LEGISLATIVE SUMMARY SHEET

Tracking No. 0104-23

DATE: April 4, 2023

TITLE OF RESOLUTION: AN ACT RELATING TO THE LAW AND ORDER AND NAA'BIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; AMENDING THE SEX OFFENDERS REGISTRATION AND NOTIFICATION ACT IN TITLE 17 OF THE NAVAJO NATION CODE

PURPOSE: The purpose of this legislation is to amend the Sex Offenders Registration and Notification Act ("SORNA") to allow Navajo Police Department civilian employees to handle sex offender registration and other related matters.

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
Website Posting Time/Date 4:06 PM/05-12-23
Posting End Date: 05-17-23
Eligible for Action: 05-18-23

Law & Order Committee
Thence
Naabik'íyáti' Committee
Thence
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

25TH NAVAJO NATION COUNCIL - First Year, 2023

INTRODUCED BY

(Prime Sponsor)

TRACKING NO. 0104-23

AN ACT

RELATING TO THE LAW AND ORDER AND NAA'BIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; AMENDING THE SEX OFFENDERS REGISTRATION AND NOTIFICATION ACT IN TITLE 17 OF THE NAVAJO NATION CODE

BE IT ENACTED:

SECTION ONE. AUTHORITY

A. The Law and Order Committee was established as a standing committee of the Navajo Nation Council with the delegated responsibilities to "[t]o protect the rights and interests of the Navajo People by improving the quality and effectiveness of the justice system within the Navajo Nation" and to review and make recommendations to the Navajo Nation Council on proposed Navajo Nation Code amendments and enactments. 2 N.N.C. §§ 600(A), 600(C)(2) and 601(B)(14).

B. The Naa'bik´íyáti´ Committee was established as a standing committee of the Navajo Nation Council with the delegated responsibility to hear and act on proposed legislation that requires final action by the Navajo Nation Council shall be assigned to the Naa'bik´íyáti´ Committee. 2 N.N.C. §§ 164(A)(9) and 700(A) (2).

C. The Navajo Nation Council is the governing body of the Navajo Nation and must review and approve enactments or amendments of positive law, i.e., changes to the Navajo Nation Code. 2 N.N.C. § 102(A) and § 164(A).

SECTION TWO: FINDINGS

A. These amendments, to the Navajo Nation's criminal statutes were developed during the 24th Navajo Nation Council through Work Groups led by the Law and Order Committee and the Chief Prosecutor. The amendments developed by former President Russell Begay's Executive Branch Work Group were incorporated, fully or in part, into the Title 17 code amendments.

B. The Title 17 amendments went before the 24th Navajo Nation Council, however, the Council ran out of time to vote on the amendments.

C. The Title 17 code amendments included changes to Navajo Nation's Sex Offender Registration and Notification Act ("SORNA"). These changes are to assist the Navajo Nation Police Department in timely registering those offenders who have been charged with a sexual offense requiring registration as a sex offender.

D. Timely registration is vital to keeping individuals, communities, employees, and employers within the Navajo Nation informed of sex offenders in their area and work place.

E. Currently, SORNA requires Navajo Police Officer ("Officer") to register sex offenders. However, due to the need for Officers to be active in the field and to quickly respond to emergency situations when on duty, the Navajo Police Stations do not always have Officer's on-site to conduct registration.

F. The Navajo Police Stations have civilian employees staffing the office to provide administrative support. The civilian staff are available and able to register sex offenders when Officers are out in the field.

G. The Navajo Nation Department of Justice reviewed the proposed amendments during the 24th Navajo Nation Council and deemed them to be legally sufficient.

H. The 25th Navajo Nation Council determines that the amendments to Title 17 of the Navajo Nation Code Sex Offender Registration and Notification Act are necessary and

vital to ensure adequate deterrence and punishment for sexual offenses that threaten the Navajo Populace, including Navajo families and Navajo communities.

SECTION THREE AMENDEMENT

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

Navajo Nation Code

Title 17. Law and Order

Chapter 5. Procedures

Subchapter 10. Sex Offender Registration and Notification Act

§ 2100. Title

This Act shall be known as the Navajo Nation Sex Offender Registration and Notification Act ~~of 2012~~ ("the Act").

*****

§ 2102. Definitions

The Definitions below apply to this Act only.

A. "Act" ~~means~~ tThe Navajo Nation Sex ~~o~~Offender Registration and Notification Act ~~of 2012~~.

B. "Alford plea," means a A plea whereby a defendant does not admit the act but admits that the prosecution could likely prove the charge, and a ~~C~~court will pronounce the defendant guilty upon such a plea.

C. "Business days." ~~r~~Refers to working days excluding Saturdays, Sundays and holidays.

D. "Convicted," for purposes of this Act, means:

1. An adult who has been found guilty, or has pled guilty, or has entered a plea of no contest or has entered an Alford plea to a sex offense as defined by this Act and Title I; or

2. A juvenile offender who:
   a. Is prosecuted as an adult and found guilty, or has pled guilty, or has entered a plea of no contest or who has entered an Alford plea to a sex offense; or
   b. Was fourteen 14 years or older at the time of the offense and who has been adjudicated of a sex offense comparable to or more severe than sexual assault at 17 N.N.C. § 443 or an attempt or conspiracy to commit such an offense.

E. "Dru Sjodin National Sex Offender Public Website." ~~means a~~ A public website that is maintained by the Attorney General of the U.S. Department of Justice that includes information about convicted sex offenders.

F. "Failure to register." ~~means w~~When a sex offender is required to initially register with the Navajo Police Department and ~~he or she~~ does not register within the required of time period.

G. "Goes to school." ~~means a~~An an individual is enrolled in and attends a private or public secondary school, a vocational or professional school or an institution of higher education.

H. "Incarceration." ~~refers t~~To being lawfully detained, pursuant to a conviction, in a tribal or local detention facility, a federal, state, military, foreign, private or contract facility or those under "house arrest" for a sex offense for which registration is required.

I. "Initial registration." ~~means w~~When a sex offender registers for the first time with the Navajo Police Department within the required time lines.

J. "Jurisdiction ~~means a~~An Indian tribe, a state, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands and the United States Virgin Islands.

K. "Maintains registration." ~~means a~~A a convicted sex offender coming in person to register according to the timeline of the tier level of ~~his or her~~ their sex offense; for example, a convicted tier 1 sex offender registering in person every year. ~~if the person is convicted of a Tier 1 sex offense.~~

L. "Minor." ~~means a~~An individual who has not attained the age of eighteen (18) years.

M. "Navajo Indian Country." means tThe territory of the Navajo Nation as defined by 7 N.N.C. § 254.

N. "Navajo Nation Sex Offender Registry for the Public ("NNSORP"). means aA website that contains information for the public about convicted sex offenders who reside, work, or go to school within Navajo Indian Country. The NNSORP is available to the public.

O. "Navajo Police Department Registry of Sex Offenders ("NPDR"). means aA website registry of convicted sex offenders who reside, work, or go to school within Navajo Indian Country and which is maintained by the Navajo Police Department. The NPDR is restricted solely by use of the Navajo Police Department and to other law enforcement agencies as required by law. The NPDR is not available to the public.

P. "Registers." means tThe initial registration of a convicted sex offender who is convicted by a Navajo dDistrict cCourt or who comes into Navajo Indian Country to reside, work or go to school.

Q. "Resides." means living in a The place which one is living and considers "home" or where one habitually lives or sleeps.

R. "Retroactivity or retroactive." means sSex offender registration requirements apply to individuals who were convicted of sex offenses prior to 2006 provided they meet the criteria set out in Section 2117.

S. "Sex Offender." means aA person convicted of any sex offense that requires registration as a convicted sex offender under this Act or under Title I as defined herein.

T. "Sex offense for which one is required to register." means aA sex offense which, if convicted of, requires the sex offender to register under this Act or under Title I as defined herein.

U. "Title I." Title I of the Adam Walsh Child Protection and Safety Act of 2006, Public Law 109- 248, 42 U.S.C. § 16901 et seq., is a federal statute that requires the registration of all sex offenders who are convicted of a sex offense(s) for which Title I requires registration and requires notification of the presence of sex offenders in the a community.

V. "Tier classification." Title I classifies sex offenses into three (3) tiers: Tier 1, Tier 2, Tier 3. The tier classifications are based on the nature of the sex offense, the length of incarceration, and whether an individual has been previously convicted of a sex offense that requires registration.

W. "Updates registration." ~~means~~ ~~a~~A convicted sex offender ~~comes in person within~~ has three (3) business days to inform the Navajo Police Department in person that a change has occurred in one or more of ~~his or her~~ their required registration information.

X. "Works." ~~means~~ ~~a~~An individual who is employed full-time, part-time, seasonally or temporarily for compensation by an employer; is self-employed; or is a volunteer, intern, extern or in some like capacity for which no compensation is paid.

§ 2103. Sex offenses that require registration under ~~this Act~~ Title 17 and under Title I of the Adam Walsh Child Protection and Safety Act of 2006

A. An individual is required to register as a convicted sex offender only if ~~he or she~~ they are ~~is~~ convicted of a sex offense(s) enumerated under ~~this Act~~ Title 17 or under Title I of the Adam Walsh Child Protection and Safety Act of 2006.

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C. Every convicted sex offender who is required to register with the Navajo Police Department must comply with the registration requirements and will be subject to the notification provisions of this Act and of Title I if ~~he or she~~ they resides, works or goes to school within Navajo Indian Country.

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§ 2106. Initial registration, maintaining and updating registration

A. Initial registration refers to the first time a convicted sex offender comes in person to register with the Navajo Police Department whether from conviction by a Navajo ~~D~~district ~~C~~court or by another jurisdiction.

B. Maintaining registration refers to a convicted sex offender coming in person to the Navajo Police Department in accordance with the time line required for the tier classification ~~of his or her~~ based on the charged sex offense.

C. ~~Updating registration refers to a~~ A convicted sex offender must update registration ~~coming~~ in person ~~to inform~~ with the Navajo Police Department within three (3) business days of any change in ~~his or her~~ their required registration information. The convicted sex offender shall immediately notify the Navajo Police Department ~~if he or she will~~ of any travel outside of Navajo Indian Country for more than seven (7) calendar days including international travel. If any international travel will be done by the sex offender, ~~he or she~~ that person shall provide notice of destination to the Navajo Police Department at least twenty-one (21) days prior to travel.

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§ 2108. Information required for registration

A. A convicted sex offender who is required to register shall provide to the Navajo Police Department the following information for ~~his or her~~ the sex offender's initial registration:

1. Full primary name and any nicknames, aliases and pseudonyms regardless of the context in which they may be used.
2. Actual date of birth and any other date of birth used by the ~~convicted~~ sex offender.
3. A general description of the convicted sex offender's physical appearance including any identifying marks such as but not limited to scars, moles, birthmarks, or tattoos.
4. Navajo Nation census number, Certificate of Indian Blood and Navajo Identification Card of which the Navajo Police Department will make a photocopy.
5. Valid social security number and any other social security number the sex offender used in the past whether valid or otherwise.
6. Landline telephone number(s), cellular telephone number(s), and any and all Voice over IP telephone number(s).
7. Valid driver's license or other identification cards such as passports or immigration documents of which the Navajo Police Department will make a photocopy.

8. License plate number(s), registration number(s) and description of any vehicle(s) including aircraft and watercraft owned and operated or occasionally driven by the ~~convicted~~ sex offender and any permanent or frequent location where any vehicle, aircraft or watercraft is kept.
9. Residence address at each place a sex offender resides or will reside, and if a street address is not available, a description of the location of the residence(s).
10. Name and address or physical location of temporary lodging if the sex offender does not reside in a permanent residence.
11. Name of employer, if any; place of employment including if self-employed; place where ~~he or she~~ the sex offender volunteers, is an intern or extern or works in any other capacity; and the telephone number(s) and address(es) of the employer(s).
12. Name and address of the school where the sex offender is or will be a student.
13. Internet names including all email addresses, instant message addresses and identifiers, and any and all designations used by the sex offender for the purpose of routing or self- identification in internet communications or postings including but not limited to social network identifications, Twitter accounts, video posting site identifications such as YouTube.
14. Professional licenses that authorize the sex offender to engage in an occupation or a profession or to carry out a trade or business.
~~15. If any international travel will be done by the sex offender, he or she they shall provide notice of destination to the Navajo Police Department at least twenty-one (21) days prior to travel.~~

B. The Navajo Police Department shall obtain and process the following information for all convicted sex offenders who are required to register as follows:
1. Photographs of the sex offenders.
2. Fingerprints that shall be submitted to the Integrated Automated Fingerprint Identification System (IAFIS)
3. Palm prints that shall be submitted to the FBI Next Generation Identification Program.

4. DNA sample from either the Combined DNA Index System (CODIS) or, if from the sex offender, a DNA sample that shall be submitted to the appropriate state DNA laboratory or to the FBI Laboratory for submission of such DNA sample into CODIS.
5. The statutory language that describes the criminal offense(s) for which the sex offender was convicted and is required to register.
6. Criminal history of the sex offender that includes dates of all arrests; dates of all convictions; ~~his or her~~ status of parole, probation or supervised release; ~~his or her~~ sex offender registration status; and any outstanding arrest warrants.

§ 2109. Initial registration of a convicted sex offender and notice to register

A. Every sex offender convicted of a sex offense by the Navajo ~~D~~district ~~C~~court shall initially register with the Navajo Police Department within the following time lines:
   1. Within three (3) business days prior to ~~his or her to~~ the offender's release from a Navajo corrections facility and shall be so informed by Navajo corrections officers; or
   2. Within three (3) business days of having been sentenced by a Navajo ~~D~~district ~~C~~court and which sentence includes or does not include incarceration and shall be so informed as follows.
      a. ~~i.~~ When an individual is charged with a sex offense that, if convicted of, would require sex offender registration, the individual will be so informed at arraignment by a Navajo district court judge.
      b. ~~ii.~~ When an individual has been convicted of a sex offense that would require sex offender registration, the Navajo district court judge shall so inform the individual at the time of conviction and the sex offender registration requirement shall be included in the judgment and sentence.

B. Every sex offender convicted of a sex offense that requires registration by another jurisdiction and who has come into Navajo Indian Country to reside, work or go to school shall initially register with the Navajo Police Department within three (3) business days of coming into Navajo Indian Country.

C. Every convicted sex offender shall appear in person to register ~~in~~ with the Navajo police district wherein ~~he or she~~ the sex offender resides, works or goes to school. ~~When a~~ A sex offender ~~comes to~~ can register ~~and the~~ with a Navajo police officer ~~who would conduct the registration is not available to do so~~, ~~other~~ or designated civilian Navajo Police Department ~~personnel~~ employee. ~~will obtain the sex offender's name, physical address, mailing address, and telephone number on a sign in sheet~~. Registration by one police district will automatically make the sex offender's information available to all Navajo police districts

D. Every convicted sex offender shall bring ~~with him or her~~ all the documentation required for ~~his or her~~ initial registration as enumerated in 17 N.N.C. § 2108(A).

E. The Navajo Police Department shall obtain information on the sex offender that is enumerated at 17 N.N.C. § 2108(B).

F. The Navajo police officer, or designated civilian employee, conducting the registration:

1. Shall verify that the documentation delivered by the ~~convicted~~ sex offender is documentation about that individual.
2. Shall explain the Sex Offender Registration and Notification Act ~~of 2012~~ Acknowledgment Form to the sex offender and shall obtain ~~his or her~~ the sex offender's signature which verifies that the sex offender understands the purpose, procedures and requirements of registration. The ~~Navajo police officer will provide the~~ explanation and information will be provided in Navajo as necessary.
3. ~~Will~~ Shall record all necessary information, take photographs, fingerprints, palm prints, DNA samples and any other records as required by Title I of the Adam Walsh Child Protection and Safety Act of 2006 and 17 N.N.C. § 2108.
4. ~~Will~~ Shall explain the frequency and duration of registration to the sex offender and that ~~he or she~~ appearance must ~~appear~~ be in person at each registration.
5. ~~Will~~ Shall provide verbal and written notice to the sex offender that the Navajo Police Department will conduct periodic verification of ~~his or her~~ the sex offender's residence or temporary lodging.

6. Shall immediately transmit registration information through the SORNA Exchange Portal to law enforcement agencies of other jurisdictions where a sex offender may be required to register and to the National Clearing Information Center ("NCIC")/ National Sex Offender Registry ("NSOR").

G. The Navajo Police Department:

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5. Shall designate personnel ~~for full-time duty two (2) Navajo police officers in each police district~~ to implement the sex offender registration program, shall train ~~the police officers~~ the designated personal in sex offender registration and shall designate dedicated office space, equipment, and police vehicles for the use by the sex offender registration program. ~~The full-time duty will be at least three consecutive days of the work week.~~

§ 2110. Requirements to maintain an updated registration

A. A convicted sex offender must maintain ~~his or her~~ registration in accordance with the tier level of the sex offense for which ~~he or she~~ the sex offender has been convicted as follows:

1. Tier 1- every year for 15 years; ~~and~~
2. Tier 2 - every 6 months for 25 years; and
3. Tier 3 - every 3 months for life.~~; and~~

B. The Navajo Police Department shall take a photograph of the convicted sex offender annually from the date of initial registration unless a change in the sex offender's physical appearance requires an updated photograph. A convicted sex offender must appear in person to maintain registration at the Navajo police district office where ~~he or she~~ they are ~~is~~ registered.

C. A convicted sex offender must update ~~his or her~~ registration within ~~the~~ three (3) business days whenever any required registration information under 17 N.N.C. § 2108 changes including significant changes in physical appearance. The convicted sex offender must appear in person to update registration at the Navajo police district office where ~~he or she~~ the sex offender is registered.

§ 2111. Reduction of Period to Register

A. A sex offender who was convicted of a Tier I sex offense may have ~~his or her~~ their registration period reduced from fifteen (15) years to ten (10) years if ~~he or she has complied with~~ registration requirements have been complied with and ~~has~~ a clean record has been maintained ~~a clean record~~ for ten (10) consecutive years beginning from date of release from incarceration or from the date of sentencing if no imposed incarceration.

B. A sex offender who was a juvenile adjudicated of a Tier 3 sex offense by another ~~adjudication~~ jurisdiction may have ~~his or her~~ their registration period reduced from life to twenty-five (25) years if ~~he or she~~ they have ~~has~~ complied with registration requirements and ~~has~~ have maintained a clean record for twenty-five (25) consecutive years beginning from date of release from incarceration.

C. For purposes of this Section, a sex offender has a clean record if ~~he or she has~~ they have:

1. Not been convicted of any offense for which incarceration for more than 1 year may be imposed,
2. Not been convicted of any sex offense,
3. Successfully completed, and with no revocation, any period of supervised release, probation, or parole, and
4. Successfully completed a certified sex offender treatment program.

§ 2112. Penalty for failure to register or for absconding

.....

B. Sentence. Any convicted Indian sex offender found guilty of failure to register or of absconding shall be sentenced to incarceration for a term not to exceed 365 days, shall register with the Navajo Police Department within three (3) business days prior to release from incarceration, and thereafter shall maintain registration in accordance with the tier level of the sex offense for which ~~he or she~~ the sex offender was convicted.

C. A non-Indian convicted sex offender who fails to register or who absconds will be arrested and placed into federal custody for consideration for federal prosecution.

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§ 2114. The Navajo Nation Sex Offender Registry for the Public (NNSORP)

The Navajo Police Department shall operate and maintain a public website that shall provide information about convicted sex offenders who reside, work or go to school within Navajo Indian Country.

A. The information shall be maintained in a digitized format and by an electronic database in a form capable of electronic transmission that will automatically update changes in registration information.

B. NNSORP shall be capable of field search capabilities necessary for full participation in the Dru Sjodin National Sex Offender Public Website including the capability to conduct searches by name, country, city and/or town, and zip code and/or geographic radius and that will enable the public to request e-mail notices relating to sex offender information.

C. NNSORP shall include instructions on how a registered sex offender may seek correction of information that ~~he or she~~ they contends ~~the information~~ is erroneous.

D. The information contained in NNSORP shall not be used to injure, harass, or commit a crime against any convicted sex offender named in NNSORP. Any such Action may result in civil or criminal penalties.

E. NNSORP shall contain at least the following information on every convicted sex offender:

1. Name including all aliases;
2. A current photograph;
3. A physical description;
4. License plate number and description of ~~his or her~~ the sex offender's vehicle.
5. Residential address, physical address, or physical location of temporary lodging;
6. Address of the place where ~~he or she~~ the sex offender works;

7. Address of the place where ~~he or she~~ the sex offender goes to school;
8. Sex offense(s) for which ~~he or she~~ the sex offender is currently required to register.
9. All sex offenses for which ~~he or she~~ the sex offender has been convicted; and
10. Information that ~~he or she~~ the sex offender did not initially register or has not maintained or updated ~~his or her~~ their registration.

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§ 2116. Community Notification

Whenever a sex offender registers or maintains or updates ~~his or her~~ information, the Navajo Police Department shall:

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§ 2117. Retroactivity

A. A sex offender who was convicted of a sex offense by any jurisdiction prior to July 2006 shall be required to register if ~~he or she~~ they resides, works, or goes to school within Navajo Indian Country, and is either:

....

B. A sex offender who meets the criteria set out in Subsection A may be credited time toward ~~his or her~~ their required registration period based on the date of ~~his or her~~ sentence imposed without incarceration or the date of ~~his or her~~ release from incarceration for the prior to July 2006 sex offense conviction.

SECTION FOUR. CODIFICATION

The provisions of this Act that amend or adopt new sections of the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such amended provisions into the next codification or supplement of the Navajo Nation Code.

SECTION FIVE. SAVINGS CLAUSE

Should any provision of this 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, the remainder of the Act shall remain the law of the Navajo Nation.

SECTION SIX. EFFECTIVE DATE

This Act shall become effective in accordance with 2 N.N.C. § 221(B).

Office of Legislative Counsel
Telephone: (928) 871-7166
Fax # (928) 871-7576

Honorable Crystalyne Curley
Speaker
25th Navajo Nation Council

MEMORANDUM

To : Hon. Charles-Newton
25th Navajo Nation Council

From : Loya Henderson, Attorney
Office of Legislative Counsel

Date : April 4, 2023

Re : **AN ACT RELATING TO THE LAW AND ORDER AND NAA'BIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; AMENDING THE SEX OFFENDERS REGISTRATION AND NOTIFICATION ACT IN TITLE 17 OF THE NAVAJO NATION CODE**

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 No. 23-070-1

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION

LEGISLATION NO: _0104-23__ **SPONSOR:** Eugenia Charles-Newton

TITLE: The Act Relating to the Law and Order and Naabik'íyáti' Committees, and the Navajo Nation Council; Amending the Sex Offenders Registration and Notification Act in Title 17 of the Navajo Nation Code

***Date posted*:** May 12, 2023 4:06 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.: 0104-23

SPONSOR: Honorable Eugenia Charles-Newton

TITLE: The Act Relating to the Law and Order and Naabik'íyáti' Committees, and the Navajo Nation Council; Amending the Sex Offenders Registration and Notification Act in Title 17 of the Navajo Nation Code

Posted: May 12, 2023 at 4:06 PM

5 DAY Comment Period Ended: May 17, 2023

Digital Comments received:

Comments Supporting	**1)Leonard Redhorse III**
Comments Opposing	*None*
Comments/Recommendations	*None*

Legislative Secretary II
Office of Legislative Services

May 18, 2023; 9:10 AM
Date/Time

Letter of support for SORNA amendment 0104-23

Leonard Redhorse III
Tue 5/16, 1:35 PM
comments; Chrissy A. Largo

Inbox

Support Letter Leg. No. ...
302 KB

1 attachments (302 KB) Download

Good afternoon.

On behalf of Daryl Noon, Chief of Police, attached is his support letter for Legislation No. 0104-23 by Chairwoman Eugenia Charles-Newton.

Sincerely,

Leonard Redhorse III, Police Commander
Navajo Police Department
Work Cell: 928-637-5387
lredhorse@navajo-nsn.gov

DR. BUU NYGREN PRESIDENT
RICHELLE MONTOYA VICE PRESIDENT

The Navajo Nation | Yideeskąądi Nitsáhákees

May 16, 2023

Honorable Crystalyne Curley
Speaker of the 25th Navajo Nation Council
Post Office Box 3390
Window Rock, Arizona 86515

Honorable Eugenia Charles-Newton
Chairwoman, Committee of Law and Order
The 25th Navajo Nation Council
Post Office Box 3390
Window Rock, Arizona 86515

Dear Madam Speaker and Madam Chairwoman:

The Navajo Police Department strongly supports "An Act Relating to the Law and Order and Naa'bik'iyati' Committees, and the Navajo Nation Council; Amending the Sex Offenders Registration and Notification Act in Title 17 of the Navajo Nation Code." As the primary law enforcement program enforcing Title 17 on the Navajo Nation we are well place to recognize needed changes as practical circumstances arise in implementation and execution of sections of the criminal code.

As you are aware, the NPD has finite enforcement resources that spread our police officers thin in responding in emergent and critical events. The 2021 *Navajo Police Department Organizational Assessment* report outlines the challenges our program faces in providing direct service to the people of the Nation. As we continue to assess how we provide services, we have determined that civilian personnel can perform certain functions that are currently being performed by commissioned police personnel.

The Sex Offender Registration and Notification Act of 2012 (Act) currently requires a police officer to conduct the registration of a sex offender and they must explain the Act to a sex offender. The amendment that has been offered will allow a civilian employee of the police department or a police officer the ability to register and interact with a sex offender. This flexibility will allow operation discretion in the assignment of NPD employees who can better serve the plan of operation requirements of our program while also ensure the intent of the Act is carried out.

NPD has been working with the Navajo Department of Personnel Management since September 2020 to create a civilian employee classification titled SORNA Registrant. This classification will

initially deploy three registrants to supplement the current efforts of the SORNA program and may be expanded as required. The registrant shall register, maintain and update the information of convicted sex offenders. This information shall be populated into internal and external applications and registries. The registrant shall work with regional sex offender programs in classifying convicted sex offenders and shall coordinate verification assignments. The registrant shall work with enforcement and prosecution elements to arrest and prosecute a convicted sex offender who fails to register or absconds. This position shall also conduct community presentations and awareness campaigns about the Nation's sex offender registration and notification program. The final classification of this civilian position for public advertisement for hire is dependent on removing the mandatory police officer requirement and allowing civilian employees to engage in these processes.

We will not be the only program in Indian Country that is shifting from requiring commissioned police officers to administer the components of this program to civilian administration. The Office of Justice Program references two programs in their Substantial Implementation Review reports that have moved to civilian registry. They are Gila River Police Department that has a Sex Offender Registry Specialist and the Shoshone-Paiute Tribes which has a Sex Offender Registration Technician. Additionally, the 2020 *Guide to SORNA Implementation in Indian Country* states civilians carry out non-law enforcement functions of SORNA programs.

This amendment would ensure that only police officers will be able to arrest and engage the field verification components of the SORNA program. However, the registrant will be able to prepare the probable cause statements and reports if a convicted sex offender has not complied leading to a warrant for arrest. Additionally, the registrant will be able to coordinate law enforcement resources and those of the US Marshals in field verification efforts on the Nation.

The NPD continues to evolve the process of service that it provides to the people. Our support of this amendment is one component in that evolution of continual reassessment. Should there be any questions, please do not hesitate in contacting me.

Sincerely,

Daryl Noon, Chief of Police
Navajo Police Department