

LEGISLATIVE SUMMARY SHEET

Tracking No. 0224-22

DATE: November 10, 2022

TITLE OF RESOLUTION: AN ACT RELATING TO THE LAW AND ORDER AND NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; AMENDING THE NAVAJO NATION CRIMINAL CODE AT 17 N.N.C. § 320 BY RECOGNIZING CONCEALED WEAPON CARRY PERMITS ISSUED BY STATES

PURPOSE: The purpose of this legislation is allow persons on the Navajo Nation to carry a concealed weapon if they have a duly authorized state issued concealed carry permit..

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.

5-DAY BILL HOLD PERIOD: H Johnson
Website Posting Time/Date: _____
Posting End Date: 11-20-22
Eligible for Action: 11-21-22

Law & Order Committee
Thence
Naabik'iyáti' Committee
Thence
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
24th NAVAJO NATION COUNCIL – Fourth Year, 2022

INTRODUCED BY



(Prime Sponsor)
TRACKING NO. 0224-22

AN ACT

RELATING TO THE LAW AND ORDER AND NAABIK'ÍYÁTI' COMMITTEES
AND THE NAVAJO NATION COUNCIL; AMENDING THE NAVAJO NATION
CRIMINAL CODE AT 17 N.N.C. § 320 BY RECOGNIZING CONCEALED
WEAPON CARRY PERMITS ISSUED BY STATES

BE IT ENACTED:

SECTION ONE. AUTHORITIES

- A. The Law and Order Committee is a standing committee of the Navajo Nation Council, 2 N.N.C. § 600 (A), with oversight over law enforcement and the Division of Public Safety and its programs. 2 N.N.C. §§ 600 and 601(C)(1).
- B. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 700 (A). Pursuant to 2 N.N.C. §164 (A)(9), "a proposed resolution that requires final action by the Navajo Nation Council [must] be assigned to standing committee(s) having authority over the subject matter at issue and the Naabik'iyáti' Committee."
- C. The Navajo Nation Council, pursuant to 2 N.N.C. §102 (A), is the "governing body of the Navajo Nation" and must review and approve statements of policy and enactments of positive law. 2 N.N.C. § 164 (A).

SECTION TWO. FINDINGS

1 A. Navajo Nation law prohibits the unlawful carrying of a deadly weapon, particularly
2 loaded firearms. 17 N.N.C. § 320 (A). Generally, this law is not intended to apply to
3 police officers, persons in private vehicles when weapons are for protection and
4 located in a closed compartment, persons in their homes, persons in "an integral part
5 of [a] traditional Navajo religious ceremony," and persons engaged in the hunting of
6 predatory animals. *See* 17 N.N.C. §320 (B).

7 B. The Navajo Nation has not enacted statutory law to recognize or otherwise clearly
8 address duly-issued state permits for concealed weapons.

9 10 **SECTION THREE. AMENDING CRIMINAL CODE**

11 The Navajo Nation Criminal Code, at 17 N.N.C. § 320, is amended as follows:

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13 ****

14 **§320. Unlawful carrying of a deadly weapon**

15 A. Offense. A person commits unlawful carrying of a deadly weapon if he or she carries
16 a loaded firearm or any other type of deadly weapon.

17 B. Exceptions. Subsection (A) of this Section shall not apply to any of the following:

- 18 1. To peace officers in the lawful discharge of their duties;
- 19 2. To persons in a private motor vehicle or other means of conveyance, for
20 lawful protection of the person's or another's person or property, while
21 traveling and such weapon is located in a closed trunk, luggage, or glove
22 compartment of a motor vehicle;
- 23 3. To a person in his or her residence, or on real property belonging to such
24 person as owner, lessee, tenant, or licensee;
- 25 4. To a person or persons carrying or discharging a firearm as an integral part of
26 any traditional Navajo religious practice, ceremony, or service;
- 27 5. To persons engaged in the hunting of game or predatory animals.
- 28 6. To a person who is issued, and lawfully possesses, a valid and current state
29 permit for concealed weapons, provided:
30

1 a). The weapon is being carried or transported in a manner consistent with the
2 terms and conditions of the state permit being invoked by the carrier; and,

3 b). Concealed weapons, loaded or not, shall not be carried:

4 1. Into any governmental building, office or property maintained by any
5 government;

6 2. Within 1000 feet of any school, including any child care facility;

7 3. Into churches or other places of religious worship;

8 4. Within any park or recreational area;

9 5. On any public passenger transportation vehicle, or private commercial
10 vehicle used for transporting passengers;

11 6. At any airport;

12 7. Into liquor establishments, including establishments where alcoholic
13 beverages are sold and consumed; and,

14 8. At or in locations, public or private, where signs are posted prohibiting
15 weapons of any kind; or when an owner or manager of property
16 verbally instructs a person, regardless of a valid permit, to leave the
17 premises.

18 **C. Rules and Regulations.** The Law and Order Committee shall be authorized to
19 enact rules and regulations consistent with the concealed weapons provisions
20 herein. Violations of such rules and regulations shall be prosecuted under this
21 section.

22 **D. Sentence.**

23 1. Any person found guilty of unlawful carrying of a deadly weapon may be
24 sentenced to imprisonment for a term not to exceed 180 days, or be ordered to
25 pay a fine not to exceed \$500, or both.

26 2. The trial court shall review all charges to ascertain whether there is a personal
27 victim of the offense(s) and may order that restitution or nályééh shall be paid
28 to the victim(s).

29 3. The trial court may utilize the services of the Navajo Peacemaking Program to
30 determine nályééh and make a sentencing recommendation regarding that

1 sentence, and the trial court may require the defendant to pay the fee of the
2 peacemaker.

3 4. The trial court may impose a peace or security bond upon the defendant,
4 including the pledges of family or clan sureties.

5 5. Upon the imposition of a bond or security pledges, the district Office of
6 Probation and Parole shall counsel the sureties of the consequences of breach
7 of the bond or pledge.

8 6. The trial court may impose community service sentences, to be served under
9 the supervision of an organization or an individual designated by the court.

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12 **SECTION FOUR. EFFECTIVE DATE**

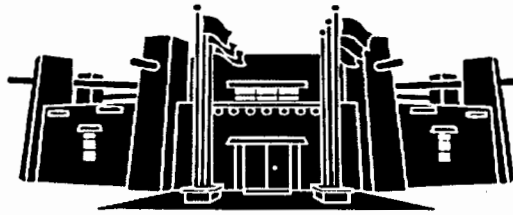
13 This Action of the Navajo Nation Council shall be effective pursuant to 2 N.N.C. §
14 221(B).

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16 **SECTION FIVE. CODIFICATION**

17 The provisions of these amendments of the Navajo Nation Code shall be codified by the
18 Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such
19 amendments in the next codification of the Navajo Nation Code.

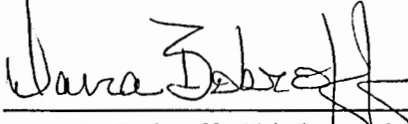
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21 **SECTION SIX. SAVINGS CLAUSE**

22 Should any provision of these amendments be determined invalid by the Navajo Nation
23 Supreme Court, or the District Courts of the Navajo Nation without appeal to the Navajo
24 Nation Supreme Court, those amendments that are not determined invalid shall remain
25 the law of the Nation.



MEMORANDUM

TO: Honorable Edmund Yazzie
24th Navajo Nation Council

FROM: 
Dana L. Bobroff, Chief Legislative Counsel
Office of Legislative Counsel

DATE: November 8, 2022

SUBJECT: **AN ACT RELATING TO THE LAW AND ORDER AND NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; AMENDING THE NAVAJO NATION CRIMINAL CODE AT 17 N.N.C. § 320 BY RECOGNIZING CONCEALED WEAPON CARRY PERMITS ISSUED BY STATES**

I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge.

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§301, 401, 501, 601 and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. §164(A)(5).

Please ensure that his particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.