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TOHONO O'ODHAM  
LEGISLATIVE BRANCH

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## PUBLIC NOTICE

TO: All Members and Districts of the Tohono O'odham Nation  
Legislative Council Representatives

FROM: /s/ Grace Manuel, Chairwoman, [Grace.Manuel@tonation-nsn.gov](mailto:Grace.Manuel@tonation-nsn.gov)  
Domestic Affairs Committee

DATE: February 25, 2021

SUBJECT: Notice of 30-Day Comment Period for Proposed 2021 Amendments to Criminal  
Code, Chapter 11 – Livestock Offenses

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The Domestic Affairs Committee notifies the Nation's members and districts of the start of a 30-day comment period for the proposed 2021 amendments to Criminal Code, Chapter 11 – Livestock Offenses (7 Tohono O'odham Code Chapter 1).

The proposed amendments will update the Chapter 11 offenses with the Nation's current Livestock Owner's law (2 Tohono O'odham Code Chapter 4), and include additional amendments to enhance the elements of the offenses and possible penalties, if convicted.

Please submit your written comments by March 28, 2021 to the Domestic Affairs Committee Staffer Stella Luna, [Stella.Luna@tonation-nsn.gov](mailto:Stella.Luna@tonation-nsn.gov) or mail to:

ATTN: Stella Luna, Committee Staffer  
Tohono O'odham Legislative Branch  
P.O. Box 837  
Sells, Arizona 85634

Please contact Domestic Affairs Committee Chairperson Grace Manuel at (520) 471-3156 or [Grace.Manuel@tonation-nsn.gov](mailto:Grace.Manuel@tonation-nsn.gov) if there are any questions.

Attachment: Proposed 2021 Amendments to Criminal Code, Chapter 11 – Livestock Offenses

## CHAPTER 11 LIVESTOCK OFFENSES

### Proposed 2021 Amendments

#### Section 11.1 Unlawful Transporting of Livestock

- A. A person commits the offense of unlawful transporting of livestock if he or she carries, transports or conveys livestock beyond the boundaries of the Tohono O'odham Nation without first having the livestock inspected and certified by a certificate of inspection in accordance with Section 4501 of the Livestock Owner's law (2 Tohono O'odham Code Chapter 4).
- B. A person found guilty of unlawful transporting of livestock shall be sentenced to any of the following:
1. Imprisonment in jail for a period not to exceed one hundred eighty (180) days;  
or
  2. A fine not to exceed five hundred dollars (\$500); or
  3. Both of the above.
- C. The Livestock Inspector shall have the right to inspect livestock for health, marks and brands at leading stations, exits from the ~~N~~ation and places where livestock are gathered. Upon being advised that livestock is being moved out of the ~~N~~ation without inspection and without a certificate of inspection, the Livestock Inspector shall have the general powers authority of to arrest seize livestock pursuant to Section 9 (G) of Article IX6 of the Livestock Ordinance Owner's law (2 Tohono O'odham Code Chapter 4).

#### Section 11.2 Unlawful Alteration of Certificate of Inspection

- A. A person commits the offense of unlawful alteration of certificate of inspection if he or she alters a certificate of inspection with the intent that the altered certificate falsely appear as the authentic certificate of inspection by a ~~#Livestock -I~~nspector or other agent of the Livestock ~~Board~~Inspector's Office.
- B. A person found guilty of unlawful alteration of certificate of inspection shall be sentenced to any of the following:
1. Imprisonment in jail for a period not to exceed three hundred sixty (360) days;  
or
  2. A fine not to exceed one thousand dollars (\$1000); or
  3. Both of the above.

## Section 11.14 Unlawful Possession of Livestock

- A. A person commits the offense of unlawful possession of livestock if he or she possesses livestock without any evidence of claim of ownership or transfer.
- B. Possession of livestock without an acknowledged (written or witnessed) sale or transfer is a prima facie evidence against the accused that the possession is unlawful.
- C. A person found guilty of unlawful possession shall be sentenced to any of the following:
1. Imprisonment in jail for a period not to exceed one hundred eighty (180) days; or
  2. A fine not to exceed five hundred dollars (\$500); or
  3. Both of the above.
  4. Impoundment or seizure of the livestock pursuant to Article ~~X-6~~ of the Livestock ~~Ordinance~~ Owner's law (2 Tohono O'odham Code Chapter 4).
  5. Forfeiture of any equipment used to take unlawful possession of livestock if he or she possessed the livestock without any evidence of claim of ownership or transfer.

## Section 11.15 Harboring Stray Livestock

- A. A person commits the offense of harboring stray livestock if he or she allows or keeps stray livestock penned in a community or individual pasture without notifying the owner or Livestock Inspector within ten (10) days.
- B. For purposes of this section, a person allowing or keeping stray livestock must give the owner of such livestock oral notice within ten (10) days. The owner shall have ten (10) days to remove the stray livestock. Any livestock not removed within the time allowed without good cause shall be turned over to the Livestock Inspector to be disposed of in accordance with the provisions of Article ~~X-6~~ of the Livestock ~~Ordinance~~ Owner's law (2 Tohono O'odham Code Chapter 4).
- C. Failure to give notice of the stray livestock shall constitute prima facie evidence of an intent to harbor or keep the livestock permanently and the accused shall be charged with Theft in accordance with Chapter 5 Section 5.7 of this Code.
- D. A person found guilty of harboring stray livestock shall be sentenced to any of the following (unless the person is charged with theft under subsection C):
1. Imprisonment in jail for a period not to exceed sixty (60) days; or
  2. A fine not to exceed three hundred (\$300) dollars; or
  3. Both of the above