

LEGISLATIVE SUMMARY SHEET

Tracking No. 0211-14

DATE: June 30, 2016

TITLE OF RESOLUTION: AN ACTION RELATING TO LAW AND ORDER AND NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; AMENDING THE NAVAJO NATION CODE AT 17 N.N.C. § 2105, SEX OFFENDER REGISTRATION AND NOTIFICATION ACT

PURPOSE: This resolution if approved will amend 17 N.N.C. § 2105, the Sex Registration and Notification 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: None
Website Posting Time/Date: 10:45 am 7/5/16
Posting End Date: 7/10/2016
Eligible for Action: 7/11/2016

Law & Order Committee

THENCE

Naa'biik'íyáti' Committee

THENCE

Navajo Nation Council

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION
2 23rd NAVAJO NATION COUNCIL -- Second Year, 2016

3 INTRODUCED BY

4 
5
6 (Prime Sponsor) **ALTON JOE SHEPHARD**
7 

8 TRACKING NO. 0211-14

9 AN ACTION

10 RELATING TO LAW AND ORDER AND NAABIK'ÍYÁTI' COMMITTEES AND
11 NAVAJO NATION COUNCIL; AMENDING THE NAVAJO NATION CODE AT 17
12 N.N.C. § 2105, SEX OFFENDER REGISTRATION AND NOTIFICATION ACT
13
14

15 **BE IT ENACTED:**

16 **SECTION ONE. AUTHORITY**

- 17 A. The Navajo Nation established the Law and Order Committee (LOC) as a Navajo
18 Nation standing committee and as such empowered LOC to review and make
19 recommendations to the Navajo Nation Council on proposed Navajo Nation Code
20 amendments and enactments. 2 N.N.C. §§ 164 (A)(9), 600 (A), 601 (B)(14) (2015);
21 CO-45-12.
- 22 B. The Navajo Nation Council established the Naabik'íyáti' Committee as a Navajo
23 Nation standing committee and as such proposed legislation that requires final action
24 by the Navajo Nation Council shall be assigned to the Naabik'íyáti' Committee. 2
25 N.N.C. §§ 164 (A)(9), 700 (A) (2015); CO-45-12.
- 26 C. The Navajo Nation Council must review and approve enactments or amendments of
27 positive law. 2 N.N.C. § 164 (A) (2015); CO-45-12.

28
29 **SECTION TWO. FINDINGS**
30

1 A. Diné Traditional Law declares and teaches that the Legislative Branch leaders shall
2 enact policies and laws to address the immediate and future needs of the Navajo
3 Nation. 1 N.N.C. § 203(C) (2009).

4 B. Diné Customary law declares and teaches that it is the right and freedom of the
5 people that every child and every leader be respected, honored, and protected with a
6 healthy physical and mental environment, free from all abuse. 1 N.N.C. § 204(E)
7 (2009).

8 C. The Navajo Nation finds the following Navajo Nation Code amendments to 17
9 N.N.C. § 210, the Sex Offender Registration and Notification Act is in the best
10 interest of the Navajo Nation.
11

12 SECTION THREE. AMENDING NAVAJO NATION CODE TITLE 17

13 The Navajo Nation amends the Navajo Nation Code, Title 17 as follows:
14

15 TITLE 17. LAW AND ORDER

16 CHAPTER 5. PROCEDURES

17 SUBCHAPTER 10. SEX OFFENDER REGISTRATION AND NOTIFICATION

18 ***

19 § 2105. Sex offenses by Tiers 1, 2, and 3

20 ***

21 C. Tier 3 sex offenses

22 Any sex offense for which registration is required and is classified as Tier 3 by Title 1
23 guidelines ~~convicting jurisdiction~~ shall, for purposes of this Act, be classified as a Tier 3
24 sex offense by the Navajo Police Department. Non-Navajo tier 3 sex offenders shall be
25 banned from Navajo Indian Country.
26

27 ***
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29
30

1 **SECTION FOUR. CODIFICATION**

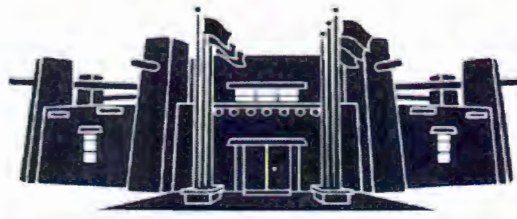
2 The provisions of the Act which amend or adopt new sections of the Navajo Nation Code
3 shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel
4 shall incorporate such amended provisions in the next codification of the Navajo Nation
5 Code.

6
7 **SECTION FIVE. SAVINGS CLAUSE**

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

11
12 **SECTION SIX. EFFECTIVE DATE**

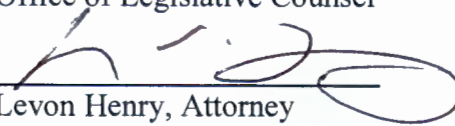
13 The Navajo Nation Code amendment enacted herein shall be effective pursuant to 2 N.N.C. §
14 221 (B).



MEMORANDUM

TO: Honorable Raymond Smith Jr.
Navajo Nation Council

FROM: 
Rhonda L. Tuni
Office of Legislative Counsel

THRU: 
Levon Henry, Attorney
Office of Legislative Counsel

DATE: June 30, 2016

SUBJECT: AN ACTION RELATING TO LAW AND ORDER AND
NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL;
AMENDING THE NAVAJO NATION CODE AT 17 N.N.C. § 2105,
SEX OFFENDER REGISTRATION AND NOTIFICATION ACT

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge. Please ensure that his particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

The Office of Legislative Counsel confirms the appropriate standing committee(s) 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).

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.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0211-16_

SPONSOR: Raymond Smith Jr.

TITLE: An Action To Law And Order And NAABIK'IYATI' Committees And Navajo Nation Council; Amending The Navajo Nation Code At 17 N.N.C. § 2105, Sex Offender Registration And Notification Act

Date posted: July 5, 2016 at 10:45 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.: 0211-16

SPONSOR: Honorable Raymond Smith Jr.

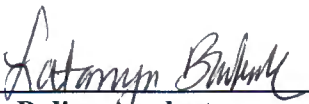
TITLE: An Action Relating To Law And Order And Naabik'iyati' Committees And Navajo Nation Council; Amending The Navajo Nation Code At 17 N.N.C. § 2105, Sex Offender Registration And Notification Act.

Posted: July 5, 2016 at 10:45 PM

5 DAY Comment Period Ended: July 10, 2016

Digital Comments received:

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



**Policy Analyst
Office of Legislative Services**



Date/Time

LAW AND ORDER COMMITTEE
23RD NAVAJO NATION COUNCIL

SECOND YEAR 2016

COMMITTEE REPORT

Mr. Speaker,

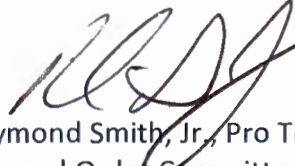
The **LAW AND ORDER COMMITTEE** to whom has been assigned:

Legislation No. 0211-16: An Action Relating to Law and Order and Naabik'iyati' and Navajo Nation Council; Amending the Navajo Nation Code at 17 N.N.C. § 2105, Sex Offender Registration and Notification Act – Sponsor: Hon. Raymond Smith, Jr./Co-Sponsor Alton Joe Shepherd

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

And thereafter referred to Naabik'iyati' Committee

Respectfully submitted,



Raymond Smith, Jr., Pro Tem
Law and Order Committee
23rd Navajo Nation Council

Date: July 11, 2016

Main Motion: Honorable Otto Tso
Second : Honorable Herman Daniels, Jr.
Vote : 2-0 (Pro Tem not voting)