

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Enacting 7 Tohono O'odham Code Chapter 3 "Sex Offender Registration and
Notification" and Repealing Ordinance 2000-02)

RESOLUTION NO. 11-109

1 **WHEREAS, the Constitution of the Tohono O'odham Nation authorizes the Legislative Council**
2 **to "promote, protect and provide for public health, peace, morals, education and**
3 **general 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 "Sex Offender Registration and Notification Law" on**
9 **May 10, 2000 by the Tohono O'odham Legislative Council; 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, in 2007 in response to 42 U.S.C. § 16927, the Tohono O'odham Legislative Council**
16 **voted unanimously to approve Resolution No. 07-453, "Electing to Carry Out Subtitle**
17 **A-Sex Offender Registration and Notification of the Adam Walsh Child Protection and**
18 **Safety Act of 2006"; and**

19 **WHEREAS, after reviewing the Nation's Ordinance 2000-02 "Sex Offender Registration and**
20 **Notification Law," the Legislative Domestic Affairs Committee proposed a revised sex**
21 **offender registration and notification law that incorporates the federal statutory**
22 **requirements found under Title I of the Adam Walsh Act and certain provisions of**
23 **Ordinance 2000-02; and**

24 **WHEREAS, pursuant to 42 U.S.C. § 16924, each jurisdiction is mandated to implement Title I of**
25 **the Adam Walsh Act three years after the date of the Act's enactment, July 27, 2006,**
26 **with the option of two one-year extensions authorized by the Attorney General of the**
27 **United States; and**

28 **WHEREAS, after diligent and continued efforts to address various policy implications to the new**
29 **sex offender registration and notification law and to meet the July 27, 2009 substantial**
30 **implementation deadline, the Nation applied for and received two one-year**
31 **extensions from the U.S. Department of Justice's Office of Sex Offender Sentencing,**
32 **Monitoring, Apprehending, Registering, and Tracking ("SMART Office")(Tohono**
33 **O'odham Council Resolution No. 09-157 and Resolution No. 10-182); and**
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1 **WHEREAS, the deadline to substantially implement Title I of the Adam Walsh Act is July 27, 2011**
2 **with a recommendation from the SMART Office to submit all substantial**
3 **implementation documents by April 15, 2011; and**

4 **WHEREAS, the proposed 7 Tohono O'odham Code Chapter 3 "Sex Offender Registration and**
5 **Notification," which is attached and incorporated by this reference, establishes**
6 **among other important provisions: (1) a registration requirement for all sex offenders**
7 **convicted of a covered sex offense to register within 24 hours of entering the Nation's**
8 **lands; (2) a Nation's public sex offender registry website with zip code and geographic**
9 **radius search functions; (3) a system of community notifications; and (4) penalties and**
10 **civil sanctions for a failure to register; and**

11 **WHEREAS, the Legislative Domestic Affairs Committee recommends the enactment of 7 Tohono**
12 **O'odham Code Chapter 3 "Sex Offender Registration and Notification," the repeal of**
13 **Ordinance 2000-02, and the submission of all substantial implementation materials**
14 **to the SMART Office before April 15, 2011.**

15 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that it hereby**
16 **enacts 7 Tohono O'odham Code Chapter 3, "Sex Offender Registration and**
17 **Notification," which shall govern the registration, notification, and punishment for**
18 **any violations of the Chapter committed on or after the effective date of the Chapter.**

19 **BE IT FURTHER RESOLVED by the Tohono O'odham Legislative Council that it hereby repeals**
20 **Tohono O'odham Nation Ordinance 2000-02; provided that a violation occurring prior**
21 **to the enactment of 7 Tohono O'odham Code Chapter 3 "Sex Offender Registration and**
22 **Notification" shall be prosecuted, construed, and punished according to Tohono**
23 **O'odham Nation Ordinance 2000-02, regardless of the actual date of prosecution and**
24 **sentencing, and in the same manner as if 7 Tohono O'odham Code Chapter 3 "Sex**
25 **Offender Registration and Notification" had not been enacted.**

26 **BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that it hereby authorizes and**
27 **directs the Nation's Chairman to submit all substantial implementation materials as**
28 **required by the "SORNA Substantial Implementation Package Submission Guidance**
29 **for Tribes" to the SMART Office before April 15, 2011.**

30 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 24TH Day**
31 **of MARCH, 2011 at a meeting at which a quorum was present with a vote of 1,605.95 FOR; 989.55**
32 **AGAINST; [01] NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by**
33 **Article VI, Section 1 (c)(2) and 1(j) of the Constitution of the Tohono O'odham Nation, adopted by**
34 **the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**
35 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June**
36 **18, 1934 (48 Stat. 984).**

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TOHONO O'ODHAM LEGISLATIVE COUNCIL


Verlon M. Jose, Legislative Chairman

29th day of March, 2011

ATTEST:


Evonne Wilson, Legislative Secretary

28 day of March, 2011.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 29th day of March, 2011 at 9:08 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 30 day of March, 2011

DISAPPROVED at 4:10 o'clock, P.M.


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

Returned to the Legislative Secretary on the 30 day of

March, 2011, at 4:44 o'clock, P.M.


Evonne Wilson, Legislative Secretary

ACTION: ENACTING 7 TOHONO O'ODHAM CODE CHAPTER 3 "SEX OFFENDER REGISTRATION AND NOTIFICATION" AND REPEALING ORDINANCE 2000-02

MOVED: COUNCILMAN TIMOTHY JOAQUIN

SECOND: COUNCILWOMAN EVELYN JUAN MANUEL

DATE: MARCH 24, 2011

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF ODAK 198.7	1. WAVALENE ROMERO (Nicholas Jose)	99.35		X		
	2. MARY LOPEZ ()	99.35		X		X
SELLS 449.6	1. KIMBERLY MULL ()	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 ()	93.55	X			
	2. GLORIA RAMIREZ ()	93.55	X			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		
GU ACHI 230.1	1. TIMOTHY L. JOAQUIN ()	115.05	X			
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	115.05	X		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		X
	2. FRANCES G. ANTONE (Vernon Smith)	162.0		X		
TOTAL		2,595.50	1,605.95	989.55	[01]	[04]