

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
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LEGISLATION NO: \_0240-22\_

SPONSOR: Eugenia Charles-Newton

**TITLE An Act Relating to the Law and Order, and Naabik'íyáti' Committees and the Navajo Nation Council; Amending Title 17 of the Navajo Nation Code**

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## **LEGISLATIVE SUMMARY SHEET**

**Tracking No.** 0240-22

**DATE:** December 6, 2022

**TITLE OF RESOLUTION:** AN ACT RELATING TO THE LAW AND ORDER, AND NAA'BIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; AMENDING TITLE 17 OF THE NAVAJO NATION CODE

**PURPOSE:** The purpose of this legislation is approve amendments to the Navajo Nation's criminal statutes set forth in Title 17 of the Navajo Nation Code.

**This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.**

PROPOSED NAVAJO NATION COUNCIL RESOLUTION  
24<sup>TH</sup> NAVAJO NATION COUNCIL - Fourth Year, 2022  
INTRODUCED BY

\_\_\_\_\_  
(Prime Sponsor)

OTTO TSO

TRACKING NO. 0240-22

AN ACT  
RELATING TO THE LAW AND ORDER, AND NAA'BIK'ÍYÁTI'  
COMMITTEES AND THE NAVAJO NATION COUNCIL; AMENDING TITLE  
17 OF THE NAVAJO NATION CODE

BE IT ENACTED:

**SECTION ONE. AUTHORITY**

- A. The Law and Order Committee was established as a standing committee of the Navajo Nation Council with the delegated responsibilities to “[t]o protect the rights and interests of the Navajo People by improving the quality and effectiveness of the justice system within the Navajo Nation” and to review and make recommendations to the Navajo Nation Council on proposed Navajo Nation Code amendments and enactments. 2 N.N.C. §§ 600(A), 600(C)(2) and 601(B)(14).
- B. The Naa'bik'íyáti' Committee was established as a standing committee of the Navajo Nation Council with the delegated responsibility to hear and act on proposed legislation that requires final action by the Navajo Nation Council shall be assigned to the Naa'bik'íyáti' Committee. 2 N.N.C. §§ 164(A)(9) and 700(A) (2).
- C. The Navajo Nation Council is the governing body of the Navajo Natin and must review and approve enactments or amendments of positive law, i.e., changes to the Navajo Nation Code. 2 N.N.C. § 102(A) and § 164(A).

## SECTION TWO. FINDINGS

- A. For years, the Navajo Public and Navajo communities have pleaded with their Naat'áaniis to address the rampant violent crime on the Navajo Nation. Navajo elders are afraid for their own safety. Navajo parents are afraid for their children's safety. Navajo spouses are afraid for their spouse's safety. The list goes on.
- B. Persistent gaps in the Navajo Nation public safety system have created a culture where crime – especially violent crime – is actively increasing on the Navajo Nation. Repeat offenders break laws and reoffend with impunity because they know they are unlikely to be extensively punished.
- C. The most common criminal offenses reported on the Navajo Nation are violent assaults involving weapons and/or serious bodily injury, as well as rape.
- D. It should not be overlooked that alcohol and substance abuse underlie almost all violent crime on the Navajo Nation. Addressing illegal consumption of alcohol on the Navajo Nation is of the utmost importance to ensure our already over-burdened system functions as effectively as possible. It has been reported that approximately 55% of law enforcement's time and resources are expended on responding to public intoxication.
- E. These amendments, as set forth in attached **Exhibit A**, to the Navajo Nation's criminal statutes were developed during the 24<sup>th</sup> Navajo Nation Council through Work Groups led by the Law and Order Committee and the Chief Prosecutor. The amendments developed by former President Russell Begay's Executive Branch Work Group were incorporated, fully or in part, into the amendments set forth herein.
- F. The amendments set forth herein extend statutes of limitation for serious offenses, including sexual assault and crimes against children, so that law enforcement has sufficient time to prosecute. In addition, the legislation recommends mandatory minimum sentences and tiered sentencing for certain serious offenses to deter and promote accountability for repeat and violent offenders. It also proposes new offenses for bootlegging and possession or sale of drug paraphernalia, and implements a mandatory safety hold for public-intoxication offenders.

1 G. The Navajo Nation Department of Justice has reviewed the proposed amendments  
2 and deemed them to be legally sufficient.

3 H. The Navajo Nation Council determines that the amendments to Title 17 of the Navajo  
4 Nation Code, set forth herein at **Exhibit A**, are necessary and vital to ensure adequate  
5 deterrence and punishment for violent and substance abuse-driven acts that threaten  
6 Navajo families and Navajo communities. These amendments also prioritize victim's  
7 rights and enhance protections for all crime victims and their families as they await  
8 justice.

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10 **SECTION THREE. AMENDMENTS TO TITLE 17**

11 The Navajo Nation hereby amends Title 17 of the Navajo Nation Code as set forth in  
12 **Exhibit A** and incorporated herein.

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14 **SECTION FOUR. CODIFICATION**

15 The provisions of this Act that amend or adopt new sections of the Navajo Nation Code  
16 shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel  
17 shall incorporate such amended provisions into the next codification or supplement of the  
18 Navajo Nation Code.

19  
20 **SECTION FIVE. SAVINGS CLAUSE**

21 Should any provision of this Act be determined invalid by the Navajo Nation Supreme  
22 Court or the District Courts of the Navajo Nation, without appeal to the Navajo Nation  
23 Supreme Court, the remainder of the Act shall remain the law of the Navajo Nation.

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25 **SECTION SIX. EFFECTIVE DATE**

26 This Act shall become effective in accordance with 2 N.N.C. § 221(B).  
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