

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Enacting Financial Crimes, Computer and Information Technology Crimes, and
Additional Amendments to the Tohono O'odham Criminal Code)**

RESOLUTION NO. 09-494

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)); and**

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

10 **WHEREAS, the ever increasing use of information technology to conduct financial transactions**
11 **has resulted in a growing number of financial and other crimes on the Nation**
12 **involving computers and related technologies; and**

13 **WHEREAS, the Nation’s Prosecutor’s Office and the Financial Crimes Division of the Tohono**
14 **O’odham Police Department have accordingly recommended that the Legislative**
15 **Council update the Nation’s Criminal Code to address these offenses; and**

16 **WHEREAS, the Prosecutor’s Office and the Financial Crimes Division, in coordination with the**
17 **Budget and Finance and Domestic Affairs Committees and the Legislative Attorney’s**
18 **Office, have drafted amendments to Criminal Code Chapter 5 – Offenses Against**
19 **Property; additional definitions applicable to financial and information technology**
20 **crimes in Chapter 1, Section 1.16 Definitions; amendments to Criminal Code Chapter**
21 **10 - Offenses Involving Fraud and Related Offenses; and an amended Chapter 1,**
22 **Section 1.5 Statute of Limitation (collectively, September 2009 Criminal Code**
23 **Amendments, which are incorporated by this reference); and**

24 **WHEREAS, the enactment of the September 2009 Criminal Code Amendments will ensure that**
25 **the Nation's criminal laws are updated to adequately address financial and**
26 **information technology crimes on the Nation; and**

27 **WHEREAS, the Budget and Finance and Domestic Affairs Committees have determined that it is**
28 **necessary to promptly enact these laws in order to protect public welfare and, in**
29 **particular, to allow law enforcement to vigorously pursue financial crimes against**
30 **elders, incapacitated adults, and other vulnerable populations on the Nation.**

31 **NOW, THEREFORE, BE IT RESOLVED that the Legislative Council enacts Criminal Code Chapter 1,**
32 **Section 1.16, definitions 94-98, inclusive; and Criminal Code Chapter 10, Sections**
33 **10.10-10.21 as reflected in the September 2009 Criminal Code Amendments, provided**

1 that such provisions will take effect September 16, 2009.

2 BE IT FURTHER RESOLVED that the following amendments to the Tohono O'odham Criminal Code
3 as reflected in the September 2009 Criminal Code Amendments are enacted and will
4 take effect September 16, 2009: Chapter 1, Section 1.5 Statute of Limitations; Chapter
5 1, Section 1.16, definitions 27, 68, and 88; and
6 Chapter 5, Section 5.7 Theft (collectively "Amended Provisions"); provided that
7 (1) the Amended Provisions will apply exclusively to the construction of and
8 punishment for offenses committed on or after September 16, 2009, and
9 (2) the provisions of Criminal Code Chapter 1, Section 1.5; Chapter 1, Section 1.16,
10 definitions 27, 68, and 88; and Chapter 5, Section 5.7 in effect before September
11 16, 2009 are preserved and will remain applicable exclusively to offenses
12 committed before September 16, 2009, regardless of the actual date of
13 prosecution or sentencing.

14 BE IT FURTHER RESOLVED that Criminal Code Chapter 10, Sections 10.9-10.15 are no
15 longer reserved.

16 BE IT FINALLY RESOLVED that, in accordance with Legislative Order No. 06-267, the
17 Legislative Attorney's Office is directed to incorporate the September 2009 Criminal
18 Code Amendments and other duly enacted amendments into the Tohono O'odham
19 Criminal Code.

20 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 15TH. Day
21 of SEPTEMBER, 2009 at a meeting at which a quorum was present with a vote of 2,595.50 FOR; -0-
22 AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by
23 Section 1 (c)(1)(2) and (6) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted
24 by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant
25 Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June
26 18, 1934 (48 Stat. 984).

27 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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29 _____
30 Verlon M. Jose, Legislative Chairman

31 15 day of September, 2009

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36 ATTEST:

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38 _____
39 Evonne Wilson, Legislative Secretary

40 15 day of September, 2009.
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RESOLUTION NO. 09-494

(Enacting Financial Crimes, Computer and Information Technology Crimes, and Additional Amendments to the Tohono O'odham Criminal Code)

Page 3 of 3

1 Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham
2 Nation on the 15 day of September, 2009 at 4:55 o'clock, P.M.,
3 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective
4 upon his approval or upon his failure to either approve or disapprove it within 48 hours of
5 submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

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10 Verlon Jose
11 Verlon M. Jose, Legislative Chairman

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15 APPROVED on the 15th day of September, 2009

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17 DISAPPROVED at 5:29 o'clock, P.M.

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20 Ned Norris, Jr.
21 NED NORRIS, JR., CHAIRMAN
22 TOHONO O'ODHAM NATION

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27 Returned to the Legislative Secretary on the 15 day of
28 September, 2009, at 6:17 o'clock, P.M.

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31 Evonne Wilson
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33 Evonne Wilson, Legislative Secretary

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ACTION: ENACTING FINANCIAL CRIMES, COMPUTER AND INFORMATION TECHNOLOGY CRIMES, AND ADDITIONAL AMENDMENTS TO THE TOHONO O'ODHAM CRIMINAL CODE

Moved: COUNCILWOMAN EVELYN JUAN MANUEL

SECOND: COUNCILWOMAN WAVALENE ROMERO

DATE: SEPTEMBER 15, 2009

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF Oidak 198.7	1. WAVALENE ROMERO (Nicholas Jose)	99.35	X			
	2. MARY LOPEZ ()	99.35	X			
SELLS 449.6	1. KIMBERLY LISTO ()	224.80	X			
	2. EVELYN B. JUAN MANUEL ()	224.80	X			
SCHUK TOAK 159.0	1. FRANCES B. CONDE (Fredrick Jose)	79.50	X			
	2. LINDA PARLEY (Agnes Joaquin)	79.50	X			
SAN XAVIER 204.7	1. FELICIA NUÑEZ ()	102.35	X			
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	102.35	X			
SAN LUCY 187.1	1. LORRAINE EILER (Charlotte Cadavas)	93.55	X			
	2. GLORIA RAMIREZ ()	93.55	X			
PISINEMO 184.5	1. CHESTER ANTONE (Tony Murrietta)	92.25	X			
	2. EDWARD MANUEL (Gerald Fayuant)	92.25	X			
HICKIWAN 174.5	1. MICHELLE ORTEGA ()	87.25	X			
	2. SANDRA ORTEGA ()	87.25	X			X
GU VO 206.3	1. GRACE MANUEL ()	103.15	X			
	2. PAMELA ANGHILL (Angela Ortiz)	103.15	X			X
GU ACHI 230.1	1. TIMOTHY L. JOAQUIN ()	115.05	X			
	2. CYNTHIA E. MANUEL ()	115.05	X			
CHUKUT KUK 277.0	1. ETHEL GARCIA (Sara Mae Williams)	138.50	X			
	2. VERLON M. JOSE ()	138.50	X			
BABOQUIVARI 324.0	1. FRANCES MIGUEL (Roberta Harvey)	162.0	X			
	2. FRANCES G. ANTONE ()	162.0	X			
TOTAL		2,595.50	2,595.50	-0-	-0-	[02]