

LEGISLATIVE SUMMARY SHEET

Tracking No. 0114-17

DATE: March 24, 2017

TITLE OF RESOLUTION: AN ACTION RELATING TO LAW AND ORDER AND NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; AMENDING TITLE 17 OF THE NAVAJO NATION CODE AND ENACTING THE NAVAJO NATION FIREARMS ACT

PURPOSE: This resolution if approved will amend Title 17 of the Navajo Nation Code and enact the Navajo Nation Firearms Act.

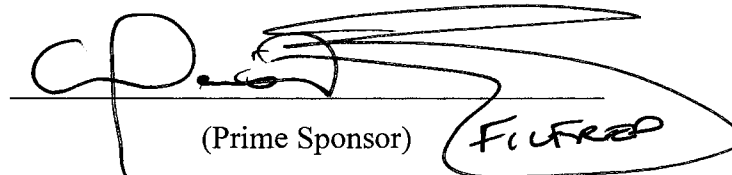
This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed legislation in detail.

5-DAY BILL HOLD PERIOD: SNotah
Website Posting Time/Date: 1:55pm 3/29/2017
Posting End Date: 4/3/2017
Eligible for Action: 4/4/2017

Law & Order Committee
THENCE
Naa'bik'íyáti' Committee
THENCE
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
23rd NAVAJO NATION COUNCIL – Third Year, 2017

INTRODUCED BY



(Prime Sponsor) F. L. FRED

TRACKING NO. 0114-17

AN ACT

RELATING TO LAW AND ORDER AND NAABIK'ÍYÁTI' COMMITTEES AND
NAVAJO NATION COUNCIL; AMENDING TITLE 17 OF THE NAVAJO NATION
CODE AND ENACTING THE NAVAJO NATION FIREARMS ACT

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Law and Order Committee of the Navajo Nation Council reviews and makes recommendations to the Navajo Nation Council proposed amendments to the Navajo Nation Code and possess oversight authority over the Navajo Nation Division of Public Safety. 2 N.N.C. §§ 601 (B)(14) and 601 (C)(1) (2012).
- B. The Naabik'íyáti' Committee of the Navajo Nation Council reviews proposed legislation which requires final action by the Navajo Nation Council. 2 N.N.C. § 164 (A)(9).
- C. Enactments of positive law must be reviewed and approved by resolution by the Navajo Nation Council. 2 N.N.C. § 164(A).

SECTION TWO. FINDINGS

- A. In addressing the immediate and future needs, the Navajo Nation identified nine priorities for the Nation, with public safety listed as one of the priorities. Navajo Nation Three Branch Agreement, One Nation One Voice (July 20, 2015).

- 1 B. The Navajo Bill of Rights gives the Navajo People the “right to keep and bear arms for
2 peaceful purposes, and in a manner in which does not breach or threaten the peace or
3 unlawfully damage or destroy or otherwise infringe upon the property rights of others,
4 shall not be infringed.” 1 N.N.C. § 6 (2009).
- 5 C. The registration of firearms is reasonable control and does not infringe on individuals
6 right to keep and bear arms.
- 7 D. Amending Title 17 of the Navajo Nation Code to include the Navajo Nation Firearms Act
8 is in the Navajo Nation’s best interest.
- 9

10 **SECTION THREE. AMENDING NAVAJO NATION CODE TITLE 17**

11 The Navajo Nation amends the Navajo Nation Code, Title 17 as follows:

12

13 **NAVAJO NATION CODE**
14 **TITLE 17. LAW AND ORDER**
15 **CHAPTER 10. NAVAJO NATION FIREARMS ACT**

16

17 ***

18 **§ 2500. Definitions**

19 **A. Firearm means:**

- 20 1. a shotgun having a barrel or barrels of less than eighteen (18) inches in length;
21 2. a weapon made from a shotgun if such weapon as modified has an overall length of
22 less than twenty-six (26) inches or a barrel or barrels of less than eighteen (18)
23 inches in length;
24 3. a rifle having a barrel or barrels of less than sixteen (16) inches in length;
25 4. a weapon made from a rifle if such weapon as modified has an overall length of less
26 than twenty-six (26) inches or a barrel or barrels of less than sixteen (16) inches in
27 length;
28 5. any other weapon, as defined in Section (e);
29 6. a machinegun;
30 7. any silencer;

- 1 8. complies with the definition in 17 N.N.C. § 209 (L); and
2 9. the term firearm does not include an antique firearm or any device (other than a
3 machine gun) which, although designed as a weapon, the Navajo Nation Police
4 Department finds by reason of the date of its manufacture, value, design, and other
5 characteristics is primarily a collector's item and is not likely to be used as a
6 weapon.
- 7 B. **Automatic Gun** means any weapon which shoots, is designed to shoot, or can be
8 readily restored to shoot, automatically more than one shot, without manual reloading,
9 by a single function of the trigger. The term shall also include the frame or receiver of
10 any such weapon, any part designed and intended solely and exclusively, or
11 combination of parts designed and intended, for use in converting a weapon into a
12 machine gun, and any combination of parts from which a machinegun can be
13 assembled if such parts are in the possession or under the control of a person.
- 14 C. **Rifle** means a weapon designed or redesigned, made or remade, and intended to be
15 fired from the shoulder and designed or redesigned and made or remade to use the
16 energy of the explosive in a fixed cartridge to fire only a single projectile (ball shot)
17 through a rifled bore for each single pull of the trigger, and shall include any such
18 weapon which may be readily restored to fire a fixed cartridge.
- 19 D. **Shotgun** means a weapon designed or redesigned, made or remade, and intended to be
20 fired from the shoulder and designed or redesigned and made or remade to use the
21 energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a
22 number of projectiles (ball shot) or a single projectile for each pull of the trigger and
23 shall include any such weapon which may be readily restored to fire a fixed shotgun
24 shell.
- 25 E. **Silencer** means any device for silencing, muffling, or diminishing the report of a
26 portable firearm, including any combination of parts, designed or redesigned, and
27 intended for use in assembling or fabricating a firearm silencer or firearm muffler, and
28 any part intended only for use in such assembly or fabrication.
- 29 F. **Any other weapon** means any weapon or device capable of being concealed on the
30 person from which a shot can be discharged through the energy of an explosive (i.e.

1 pistol or revolver) having a barrel with a smooth bore designed or redesigned to fire a
2 fixed shotgun shell, weapons with combination shotgun and rifle barrels twelve (12)
3 inches or more, less than eighteen (18) inches in length, from which only a single
4 discharge can be made from either barrel without manual reloading, and shall include
5 any such weapon which may be readily restore to fire. Such term shall not include a
6 pistol or a revolver having rifle bore, or rifled bores, or weapons designed, made, or
7 intended to be fixed from the shoulder and not capable of firing fixed ammunition.

8 G. **Antique firearm** means any firearm not designed or redesigned for using rim fire or
9 conventional center fire ignition with fixed ammunition and manufactured in or before
10 1898 (including any matchlock, flintlock, percussion cap, or similar type of ignition
11 system or replica thereof, whether actually manufactured before or after the year 1898)
12 and also any firearm using fixed ammunition manufactured in or before 1898, for
13 which ammunition is no longer manufactured in the United States and is not readily
14 available in the ordinary channels of commercial trade.

15 H. **Unserviceable firearm** means a firearm which is incapable of discharging a shot by
16 means of an explosive and incapable of being readily restored to a firing condition.

17 I. **Make** means putting together, altering, any combination of these, or otherwise
18 producing a firearm.

19 J. **Transfer** means selling, assigning, pledging, leasing, loaning, giving away or otherwise
20 disposing of.

21 22 **§ 2501. Registration of firearms**

23 A. **Central registry.** The Navajo Nation Police Department shall maintain a central registry
24 of all firearms in the Navajo Nation, except firearms in possession or under the control of
25 the Navajo Nation. The registry shall be known as the Firearms Registration and Transfer
26 Record. The registry shall contain:

- 27 1. Identification of the firearm;
- 28 2. Date of registration; and
- 29 3. Identification and address of person entitled to possession of the firearm.

1 B. **By whom registered.** Each individual who owns a firearm residing on the Navajo
2 Nation, as defined in 7 N.N.C. § 254 (A), must register each firearm he or she owns,
3 within one hundred and eighty days (180) of the Act's enactment or from the date of
4 purchase. Firearms transferred must be registered to the transferee by the transferor. Prior
5 to transferring a firearm the transferor of a firearm shall obtain authorization, as required
6 by this Act, to transfer the firearm and such authorization shall permit the registration of
7 the firearm required under Section (C).

8 C. **How to register.** Each firearm owner shall notify the Navajo Nation Police Department
9 in accordance with the prescribed regulations and register the firearm required by this
10 Section.

11 D. **Proof of registration.** A person possessing a registered firearm, as required by this
12 Section, must retain proof of registration which shall be made available to the Navajo
13 Nation Police Department.

14 15 § 2502. Identification of firearms

16 A. **Identification of firearm**

17 Each firearm shall be identified by a serial number which may not be readily removed,
18 obliterated, or altered, the name of the manufacturer, importer or maker, and other
19 identification made by the Navajo Nation Police Department.

20 B. **Firearms with no serial number**

21 Any persons who possess a firearm which does not bear a serial number and other
22 information required by Subsection (A) of this Section shall identify the firearm with a
23 serial number assigned by the Navajo Nation Police Department.

24 25 § 2503. Restrictive use of information

26 A. **General Rule**

27 No information or evidence obtained from an application, registration, or records
28 required to be submitted or retained by a natural person in order to comply with any
29 provision of this Act or regulations issued thereunder, shall be used directly or indirectly,
30 as evidenced against the person in a criminal proceeding with respect to this violation of

1 law occurring prior to or concurrently with the filing of the application or registration, or
2 compiling of the records containing the information or evidence. Except as provided in
3 Subsection (B) of this Section.

4 **B. Furnishing false information**

5 Subsection (A) of this Section shall not preclude the use of any such information or
6 evidence in a prosecution or other action under any applicable provision of law with
7 respect to the furnishing of false information.

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11 **SECTION FOUR. CODIFICATION**

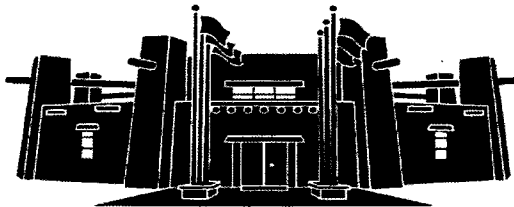
12 The provisions of the Act which amend or adopt new sections of the Navajo Nation
13 Code shall be codified by the Office of Legislative Counsel. The Office of Legislative
14 Counsel shall incorporate such amended provisions in the next codification of the Navajo
15 Nation Code.

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17 **SECTION FIVE. SAVINGS CLAUSE**

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

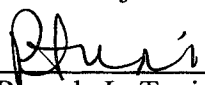
21 **SECTION SIX. EFFECTIVE DATE**

22 The provisions of this Act shall become effective in accord with 2 N.N.C. § 221(B).
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MEMORANDUM

TO: Hon. Davis Filfred
23rd Navajo Nation Council

FROM: 
Rhonda L. Tuni, Attorney
Office of Legislative Counsel

DATE: March 24, 2017

SUBJECT: AN ACTION RELATING TO LAW AND ORDER AND
NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL;
AMENDING TITLE 17 OF THE NAVAJO NATION CODE AND
ENACTING THE NAVAJO NATION FIREARMS ACT

Pursuant to your request, attached is the above-referenced proposed resolution and associated legislative summary sheet. Based on existing law the resolution as drafted is legally sufficient. However, as with all legislation, it is subject to review by the courts in the event of a challenge.

The Office of Legislative Council confirms the appropriate standing committee(s) reviews 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 review the proposed resolution to ensure it is drafted to your satisfaction. If this proposed resolution is acceptable to you, please sign it where it indicates "Prime Sponsor", and submit it to the Office of Legislative Services for the assignment of a tracking number and referral to the Speaker.

If the proposed resolution is unacceptable to you, or if you have further questions, please contact me at the Office of Legislative Counsel and advise me of changes you would like made to the proposed resolution. You may contact me at (928) 871-7166. Thank you.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0114-17_____ SPONSOR: Davis Filfred

TITLE: An Action Relating to Law and Order and Naabik'iyati' Committees and Navajo Nation Council; Amending Title 17 of the Navajo Nation Code and Enacting the Navajo Nation Firearm Act

Date posted: March 29, 2017 at 1:55pm

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.*