

# 23<sup>rd</sup> NAVAJO NATION COUNCIL LEGISLATION SPONSORSHIP WITHDRAWAL

I,	ilay	MOND	Smith	Je.		Prin	nar
,	of prop	osed le	gislatio	n hereby	with		
sponsors							
tracking r	number is	0110-	18.				
If there a			0.00	may re-s	ponso	r the s	ame
SPONSOR	SIGNATU	JRE:	R	211			
DATE:				15	1110	18	

### LEGISLATIVE SUMMARY SHEET

Tracking No. <u>()110 -18</u>

**DATE:** March 26, 2018

TITLE OF RESOLUTION: AN ACT RELATING TO LAW AND ORDER, NAABIK'ÍYÁTI' AND THE NAVAJO NATION COUNCIL; AMENDING 2 N.N.C §§ 1060 - 1067 AND 17 N.N.C. §§ 101 - 103 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 - 103 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.

Website Pos	HOLD PERIOD: Law & Order Committee ting Time/Date: 40000 30000 THENCE	
Eligible for i	Noolbill All o	į
1	PROPOSED NAVAJO NATION COUNCIL RESOLUTION THENCE	
2	23rd NAVAJO NATION COUNCIL - Fourth Year, 2018 Navajo Nation Counci	ı
3	INTRODUCED BY	
4		
5	My mond one of I	
6	(Prime Sponsor)	
7	0110-18 Souther Ceny	
8		
9		
10	AN ACT	
11	RELATING TO LAW AND ORDER, NAABIK'ÍYÁTI' AND THE NAVAJO NATION	
12	COUNCIL; AMENDING 2 N.N.C §§ 1060 - 1067 AND 17 N.N.C. §§ 101 - 103 BY	
13	ENACTING THE NAVAJO NATION PEACE OFFICER STANDARDS AND TRAINING	
14	CERTIFICATION ACT	
15		
16	BE IT ENACTED:	
17		
18	SECTION ONE. AUTHORITY	
19	A. The Law and Order Committee is a standing committee of the Navajo Nation Council	
20	and is empowered with the authority to review and make recommendations to the Navajo	
21	Nation Council on amendments to and enactments in the Navajo Nation Code. 2 N.N.C. §§	
22	164 (A)(1), 600 (A), and 601(B)(14).	
23	B. The Naabik'íyáti' Committee of the Navajo Nation Council, pursuant to 2 N.N.C. § 164	
24	(A)(9), reviews proposed legislation which requires final action by the Navajo Nation	
25	Council. CO-45-12.	
26	C. The Navajo Nation Council must review and approve enactments or amendments of	
27	positive law. 2 N.N.C. § 164 (A).	
28 29	SECTION TWO. FINDINGS	
30	SECTION I WO. FINDINGS	
50	18-174-1	

1	A. The Navajo Nation is a sovereign government responsible for providing critical
2	governmental services to and protecting its people.
3	B. The Navajo Nation employs a large number of law enforcement officers, including
4	police officers, rangers, fish and wildlife and forestry officers, environmental protection
5	officers and criminal investigators. Law Enforcement officers within the Navajo Nation
6	currently receive training through standards of states, including Arizona.
7	C. It is in the best interest of the Navajo Nation, a sovereign government, to set its own
8	standards and training requirements for law enforcement officers serving within the Navajo
9	Nation.
10	
11	SECTION THREE. APPROVING AND ENACTING THE NAVAJO NATION
12	PEACE OFFICER STANDARDS AND TRAINING CERTIFICATION ACT
13	The Navajo Nation hereby amends 2 N.N.C. §§ 1060 - 1067 and 17 N.N.C. §§ 101 -
14	103 by enacting the Navajo Nation Peace Officer Standards and Training Certification Act
15	as follows:
16	
17	
18	Title 2
19	Navajo Nation Government
20	Chapter 5. Executive Branch
21	
22	Subchapter 4. Navajo Nation Peace Officer Standards and Training Commission
23	
24	§ 1060. Establishment and Purpose; Navajo Nation Peace Officer Standards and
25	Training Commission
26	A. There is hereby established a Navajo Nation Peace Officer Standards and Training
27	Commission.
28	B. The purpose of the Commission is to administer and manage matters of initial and re-
29	qualification, training, basic training certification requirements, and commissioning of
30	Navajo Nation Peace Officers, who are vested with the powers of arrest, search and
	18-174

The Navajo Nation Peace Officer Standards and Training Commission shall:

29

30

2

3

4 5

6

7 8

9

10

11

12

13

14

15 16

17

18

19

20

21

22

23 24

25

26

27

28

29

30

A. Establish rules for the governance and conduct of the Commission including meeting times and matters to be placed on the agenda of each meeting and selection of a Chairperson, Vice Chairperson, and Secretary:

B. Make recommendations, consistent with this Act, to the President, the Speaker of the Navaio Nation Council, the Navaio Nation Council, or all Committees of the Navaio Nation Council:

C. Set reasonable minimum qualifications, or re-qualifications, for the commissioning of peace officers of the Navajo Nation. The qualifications shall relate to physical, mental, and moral fitness and shall govern the recruitment, appointment and retention of all individuals assuming or exercising the power of arrest, search and seizure, or other duties and any person who is a law enforcement officer vested by law with a duty to maintain public order or make arrests whether that duty extends to all offenses or is limited to specific classes of offenses within the Navajo Nation. The Commission shall constantly review and may amend such qualifications at any time.

D. Prescribe minimum standards for training of peace officers, including in-service requirements, firearms qualifications and re-qualification, and programs for continuing training, education, and professional development of peace officers of the Navajo Nation. The Commission may accept the training certification or graduation certificates of basic police officer training programs or academies accredited by a State or the Federal government, which meet or exceed the standards and requirements as established by this Commission. The Navajo Nation Police Academy shall conduct basic peace officer training courses. The Commission shall accept training certification or graduation certificates issued by the Navajo Nation Police Academy. The basic Navajo Nation Police Academy may admit qualified individuals who are appointed as peace officers, but require basic training certification. The Commission may prescribe qualifications for instructors and prescribe courses of instruction for basic peace officer training and inservice peace officer training.

E. Recommend curricula for advanced courses and seminars in peace officer and criminal intelligence gathering training in local institutes of higher education.

1	F. Develop policies and procedures to ensure that all commissioned peace officers of the
2	Navajo Nation and the departments, offices, or entities that employ them are adhering to
3	the standards for recruitment, appointment, basic training certification, retention, in-
4	service training, re-qualifications, and training established by the Commission in
5	accordance with this Chapter.
6	G. Deny, suspend, revoke or cancel the commission of an officer who is not in
7	compliance with the qualifications, or based upon a finding of misconduct or lacking
8	good moral character as established by the Navajo Nation Peace Officer Standards and
9	Training Commission.
10	H. Provide training and related services to assist state, tribal, and local peace officer
11	agencies to better serve the public.
12	I. Enter into contracts to carry out its powers and duties.
13	J. Administer oaths, subpoena persons, and take testimony on any matter within the
14	Commission's jurisdiction.
15	K. Perform all other acts appropriate to the development and operation of peace officer
16	training and education.
17	L. Receive appropriated funds and manage an annual fiscal year budget. Receive
18	revenues from all fines paid from citations issued by all peace officers of the Navajo
19	Nation.
20	
21	§ 1063. Categories of Peace Officers
22	A. Peace Officer categories. The categories for which an individual may be
23	commissioned as a peace officer are:
24	1). Full-authority peace officer;
25	2). Specialty peace officer;
26	3). Such other limited authority peace officers as the Navajo Nation Peace Officer
27	Standards and Training Commission shall authorize.
28	B. Full authority peace officer. A full authority peace officer is a peace officer whose
29	authority to enforce the laws of the Navajo Nation is not limited by this Act.
30	

### 

C. Specialty peace officer. A specialty peace officer has full authority to exercise the powers of arrest, search, and seizure, or other duties and privileges incident and belonging to any person who is a law enforcement officer vested by law with a duty to maintain public order or make arrests and that duty extends to specific classes of offenses within the Navajo Nation that he or she is authorized to enforce. If, within the course of his or her regular duties, the specialty peace officer encounters clear violations of criminal or motor vehicle laws of the Navajo Nation he or she may exercise the powers of arrest, search, and seizure in accordance with all of the provisions of the Navajo Nation Motor Vehicle Code (Title 14) and the Navajo Nation Criminal Code (Title 17).

### § 1064. Hearings

### A. Hearings

- 1. An individual subject to denial, suspension, revocation, or cancellation of a peace officer commission may request and have a hearing to present evidence, test evidence against them, and cross-examine witnesses prior to the final decision of the matter by the Commission.
- 2. The Commission may appoint a hearing officer to receive testimony and make recommendations to the Commission concerning matters of denial, suspension, revocation, or cancellation of a peace officer commission.
- 3. An individual subject to these Commission proceedings may be represented by legal counsel. All such legal expenses shall be borne by the individual.
- 4. Neither a member of the Commission nor appointed hearing officer shall participate in any adjudicatory proceeding or hearing if, for any reason, a Commission member or hearing officer cannot afford a fair and impartial hearing to the parties.

### **B.** Commission decisions

- 1. The Commission shall render all decisions in writing.
- 2. The Commission shall serve notice of all decisions on each party as set forth in rules and regulations promulgated by the Commission.

### § 1065.Appeal of Adverse Decisions

An individual may appeal any adverse decision made by the Commission concerning their application or commission as a peace officer of the Navajo Nation to the Navajo Nation Supreme Court.

### § 1066. Cross-Commissioning

Lawfully appointed United States Marshals, Federal Bureau of Investigation Agents or Special Agents, Bureau of Indian Affairs police officers or criminal investigators, Special Commissioned Peace Officers, or State Police Officers, or other duly commissioned police officers in good standing with the jurisdiction in which they are commissioned may be cross-commissioned as Navajo Nation Peace Officers in the discretion of the Commission. A cross-commissioned officer loses his or her commission as a Navajo Nation Peace Officer if he or she ceases to be or fails to maintain his or her commission/ certification as a peace officer by an outside criminal law enforcement or police entity.

### § 1067. Retention and Continuation of Previously Commissioned Officers

All Navajo Nation peace officers, police officers, Rangers, Wildlife Conservation Officers, Forestry Officers, Navajo Nation Environmental Protection Officers, Navajo Nation Criminal Investigators wherever commissioned to enforce the laws of the Navajo Nation shall not forfeit any duly held peace officer or law enforcement commission by passage of this Act, and will be issued a Navajo Nation peace officer commission by the Navajo Nation Peace Officer Standards and Training Commission.

\*\*\*

§ 101. Responsibility

### Title 17

#### Law and Order

### Chapter 1. Enforcement of the Criminal Code

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

### § 102. Requirements to Become a Navajo Nation Peace Officer

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

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

§ 102 103. Authority to enter into cooperative agreements with federal and state agencies

\*\*\*\*

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

20 \*\*\*\*

#### SECTION FOUR. EFFECTIVE DATE

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

### SECTION FIVE. CODIFICATION

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

### SECTION SIX. SAVINGS CLAUSE

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

4 5





### **MEMORANDUM**

To

Hon. Raymond Smith, Jr. Council Delegate

Navajo Nation Council

Hon. Jonathan Perry, Council Delegate, Co-Sponsor

Navajo Nation Council

From:

Ron Haven, Attorney

Office of Legislative Counsel

Date :

March 26, 2018

Re:

AN ACT RELATING TO LAW AND ORDER, NAABIK'ÍYÁTI' AND THE

NAVAJO NATION COUNCIL; AMENDING 2 N.N.C §§ 1060 - 1067 AND 17 N.N.C. §§ 101 - 103 BY ENACTING THE NAVAIO 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'.

## THE NAVAJO NATION LEGISLATIVE BRANCH INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0110-18\_\_ SPONSOR: <u>Raymond Smith Jr.</u>

<u>TITLE:</u> An Action Relating To Law And Order, NAABIK'IYATI' And The Navajo Nation Council; Amending 2 N.N.C. §§ 1067 And 17 N.N.C. §§ 101 – 103 By Enacting The Navajo Nation Peace Officer Standards And Training Certification Act

Date posted: March 27, 2018 at 4:20 PM

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) 871-7586

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.

## THE NAVAJO NATION LEGISLATIVE BRANCH INTERNET PUBLIC REVIEW SUMMARY

**LEGISLATION NO.: 0110-18** 

SPONSOR: Honorable Raymond Smith Jr.

TITLE: An Action Relating To Law And Order, NAABIK'IYATI' And The Navajo Nation Council; Amending 2 N.N.C. §§ 1067 And 17 N.N.C. §§ 101 – 103 By Enacting The Navajo Nation Peace Officer Standards And Training Certification Act

Posted: March 27, 2018 at 4:20 PM

5 DAY Comment Period Ended: April 1, 2018

**Digital Comments received:** 

Comments Supporting	None
Comments Opposing	None
Inclusive Comments	None

Legislative Secretary 1
Office of Legislative Services

Date/Time

## LAW AND ORDER COMMITTEE 23<sup>RD</sup> NAVAJO NATION COUNCIL

### **FOURTH YEAR 2018**

### **COMMITTEE REPORT**

Mr. Speaker,

The LAW AND ORDER COMMITTEE to whom has been assigned:

**Legislation No. 0110-18:** An Act Relating to Law and Order, Naabik'iyati' and the Navajo Nation Council; Amending 2 N.N.C. §§ 1060 – 1067 and 17 N.N.C. §§ 101 -103 by Enacting the Navajo Nation Peace Officer Standards and Training Certification Act – Sponsors: Honorable Raymond Smith, Jr./Honorable Jonathan Perry

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

And thereafter referred to Naabik'iyati' Committee

Respectfully submitted,

Edmund Yazzie, Chairperson Law and Order Committee 23<sup>rd</sup> Navajo Nation Council

Date: April 9, 2018

Main Motion: Herman M. Daniels Second: Raymond Smith, Jr.

Vote : 2-1-1 (Chairperson not voting)

## LAW AND ORDER COMMITTEE Regular Meeting April 9, 2018

## ROLL CALL VOTE TALLY SHEET:

**Legislation No. 0110-18:** An Act Relating to Law and Order, Naabik'iyati' and the Navajo Nation Council; Amending 2 N.N.C. §§ 1060 – 1067 and 17 N.N.C. §§ 101 -103 by Enacting the Navajo Nation Peace Officer Standards and Training Certification Act – Sponsors: Honorable Raymond Smith, Jr./Honorable Jonathan Perry

Main Motion: Herman M. Daniels Second: Raymond Smith, Jr. Vote: 2-1-1

### **ROLL CALL VOTE TALLY:**

YEAS: Herman M. Daniels and Raymond Smith, Jr.

NAYS: Otto Tso

NOT VOTING: Edmund Yazzie (Chairperson)

EXCUSE: Kee A. Begay, Jr.

Edmund Yazzie, Chairman Law and Order Committee

Laureen Spencer, Legislative Advisor

Law and Order Committee

### 23<sup>rd</sup> NAVAJO NATION COUNCIL NAABIK'ÍYÁTI' COMMITTEE REPORT Fourth Year 2018

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

### **NAVAJO LEGISLATIVE BILL #0110-18**

An Act Relating to Law and Order, Naabik'íyáti' and the Navajo Nation Council; Amending 2 N.N.C. §§ 1060 – 1067 and 17 N.N.C. §§ 101 – 103 by Enacting the Navajo Nation Peace Officer Standards and Training Certification Act

Sponsored by: Honorable Raymond Smith, Jr. Co-Sponsored by: Honorable Jonathan Perry

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

Respectfully Submitted,

Honorable Seth Damon, Chairman Pro Tem

NAABIK'İYATI' COMMITTEE

12 APRIL 2018

### **MAIN MOTION:**

Motioned by: Honorable Jonathan Perry Seconded by: Honorable Norman M. Begay

Vote: 10 In Favor, 00 Opposed (Chairman Pro Tem Damon Not Voting)

NOTE: Vote was taken utilizing 2 N.N.C. § 700 (D); "A quorum of the committee shall be satisfied by the presence of two (2) members of each Standing Committee"

#
---

### 23nd Navajo Nation Council Naabik'iyati' Committee

Date: April 12, 2018

Legislation No. 0110-18

Honorable Seth Damon

Motion: Hon. Jonathan Perry

Second: Hon. Norman M. Begay

LL DELEGATES:			BY COMMITTEE:			
	Yea	Nay		Yea	Nay	TOTA
BATES, LoRenzo	Myrks Lägger		BFC:			
BEGAY, Kee Allen Jr.			CHEE, Tom T.			2.
BEGAY, Norman M.			DAMON, Seth	A Same		
BEGAY, Steven		\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	JACK, Lee Sr.			
BEGAYE, Nelson			SLIM, Tuchoney Jr.	X	i i	
BENNETT, Benjamin L.			WITHERSPOON, Dwight	X		
BROWN, Nathaniel			TSOSIE, Leonard			2
CHEE, Tom T.	Ayerrana Ayerrana		HEHSC:			
CROTTY, Amber K.		_	BEGAY, Norman M.	X		
DAMON, Seth			BEGAY, Steven	*.		
DANIELS, Herman			BEGAYE, Nelson	X	E	
FILFRED, Davis			BROWN, Nathaniel			
HALE, Jonathan L.			CROTTY, Amber K.			
JACK, Lee Sr.	70000 01. 443		HALE, Jonathan L.			2
PERRY, Jonathan			LOC:	37		
PETE, Leonard H.			BEGAY, Kee Allen Jr.			
PHELPS, Walter			DANIELS, Herman	X		
SHEPHERD, Alton Joe			SMITH, Raymond Jr.	X		
SLIM, Tuchoney Jr.		_	TSO, Otto	1 1922 W		
SMITH, Raymond Jr.			YAZZIE, Edmund	X		3
TSO, Otto			RDC:			
TSOSIE, Leonard			BENNETT, Benjamin L.			
WITHERSPOON, Dwight	- 0 - 1		FILFRED, Davis			
YAZZIE, Edmund			PERRY, Jonathan	X		
10 - A 1 - A			PETE, Leonard H.	. ,		
			PHELPS, Walter	X		
			SHEPHERD, Alton Joe	X		3
			CHAIRMAN:	7		
			DAMON, Seth			
GRAND TOTAL		(Votes only in a tie)				
CERTIFICATION:		GRAND TOTAL	10	0		

### 23<sup>rd</sup> NAVAJO NATION COUNCIL ACTION REPORT Fourth Year 2018

The NAVAJO NATION COUNCIL to whom has been assigned:

### **NAVAJO LEGISLATIVE BILL #0110-18**

An Act Relating to Law and Order, Naabik'íyáti' and the Navajo Nation Council; Amending 2 N.N.C. §§ 1060 – 1067 and 17 N.N.C. §§ 101 – 103 by Enacting the Navajo Nation Peace Officer Standards and Training Certification Act

Sponsored by: Honorable Raymond Smith, Jr. Co-Sponsored by: Honorable Jonathan Perry

Has had it under consideration and reports the same WAS TABLED AND REMAINS WITH THE NAVAJO NATION COUNCIL

Respectfully Submitted,

Honorable LoRenzo C. Bates, Speaker NAVAJO NATION COUNCIL

19 APRIL 2018

#### TABLING MOTION:

Motion to Table Legislation ()1'0-18 until the next special session or summer session. Legislation to be heard by the Resources and Development Committee, as well as, the Budget and Finance Committee.

Motioned by: Honorable Benjamin Bennett Seconded by: Honorable Seth Damon

Vote: 09 in Favor, 08 Opposed (Speaker Bates Not Voting)

### MAIN MOTION:

Motioned by: Honorable Jonathan L. Hale Seconded by: Honorable Steven Begay

Vote:

### **NAVAJO NATION**

**RCS# 1113** 

Spring Session

4/19/2018 11:36:21 PM

Amd# to Amd#

Table Legislation 0110-18

**PASSED** 

**MOT** Bennett

To the next Special Session or

**SEC Damon** 

the Summer Session

Yea: 9

Nay:8

Excused: 3

Not Voting: 4

Yea:9

Begay, NM

Chee

**Phelps** 

Tso

Begay, S

Damon

Slim

Tsosie

**Bennett** 

**Nay:8** 

BeGaye, N

**Daniels** 

Perry

Witherspoon

Crotty

Hale

Smith

Yazzie

Excused: 3

Shepherd

Filfred

Brown

Not Voting: 4

**Bates** 

Begay, K

Jack

Pete