

LEGISLATIVE SUMMARY SHEET

Tracking No. 0198-18

DATE: June 12, 2018

TITLE OF RESOLUTION: AN ACT RELATING TO LAW AND ORDER, RESOURCES AND DEVELOPMENT, NAABIK'ÍYÁTTI' AND THE NAVAJO NATION COUNCIL; AMENDING 2 N.N.C §§ 1060 - 1067 AND 17 N.N.C. §§ 101 - 104 BY ENACTING THE NAVAJO NATION PEACE OFFICER STANDARDS AND TRAINING CERTIFICATION ACT

PURPOSE: This bill will amend 2 N.N.C §§ 1060 - 1067 and 17 N.N.C. §§ 101 - 104 by enacting The Navajo Nation Peace Officer Standards and Training Certification Act.

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: 5:27PM 6-12-2018
Website Posting Time/Date: 5:27PM 6-12-2018
Posting End Date: 6-17-2018
Eligible for Action: 6-18-2018

Law and Order Committee
Thence
Resources and Development Committee
Thence
Naa'bik'íyáti' Committee
Thence
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

23rd NAVAJO NATION COUNCIL - Fourth Year, 2018

INTRODUCED BY


(Prime Sponsor)

0198-18



AN ACT

RELATING TO LAW AND ORDER, RESOURCES AND DEVELOPMENT,
NAABIK'ÍYÁTI' AND THE NAVAJO NATION COUNCIL; AMENDING 2 N.N.C §§
1060 - 1067 AND 17 N.N.C. §§ 101 - 104 BY ENACTING THE NAVAJO NATION
PEACE OFFICER STANDARDS AND TRAINING CERTIFICATION ACT

BE IT ENACTED:

SECTION ONE. AUTHORITY

A. The Law and Order Committee is a standing committee of the Navajo Nation Council and is empowered with the authority to review and make recommendations to the Navajo Nation Council on amendments to and enactments in the Navajo Nation Code. 2 N.N.C. §§ 164 (A)(1), 600 (A), and 601(B)(14).

B. The Resources and Development Committee is a standing committee of the Navajo Nation Council and is empowered with the authority to review and make recommendations to the Navajo Nation Council on amendments to and enactments in the Navajo Nation Code for law enforcement agencies within the Division of Natural Resources and the Navajo Environmental Protection Administration. 2 N.N.C. §§ 164 (A)(1), 501 (B) (2)(g) and 501 (C)(1).

C. The Naabik'íyáti' Committee of the Navajo Nation Council, pursuant to 2 N.N.C. § 164
18-336-1

1 (A)(9), reviews proposed legislation which requires final action by the Navajo Nation
2 Council. CO-45-12.

3 D. The Navajo Nation Council must review and approve enactments or amendments of
4 positive law. 2 N.N.C. § 164 (A).

5
6 **SECTION TWO. FINDINGS**

- 7 A. The Navajo Nation is a sovereign government responsible for providing critical
8 governmental services to and protecting its people.
- 9 B. The Navajo Nation employs a large number of law enforcement officers, including
10 police officers, rangers, fish and wildlife and forestry officers, environmental protection
11 officers, executive security officers, and criminal investigators. Law Enforcement
12 officers within the Navajo Nation currently receive training through standards of states
13 and the federal government.
- 14 C. It is in the best interest of the Navajo Nation, a sovereign government, to set its own
15 standards and training requirements for law enforcement officers serving within the
16 Navajo Nation within existing appropriated, budgeted funds. There is no need for
17 additional appropriations for this Commission.

18
19 **SECTION THREE. APPROVING AND ENACTING THE NAVAJO NATION**
20 **PEACE OFFICER STANDARDS AND TRAINING CERTIFICATION ACT**

21 The Navajo Nation hereby amends 2 N.N.C. §§ 1060 - 1067 and 17 N.N.C. §§ 101 -
22 103 by enacting the *Navajo Nation Peace Officer Standards and Training Certification*
23 *Act* as follows:
24 _____

25
26 **Title 2**

27 **Navajo Nation Government**

28 **Chapter 5. Executive Branch**

29
30 **Subchapter 4. Navajo Nation Peace Officer Standards and Training Commission**

1
2 **§ 1060. Establishment and Purpose; Navajo Nation Peace Officer Standards and**
3 **Training Commission**

4 A. There is hereby established a Navajo Nation Peace Officer Standards and Training
5 Commission.

6 B. The purpose of the Commission is to assist Navajo Nation law enforcement agencies
7 in providing qualified, trained, and certified peace officers to serve the Navajo
8 People. The Commission will accomplish this task by administering and managing
9 matters of initial and re-qualification, training, basic training certification
10 requirements, and certification of Navajo Nation Peace Officers.

11 C. The Commission shall adopt, administer, and enforce regulations it promulgates.

12 D. The Commission is a non-budgeted entity within the Executive Branch of the Navajo
13 Nation Government.

14
15 **§1061. Membership**

16 A. The Commission shall be composed of five (5) members, who shall be the following:

17 1. Chief Prosecutor of the Navajo Nation;

18 2. Chief of Police, Navajo Nation Police Department;

19 3. A Commissioned Law Enforcement officer employed within the Division of
20 Natural Resources, selected by Division of Natural Resources commissioned law
21 enforcement officers;

22 4. Chief of Police, Navajo Nation Ramah Police Department;

23 5. Supervisor of the Navajo Environmental Protection Agency's Criminal
24 Enforcement Section.

25 B. A quorum shall consist of three (3) voting members. A motion will pass only if it
26 receives a majority of votes of those members present and voting, which shall
27 constitute the final action of the Commission.

1 C. Meetings shall be held quarterly or more frequently as requested by the Chairperson
2 or by the written request of three (3) members of the Commission or by the President
3 of the Navajo Nation.

4
5 **§1062. POWERS**

6 A. The Commission shall function independently, but in cooperation with all of the
7 criminal law enforcement agencies on the Navajo Nation.

8 B. The Navajo Nation Peace Officer Standards and Training Commission shall:

- 9 1. Establish rules for the governance and conduct of the Commission, including
10 meeting times, matters to be placed on the agenda of each meeting, and
11 selection of a Chairperson, Vice Chairperson, and Secretary;
- 12 2. Make recommendations, consistent with this Act, to the President, the Speaker
13 of the Navajo Nation Council, the Navajo Nation Council, or any Committee of
14 the Navajo Nation Council;
- 15 3. Set standardized minimum qualifications, or re-qualifications, for the certification of
16 peace officers of the Navajo Nation. The qualifications shall relate to physical, mental,
17 and moral fitness, and shall govern the recruitment, appointment, and retention of all
18 individuals assuming or exercising the powers of arrest or search and seizure;
- 19 4. Prescribe minimum standards for training of peace officers, including in-service
20 requirements, firearms qualifications and re-qualification, and programs for
21 continuing training, education, and professional development of peace officers
22 of the Navajo Nation;
- 23 5. Recommend curricula for advanced courses and seminars in peace officer
24 education and criminal intelligence gathering training in local institutes of higher
25 learning.
- 26 6. Develop policies and procedures to ensure that all certified peace officers of the
27 Navajo Nation and the departments, offices, or entities that employ them are
28 adhering to the standards for recruitment, appointment, basic training
29 certification, retention, in-service training, re-qualifications, and training
30 established by the Commission in accordance with this Chapter;

- 1 7. Grant, deny, suspend, revoke, or cancel the certification of a peace officer who is
2 not in compliance with the qualifications, or based upon a finding of misconduct
3 or lacking good moral character as established by the Navajo Nation Peace
4 Officer Standards and Training Commission;
5 8. Provide training and related services to assist state, tribal, and local peace officer
6 agencies to better serve the Navajo People;
7 9. Enter into contracts to carry out its powers and duties;
8 10. Administer oaths, subpoena persons, and take testimony on any matter within
9 the Commission's jurisdiction; and
10 11. Perform all other acts appropriate to the development and operation of peace
11 officer training and education.

12
13 **§ 1063. Categories of Peace Officers**

- 14 A. After approval and certification by the Commission, all individuals will be certified
15 as peace officers of the Navajo Nation.
16 B. The Navajo Nation Peace Officer Standards and Training Commission may create
17 categories for which an individual may be certified as a peace officer as may be
18 required by the needs of the Navajo Nation.

19
20
21 **§ 1064. Appeal of Adverse Decisions**

22 An individual may appeal any adverse decision made by the Commission concerning
23 their application or certification as a peace officer of the Navajo Nation to the Navajo
24 Nation Office of Hearings and Appeals.

25
26
27 **§ 1065. Retention and Continuation of Previously Commissioned Officers**

28 All Navajo Nation peace officers, police officers, Rangers, Wildlife Conservation
29 Officers, Forestry Officers, Navajo Nation Environmental Protection Officers or
30 Criminal Investigators, Executive Security Officers, and Navajo Nation Criminal

1 Investigators wherever commissioned to enforce the laws of the Navajo Nation shall
2 not forfeit any duly held peace officer or law enforcement commission by passage of
3 this Act, and will be issued a Navajo Nation peace officer certification by the Navajo
4 Nation Peace Officer Standards and Training Commission.

5 ****

6
7 **Title 17**

8 **Law and Order**

9 **Chapter 1. Enforcement of the Criminal Code**

10
11 **§ 101. Responsibility**

12 The Navajo Nation assumes responsibility for the enforcement of the Criminal Code,
13 including such amendments thereof and additions thereto as may hereafter be enacted.
14

15 **§ 102. Requirements to Become a Navajo Nation Peace Officer**

16 A. All personnel assuming or exercising the power of arrest, search and seizure, or any
17 person who is a law enforcement officer vested by law with a duty to maintain public
18 order or make arrests whether that duty extends to all offenses or is limited to specific
19 classes of offenses within the Navajo Nation must be qualified, trained, and certified
20 as a peace officer of the Navajo Nation in accordance with the requirements set forth
21 by the Navajo Nation Peace Officer Standards and Training Commission.

22 B. The provisions concerning the certification of peace officers of the Navajo Nation
23 may be referred to as the "Navajo Nation Peace Officer Standards and Training
24 Certification Act."

25
26 **§ 102 103. Authority to enter into cooperative agreements with federal and state**
27 **agencies**

28 ****

29 **§ 103 104. Authority to enter into cooperative agreements for incarceration of**
30 **Navajo prisoners in Navajo correctional facilities**

1 *****

2 _____

3

4 **SECTION FOUR. EFFECTIVE DATE**

5 The act enacted herein shall be effective pursuant to 2 N.N.C. §221(B).

6

7 **SECTION FIVE. CODIFICATION**

8 The provisions of the act shall be codified by the Office of Legislative Counsel. The
9 Office of Legislative Counsel shall incorporate all provisions of the act in the next
10 codification of the Navajo Nation Code.

11

12 **SECTION SIX. SAVINGS CLAUSE**

13 Should any provision of the act be determined invalid by the Navajo Nation Supreme Court, or
14 the District Courts of the Navajo Nation without appeal to the Navajo Nation Supreme Court, those
15 provisions of the act not determined invalid shall remain the law of the Nation.

16

17

18

19

20

21

22

23

24

25

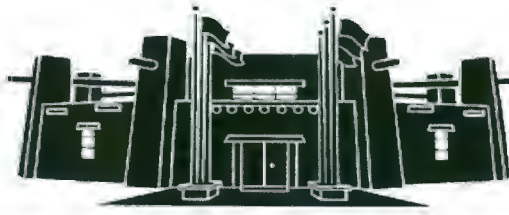
26

27

28

29

30



MEMORANDUM

To : Hon. Raymond Smith, Jr. Council Delegate
Navajo Nation Council

From : 
Ron Haven, Attorney
Office of Legislative Counsel

Date : June 12, 2018

Re : **AN ACT RELATING TO LAW AND ORDER, RESOURCES AND
DEVELOPMENT, NAABIK'ÍYÁTI' AND THE NAVAJO NATION COUNCIL;
AMENDING 2 N.N.C §§ 1060 - 1067 AND 17 N.N.C. §§ 101 - 104 BY
ENACTING THE NAVAJO NATION PEACE OFFICER STANDARDS AND
TRAINING CERTIFICATION ACT**

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. The resolution drafted is legally sufficient, although, as with all legislation, challenges are possible in the courts. You are advised and encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction. If you are satisfied with the proposed resolution, please sign it as "sponsor" and submit it to the Office of Legislative Services where it will be given a tracking number and sent to the Office of the Speaker for assignment. As you may be aware, the Speaker is authorized to refer this proposed resolution to other committees than those stated in the title.

If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution. Ahéhee'.

OLC # 18-336-1

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0198-18_____

SPONSOR: Raymond Smith, Jr.

TITLE: An Act Relating to Law and Order, Resources and Development, Naabik'iyati' and the Navajo Nation Council; Amending 2 N.N.C §§ 1060- 1067 and 17 N.N.C. §§ 101-104 by Enacting the Navajo Nation Peace Officer Standards and Training Certification Act

Date posted: June 12, 2018 at 5:27pm

Digital comments may be e-mailed to 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) 871-7590

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.*

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0198-18

SPONSOR: Honorable Raymond Smith Jr.

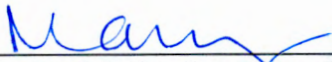
TITLE: An Action Relating to Law and Order, Resources and Development, Naabik'iyati' and the Navajo Nation Council; Amending 2 N.N.C §§ 1060- 1067 and 17 N.N.C. §§ 101- 104 by Enacting the Navajo Nation Peace Officer Standards and Training Certification Act

Posted: June 12, 2018 at 5:27pm

5 DAY Comment Period Ended: June 17, 2018

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Inconclusive Comments	<i>None</i>



**Legislative Secretary II
Office of Legislative Services**

6/18/2018 8:15am

Date/Time

**LAW AND ORDER COMMITTEE
23RD NAVAJO NATION COUNCIL**

FOURTH YEAR 2018

COMMITTEE REPORT

Mr. Speaker,

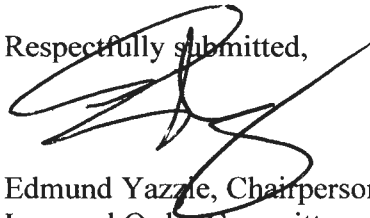
The **LAW AND ORDER COMMITTEE** to whom has been assigned:

Legislation No. 0198-18: An Act Relating to Law and Order, Resources and Development, Naabik'iyati' and the Navajo Nation Council; Amending 2 N.N.C. §§ 1060 – 1067 and 17 N.N.C. §§ 101 – 104 by Enacting the Navajo Nation Peace Officer Standards and Training Certification Act - *Sponsors: Honorable Raymond Smith, Jr./Honorable Kee A. Begay, Jr.*

Has had it under consideration and reports the same with the recommendation that it **DO PASS** with no amendment

And thereafter referred to Resources & Development Committee

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Edmund Yazzie', is written over the text 'Respectfully submitted,'.

Edmund Yazzie, Chairperson
Law and Order Committee
23rd Navajo Nation Council

Date: June 25, 2018

Main Motion: Honorable Herman M. Daniels
Second : Honorable Kee A. Begay, Jr.
Vote : 2-0-1 (Chairperson not voting)

LAW AND ORDER COMMITTEE

Regular Meeting

June 25, 2018

ROLL CALL

VOTE TALLY SHEET:

Legislation No. 0198-18: An Act Relating to Law and Order, Resources and Development, Naabik'iyati' and the Navajo Nation Council; Amending 2 N.N.C. §§ 1060 – 1067 and 17 N.N.C. §§ 101 – 104 by Enacting the Navajo Nation Peace Officer Standards and Training Certification Act - *Sponsors: Honorable Raymond Smith, Jr./Kee A. Begay, Jr.*

Main Motion: Herman M. Daniels **Second:** Kee A. Begay, Jr. **Vote:** 2-0-1

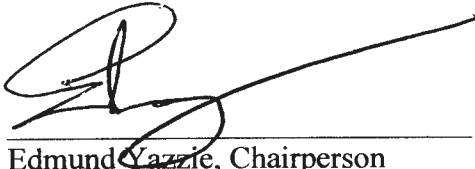
ROLL CALL VOTE TALLY:

YEAS: Herman M. Daniels/Kee Begay, Jr.

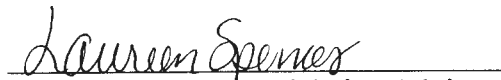
NAYS:

NOT VOTING: Edmund Yazzie, Chairperson

EXCUSE: Raymond Smith, Jr./Otto Tso



Edmund Yazzie, Chairperson
Law and Order Committee



Lauren Spencer, Legislative Advisor
Law and Order Committee

**RESOURCES AND DEVELOPMENT COMMITTEE
23rd NAVAJO NATION COUNCIL**

FOURTH YEAR 2018

COMMITTEE REPORT

Mr. Speaker,

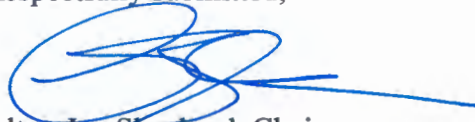
The **RESOURCES AND DEVELOPMENT COMMITTEE** to whom has been assigned:

Legislation # 0198-18: An Act Relating to Law and Order, Resources and Development, Naabik'Iyati and the Navajo Nation Council; Amending 2 N.N.C. Sections 1060-1067 and 17 N.N.C. Sections 101-014 By Enacting the Navajo Nation Peace Officer standards and Training Certification Act. *Sponsor: Honorable Raymond Smith, Jr; Co-Sponsor: Kee Allen Begay, Jr.*

Has had it under consideration and reports a DO PASS with no amendments

And thereafter referred the legislation to Naabik'Iyati Committee

Respectfully submitted,



Alton Joe Shepherd, Chairperson
Resource and Development Committee of
the 23rd Navajo Nation Council

June 20, 2018 – Smith Lake Chapter, Smith Lake, New Mexico

MAIN MOTION: Davis Filfred S: Benjamin Bennett V: 3-0-1 (CNV)

VOTE TALLY: Jonathan Perry; Benjamin Bennett, and Davis Filfred

EXCUSED: Leonard Pete and Walter Phelps

RESOURCES AND DEVELOPMENT COMMITTEE
Regular Meeting
June 27, 2018

ROLL CALL
VOTE TALLY SHEET:

Legislation # 0198-18: An Act Relating to Law and Order, Resources and Development, Naabik'Iyati and the Navajo Nation Council; Amending 2 N.N.C. Sections 1060-1067 and 17 n.N.C. Sections 101-014 By Enacting the Navajo Nation Peace Officer standards and Training Certification Act.
Sponsor: Honorable Raymond Smith, Jr; Co-Sponsor: Kee Allen Begay, Jr.

ROLL CALL VOTE TALLY:

Motion: Davis Filfred Second; Benjamin Bennett Vote: 3-0-1 (CNV)
YEAS: Jonathan Perry, Benjamin Bennett and Davis Filfred
EXCUSED: Leonard Pete and Walter Phelps



Alton Joe Shepherd, Chairperson
Resources and Development Committee



Shammie Begay, Legislative Advisor
Resources and Development Committee

23rd NAVAJO NATION COUNCIL NAABIK'ÍYÁTI' COMMITTEE REPORT Fourth Year 2018

The **NAABIK'ÍYÁTI' COMMITTEE** to whom has been assigned:

NAVAJO LEGISLATIVE BILL #0198-18

An Act Relating to Law and Order, Resources and Development, Naabik'íyáti' and the Navajo Nation Council; Amending 2 N.N.C §§ 1060- 1067 and 17 N.N.C. §§ 101- 104 by Enacting the Navajo Nation Peace Officer Standards and Training Certification Act

Sponsored by: Honorable Raymond Smith, Jr.

Co-Sponsored by: Honorable Kee Allen Begay, Jr.

Has had it under consideration and reports the same **WAS PASSED AND REFERRED TO THE NAVAJO NATION COUNCIL.**

Respectfully Submitted,



*Honorable Lorenzo C. Bates, Chairman
NAABIK'ÍYÁTI' COMMITTEE*

28 JUNE 2018

MAIN MOTION

Motioned by: Honorable Davis Filfred

Seconded by: Honorable Kee Allen Begay, Jr.

Vote: 11 in Favor, 00 Opposed (Chairman Bates not voting)

Per N.N.C. § 700 (D), "A quorum of the committee shall be satisfied by the presence of two (2) members of each standing committee..."

NAVAJO NATION

RCS# 951

6/28/2018

Naa'bik'iyati Committee

09:05:36 PM

Amd# to Amd#

Legislation 0198-18: Amending 2

PASSED

MOT Filfred

NNC 1060-1067 and 17 NNC 101-

SEC Begay, K

104 Enacting the NN Peace

Officer Standards...

Yea : 11

Nay : 0

Excused : 0

Not Voting : 13

Yea : 11

Begay, K

Hale

Slim

Tsosie

Begay, S

Perry

Smith

Witherspoon

Filfred

Phelps

Tso

Nay : 0

Excused : 0

Not Voting : 13

Bates

Brown

Damon

Pete

Begay, NM

Chee

Daniels

Shepherd

BeGaye, N

Crotty

Jack

Yazzie

Bennett