

## 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..

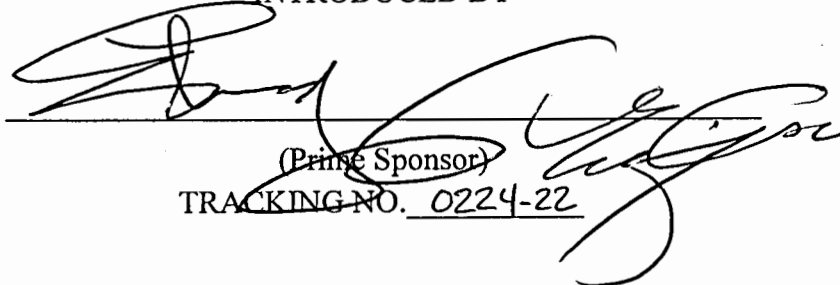
**This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.**

5-DAY BILL HOLD PERIOD: Johnson  
Website Posting Time/Date: 5:50pm; 11-15-22  
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:  
12

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

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

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

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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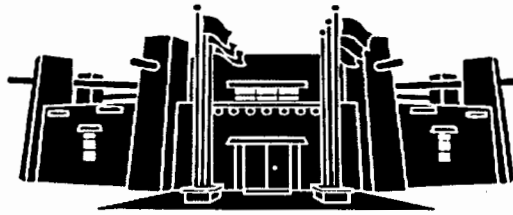
16 **SECTION FIVE. CODIFICATION**

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.

20

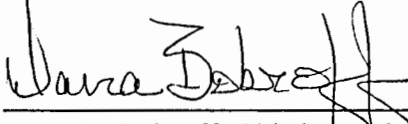
21 **SECTION SIX. SAVINGS CLAUSE**

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  
24<sup>th</sup> 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.

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0224-22\_

SPONSOR: Edmund Yazzie

**TITLE An Act Relating to the Law and Order and Naabik'iyáti' 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**

***Date posted:*** November 15, 2022 at 5:50 PM

Digital comments may be e-mailed to [comments@navajo-nsn.gov](mailto:comments@navajo-nsn.gov)

Written comments may be mailed to:

Executive Director  
Office of Legislative Services  
P.O. Box 3390  
Window Rock, AZ 86515  
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

**Please note:** This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*