



## 23<sup>rd</sup> Navajo Nation Council

### MEMORANDUM

To : Manuel Rico, Senior Programs and Projects Specialist  
OFFICE OF LEGISLATIVE SERVICES

From : 15711  
Tom Platero, Executive Director  
OFFICE OF LEGISLATIVE SERVICES

Date : January 9, 2019

Subject : ***23<sup>rd</sup> Navajo Nation Council Expired Legislation***

Pursuant to 2 N.N.C. § 164 (A) (1), "The last day for consideration of resolutions shall be December 31<sup>st</sup> of the year immediately preceding the swearing in of the new Council", the following legislation need to be closed out and labeled as "expired":

#### NAVAJO NATION COUNCIL:

0399-17	0424-17	0098-18	0136-18
0183-18	0224-18	0328-18	0344-18
0356-18	0358-18	0367-18	0373-18
0385-18	0393-18	0404-18	0416-18
0422-18			

#### NAABIK'YATI' COMMITTEE:

0224-15	0361-16	0341-18	0406-18
0418-18	0427-18		

**BUDGET AND FINANCE COMMITTEE:**

0021-17	0392-17	0099-18	0261-18
0287-18	0398-18	0435-18	0436-18

**HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE:**

0414-18	0419-18	0451-18
---------	---------	---------

**LAW AND ORDER COMMITTEE:**

0114-17	0031-18	0217-18	0307-18
0353-18	0360-18	0364-18	0437-18

**RESOURCES AND DEVELOPMENT COMMITTEE:**

0402-15	0104-16	0121-16	0183-16
0282-16	0296-16	0370-16	0384-16
0135-17	0176-17	0386-17	0400-17
0076-18	0395-18	0415-18	0443-18

Legislation need to be closed out as soon as possible. If you have any questions, please let me know.

**CONCURRENCE:**



**Honorable LoRenzo C. Bates, Speaker**  
**23<sup>rd</sup> Navajo Nation Council**

COPIES: Pete K. Atcitty, Chief of Staff, Office of the Speaker  
Ed McCool, Acting Chief Legislative Counsel, Office of Legislative Counsel  
Files

**LEGISLATIVE SUMMARY SHEET**

**Tracking No.** 0341-18

**DATE:** September 25, 2018

**TITLE OF RESOLUTION:** AN ACT RELATING TO LAW AND ORDER AND NAABIK'ÍYÁTI' COMMITTEES, AND NAVAJO NATION COUNCIL; AMENDING TITLE 17, SECTION 320 OF THE NAVAJO NATION CODE

**PURPOSE:** The legislation amends the Navajo Nation Criminal Code, Title 17, § 320, making it unlawful for a person to carry a concealed weapon in a public building or private place and recognizing a valid tribal, state or federal license to carry a concealed weapon.

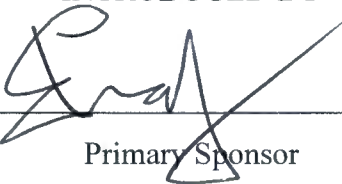
**This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed resolution in detail.**

5-DAY BILL HOLD PERIOD:       
Website Posting Time/Date: 11:18am 10/17/18  
Posting End Date: 10/22/2018  
Eligible for Action: 10/23/2018

Law & Order Committee  
Thence  
Naa'bik'iyáti' Committee  
Thence  
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION  
23<sup>RD</sup> NAVAJO NATION COUNCIL—Fourth Year, 2018

INTRODUCED BY

  
Primary Sponsor

TRACKING NO. 0341-18

AN ACT

RELATING TO LAW AND ORDER AND NAABIK'ÍYÁTI' COMMITTEES, AND  
NAVAJO NATION COUNCIL; AMENDING TITLE 17, SECTION 320 OF THE  
NAVAJO NATION CODE

**BE IT ENACTED:**

**SECTION ONE: AUTHORITY**

- A. The Law and Order Committee (LOC) of the Navajo Nation Council, has legislative oversight over courts, administrative legal tribunals, criminal defense, legal defense of the indigent, juvenile justice, corrections, law enforcement and emergency management, to protect the rights and interests of the Navajo People by improving the quality and effectiveness of the justice system within the Navajo Nation, to enable the Navajo Nation to more effectively provide efficient public safety services to the Navajo Nation, and to support effective cooperation and coordination between Navajo Nation law enforcement agencies and that of the various states and federal government law enforcement agencies. 2 N.N.C. § 600(C)(2)(6)(7).
- B. The LOC's enumerated powers include reviewing and making recommendations to the Navajo Nation Council on proposed amendments to and enactments to the Navajo Nation Code. 2 N.N.C. § 601(B)(14).

1 C. The Naabik'iyati' Committee of the Navajo Nation Council is empowered to review all  
2 proposed legislation which requires final action by the Navajo Nation Council. 2  
3 N.N.C. §164(A)(9).

4 D. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §  
5 102 (A).

## 6 7 **SECTION TWO: FINDINGS**

8 A. It is incumbent on Navajo leaders to provide as safe an environment for the Navajo People  
9 as it is the right and freedom of the People that every child and every elder be respected,  
10 honored and protected with a healthy physical and mental environment, free from all abuse.  
11 1 N.N.C. § 204(E).

12 B. The Navajo Nation Bill of Rights provides “The right of the people to keep and bear arms  
13 for peaceful purposes, and in a manner which does not breach or threaten the peace or  
14 unlawfully damage or destroy or otherwise infringe upon the property rights of others,  
15 shall not be infringed.” 1 N.N.C. § 6.

16 C. Currently, the Navajo Nation criminal code makes it unlawful to carry a deadly weapon  
17 as a general crime; however, carrying a concealed dangerous weapon in a public building  
18 or private place is a specific crime and the criminal code must be amended for the  
19 protection of the Navajo People.

20 D. Navajo Nation laws prohibiting the carrying of a deadly weapon or carrying a concealed  
21 dangerous weapon does not infringe on the rights of the Navajo People to keep and bear  
22 arms.

23 E. The states surrounding the Navajo Nation, as well as many states in the U.S., restrict the  
24 carrying of a concealed weapon with exceptions, including requiring a valid license;  
25 although Arizona allows its citizens to openly carry a handgun, the law restricts the open  
26 carry to persons 21 years of age or older.

27 F. It is in the best interest of and for the protection of the Navajo citizens to amend the  
28 Navajo Nation Criminal Code to establish the law to make it unlawful to carry a  
29 concealed weapon.

1 **SECTION THREE. Amendment to Title 17 of the Navajo Nation Code**

2 The Navajo Nation hereby amends Title 17 of the Navajo Nation Code as follows:

3  
4 Title 17. Criminal Code

5 Chapter 3. Offenses

6 Subchapter 3. Weapons and Explosives

7  
8 \*\*\*\*

9 § 320. Unlawful carrying of a deadly weapon, unlawful carrying a concealed weapon

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

12 B. Offense. It is unlawful for any person to go into a public building or private place of  
13 business armed with a dangerous weapon or firearm, concealed upon his or her person.

14 C. The following are defined as dangerous weapons or firearms:

15 1. A dangerous weapon means any item that in the manner of its use is capable of  
16 causing death or serious bodily injury, including, but not limited to, an air gun,  
17 pellet gun, blowgun, explosive device, bayonet, dagger, switchblade, bowie knife,  
18 slingshot, club, blackjack, chain, sword, spear, knuckles made of any metal or hard  
19 substance, knife having a blade of four (4) inches long or longer, throwing stars,  
20 chain belts; and,

21 2. A firearm means any gun, revolver, pistol, rifle, shotgun or other weapon that  
22 discharges a projectile by explosive force.

23 D. B Exceptions. Subsections (A) and (B) of this Section shall not apply to any of the  
24 following:

- 25 1. To peace officers in the lawful discharge of their duties;
- 26 2. To persons in a private motor vehicle or other means of conveyance, for the lawful
- 27 protection of the person's or another person's property, while traveling and such
- 28 weapon is located in a closed truck, luggage, or glove compartment of a motor
- 29 vehicle;
- 30

3. To a person in his or her residence, or on real property belonging to such person as owner, lessee, tenant, or licensee;
4. To a person or persons carrying or discharging a firearm as an integral part of any traditional Navajo religious practice ceremony, or service;
5. To persons engaged in the hunting of game or predatory animals; or,
6. To persons lawfully authorized to carry a concealed firearm on or about his or her person by permit issued by such tribal, state or federal authority designated to issue a permit. A person who carries or possesses a concealed handgun must present a valid license or permit as evidence when required.

E. C Sentence.

1. The trial court shall review all charges to ascertain whether there is any personal victim of the offense(s) and whether restitution or nályééh shall be paid to the victim(s).
2. The trial court may utilize the services of the Navajo Peacemaker Court to determine nályééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.
3. The trial court may consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.
4. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.
5. The trial court shall consider the utility of labor or community service sentences, under the supervision of the Navajo Nation Department of Public Safety or a public or private organization, including the chapter in which the defendant resides.

\*\*\*\*\*

**SECTION FOUR. Approval of Amendments to the Navajo Nation Criminal Code**

The Navajo Nation hereby approves the Amendments to the Navajo Nation Criminal Code, Title 17.



1 **SECTION FIVE. Effective Date**

2       These amendments are effective up its approval pursuant to 2 N.N.C. § 221(B).

3  
4 **SECTION SIX. Codification**

5       For purposes of codification, the Office of Legislative Counsel shall re-designate all  
6       subsequent sections affected by these amendments. The Office of Legislative Counsel  
7       shall incorporate such amended provisions in the next codification of the Navajo Nation  
8       Code.

9  
10 **SECTION SEVEN. Saving Clause**

11       Should any provisions of this ordinance be determined invalid by the Navajo Nation  
12       Supreme Court, or the District Courts of the Navajo Nation, without appeal to the Navajo  
13       Nation Supreme Court, those portions of this ordinance which are not determined invalid  
14       shall remain the law of the Navajo Nation.





## MEMORANDUM

**TO:** Hon. Edmund Yazzie  
23<sup>rd</sup> Navajo Nation Council

**FROM:**   
Levon B. Henry, Chief Legislative Counsel  
Office of Legislative Counsel

**DATE:** September 25, 2018

**SUBJECT:** AN ACT RELATING TO LAW AND ORDER AND NAABIK'ÍYÁTI'  
COMMITTEES, AND NAVAJO NATION COUNCIL; AMENDING TITLE  
17, SECTION 320 OF THE NAVAJO NATION CODE

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. § 600 and 2 N.N.C. § 164 and 102. 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: \_0341-18\_

SPONSOR: Edmund Yazzie

**TITLE: An Action Relating To Law And Order And NAABIK'IYATI' Committees,  
And Navajo Nation Council; Amending Title 17, Section 320 Of The Navajo Nation  
Code**

**Date posted: October 17, 2018 at 11:18 AM**

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.*

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

**LEGISLATION NO.: 0341-18**

**SPONSOR: Honorable Edmund Yazzie**

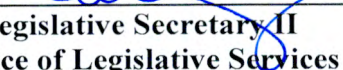
**TITLE: An Action Relating To Law And Order And NAABIK'IYATI' Committees, And Navajo Nation Council; Amending Title 17, Section 320 Of The Navajo Nation Code**

**Posted: October 17, 2018 at 11:18 AM**

**5 DAY Comment Period Ended: October 22, 2018**

**Digital Comments received:**

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

  
\_\_\_\_\_  
**Legislative Secretary II  
Office of Legislative Services**

10/23/2018 8:13am  
\_\_\_\_\_  
**Date/Time**

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

**LEGISLATION NO.: 0341-18**

**SPONSOR: Honorable Edmund Yazzie**

**TITLE: An Action Relating To Law And Order And NAABIK'IYATI' Committees, And Navajo Nation Council; Amending Title 17, Section 320 Of The Navajo Nation Code**

**Posted: October 17, 2018 at 11:18 AM**

**5 DAY Comment Period Ended: October 22, 2018**

**Digital Comments received:**

<b>Comments Supporting (6)</b>	<b>1. Jarvis T. Williams</b> <b>2. Shonie De La Rosa</b> <b>3. Gabriel Yazzie</b> <b>4. Kris Benally</b> <b>5. The Kayenta Township Resolution No. KTCN-51-18</b>
<b>Comments Opposing</b>	<i>None</i>
<b>Inconclusive Comment</b>	<i>None</i>

  
 Legislative Secretary II  
 Office of Legislative Services

12/7/18 5:02 PM  
 Date/Time

0341-18

Williams, Jarvis T. <JWilliams3@peabodyenergy.com>

Wed 10/31/2018 3:45 PM

To: comments <comments@navajo-nsn.gov>;

Good afternoon,

I support legislation 0341-18. I think this law will assist in creating responsible gun ownership for Navajo people.

Taking a conceal, carry class is important for those wanting to responsibly carry a weapon. Arizona is a conceal carry state and we need to have the same laws for our visitors.

Thanks,

Jarvis Williams  
PO Box 1204  
Kayenta, AZ 86033  
928-273-0934

## Comment: Legislation #0341-18

Shonie De La Rosa <sheepheadfilms@yahoo.com>

Wed 10/31/2018 4:35 PM

To: comments <comments@navajo-nsn.gov>;

I am writing in reference to NN Legislation #0341-18 as proposed by sponsor Edmund Yazzie. According to the legislation titled, "An Action Relating to Law and Order and Naabik'iyati' Committees and Navajo Nation Council, Amending Title 17, Section 320 of the Navajo Nation Code". Mr. Yazzie states the purpose of this amendment as follows: The legislation amends the Navajo Nation Criminal Code, Title 17, sub-section 320, making it unlawful for a person to carry a concealed weapon in a public building or private place and recognizing a valid tribal, state or federal license to carry a concealed weapon.

I interpret this amendment as follows: It is unlawful for a person to carry a concealed weapon in a public building or private place unless a person has a valid tribal, state or federally issued concealed weapons/firearms permit.

I, as a member of the Navajo Tribe fully support this amendment for the following reasons:

- I support our United States Second Amendment Rights to do so.
- I support our Navajo Nation Bill of Rights to keep and bear arms.
- For the safety and wellbeing of myself and my family.

I would like to mention that a concealed firearms permit requires:

1. A person to undertake safety and training classes to obtain a permit.
2. Demonstrates competence with a firearm.
3. Is 21 years of age or older.
4. Not under indictment for and has not been convicted of a felony.
5. Not convicted or found guilty of domestic violence.
6. Is not mentally ill.
7. Not using/addicted to drugs or drug conviction(s).

The current requirements to obtain a firearm and a concealed firearms permit are on point in preventing unauthorized individuals from attaining a permit. Unfortunately the Navajo Nation does not contribute crime data to the NICS (National Instant Criminal Background Check System). This in turn is very disturbing for our Navajo people.

Currently any Navajo convicted of a crime(s) on the Navajo Nation (drug abuse/conviction(s), domestic violence, excessive DWI/DUI, tribal criminal conviction(s), etc.) that would otherwise prohibit him/her from legally

possessing and/or purchasing a firearm(s) are not reported to the NICS.

Now, although I am in full support of Edmund Yazzie's proposed legislation, this legislation is only the first of many much needed amendments to Title 17 of the Navajo Nation. Mirroring Arizona State gun laws and contributing Navajo Nation crime data to the NICS would be extremely beneficial to our people, but I know our Navajo Nation Sovereignty laws play a huge issue in making this a reality. But I'm sure with some work and mutual compromise among Navajo Nation officials, it can be done.

Now, we all know crime on the Navajo Nation today has reached epidemic proportions. Not a day goes by that a crime is committed, a police officer(s) is called, an arrest made, 8 hours of detainment, a court date set, and the individual is released to do it all over again. That is, if you're lucky enough that a police officer even shows up and apprehends the individual. It's a system that many criminals know they can work in their favor to continue to break the law with little to no consequences for the crimes they commit.

Many of these criminals have become so fearless of the law that they commit even more violent criminal acts, such as aggravated burglaries, aggravated car theft, assault and even murder. What are the rest of us law abiding Navajos to do to protect ourselves and our families from these violent individuals? It is a fact that our Navajo Nation Police are stretched far and thin across our Nation and it is impossible for them to protect us 24/7.

It's easy say that our Navajo Judicial System has failed us. But the truth is that our criminal codes were written a long time ago when they suited us well at the time. We have out grown these old criminal codes and they no longer serve and protect us in this day and age.

This proposed legislation by Edmund Yazzie #0341-18 is the first step of many in our criminal codes that need to be amended. I believe Edmund Yazzie, the Council as well as the rest of our Navajo Nation government know very well the current predicament our Nation is facing right now. Please take this step in allowing the people of the Navajo Nation to protect themselves and their families and support legislation #0341-18.

Thank you,

Shonie De La Rosa

P.O. Box 434 Kayenta, Arizona 86033

National Rifle Association – Member

Arizona State Rifle & Pistol Association – Member



November 2, 2018

Office of Legislative Services  
P.O. Box 3390  
Window Rock, AZ. 86515

Re: Legislation No. 0341-18

I am writing this letter in support of legislation 0341-18 titled:

An Act Relating to Law and Order and Naabik'iyati' Committees and Navajo Nation Council;  
amending title 17, Section 320 of the Navajo Nation Code.

With the increase of crime rates on the Navajo Nation and limited resources the Nation has for public safety this will be a huge win for our community members and visiting tourist who come to the Navajo Nation to explore the beauty of the land. I currently possess an Arizona concealed weapons permit, but because of the current law on the Navajo Nation I am not able to carry concealed or open carry. I find this to be burdensome and at the same time feel a sense of helplessness knowing that I will not be able to assist if something were to happen in my presence.

I am currently a resident of Kayenta, Arizona and have noticed the increase of burglaries, stolen vehicles, home invasions, homicides and illegal activity that occurs in the community of Kayenta. I'm sure the statistics are the same throughout the entire Nation, but I've done some research on this topic and came across the attached report done by Jacob Paulson, who is the President of ConcealedCarry.com.

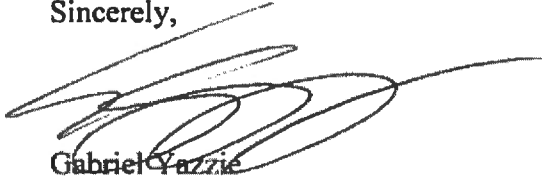
In his report he goes into depth regarding his research and how he was able to compile the necessary information to provide the readers with an in depth knowledge of how individuals who carry concealed can stop limit the amount of injured or killed citizens in active shooter scenarios. If you were to jump to page six of the attached document you will come across this paragraph, which sheds some light on how successful armed citizens are when they are put in a position of stopping active shooters:

"Of all the active shooter events there were 33 at which an armed citizen was present. Of those, Armed Citizens were successful at stopping the Active shooter 75.8% of the time (25 incidents) and were successful in reducing the loss of life in an addition 18.2% (6%) of incidents. In only 2 of the 33 incidents (6.1%) was the armed citizen(s) not helpful in any way in stopping the active shoot or reducing the loss of life".

I admit that there are not too many individuals who have a permit, but I certainly believe that gun training should be a top priority and acquiring a permit is a must.

In conclusion, I fully support this amendment and encourage the Law and Order Committee, Naabik'iyati' Committee and the full Navajo Nation Council support this legislation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gabriel Yazzie', with a long horizontal flourish extending to the right.

Gabriel Yazzie  
Kayenta Community Member

# Armed Citizens Are Successful 94% Of The Time At Active Shooter Events [FBI]

An in-depth analysis of active shooter data based on the FBI reports inclusive of the years 2000 through 2017.



By Jacob Paulsen – President | [ConcealedCarry.com](http://ConcealedCarry.com)

After seeing John Lott from the Crime Prevention Research Center publish a rebuttal to a recent FBI report on Active Shooter events I decided to dive deeper into the data and do some analysis of my own. WARNING, this is a long article/report with a lot of images but I am confident it is worth your time!

## **The Original FBI Data Source**

The FBI has published 3 reports that collectively detail active shooter events from 2000-2017. The first report covered events from 2000 to 2013, the second covered 2014-2015, and the third and most recent covered 2016-2017.

It is important to note that the FBI has no specific system in place for finding and cataloging active shooter events. They manual search for and include them in their reports the same way anyone else might Google it which of course means there is room for error particularly in missing events that should have been included.

The FBI definition of an Active Shooter event is: "One or more individuals actively engaged in killing or attempting to kill people in a populated area."

A few important distinctions about the FBI definition of Active Shooter include:

1. A firearm must be used by the attacker. This then means they have not included incidents like the armed citizen who saved a woman outside the GM building in Detroit from a stabber or the man who was stopped by a CCWer in a Smiths Grocery store in Salt Lake City when he was stabbing shoppers at random.
2. Domestic incidents are not included. The FBI feels that an Active Shooter event has to be one in which the attacker is endangering strangers not only their own family members.
3. Gang-related violence is excluded also.
4. For the FBI to define an incident as an Active Shooter incident both law enforcement personnel and citizens have to have the potential to affect the outcome of the event based upon their responses to the situation.

## **So Is The FBI Data Complete?**

Within the Active Shooter definition used by the FBI, it is broad enough that there are likely a large number of incidents that are being missed by the FBI. The Crime Prevention Research Center has taken the lead after each report has been published to identify events that should have been included that were missed. In some of those cases, the FBI has acknowledged their error but still never updated the list of events.

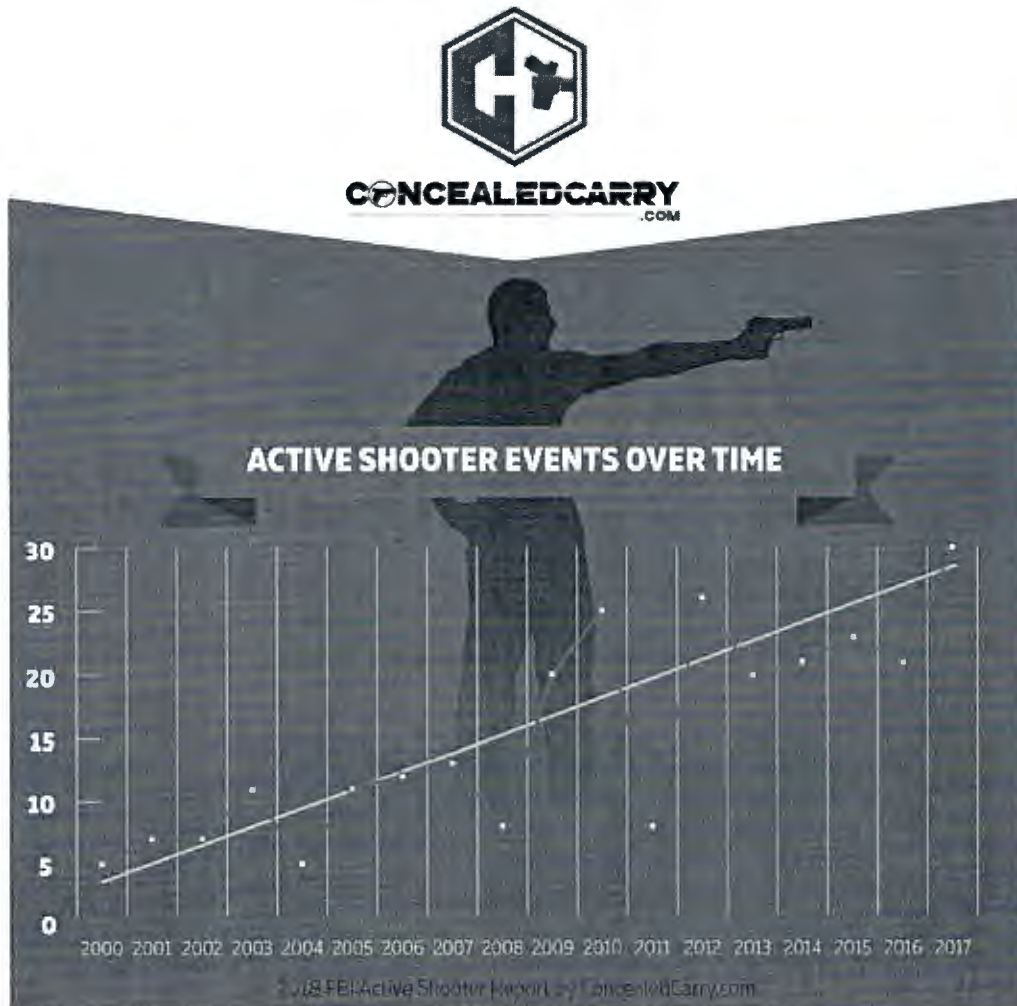
Lott found that there was a greater tendency to miss events from the first decade (2000 to 2010) than in more recent years. This is at least in part to the changes in technology and news reporting. In 2014 when the FBI did their first report it would have been difficult to search for and find Active Shooter events from the early 2000s. Lott suggests there may also have been

some intentional bias in not reporting on some earlier events in order to show a greater increase in incidents over time.

So, for our own report that follows, we have included all of the FBI data but have also added a number of incidents that the FBI missed which were identified by the CPRC. Of the 283 Active Shooter events in our data pool; 248 of them come from the FBI's original reports while an additional 35 identified by the CPRC have been added. I carefully reviewed each of those 35 incidents to make sure they meet all the FBI Active Shooter criteria.

## So What Does the Data Show?

This first chart simply shows the number of active shooter events over time. We believe the first 10 years or so reported are likely under-reported by the nature of how the data was compiled, but regardless one could arguably suggest that Active Shooter events are increasing.

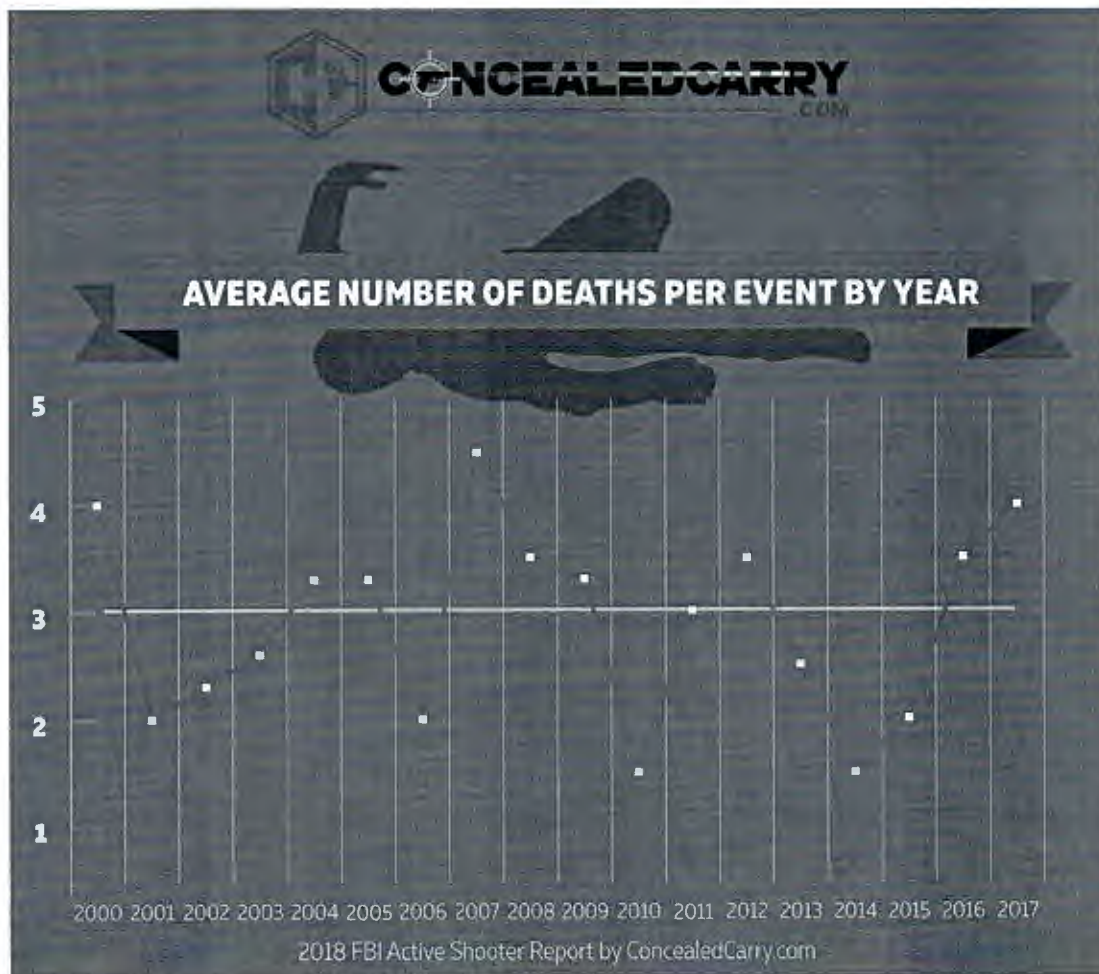


Part of the gun-control political debate is the argument that semi-automatic rifles and high capacity magazines somehow increase the potential death rate in Active Shooter Events. In order



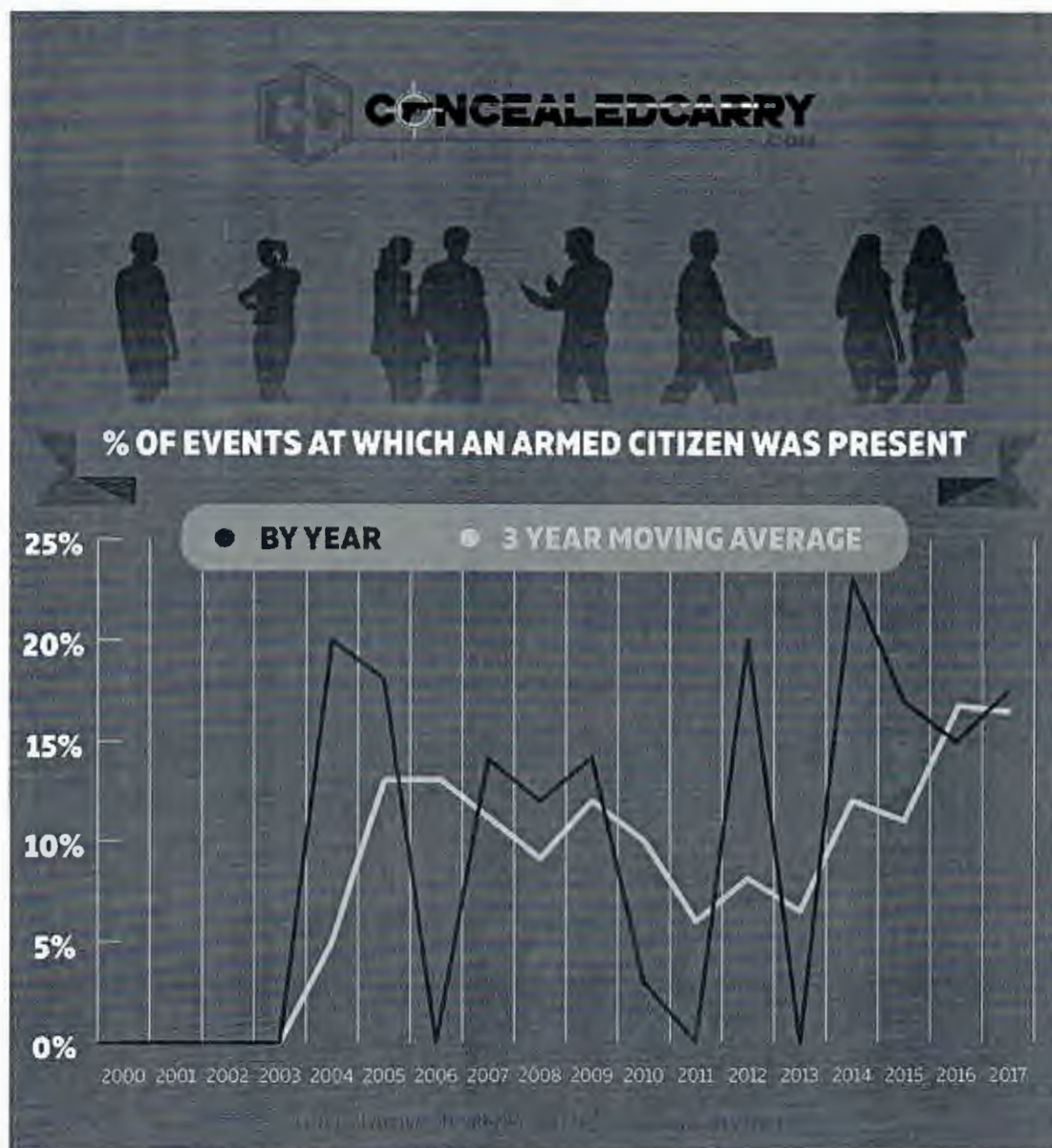
to really draw any conclusions, one would have to know, for each incident, if a semi-automatic rifle and/or high capacity magazine was used. That information isn't available in the FBI's report or publically available for our own research team to find.

So we encourage you to not draw any strong conclusion but as you can see from the below chart there doesn't appear to be any particular pattern or trend over this 18 year period despite the Assault Rifle ban of 1994 expiring in 2004 or the other various bans on AR-15s and high capacity magazines in a number of states.



We thought it would be interesting to see if the overall percentage of events at which an armed citizen was present was increasing given the rise in concealed carry permit holders and gun owners nationwide. The data set is low enough that it is hard to draw any strong conclusions when you are looking at 33 incidents out of 283 over an 18 year period.

The white line below shows the average by year which looks very up and down. The yellow line is a three-year moving average which does paint a bit of a picture that the likelihood of an Armed Citizen being present is increasing; especially in the last 3-4 years.



Looking at the 283 total Active Shooter events in our data pool, an Armed Citizen was Present and Available in 33 total incidents (11.7%). This is all inclusive regardless of who the armed citizen was or their direct potential for stopping the shooter.

In a few examples, the armed citizen was at their home near the event when they heard shots fired and rushed to the scene to intervene and thus despite not being present when the incident began those Active Shooter events are included in the 11.7% below.

In one other example, the victims of the attack were hunters that were effectively ambushed by their killer. We are assuming the hunters possessed firearms and thus that incident is included in the 11.7% below even though the armed citizen wasn't attempting to intervene to save others but was, in fact, the targeted victim.





**CONCEALED CARRY**  
COM

### ARMED CITIZEN PRESENT

*"Of the 283 Total  
Active Shooter Events  
in This 18 Year Period,  
Armed Citizens Were  
Present at 33 of Them."*

**11.7%**

**% OF EVENTS AT WHICH  
AN ARMED CITIZEN  
WAS PRESENT**



### ARMED CITIZEN NOT PRESENT

We decided to take a look at one specific metric that John Lott and the FBI didn't really consider. The success rate of armed citizens. John Lott's team did talk about the overall success rate of armed citizens against all Active Shooter incidents in the US but they failed to consider the most important variable. OPPORTUNITY.

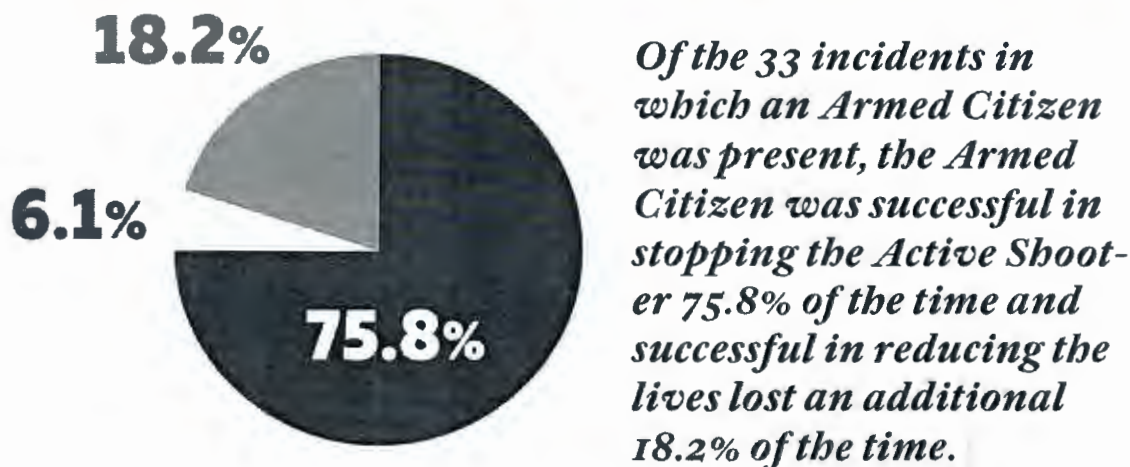
If we were to look at 100 active shooter events and an armed citizen was present at 1 of them and succeeded at stopping the active shooter then certainly we can say that armed citizens stop active shooters 1% of the time but in doing so we imply that armed citizens failed to stop 99% of active shooters.

This is an inaccurate implication since no armed citizen was available to stop the active shooter in the other 99 incidents. More helpful when considering the effectiveness of armed citizens in stopping active shooters would be to accurately state that armed citizens stopped 100% of active shooters at incidents at which an armed citizen was available to do so.

So the below graphic does just that. Of all the Active shooter events there were 33 at which an armed citizen was present. Of those, Armed Citizens were successful at stopping the Active shooter 75.8% of the time (25 incidents) and were successful in reducing the loss of life in an addition 18.2% (6) of incidents. In only 2 of the 33 incidents (6.1%) was the armed citizen(s) not helpful in any way in stopping the active shooter or reducing the loss of life.

Thus the headline of our report that Armed Citizens Are Successful 94% Of The Time At Active Shooter Events.

## THE SUCCESS OF ARMED CITIZENS IN STOPPING ACTIVE SHOOTERS AND/OR REDUCING THE LOSS OF LIFE



Saved  
lives



Stopped



2018 FBI Active Shooter Report by ConcealedCarry.com

In the 2 incidents at which the armed citizen "failed" to stop or slow the active shooter one is the previously mentioned incident with hunters and the other is an incident in which the CCWer was shot in the back in a Las Vegas Wal-Mart when he failed to identify that there were 2 Active Shooters involved in the attack and he neglected to identify the one that shot him in the back while he was trying to ambush the other perpetrator.

We also decided to look at the breakdown of events that took place in gun free zones and the relative death toll from events in gun free zones vs non-gun-free zones.

Of the 283 incidents in our data pool, we were unable to identify if the event took place in a gun-free zone in a large number (40.6%) of the events. Most of the events took place at a business, church, home, or other places at which as a rule of law it is not a gun free zone but potentially could have been declared one by the property owner. Without any information in the FBI study or any indication one way or the other from the news reports, we have indicated that event with a question mark.

If you look at all of the Active Shooter events (pie chart on the top) you see that for those for which we have the information, almost twice as many took place in gun free zones than not; but realistically the vast majority of those for which we have no information (indicated as ?) are probably NOT gun free zones.

If you isolate just the events at which 8 or more people were killed the data paints a different picture (pie chart on the bottom). In these incidents, 77.8% took place in a gun-free zone suggesting that gun free zones lead to a higher death rate vs active shooter events in general.





**CONCEALED CARRY**

© 2018



## % OF EVENTS THAT TOOK PLACE IN GUN FREE ZONES



61

guns  
allowed



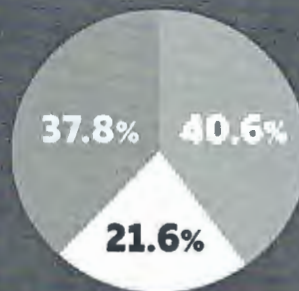
107

gun free  
zones



115

**ALL EVENTS  
TOTAL: 283**



3

guns  
allowed



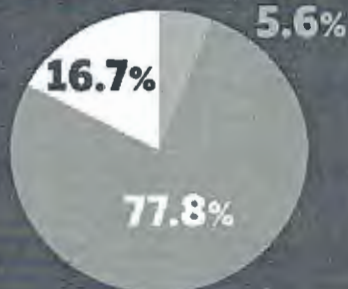
14

gun free  
zones



1

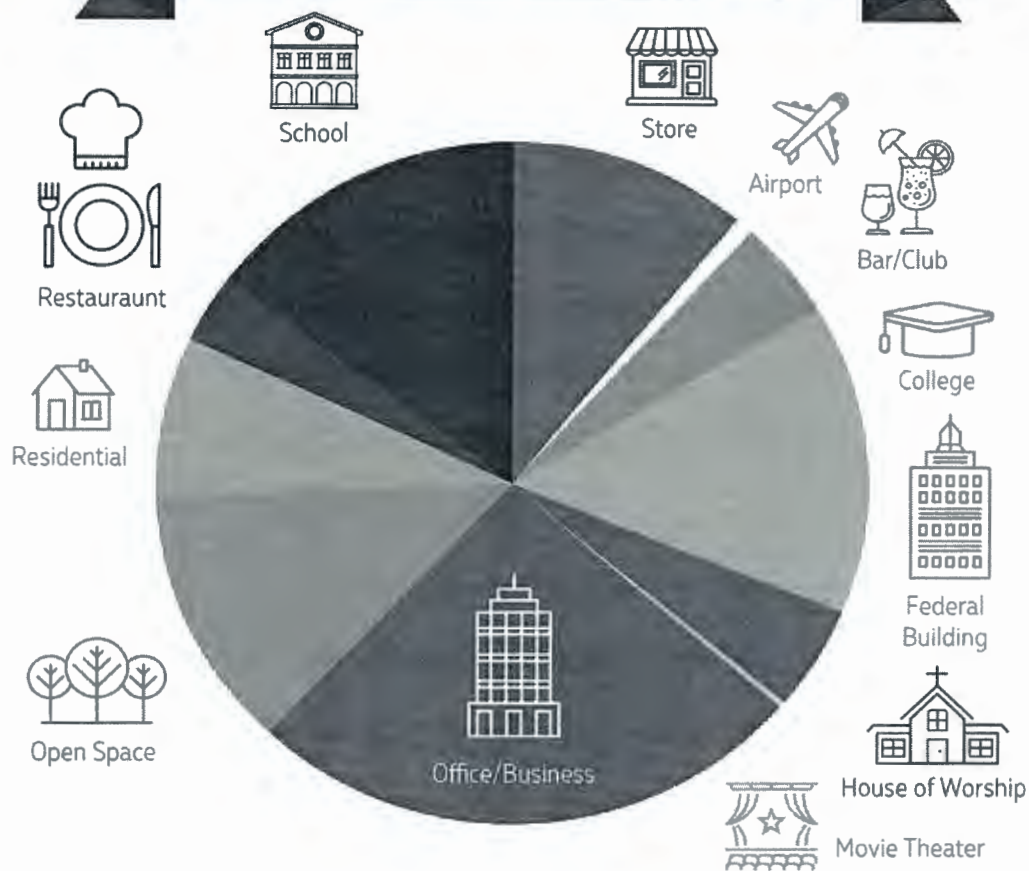
**EVENTS  
WITH 8+ DEATHS  
TOTAL: 18**



2018 FBI Active Shooter Report by ConcealedCarry.com

I was curious if there would be any significant trend in looking at where these events took place. We defined a total of 12 location categories and categorized each event based on where the incident BEGAN. In many Active Shooter events, there are multiple locations where the attacker acts but for the purpose of this report we looked only at where the incident first started.

**WHERE EVENTS TOOK PLACE**



<b>Movie Theater</b>	<b>0.4%</b>	<b>1</b>	<b>Store</b>	<b>11%</b>	<b>31</b>
<b>Office/Business</b>	<b>25.4%</b>	<b>72</b>	<b>Airport</b>	<b>1.1%</b>	<b>3</b>
<b>Open Space</b>	<b>12.4%</b>	<b>35</b>	<b>Bar/Club</b>	<b>4.6%</b>	<b>13</b>
<b>Residential</b>	<b>7.4%</b>	<b>21</b>	<b>College</b>	<b>5.3%</b>	<b>15</b>
<b>Restaurant</b>	<b>3.5%</b>	<b>10</b>	<b>Federal Building</b>	<b>9.5%</b>	<b>27</b>
<b>School</b>	<b>14.5%</b>	<b>41</b>	<b>House of Worship</b>	<b>4.9%</b>	<b>14</b>

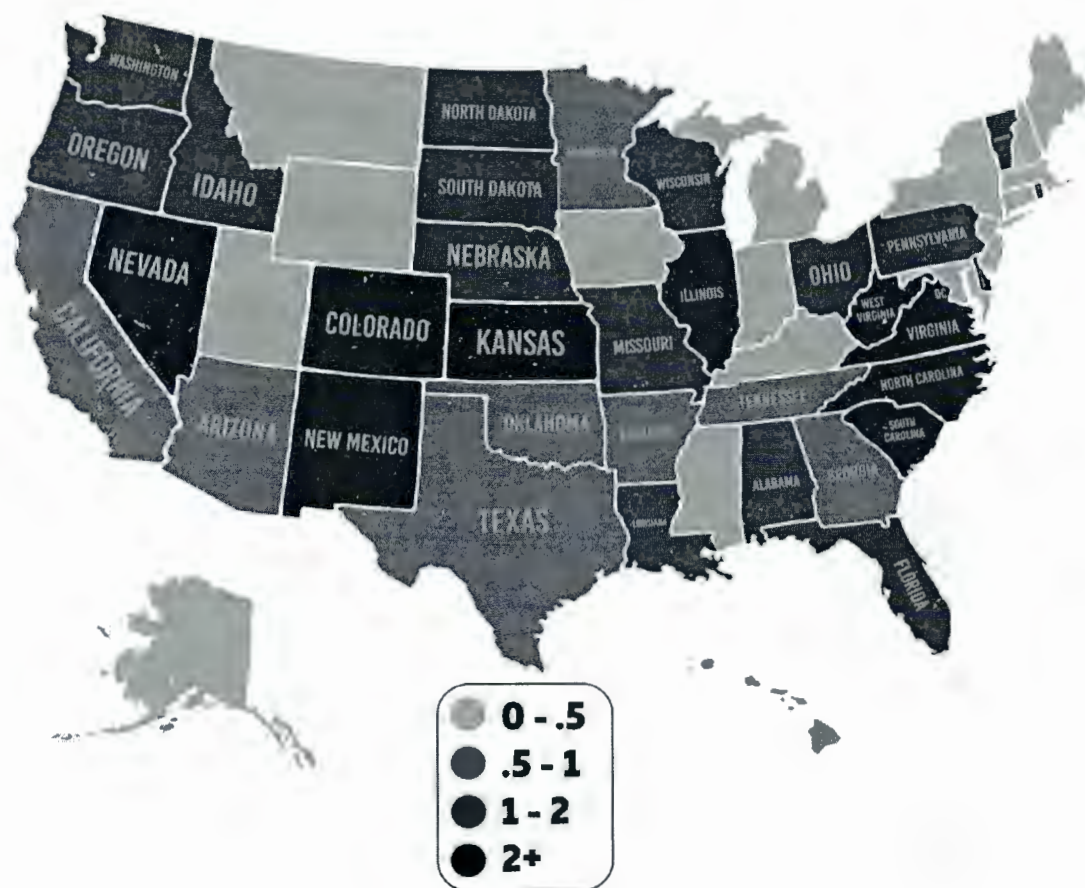
2018 FBI Active Shooter Report by ConcealedCarry.com

Since gun laws vary from state to state a common part of the political discussion is the effectiveness of state laws in stopping or slowing the instances of Active Shooter events. I don't think it particularly wise to draw conclusions from the below chart for a few reasons.

First, the data pool isn't big enough. 283 total events equate to about 5 1/2 per state on average... over an 18 year period. For example, North Dakota had 1 incident with a population of fewer than 1 million people. Its possible another 10 years could go by without any more incidents so calling it a high probability Active Shooter State is logically unsound.



## INCIDENTS BY STATE PER 1 MILLION PEOPLE



2018 FBI Active Shooter Report by ConcealedCarry.com



One of the final metrics we thought was important to consider is the potential tendency for armed citizens to injure or kill innocent people in their attempt to "save the day." A common point in political discussions is to point out the lack of training of most armed citizens and the decrease in safety inherent in their presence during violent encounters.

As you can see below, however, at the 33 incidents at which Armed Citizens were present, there were zero situations at which the Armed Citizen injured or killed an innocent person. It never happened.



This report was originally published at:

<https://www.concealedcarry.com/news/armed-citizens-are-successful-95-of-the-time-at-active-shooter-events-fbi/>

Sources:

- [FBI 2000-2013 Report](#)
- [FBI 2014-2015 Report](#)
- [FBI 2016-2017 Report](#)
- [Lott's Analysis of the FBI 2000-2013 Report](#)
- [Lott's Analysis of the FBI 2015-2017 Report](#)

Re: 0341-18

kris benally <cyb8@hotmail.com>

Sat 10/27/2018 7:02 AM

To: comments <comments@navajo-nsn.gov>;

Conceal weapons, also ban abusers from carry, withhold weapons from people with a history of violence, with a protection order. These cases have no business in family nor peacemaker courts as they shame, blame, silence, coerce, revictimize, retraumatize. Peacemaker need be abolished.

comments@navajo-nsn.gov

Sent via the Samsung Galaxy S8, an AT&T 4G LTE smartphone

----- Original message -----

From: kris benally <cyb8@hotmail.com>

Date: 10/27/18 6:54 AM (GMT-07:00)

To: comments@navajo-nsn.gov

Subject: 0341-18

Conceal weapons, also ban abusers from carry, withhold weapons from people with a history of violence, with a protection order. These cases have no business in family nor peacemaker courts. Peacemaker has to be need abolished as they shame, blame, coerce, silence.

comments@navajo-nsn.gov

Sent via the Samsung Galaxy S8, an AT&T 4G LTE smartphone



# THE KAYENTA TOWNSHIP

P.O. Box 1490 KAYENTA, AZ 86033 - PHONE: (928) 697-8451 FAX: (928) 697-8461

*Continuing the legacy of brilliant leadership through local empowerment since 1924.*



## Resolution No: KTCN-51-18

### RESOLUTION OF THE KAYENTA TOWNSHIP COMMISSION

Supporting Navajo Nation Council Legislation No. 0341-18 Amending Navajo Nation Criminal Code, Title 17, § 320, Making it Unlawful for a Person to Carry a Concealed Weapon in a Public Building or Private Place of Business and Recognizing a Valid Tribal, State or Federal License to Carry a Concealed Weapon.

#### WHEREAS:

1. The Kayenta Township Commission ("Commission") is a home-rule municipality of the Navajo Nation with the general authority and responsibility to govern for the welfare of the Kayenta Township ("Township") and its residents, including the enactment of such ordinances, rules and regulations as it deems in the best interest of the Township, *see* 2 N.N.C. §§ 4081-4086 (2005); and
2. As a home-rule municipality, the Township is concerned with protecting the health and safety of its school children, residents, businesses, and visitors; and
3. There is currently before the Navajo Nation Council Legislation No. 0341-18 that, if approved, will amend Title 17, § 320 of the Navajo Nation Criminal Code making it unlawful for a person to carry a concealed weapon in a public building or private place of business and recognizing a valid tribal, state or federal license to carry a concealed weapon; and
4. The Kayenta Town Manager recommends that the Commission support such Legislation as drafted; and
5. This Commission has heard the report and recommendation of the Town Manager and has determined that it should support Navajo Nation Council Legislation No. 0341-18.

#### NOW THEREFORE BE IT RESOLVED THAT:

1. The Kayenta Township Commission hereby supports Navajo Nation Council Legislation No. 0341-18 to amend Title 17, § 320 of the Navajo Nation Criminal Code, making it unlawful for a person to carry a concealed weapon in a public building or private place of business and recognizing a valid tribal, state or federal license to carry a concealed weapon.

#### CERTIFICATION

I hereby certify that the foregoing resolution was considered by the Kayenta Township Commission at a duly called meeting at Kayenta, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 4 in favor, 0 opposed, and 1 abstained, this 14<sup>th</sup> day of November, 2018.

Motion: Commissioner J. Williams

Second: Commissioner G. Sisco

Rodger Grey, Chairperson  
Kayenta Township Commission

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

**FOURTH YEAR 2018**

**COMMITTEE REPORT**

Mr. Speaker,

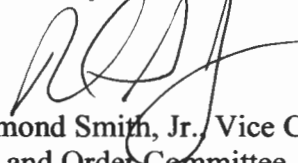
The **LAW AND ORDER COMMITTEE** to whom has been assigned:

**Legislation No. 0341-18:** An Act Relating to Law and Order and Naabik'iyati' Committees, and Navajo Nation Council; Amending Title 17, Section 320 of the Navajo Nation Code – *Sponsor: Honorable Edmund Yazzie*

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,



Raymond Smith, Jr., Vice Chairperson  
Law and Order Committee  
23<sup>rd</sup> Navajo Nation Council

Date: November 13, 2018

Main Motion: Honorable Edmund Yazzie  
Second : Honorable Otto Tso  
Vote : 2-0-1 (Vice Chairperson not voting)

**LAW AND ORDER COMMITTEE**

**Special Meeting  
November 13, 2018**

**VOTE TALLY SHEET:**

**Legislation No. 0341-18:** An Act Relating to Law and Order and Naabik'iyati' Committees, and Navajo Nation Council; Amending Title 17, Section 320 of the Navajo Nation Code – *Sponsor: Honorable Edmund Yazzie*

**Main Motion:** Edmund Yazzie

**Second:** Otto Tso

**Vote:** 2-0-1

**VOTE TALLY:**

YEAS: Edmund Yazzie/Otto Tso

NAYS:

NOT VOTING: Raymond Smith, Jr.

EXCUSE: Kee A. Begay, Jr./Herman M. Daniels



Raymond Smith, Jr., Vice Chairperson  
Law and Order Committee



Laureen Spencer, Legislative Advisor  
Law and Order Committee

**NAVAJO NATION**

RCS# 27

11/13/2018

Special Session

10:55:28 AM

Amd# to Amd#

Legislation No. 0341-18

PASSED

MOT Yazzie

SEC Tso

**Yea : 2**

**Nay : 0**

**Excused : 2**

**Not Voting : 1**

**Yea : 2**

Tso

Yazzie

**Nay : 0**

**Excused : 2**

Begay, K

Daniels

**Not Voting : 1**

Smith