY L. JOAQUIN	128.65	X			
231.3	2. LORETTA LEWIS (Louis Johnson)	128.65	X			
CHUKUT KUK	1. ETHEL GARCIA (Marlakay C. Henry)	159.6	X			
319.2	2. BILLMAN LOPEZ	159.6	x	:		
BABOQUIVARI	FRANCES MIGUEL (Roberta Harvey)	178.85	X			
357.7	2. VERNON J. SMITH (Gloria Zazueta)	178.85	X			
	TOTAL	2,946.5	2,946.5	-0-	-0-	[05]