



FOR IMMEDIATE RELEASE  
December 21, 2014

## President Shelly, First Lady issue holiday greetings and cheer for Nation



Students from Tsehootso Dine' Bi Olta' visited the Office of the President and Vice President to sing Christmas carols in Navajo. (Photo by Rick Abasta)

WINDOW ROCK, Ariz.—  
Yá'át'ée'h Késhnish dóó Baa  
Hózhóqo Nee Nínáadoohah!

Navajo Nation President Ben Shelly and First Lady Martha Shelly issued a statement of holiday cheer for the Christmas holidays.

“Christmas is a time for family, friends and goodwill toward all,” President Shelly said. “We wish the Navajo people an enjoyable holiday season and a blessed time with family.

“Please remember to check up on your elders and ensure they are not in need of firewood, food or water,” he added.

Navajo Nation Executive Branch employees have been given 16 hours administrative

leave for Dec. 26 and Jan. 2, 2015. This includes temporary employees. In addition, early payroll release will be scheduled for Dec 23.

Christmas day and New Year's day is a tribal holiday.

President Shelly said, “Please take this time to spend with your families during Christmas and to celebrate the New Year with Hozho’.”

He also encouraged the Navajo people to take every precaution to be safe during the holidays and discouraged texting while driving and driving under the influence of alcohol or drugs.

Thank you for your faithful service to the Nation and the Navajo people, President Shelly

said to the more than 8,000 tribal employees working for the government. Emergency personnel and other first responders will continue to maintain services as needed, he said.

First Lady was thankful for a successful year filled with many accomplishments, including the free eye exams and eyeglasses distribution for Navajo children and elders through the One Sight Project courtesy of Walking Shield, Inc. and the re-establishment of the Navajo Nation Women's Commission.

“Ahe'hee to our lady commissioners for bringing the issues many facing Navajo women to light,” First Lady said.

“May your Christmas with your families be a happy time.”

The Toys for Tots distribution has begun across the Navajo Nation, bringing toys to the less fortunate. The First Lady has participated in the event all four years of the administration. She encourages the Navajo Nation to join in the effort, including participation in the food and jacket drives taking place at various tribal communities.

“We wish you a happy holiday season filled with joy, peace and goodwill,” she said.





FOR IMMEDIATE RELEASE  
December 11, 2014

## Vice President Jim on repatriation mission to Paris to retrieve sacred masks



Vice President Rex Lee Jim is traveling to Paris, France for the return of sacred masks used in the Tł'ée'jí Hatáál, or Night Way Chant. Eight masks are on the auction block after being put up for bid by a private collector. He is joined by the Washington Office and Legislative Branch. (Photo by Rick Abasta)

WINDOW ROCK, Ariz.— Navajo Nation Vice President Rex Lee Jim is on a mission. On Dec. 11, he left for Paris, France for the repatriation of Navajo ceremonial masks.

The vice president will attend a meeting with the U.S. Embassy-Paris officials on Dec. 13 at 2 p.m. to discuss strategy for the return of the eight Yei Bi Chei masks on the auction block.

The masks were used in the Tł'ée'jí Hatáál, also known as the Night Way Chant healing ceremony. The nine-day ceremony features the use of Yei Bi Chei masks, which represent the Navajo deities, Talking God and Black God.

A private collector put the items up for auction through the Paris auction house.

According to the Eve Company website, their business is operated by

professionals recognized for their expertise and service in advising collectors on art, collectibles, furniture, jewelry, insurance estimates and mandatory tax returns. The company was founded in 2002.

The 140-page Eve American Indian and Columbian Art catalog features native masks, garments, sculptures, kachinas, jewelry, rugs, pottery, baskets and other items of cultural significance from tribes across the Americas. These items will be auctioned on Dec. 15.

Jared King from the Navajo Nation Washington Office will accompany Vice President Jim, along with Leonard Gorman and Rodney Tahe, from the Navajo Nation Human Rights Commission.

The Legislative Branch funded the trip for the NNHRC.

The Navajo Nation Council's Naa'bik'iyati' Committee and its subcommittee, the Sacred Site Task Force, held several meetings with Navajo Historic Preservation Department to plan for the return of the masks.

On Dec. 10, the task force directed the NNHRC to plan a delegation to retrieve the masks before the close of the auction. Bidding for the items will close on Dec. 15. The vice president was selected to join the delegation because

House has agreed to allow Vice President Jim, Leonard Gorman, Rodney Tahe and I to view the items on Dec. 13. The U.S. government has been notified and is aware of our intentions to retrieve these items and return them home."

Upon the successful return of the ceremonial items, the Office of the President and Vice President will host a forum to explain that the sale of sacred tribal items is unacceptable. The need for

**"The goal is the outright purchase of these items before they go on sale."**

of his knowledge as a Navajo medicine man and ability to authenticate the items.

"The purpose of this trip is to retrieve eight Yei Bi Chei masks that were taken from the Navajo Nation and transported to Paris, France," Vice President Jim said. "The goal is to outright purchase these items before they go on sale to the public."

Each mask is valued from \$300 to \$1,000.

The Navajo Nation is working with the U.S. State Department, Department of Homeland Security and the U.S. Embassy officials to prepare for the auction.

King said, "Even Auction

this international dialogue has been growing for years and the Navajo Nation will voice its strong opposition to any such future auctions.

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FOR IMMEDIATE RELEASE  
December 10, 2014

## President Shelly executes line-item veto of Legislation No. CN-58-14



President Ben Shelly signs the line-item veto of Legislation No. CN-58-14. He said little has changed since he previously vetoed a bill to fund the tribal council's legislative district assistants, which was previously submitted for almost \$2 million. No budget was attached to the legislation for the administrative centers for the Navajo Division of Community Development. (Photo by Rick Abasta)

WINDOW ROCK, Ariz.— On Dec. 10, President Shelly executed his line-item veto authority on Legislation No. CN-58-14, which was for more than \$1 million from the FY 2015 general funds budget.

According to the tribal council resolution, \$541,946 was for funding salaries of legislative district assistants and \$500,000 was for administrative service centers under the Navajo Division of Community Development.

On Sept. 15, President Shelly line-item vetoed the FY 2015

comprehensive budget because of Navajo Nation Council's concerns about salaries for politically appointed positions. The reasoning was that the money could best be used for direct services to the Navajo people.

At that time, almost \$2 million was earmarked for the legislative district assistants to cover salaries, travel expenses and communications costs in the FY 2015 budget. Because little has changed since that initial veto, the new legislation to fund those positions was vetoed again

by the president.

"Little has changed since my last veto and as such, I hereby exercise my line-item veto authority again," President Shelly said.

The president's decision to veto \$500,000 for the administrative service centers was rooted in the fact that there was no budget attached to the legislation. The funding requested was in support of the decentralization initiative, which was a directive from the Budget and Finance Committee on July 5, 2013.

The decentralization was

to transition from five Local Governance Support Centers at the agencies to 16 administrative support centers at the district level.

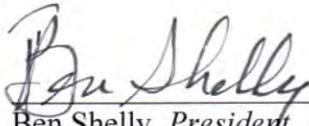
"No budget forms were attached. Additionally, the legislation does not indicate whether Council intends for unallocated general funds, supplemental funds or the excess indirect cost recovery funds to be used," President Shelly said. "For these reasons, I must line-item veto this \$500,000."

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MEMORANDUM

TO: Honorable LoRenzo Bates, Speaker Pro Tem  
The 22<sup>nd</sup> Navajo Nation Council

FROM:   
Ben Shelly, *President*  
THE NAVAJO NATION

DATE: December 10, 2014

SUBJECT: **LINE-ITEM VETO OF LEGISLATION NO. CN-58-14: RELATING TO BUDGET AND FINANCE, NAABIK'ÍYÁTI' AND NAVAJO NATION COUNCIL; AMENDING CS-46-14 AND APPROVING FY2015 GENERAL FUNDS OPERATING BUDGET REQUEST IN THE AMOUNT OF \$541,946 FOR THE NAVAJO NATION OFFICE OF LEGISLATIVE SERVICES/LEGISLATIVE DISTRICT ASSISTANTS PROGRAM, BUSINESS UNIT #NEW; ADDING \$500,000 FOR ADMINISTRATIVE SERVICES CENTERS, BUSINESS UNIT NO. 108125**

Pursuant to 2 N.N.C. §1005(C)(10), the above titled Legislation CN-58-14 is being submitted to the Navajo Nation Council, through the Office of the Speaker, within the ten (10) days requirement.

The Navajo Nation President has line-item veto authority for budget items within the annual Navajo Nation Comprehensive Budget or Supplemental Appropriations, which are not subject to override by the Navajo Nation Council. 2 N.N.C. §164(A)(17).

**I hereby exercise my line-item veto authority by vetoing \$ 541,946 funding from the Unallocated General Fund Revenue for the Office of Legislative Services/Legislative District Assistants, Business Unit #New of CN-58-14.** On September 15, 2014, I line-item vetoed similar legislation relating to the Legislative District Assistants (LDAs) and am doing so again. During the fiscal 2015 budget process, Council Delegates stated that, in their opinion, there were too many politically appointed individuals working for the Nation. They stated and that the budget for those positions should be used for direct services. Following this logic I agreed and line-item vetoed the \$2 million approved for

the LDAs so it could be used for direct services for the Navajo People. Little has changed since my last veto and, as such, I hereby exercise my line-item veto authority again.

**I hereby exercise my line-item veto authority by vetoing \$ 500,000 for Administrative Service Centers, Division of Community Development, Business Unit No. 108125 of CN-58-14.** Legislation No. CN-58-14 states that \$ 500,000 is approved for Administrative Service Centers for the purpose of the Decentralization Initiative. It also states that the budget for the \$ 500,000 is attached as Exhibit B to Legislation No. CN-58-14. No such budget forms are attached. Additionally, Legislation No. CN-58-14 does not indicate whether the Council intends for unallocated general funds, supplemental funds or the excess indirect cost recovery funds to be used. For the above stated reasons, I must line-item veto this \$500,000.

RESOLUTION OF THE  
NAVAJO NATION COUNCIL

22nd NAVAJO NATION COUNCIL -- Fourth Year, 2014

AN ACT

RELATING TO BUDGET AND FINANCE, NAABIK'ÍYÁTI', AND NAVAJO NATION COUNCIL; AMENDING CS-46-14 AND APPROVING FY2015 GENERAL FUNDS OPERATING BUDGET REQUEST IN THE AMOUNT OF ~~\$541,946~~ FOR THE ~~NAVAJO NATION OFFICE OF LEGISLATIVE SERVICES/LEGISLATIVE DISTRICT ASSISTANTS PROGRAM, BUSINESS UNIT #NEW~~ ADDING \$500,000 FOR ADMINISTRATIVE SERVICE CENTERS, BUSINESS UNIT NO. 108125 *BS*

BE IT ENACTED:

SECTION 1. FINDINGS

- A. The Navajo Nation Council is the governing body of the Navajo Nation, pursuant to 2 N.N.C. § 102 (A); and
- B. Pursuant to 2 N.N.C. § 301 (B)(2) the Budget and Finance Committee is authorized to recommend adoption of resolutions related to the expenditure of the Nation's financial resources; and
- C. Pursuant to 2 N.N.C. § 164 (A)(9), a proposed resolution that requires final action by the Navajo Nation Council shall be assigned to the Naabik'iyáti' Committee before it is heard by the Navajo Nation Council; and
- D. Pursuant to 2 N.N.C. § 701(A)(5) the Naabik'iyáti' Committee shall serve as oversight for the Office of Legislative Services; and
- E. The Navajo Nation Council, by the will of the Navajo People, has been reduced in the number of delegates from 88 to 24 and, as a consequence, the Standing Committees of the Navajo Nation Council has been reduced from 12 Standing Committees to five (5) Standing Committees, thereby increasing the workload of all Council Delegates, see generally CO-45-12; and

F. As a result of the increased workload for Council Delegates the position of Legislative District Assistant was created to perform a wide range of professional legislative work of considerable difficulty in providing general support to Council Delegates and specifically addressing inquiries from, and serving as a liaison to, constituents; and

G. For the Fiscal Year 2015 (FY2015) the Legislative Branch is appropriating \$16,931,298 for its Operating Budget of which \$15,329,977 constitutes General Fund Revenue, see CS-46-14(C)(1); and

H. The President of the Navajo Nation, in exercising line item veto authority, vetoed \$1,769,803 from the Legislative Branch appropriation under the General Fund Revenue appropriation which funded the Office of Legislative Services/Legislative District Assistants Program, BU #New, see CS-46-14; and

I. Limited funding in FY2015 of \$541,946, from October 1, 2014 to January 14, 2015, for the Office of Legislative Services/Legislative District Assistants Program, BU #New, is necessary to complete the work for the 22nd Navajo Nation Council Delegates, see Program Budget Summary Forms attached as Exhibit A; and

J. The Navajo Nation hereby finds it is in the best interest of the Navajo People to approve this FY2015 General Fund Operating Budget request.

**SECTION 2. APPROVAL**

A. The Navajo Nation hereby amends CS-46-14 and approves the request ~~of \$541,946 funding from the Unallocated General Fund Revenue for the Office of Legislative Services/Legislative District Assistants, Business Unit #New,~~ <sup>BS</sup> fund personnel and non-personnel line items as demonstrated in the Program Budget Summary Forms. <sup>BS</sup>

<sup>BS</sup> B. The Navajo Nation hereby amends CS-46-14 and approves ~~\$500,000 for Administrative Service Centers, Division of Community Development, Business Unit No. 108125,~~ <sup>BS</sup> Budget Forms attached as Exhibit "B", for the purpose of Decentralization Initiative. <sup>BS</sup>

**CERTIFICATION**

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 13 in favor and 5 opposed, this 26<sup>th</sup> day of November 2014.



LoRenzo Bates, Pro Tem Speaker  
Navajo Nation Council

12-1-14

Date

Motion: Honorable Elmer P. Begay  
Second: Honorable Leonard Pete

**ACTION BY THE NAVAJO NATION PRESIDENT:**

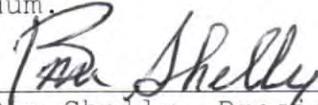
1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(10), on this \_\_\_\_\_ day of \_\_\_\_\_ 2014.

\_\_\_\_\_  
Ben Shelly, President  
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C)(11), this \_\_\_\_\_ day of \_\_\_\_\_ 2014, for the reason(s) expressed in the attached letter to the Speaker.

\_\_\_\_\_  
Ben Shelly, President  
Navajo Nation

3. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (10) and 2 N.N.C. §164 (A) (17), on this 10<sup>th</sup> day of December, 2014. The justification of my line-item veto is set forth by memorandum.



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Ben Shelly, President  
Navajo Nation



## President Shelly, Sen. Munoz join forces to fight alcoholism in Gallup



President Shelly said he marched on Santa Fe with Sen. George Munoz's father and former Gallup Mayor Eddie Munoz. He said the fight against the liquor and alcohol establishments means battling their powerful lobbyists. (Photo by Rick Abasta)

GALLUP, N.M.—Alcohol is big business.

Efforts to come to grips with alcohol related fatalities and crimes in the city of Gallup isn't anything new. In the 1980s, the city was dubbed "Drunk Town, USA" and sensationalized news reports spread the name nationally.

City leaders from that era joined forces with tribal and county leadership to march on Santa Fe to bring attention to the issue. During that time, McKinley County Commissioner Ben Shelly joined the contingent of citizens fed up with the alcohol related fatalities and crimes.

The group's efforts eventually resulted in closure of drive-up package liquor sales in Gallup and millions of dollars in federal funding for the construction and operation Na'nizhoozhi Center,

Inc. In June 2013, the funding dried up for NCI and the non-profit organization was forced to close their doors after more than 20 years of service.

On Oct. 24, 2013, the Navajo Nation entered into a memorandum of agreement with the city of Gallup and McKinley County to reopen the center. Since taking over management of the Gallup Detoxification Center on Jan. 1, 2014, the Navajo Department of Behavioral Health Services has spent more than \$582,000 providing services.

The city of Gallup has contributed \$320,000 to DBHS for an operating budget of close to \$1 million. The city funds were collected from the Alcohol Excise Tax at a rate of 10 percent. Despite this joint effort to fight alcoholism, the MOA has fallen

short of meeting the full extent of needs related to providing treatment to those in need.

### Partnership is the key

On the evening of Dec. 8, President Shelly joined state, county and city officials to focus on the swelling number of people going through the detox center, numbers that have averaged about 2,400 people per month. Sen. George Munoz hosted the meeting at the Lighthouse Church in Gallup, which was packed with hundreds of people.

Munoz encouraged the audience not to dwell on what went wrong with NCI, but to instead focus on solutions and moving forward with the Gallup Detox Center. Given the number of people in attendance, he was determined to maintain a respectful atmosphere.

"I do have some ground rules for the meeting," Munoz said. "There will be no racial remarks. No outbursts, no speaking out of turn.

"This is not a blame game. This is solution road," he added.

President Shelly was the first to speak and reflected on the march to Santa Fe with former Gallup Mayor Eddie Munoz.

"We fought the liquor establishments. It's very hard to fight them, their lobbyists are very powerful," President Shelly said.

President Shelly said that during his tenure as county commissioner, he never approved the renewal of any alcohol licenses. The effort was often for naught, however, because the N.M. Gaming and Alcohol Division would eventually overrule their decision, he said.

“We need to put our heads together and take care of this alcohol thing. We need to start talking to business people,” President Shelly said, in reference to liquor store and bar owners.

### Gallup Fighting Back

David Conejo provided a history of Fighting Back initiative back from 1989, when Gallup was in the headlines for 31 deaths related to alcohol. The fatalities were from exposure, driving while intoxicated and people getting run over by trains. He said the turning point was a head-on collision involving a white DWI motorist that killed three natives in the other vehicle.

“In particular, this accident was important because it was an Anglo that ran into a Native American family. Now we (were able to) bring the attention to the universal aspect of this problem,” Conejo said.

He said the march to Santa Fe resulted in \$400,000 in seed money to study the feasibility of a detoxification center in Gallup. Once the center was built, it was under the management of the hospital for a period of two years, and provided medical and social detoxification. A \$3 million grant from the Robert Wood Johnson Foundation got the facility off the ground.

People who went through the center were held for three days and some were referred to a 28-day rehabilitation program, and others to an intake-shelter-bed program for adolescents. However, Conejo said the most important aspect was the work rehabilitation program that provided employment through construction and laundry services or a kiln that produced cups, plates and other wares.

“At the end of 90 days, people would be able to go out and seek employment and use us for a reference. We could say they’ve been through treatment, they’ve been through rehab and they’ve been gainfully employed,”

Conejo said.

### Gallup Detox Center

Since taking over the Gallup Detox Center in Jan., the DBHS has averaged about 2,400 clients per month. The lowest admissions at the center occurred in June with 2,014 people and the highest was in August with 2,699.

Ramona Antone Nez, division director for the Navajo Department of Health, said DBHS is addressing the “revolving door” effect of the center. She said medical detox services will be contracted out and that the 12-hour hold will be increased to 72 hours for protective custody. Her timeline for implementation was one week.

“The Navajo Nation respectfully requests that the Gallup Police Department resume patrolling the ditches, arroyos and alleys for individuals who are intoxicated and the greatest at risk to exposure,” Nez said.

She also mentioned the need to repair the HVAC system of the detox center. With the new policy changes, the annual budget for protective custody, intervention, treatment, medical detox and aftercare treatment will rise up to \$2 million.

“We appreciate and accept the assistance of Senator Munoz to advocate for state resources,” Nez said.

The meeting concluded with a question and answer period.



Ramona Antone Nez, the newly appointed division director for the Navajo Department of Health, said the Gallup Detox Center needs to end the “revolving door” effect by keeping clients longer than 12 hours and providing them with medical detox in some cases. (Photo by Rick Abasta)



Navajo Nation Council Delegate Edmund Yazzie said, “This is not only a Navajo issue, this is an all-races issue.” Yazzie noted the fact that there wasn’t a single liquor store or bar owner in attendance at the meeting to hear the issues facing Gallup. (Photo by Rick Abasta)



David Conejo, a former hospital administrator and mastermind behind the Fighting Back initiative, said that Gallup is in the same position it was in back in 1989, when they made headlines for 31 alcohol related deaths ranging from exposure to DWI. (Photo by Rick Abasta)



FOR IMMEDIATE RELEASE  
December 5, 2014

## President Shelly vetoes Legislation No. CN-55-14, approves two other bills



President Shelly vetoed a request for \$1.3 million from the UUFB for the Office of the Speaker to fund eyeglasses and burial assistance. He approved the name change for Navajo Mountain Chapter and the purchase of more than 67 acres of land in the Farmington area. (Photo by Rick Abasta)

WINDOW ROCK, Ariz.—On Dec. 5, President Ben Shelly exercised his line item veto authority for Legislation No. CN-55-14, which requested \$1 million from the Unreserved, Undesignated Fund Balance for the Office of the Speaker to provide eyeglasses within in the five agencies of the Navajo Nation and \$300,000 in supplemental funding to provide burial assistance.

“Providing eyeglasses for the youth and elders is of great importance, but the appropriate and capable agency to ensure proper distribution is the Navajo Division of Social Services, not the Office of the Speaker,” President Shelly said.

His reasons for vetoing the \$300,000 supplemental funding request from the UUFB to fund burial assistance costs by the speaker’s office was the same.

“Providing burial assistance to our low-income Navajo families is appropriate and of great importance,” President Shelly said. “However, the appropriate and capable agency to ensure proper distribution is the Navajo Division of Social Services, not the Office of the Speaker.”

He said the Office of the President and Vice President would consider funding a similar supplemental legislation that would direct funds to the Division of Social Services.

Currently, the division has offices located in all five agencies and already has programs in place for burial assistance and eyeglasses for low-income families.

President Shelly approved Legislation No. CN-57-14. The bill requested \$980,000 for the purchase of 67.39 acres of land located in Farmington, N.M. from Rolling Mesa LLC.

The purchase is in accordance with the Navajo Nation Land Acquisition Policy and has been in progress since Jan. 13, 2014, when the owner accepted the purchase price of \$980,000. The land is located at the southwest junction of Highway 371 and N376 in Farmington.

The Navajo Nation Gaming Enterprise, Upper Fruitland Chapter and the Navajo Division of Economic

**“The appropriate and capable agency to ensure proper distribution is the Navajo Division of Social Services.”**

Development will utilize the land for commercial development.

President Shelly also approved Legislation No. CN-62-14. The bill requested a name change for Navajo Mountain Chapter to Naa’tsis’áán Chapter.

Navajo Mountain Chapter approved the name change request on Aug. 24, 2014 through Chapter Resolution No. NM008/323-14. The new name will be incorporated into all appropriate sections of the Navajo Nation Code and shall be recorded and reflected in all records maintained by the Navajo Nation.

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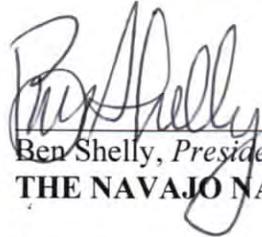




MEMORANDUM

TO: Honorable LoRenzo Bates, Speaker Pro Tem  
The 22<sup>nd</sup> Navajo Nation Council

FROM:

  
Ben Shelly, *President*  
THE NAVAJO NATION

DATE: December 5, 2014

SUBJECT: **LINE-ITEM VETO OF LEGISLATION NO. CN-55-14: RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, BUDGET AND FINANCE, NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF \$1,000,000 FOR THE NAVAJO NATION OFFICE OF THE SPEAKER, BUSINESS UNIT NEW, TO FUND EYEGLASSES FOR YOUNG PEOPLE AND ELDERLY PERSONS WITHIN THE FIVE AGENCIES AND \$300,000 FOR BURIAL ASSISTANCE**

Pursuant to 2 N.N.C. §1005(C)(10), the above titled Legislation CN-55-14 is being submitted to the Navajo Nation Council, through the Office of the Speaker, within the ten (10) days requirement.

The Navajo Nation President has line-item veto authority for budget items within the annual Navajo Nation Comprehensive Budget or Supplemental Appropriations, which are not subject to override by the Navajo Nation Council. 2 N.N.C. §164(A)(17).

**I hereby exercise my line-item veto authority by vetoing supplemental funding from the unreserved, undesignated fund balance in the amount of \$1,000,000 for the Office of the Speaker, business unit new, of CN-55-14.** Providing eyeglasses for the young and elders is of great importance, but the appropriate and capable agency to ensure proper distribution is the Navajo Nation Division of Social Services, not the Office of the Speaker.

**I hereby exercise my line-item veto authority by vetoing supplemental funding from the unreserved, undesignated fund balance in the amount of \$300,000 for the Office of the Speaker, for burial assistance of CN-55-14.** Providing burial assistance to our low-income Navajo families is appropriate and of great importance. However, the appropriate and capable agency to ensure proper distribution is the Navajo Nation Division of Social Services, not the Office of the Speaker.

The Navajo Nation Division of Social Services has and continues to be the most appropriate agency to ensure eyeglasses are supplied to children and elders and burial assistance to families in need. Unlike the Office of the Speaker, the Division of Social Services has a presence within the five Navajo Nation agencies. Additionally, the Division of Social Services has protocols in place that will ensure that those in need can obtain assistance without the worry that issues, similar to those that occurred regarding discretionary funding use.

The Office of the President would consider funding a similar supplemental legislation that will direct the funds to the Division of Social Service.

RESOLUTION OF THE  
NAVAJO NATION COUNCIL

22nd NAVAJO NATION COUNCIL -- Fourth Year, 2014

## AN ACT

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES; BUDGET AND FINANCE, NAABIK'ÍYÁTI', AND NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF ~~\$1,000,000~~ FOR THE NAVAJO NATION OFFICE OF THE SPEAKER, BUSINESS UNIT NEW, TO FUND EYEGLASSES FOR YOUNG PEOPLE AND ELDERLY PERSONS WITHIN THE FIVE AGENCIES OF THE NAVAJO NATION AND ~~\$300,000~~ FOR BURIAL ASSISTANCE

BE IT ENACTED:

## SECTION 1. FINDINGS

- A. The Navajo Nation has an unmet need for eyeglasses for young people, Headstart to 12 grade, and elderly persons, 55 years and older.
- B. Due to the epidemic of financial hardships for Navajo families, they are unable to purchase eyewear for young family members and elderly persons which then hinders their education, livelihood and stability.
- C. Other medical benefit program that cover eyewear, such as New Mexico Medicaid and Arizona Health Care Cost Containment System (AHCCCS), include restrictions, limitations and eligibility requirements that affect Navajo individuals in receiving proper eye care and eyewear.
- D. The Plan of Action for eyewear service will include distribution of services to each Navajo Agency to serve an estimated 9,000 young persons and an estimated 9,000 elderly people with frames and single vision or bifocal lenses.
- E. Eligibility for services will be based on need as determined by low income eligibility standards for welfare benefit services and application for services will be administered by each Navajo Agency.
- F. The Supplemental Funding will be deposited with the Navajo Nation Office of the Speaker; the Program Budget Summary is attached as Exhibit "A."

G. The Navajo Nation hereby finds it is in the best interest of the Navajo People to approve this supplemental funding request.

**SECTION 2. APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF \$1,000,000 FOR THE NAVAJO NATION OFFICE OF THE SPEAKER, BUSINESS UNIT NEW**

A. The Navajo Nation, having received certification by the Office of the Controller that as of July 14, 2014 the balance in the Unreserved, Undesignated Fund Balance is \$9,593,752, attached as Exhibit "B."

B. ~~This supplemental appropriation of \$1,000,000 shall be to the office of the Speaker, Business Unit #New for \$300,000 for burial assistance.~~ ~~And from that amount of funds that exceeds the minimum fund balance of the Unreserved, Undesignated Fund Balance as determined by the Office of the Controller, pursuant to 12 N.N.C. § 820(L).~~

C. The Navajo Nation hereby approves supplemental funding from the Unreserved, Undesignated Fund Balance in the amount of ~~\$1,000,000~~ for the Navajo Nation Office of the Speaker, business unit #New, to fund eyeglasses for young people and elderly person within the five Agencies of the Navajo Nation, and ~~\$300,000~~ for burial assistance. And for the Office of the Speaker to develop policies and procedures for the application process for distribution of the funds.

D. The supplemental funding request will follow the Navajo Nation Procurement Policies requirements.

**CERTIFICATION**

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 8 in favor and 4 opposed, this 14<sup>th</sup> day of November 2014.

LoRenzo Bates, Pro Tem Speaker  
Navajo Nation Council

Motion: Honorable George Apachito  
Second: Honorable Edmund Yazzie

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (10), on this \_\_\_\_\_ day of \_\_\_\_\_ 2014.

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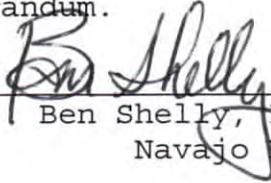
Ben Shelly, President  
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this \_\_\_\_\_ day of \_\_\_\_\_ 2014 for the reason(s) expressed in the attached letter to the Speaker.

---

Ben Shelly, President  
Navajo Nation

3. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (10) and 2 N.N.C. §164 (A) (17), on this \_\_\_\_\_ day of DEC 05 2014, 2014. The justification of my line-item veto is set forth by memorandum.



---

Ben Shelly, President  
Navajo Nation



FOR IMMEDIATE RELEASE  
December 4, 2014

## President Shelly praises Navajo contestants in Wrangler National Finals Rodeo



*Kassidy Dennison is contestant number 35 at this year's Wrangler National Finals Rodeo. She will be joined by fellow Navajos Erich Rogers, number 19 and Aaron Tsinigine, number 82. (Courtesy photo)*

WINDOW ROCK, Ariz.—President Ben Shelly said the opportunity to see Navajo contestants performing in the 2014 Wrangler National Finals Rodeo is a source of pride. He wished the contestants the best for tonight's opening round in Las Vegas.

"These athletes are great role models for our Navajo people," President Shelly said. "We'll be cheering you on every step of the way. Make us proud."

Having Navajo contestants as card-carrying members of the Professional Rodeo Cowboys Association and competing on the big stage is no longer a dream, he added.

One Navajo cowgirl has the opportunity to shatter the glass ceiling this year.

Tohatchi, N.M. cowgirl Cassidy Dennison and her horse, Eagle, will be competing in barrel racing at this year's NFR. Dennison is an eight-time Indian World Champion and was the 2010 National High School Breakaway Robing Champion.

She's currently ranked number 10 in the 2014 World Standings and has earned more than \$92,051 for the year.

"She's an exciting cowgirl to watch. Go fast, Cass," President Shelly said.

One Navajo cowboy is no stranger to the Big Show and has proven his mental and physical toughness time and again.

Erich Rogers, of Round Rock, Ariz., will again be competing in team roping (heading) and tie-down roping. Rogers is no stranger to the NFR and has won big money over the years, including last year's first place tie in Round 2 of the team roping competition with a time of 4.5 seconds.

Rogers is currently ranked number 2 in the 2014 World Standings and has earned more than \$101,421 for the year.

President Shelly said Rogers is another exciting Navajo cowboy to watch because of his timing and quickness. He said Rogers needs to cowboy up for tonight's opening round.

Also competing in team roping (heading) at this year's NFR is Aaron Tsinigine of Tuba City, Ariz. This Navajo cowboy is currently ranked number 14 in the 2014 World Standings and has earned \$68,074 on the year. It's his first qualification to the NFR.

Tsinigine's hasn't won a world title yet, but President Shelly is confident that he will overcome the nervousness of competing this year to do well for the Finals.

"Good luck to all of our Navajo athletes competing this year. We'll be tuning in and cheering for our cowboys and cowgirl to show the world how the Navajo Nation rodeos," President Shelly said.

The NFR will air nightly from 8 to 11 p.m. (MST) from Dec. 5-14, 2014 on CBS Sports Network.

-30-





## THE NAVAJO NATION

# *Proclamation*

## IN HONOR AND RECOGNITION OF THE LATE NAVAJO POLICE OFFICER ERNEST J. MONTOYA SR.

WHEREAS, The Navajo Nation is greatly saddened by the loss of the late Ernest J. Montoya Sr., who served as a Navajo Police officer; and

WHEREAS, The late Ernest J. Montoya Sr. was a Navajo Police officer who served the Navajo Nation, and Dilkon District with courage, honor, and distinction from 1993 to 2014, when he reached the End of Watch; and

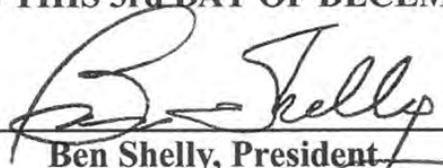
WHEREAS, The late Ernest J. Montoya Sr. served as a Navajo Police officer and joined his fellow Navajo Police officers with dedication to serving and protecting the Navajo people, in partnership with tribal communities, to enhance the quality of life within the Navajo Nation; and

WHEREAS, The late Ernest J. Montoya Sr. was a Navajo Police officer and a beloved member of the Navajo Division of Public Safety, continually striving to be professional, respectful, and responsive to the changing needs of the Navajo culture, people, and communities; and

WHEREAS, The Navajo Nation unites and offers prayers for his family and friends during this time of grief.

NOW, THEREFORE, I, BEN SHELLY, President of the Navajo Nation, do hereby proclaim that all Navajo Nation flags shall be flown at half-staff in honor of the late Ernest J. Montoya Sr., from sunrise on December 3 to sunset on December 6, 2014.

**ORDERED THIS 3rd DAY OF DECEMBER 2014**

  
Ben Shelly, President  
THE NAVAJO NATION



## President Shelly enacts amendments to criminal code of the Navajo Nation



Top, President Shelly signs the amendments to Title 17 of the Navajo Nation Code into law. Bottom, Law and Order Committee members listen to President Shelly express his concerns. (Photo by Rick Abasta)

WINDOW ROCK, Ariz.— President Shelly enacted legislation on Dec. 1 to amend the Navajo Nation Criminal Code, provide Navajo language and culture assistance to residents in Phoenix, and execute the purchase of more than 67 acres of land in Farmington, N.M.

CN-52-14, a bill amending the sentencing provisions of Title 17 of the Navajo Nation Code, was signed into law. Efforts to amend this portion of the code have been ongoing since Jan. 2000, when the Navajo Nation Council eliminated imprisonment and fines for a number of criminal offenses.

The new amendments restore some of those changes made in response to the lack of detention facilities.

“This is a good law,” President Shelly said.

Law and Order Committee members Alton Shepherd (Cornfields, Ganado, Jeddito, Kinlichee, Steamboat) and Edmund Yazzie (Church Rock, Iyanbito, Mariano Lake, Pinedale, Smith Lake Thoreau) joined President Shelly for the signing and expressed gratitude.

“I just want to say thank you. First and foremost, it was a team effort and I appreciate the task force,” Shepherd said.

“Now that the jails are adequate, we need to update the criminal code to where it is, including giving the judges a little bit more flexibility.”

“President, thank you,” Yazzie said.

The new construction of additional detention facilities has provided the Nation an opportunity to address violent and serious crimes committed within tribal jurisdiction. These are offenses not prosecuted by the U.S. Attorney’s Office.

On July 23, 2012, the Law and Order Committee established a task force to review the sentencing provisions for the criminal code. The task force hosted public hearings and a radio forum for their outreach efforts. Public sentiment was for stronger sentencing provisions.

The amendments were made for enforcement, general provisions, sentencing, offenses, and penalties. The 132-page bill also includes amendments correlating to changes in the Navajo Nation Council standing committees resulting from the 88-to-24-member reduction.

President Shelly also signed into law CN-53-14, which provides \$148,325 from the Unreserved, Undesignated Fund Balance for the Phoenix Indian Center to provide Navajo language and culture classes, information seminars and social services for tribal members residing in the Phoenix metropolitan area.

A non-profit entity, the Indian Center relies on funding from the Arizona Inter-Tribal Trust Fund, especially the Navajo Trust Funds to provide services to more than 4,000 Navajos

living in the city that utilize their services.

The UUFB funds will cover the salary of two Navajo staff working for the Indian Center to continue providing Navajo language and culture opportunities for urban Navajos.

BN-57-14 was also signed into law by President Shelly to provide \$980,000 in closing costs for the purchase of 67.39 acres of land in accordance with the tribal Land Acquisition Policy.

The land, previously owned by Rolling Mesa, LLC, is located at the southwest junction of Highway 371 and N376 in Farmington. The owner agreed upon the fair market value purchase price of \$980,000 on Jan. 13, 2014. Funds to purchase the land will come from the FY 2014 Land Acquisition Trust Fund.

The Navajo Nation Gaming Enterprise, Upper Fruitland Chapter and Navajo Nation Division of Economic Development will utilize the land for commercial development. The next step is to put the land into trust status.

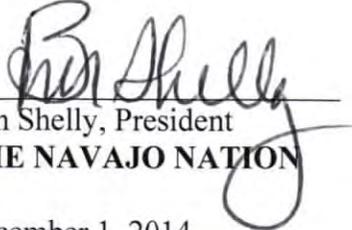
President Shelly vetoed Legislation No. CN-56-14. The legislation would have amended Title 5 of the Navajo Nation Code to authorize the formation of a low-profit LLC. However, the president said the uncertainty and confusion of the business structure played a factor in his decision to veto the legislation.

He had particular concerns with the lack of amendments to the internal revenue code to reflect the LLC structure.



MEMORANDUM

TO: Honorable Lorenzo Bates, Speaker Pro Tem  
The 22<sup>nd</sup> Navajo Nation Council

FROM:   
Ben Shelly, President  
THE NAVAJO NATION

DATE: December 1, 2014

SUBJECT: **Legislation No. CN-56-14: RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE, BUDGET AND FINANCE COMMITTEE, LAW AND ORDER COMMITTEE, NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; AMENDING TITLE 5 N.N.C. §§ 3600, 3601 AND 3605 AND ADOPTING NEW 5 N.N.C. § 36020A IN THE NAVAJO NATION LIMITED LIABILITY COMPANY ACT TO AUTHORIZE THE FORMATION OF A LOW-PROFIT LIMITED LIABILITY COMPANY**

Pursuant to 2 N.N.C. §1005(c)(10), the above titled Legislation CN-56-14 is being submitted to the Navajo Nation Council, through the Office of the Speaker, within the ten (10) day requirement. 2 N.N.C. §1005(c)(10) establishes the Navajo Nation President's authority to veto legislation passed by the Navajo Nation Council. I hereby exercise my veto authority with this legislation.

I understand that this particular language authorizing creation of a Low-Profit Limited Liability Company ("L3C") has been adopted by several states and two tribes, it is also my understanding that the State of North Carolina has abolished the structure from its code books. There is uncertainty and confusion if this structure benefits all involved this type of business structure within the Navajo Nation. Additionally, it is my understanding, the Internal Revenue code has not been amended to reflect the changes in businesses such as L3C structure, and therefore the charitable investors may find themselves at odd with the IRS.

I strongly suggest the Navajo Nation Department of Justice and Navajo Tax Commission Office do a legal and tax analysis on this structure and what the benefit and concerns the Nation should have in adding the L3C. For the reasons stated above, I hereby veto CN-56-14.

cc: Executive file

RESOLUTION OF THE  
NAVAJO NATION COUNCIL

22nd NAVAJO NATION COUNCIL—FOURTH YEAR, 2014

AN ACT

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE, BUDGET AND FINANCE COMMITTEE, LAW AND ORDER COMMITTEE, NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; AMENDING TITLE 5 N.N.C. §§ 3600, 3601 AND 3605 AND ADOPTING NEW 5 N.N.C. § 3620A IN THE NAVAJO NATION LIMITED LIABILITY COMPANY ACT TO AUTHORIZE THE FORMATION OF A LOW-PROFIT LIMITED LIABILITY COMPANY

BE IT ENACTED:

SECTION 1. FINDINGS

1. The Resources and Development Committee exercises oversight authority over economic and community development and commerce and trade. 2 N.N.C. § 500 (c).
2. The Resources and Development Committee reviews and makes recommendations to the Navajo Nation Council for final approval of resolutions requiring Navajo Nation Council approval to accomplish or impact the Committee purposes. 2 N.N.C. § 501 (B) (4) (f).
3. The Resources and Development Committee serves as the oversight committee of the Division of Economic Development. 2 N.N.C. § 501 (C) (1).
4. The Budget and Finance Committee has the oversight authority to recommend to the Navajo Nation Council the adoption of resolutions designed to strengthen the fiscal and financial position of the Navajo Nation and to promote the efficient use of the fiscal and financial resources of the Navajo Nation. 2 N.N.C. § 300 (C) (3).
5. The Law and Order Committee has the power to review and make recommendations to the Navajo Nation Council on proposed amendments to and enactments in the Navajo Nation Code. 2. N.N.C. § 601 (B) (14).

6. The Naabik'íyáti' Committee has the authority to determine whether a resolution shall proceed to the Council or be referred back to a standing committee. 2 N.N.C. § 700 (G).

7. A low-profit limited liability company is a new variation of the limited liability company (LLC).

8. A low-profit limited liability company combines the charitable purposes of a 501(c)(3) organization with the for-profit purposes of an LLC, in which its investors voluntarily accept a lower dividend on the net profits than would be considered appropriate for the financial risk of their investment.

9. A low-profit limited liability company is primarily focused on the achievement of a socially beneficial purpose, with recognition by its investors, and the community at large that it's profit making objectives are of secondary importance.

10. The Navajo Nation hereby finds that the authorization of the formation of a low-profit limited liability company in the Navajo Nation Limited Liability Company Act is in the best interests of the Navajo People.

**SECTION 2. AMENDING 5 N.N.C. §§ 3600, 3601 AND 3605**

The Navajo Nation Council hereby amends 5 N.N.C. §§ 3600, 3601, and 3605 as follows:

**NAVAJO NATION CODE ANNOTATED  
TITLE 5. COMMERCE AND TRADE  
CHAPTER 21. NAVAJO NATION LIMITED LIABILITY COMPANY  
ARTICLE 1. GENERAL PROVISIONS**

**§ 3600. Policy and purpose**

The Navajo Nation Limited Liability Company Act is hereby enacted:

A. The purpose of this Act is to permit the formation of various limited liability entities, low-profit limited liability entities (L3C), and require registration of foreign limited liabilities; and to regulate such entities so as to promote economic growth and further exercise Navajo Nation sovereignty in the governance of its territory, and citizens.

\*\*\*\*

**§ 3601. Definitions**

In this Chapter, unless the context otherwise requires:

A. "Articles of organization" means initial, amended, and restated articles of organization and articles of merger. In the case of a foreign limited liability company, the term includes all records serving a similar function required to be filed in the Department or other official having custody of company records in the State, Indian Nation or country under whose law it is organized.

B. "At-will company" means a limited liability company other than a term company.

C. "Business" includes every trade, occupation, profession, and other lawful purpose, whether or not carried on for profit.

D. "Debtor in bankruptcy" means a person who is the subject of an order for relief under Title 11 of the United States Code or a comparable order under a successor statute of general application or a comparable order under federal, state, or foreign law governing insolvency.

E. "Department" means the Business Regulatory Department within the Division of Economic Development or its designate successor.

F. "Distribution" means a transfer of money, property, or other benefit from a limited liability company to a member in the member's capacity as a member or to a transferee of the member's distributional interest.

G. "Distributional Interest" means all of a member's interest in distributions by the limited liability company.

H. "Entity" means a person other than an individual.

I. "Foreign limited liability company" means an unincorporated entity organized under laws other than the laws of the Navajo Nation which afford limited liability to its owners comparable to the liability under Section 3642 and is not required to obtain a certificate of authority to transact business under any law of the Navajo Nation other than this Act.

J. "Limited liability company" means a limited liability company organized and existing under this Act.

K. "Low-profit limited liability company" means a for-profit limited liability company that is organized and exists pursuant to this Act and that does not have as a significant purpose the production of income or the appreciation of property.

~~K~~ L. "Manager" means a person, whether or not a member of a manager-managed company, who is vested with authority under Section 3640.

~~L~~ M. "Manager-managed company" means a limited liability company which is so designated in its articles of organization.

~~M~~ N. "Member-managed company" means a limited liability company other than a manager-managed company.

~~N~~ O. "Navajo Nation" means:

1. When referring to the body politic, the Navajo Nation government, including its Council and applicable standing committees and boards;

2. When referring to governmental territory, all land within the territorial boundaries of the Navajo Nation, including:

a. All land within the exterior boundaries of the Navajo Indian Reservation, including the Navajo Partitioned Land, or of the Eastern Navajo portion of the Navajo Nation, including Alamo, Canoncito, and Ramah, or of Navajo dependent Indian communities, including all lands within the boundaries of Navajo chapter governments;

b. All lands held in trust by the United States for, or restricted by the United States or otherwise set aside or apart under the superintendence of the United States for, the use or benefit of the Navajo Nation, the Navajo Tribe, any Band of Navajo Indians, or any individual Navajo Indian as such; and

c. All other land over which the Navajo Nation may exercise governmental jurisdiction in accordance with federal or international law.

Q. P. "Operating agreement" means any written under Section 3603 concerning the relations among the members, managers, and limited liability company. The term includes amendments to the agreement.

P. Q. "Person" includes any individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, government subdivision, government agency, or instrumentality, or any other legal or commercial entity.

Q. R. "Principal office" means the office, whether or not in the Navajo Nation, where the principal executive office of a domestic or foreign limited liability company is located.

R. S. "Record" means information that is inscribed on a tangible medium or that it stored in an electronic or other medium and is retrievable in perceived form.

S. T. "Sign" means to identify a record by means of a signature, mark, or other symbol, with intent to authenticate it.

T. U. "State" means a state of the United States, a federally-recognized Indian Tribe, the District of Columbia, the Commonwealth of Puerto Rico or any territory or insular possession subject to the jurisdiction of the United States.

U. V. "Term company" means a limited liability company in which its members have agreed to remain members until the expiration of a term specified in the articles of incorporation.

V. W. "Transfer" includes an assignment, conveyance, deed, bill of sale, lease, mortgage, security interest, encumbrance, and gift.

\*\*\*\*

§ 3605. Name

The name of a limited liability company as set forth in its articles of organization shall:

A. Contain the words "limited liability company" or limited company" or the abbreviations "L.L.C.," "LLC," "L.C.," or "LC", or if organized as a low-profit limited liability company shall contain the term "L3C", in upper or lower case letters. Limited may be abbreviated as "Ltd.", and "company" may be abbreviated as "Co."

\*\*\*\*

SECTION 3. ADOPTING A NEW 5 N.N.C. § 3602A TO AUTHORIZE THE FORMATION OF A LOW-PROFIT LIMITED LIABILITY COMPANY

The Navajo Nation Council hereby adopts new 5 N.N.C. § 3620A:

NAVAJO NATION CODE ANNOTATED  
TITLE 5. COMMERCE AND TRADE  
CHAPTER 21. NAVAJO NATION LIMITED LIABILITY COMPANY  
ARTICLE 2. ORGANIZATION

\*\*\*\*

§ 3620A. Low-profit limited liability company

A. A limited liability company that intends to qualify as a low-profit limited liability company pursuant to this section shall indicate the intention in its articles of organization and further state that:

1. No significant purpose of the company is the production of income or appreciation of property; however significant income or capital appreciation is not conclusive evidence of a significant purpose in the absence of other factors.

2. No purpose of the company is to accomplish one or more political or legislative purposes within the meaning of Section 170 (c) (2) (D) of the Internal Revenue Code of 1986, 26 U.S.C. § 170 (c) (2) (D), or its successor.

B. A low-profit limited liability company shall at all times significantly further the accomplishment of one or more charitable or educational purposes within the meaning of Section 170 (c) (2) (B) of the Internal Revenue Code of 1986, 26 U.S.C. § 170 (c) (2) (B) or its successor, and would not have been formed but for the relationship to the accomplishment of such charitable or educational purposes.

C. A company that no longer satisfies the requirements of this section continues to exist as a limited liability company and shall promptly amend its articles of organization so that its name and purpose no longer identify it as a low-profit limited liability company.

D. This section does not prevent a limited liability company that is not organized as a low-profit limited liability company from electing a charitable or educational purpose in whole or in part for doing business.

\*\*\*\*\*

#### **SECTION 4. EFFECTIVE DATE**

The amendments of the Navajo Nation Code enacted herein shall be effective pursuant to 2 N.N.C. § 221(B).

#### **SECTION 5. CODIFICATION**

The provisions of this Act which 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 in the next codification of the Navajo Nation Code.

#### **SECTION 6. 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 Supreme Court, those provisions of the Act not determined invalid shall remain the law of the Nation.

**CERTIFICATION**

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 14 in favor and 0 opposed, this 14<sup>th</sup> day November 2014.



LoRenzo Bates, Pro Tem Speaker  
Navajo Nation Council

11-21-14  
Date

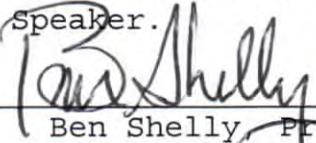
Motion: Honorable Alton Joe Shepherd  
Second: Honorable Jonathan Hale

**ACTION BY THE NAVAJO NATION PRESIDENT:**

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C) (10), on this \_\_\_\_\_ day of \_\_\_\_\_ 2014.

\_\_\_\_\_  
Ben Shelly, President  
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this \_\_\_\_\_ day of DEC 01 2014 2014, for the reason(s) expressed in the attached letter to the speaker.

  
\_\_\_\_\_  
Ben Shelly, President  
Navajo Nation

RESOLUTION OF THE  
NAVAJO NATION COUNCIL

22ND NAVAJO NATION COUNCIL -- Fourth Year, 2014

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT, NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; REGARDING THE PURCHASE OF THE ROLLING MESA, L.L.C. PROPERTY OFFERED FOR SALE TO THE NAVAJO NATION BY THE OWNER, 67.39 ACRES, MORE OR LESS, LOCATED WITHIN SAN JUAN COUNTY, FARMINGTON, NEW MEXICO FOR \$980,000 PLUS CLOSING COSTS

BE IT ENACTED:

Section One. Findings

1. Pursuant to 2 N.N.C. §501 (B) (4) (a), §501 (B)(1), and 16 N.N.C. §7, the Resources and Development Committee of the Navajo Nation Council is authorized and empowered to investigate, negotiate and recommend all purchases and acquisitions of real estate by and for the Navajo Nation; and
2. Pursuant to 2 N.N.C. §501 (B) (4) (a) and the Navajo Nation Policy on Acquisition of Lands "Land Acquisition Policy", 16 NNC §§ 1-10, the Resources and Development Committee oversees the land acquisition proposals and recommends such proposals to the Navajo Nation Council; and
3. Pursuant to 2 N.N.C. §164(9) a proposed resolution that requires final action by the Navajo Nation Council shall be assigned to the standing committee having authority over the subject matter at issue and the Naabik'íyáti' Committee.
4. The Navajo Nation Council by Resolution CJY-54-94 established a Land Acquisition Trust Fund within the Navajo Land Department for the purchase of lands for the Navajo Nation according to the Land Acquisition Policy and Procedures and the Navajo Land Consolidation Act of 1988; and

5. Tammara A. Price, General Manager, Rolling Mesa, L.L.C., offered for sale 67.39 deeded acres, located within Sections 19 & 20, T29N, R13W, NMPM, San Juan County, at the southwest junction of Highway 371 (Bisti Road) and N376, Farmington, New Mexico; and
6. On January 13, 2014, the owner accepted agreed to a purchase price of Nine Hundred Eighty Thousand Dollars (\$980,000) which is within the fair market value allowed by the Navajo Nation Law. Agreed purchase letter is attached hereto as Exhibit E Tab 1" and legal description and map as "Exhibit E Tab 3" which are incorporated herein by these references; and
7. Pursuant to the Navajo Nation Land Acquisition Policy, the Navajo Land Department has obtained from the owner information and data required to complete a purchase package for the acquisition of the Rolling Mesa property, and participated in a tour and inspection of the said property. Mr. James Q. Gipson, Certified Appraiser, valued the property, comprised of 67.39 acres, at \$1,050,000 as of October 17, 2013. The appraisal report is attached hereto as "Exhibit E Tab 9" and incorporated herein by this reference; and
8. Funds are available from the FY2014 Land Acquisition Trust Fund Budget Business Unit 415000 to purchase the property. A copy of the funds availability is attached hereto and incorporated herein as "Exhibit E Tab 2"; and
9. Pursuant to 16 N.N.C. §7, the Navajo Land Department has prepared an evaluation report, analysis, and recommendation, which conform to Resolution No. RCAG-28-84 titled "Implementing the Navajo Tribal Policy on Acquisition of Lands". The evaluation report recommends purchase approval of the Rolling Mesa property, which is attached hereto and incorporated herein as "Exhibit D"; and
10. The Resources and Development Committee of the Navajo Nation Council finds that the acquisition of this property is in the best interest of the Navajo Nation, the Navajo Nation Gaming Enterprise, Upper Fruitland Chapter and the Division of Economic Development.

**Section Two. Recommending**

1. The Resources and Development Committee of the Navajo Nation Council hereby recommends approval to the Navajo Nation Council of the purchase of Rolling Mesa property, 67.39 acres, more or less, at \$980,000 plus any closing costs and expenses, consistent with the general terms of the Real Estate Purchase Agreement attached hereto and incorporated herein as "Exhibit C".
2. The Resources and Development Committee of the Navajo Nation Council hereby recommends approval to the Navajo Nation Council the expenditure of the Capital Outland/Land & Improvement Account No. 9012 of FY2014 Land Acquisition Trust Fund Budget, Business Unit 415000, in the amount approved to purchase the Rolling Mesa property to benefit the Navajo Nation.
3. The Resources and Development Committee of the Navajo Nation Council further approves and recommends to the Navajo Nation Council that the Rolling Mesa property be used for commercial development by the Navajo Nation Gaming Enterprise, Upper Fruitland Chapter and the Division of Economic Development.

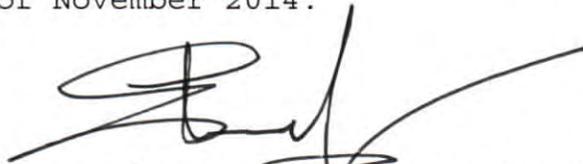
**Section Three. Approval**

1. The Navajo Nation Council hereby approves of the purchase of Rolling Mesa property, 67.39 acres, more or less, at \$980,000 plus any closing costs and expenses, consistent with the general terms of the Real Estate Purchase Agreement attached hereto and incorporated herein as "Exhibit C".
2. The Navajo Nation Council hereby approves the expenditure of the Capital Outland/Land & Improvement Account No. 9012 of FY2014 Land Acquisition Trust Fund Budget, Business Unit 415000, in the amount approved to purchase the Rolling Mesa property to benefit the Navajo Nation.
3. The Navajo Nation Council approves that the Rolling Mesa property be used for commercial development by the Navajo Nation Gaming Enterprise, Upper Fruitland Chapter and the Division of Economic Development.

- 4. Land purchase shall be put into trust status as soon as possible with applicable Navajo Nation jurisdiction and the Navajo Nation will pursue a covenant for exemptions of federal restrictions.

**CERTIFICATION**

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 13 in favor and 0 opposed, this 14<sup>th</sup> day of November 2014.



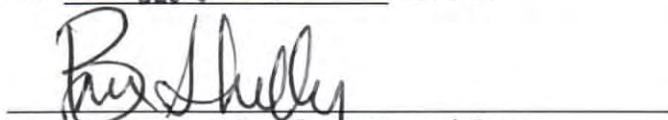
Edmund Yazzie, Pro Tem Speaker  
Navajo Nation Council

Nov 25, 2014  
Date

Motion: Honorable Alton Joe Shepherd  
Second: Honorable Jonathan Hale

**ACTION BY THE NAVAJO NATION PRESIDENT:**

- 1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(10), on this \_\_\_\_\_ day of DEC 01 2014 2014.

  
Ben Shelly, President  
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this \_\_\_\_\_ day of \_\_\_\_\_ 2014, for the reason(s) expressed in the attached letter to the Speaker.

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Ben Shelly, President  
Navajo Nation

RESOLUTION OF THE  
NAVAJO NATION COUNCIL

22nd NAVAJO NATION COUNCIL -- Fourth Year, 2014

AN ACT

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES; BUDGET AND FINANCE, NAABIK'ÍYÁTI', AND NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF \$148,325.00 FOR PHOENIX INDIAN CENTER, INC. BUSINESS UNIT 707000 TO FUND NAVAJO LANGUAGE AND CULTURE CLASSES, INFORMATION SEMINARS AND SOCIAL SERVICES FOR NAVAJO PEOPLE IN THE MARICOPA COUNTY AREA

BE IT ENACTED:

SECTION 1. FINDINGS

A. The Phoenix Indian Center (PIC) is dependent upon funding from the Arizona Inter-Tribal Trust Fund, particularly the Navajo Trust Funds.

B. The PIC provides services to over 4,000 Navajos living in the Phoenix area each year.

C. The Navajo Nation recently had to terminate the 2014 grant agreement because the company that pays into the trust fund, the Barron Collier Company, has refused to fulfill its contractual obligation to pay into the trust fund since 2011.

D. The U.S. Department of Justice has filed a complaint against the Barron Collier Company for non-payment into the fund.

E. This supplemental funding proposal will supplant the trust fund grant allocation and allow PIC to continue the Navajo Language and Culture classes, informational services, and skill-building classes (services) for Navajos living in the Phoenix area.

F. This supplemental funding covers the payroll for two Navajo staff that provide the services.

G. The \$148,325.00 Program Budget Summary for Phoenix Indian Center, Inc. business unit 707000 is attached as Exhibit "A".

H. The Navajo Nation hereby finds it is in the best interest of the Navajo People to approve this supplemental funding request.

**SECTION 2. APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF \$148,325.00 FOR PHOENIX INDIAN CENTER, INC. BUSINESS UNIT 707000**

The Navajo Nation hereby approves supplemental funding from the Unreserved, Undesignated Fund Balance in the amount of \$148,325.00 for Phoenix Indian Center, Inc. business unit 70700, attached at Exhibit "A".

**CERTIFICATION**

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 13 in favor and 1 opposed, this 14<sup>th</sup> day of November 2014.



LoRenzo Bates, Pro Tem Speaker  
Navajo Nation Council

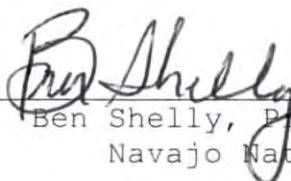
11-21-14

Date

Motion: Honorable Alton Joe Shepherd  
Second: Honorable Walter Phelps

**ACTION BY THE NAVAJO NATION PRESIDENT:**

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (C)(10), on this \_\_\_\_\_ day of DEC 01 2014 2014.



Ben Shelly, President  
Navajo Nation

2. I hereby veto the foregoing Legislation, pursuant to 2 N.N.C. § 1005 (C) (11), this \_\_\_\_\_ day of \_\_\_\_\_ 2014 for the reason (s) expressed in the attached letter to the speaker.

---

Ben Shelly, President  
Navajo Nation

3. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (10), and 2 N.N.C. §164 (A) (17), on this \_\_\_\_\_ day of \_\_\_\_\_ 2014. The justification of my line-item veto is set forth by memorandum.

---

Ben Shelly, President  
Navajo Nation

RESOLUTION OF THE  
NAVAJO NATION COUNCIL

22nd NAVAJO NATION COUNCIL -- Fourth Year, 2014

AN ACT

RELATING TO LAW AND ORDER, NAABIK'IYATI AND THE NAVAJO NATION  
COUNCIL; AMENDING SENTENCING PROVISIONS OF TITLE 17, CRIMINAL  
CODE OF THE NAVAJO NATION

BE IT ENACTED:

**Section One. Findings and Purpose**

A. The Navajo Nation is located in three states - Arizona, New Mexico and Utah. The population of the Navajo Nation exceeds 300,000.

B. In January 2000, the Navajo Nation Council eliminated imprisonment and fines for a number of offenses under the Navajo Nation Criminal Code. CJA-08-00; *see also*, 17 N.N.C. §101 *et seq.*

C. The Navajo Nation is currently constructing additional detention facilities, which will include courts and offices for the Police Departments.

D. There are violent and serious crimes being committed within the Navajo Nation. However, currently, not all serious offenses are prosecuted by the U.S. Attorney's Office. For the serious cases that are prosecuted by the Navajo Nation, jail space is limited. Safety of people within the Navajo Nation is an important concern for the Navajo Nation.

E. The Law and Order Committee on July 23, 2012 by resolution LOCJY-08-12 established a Task Force to review and recommend sentencing provisions of Title 17, the Navajo Nation Criminal Code. Public hearings were conducted, as well as a radio forum, regarding sentencing in criminal cases under Navajo Nation law. Generally, there is support for stronger sentencing provisions. (See attached Exhibit "B," a summary of comments from these public hearings.) The review of Title 17 is now complete and the Task Force has submitted its final report with its recommendations. The report is attached as Exhibit "A".

**Section Two. Amending Title 17, Navajo Nation Criminal Code**

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

**Chapter 1. Enforcement of the Criminal Code**

\*\*\*\*

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

The President of the Navajo Nation is authorized to enter into cooperative arrangements and agreements with federal and state law enforcement agencies with the recommendation and approval of the ~~Public Safety Committee, the Judiciary Committee and the Intergovernmental Relations Committee~~ Law and Order and the Budget and Finance Committees for purposes of mutual assistance and definition of responsibilities.

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

The President of the Navajo Nation, with the advice and consent of the ~~Judiciary, Public Safety and Intergovernmental Relations Committees~~ Law and Order and the Budget and Finance Committees of the Navajo Nation Council, is authorized to enter into agreements with federal, state, military and local authorities for the incarceration of Navajo prisoners in correctional facilities within the Navajo Nation.

**Chapter 2. General Provisions****Subchapter 1. General**

\*\*\*\*

**§ 202. Purpose**

It is declared that the general purposes of this Code are:

- A. To proscribe conduct that unjustifiably and inexcusably threatens or inflicts substantial harm to individual or public interests;
- B. To give all persons entering into the territorial jurisdiction of the Navajo Nation Courts a fair warning of proscribed conduct and of the sentences authorized upon conviction;
- C. To differentiate on reasonable grounds between serious and minor offenses and to prescribe proportionate penalties for each;
- D. To protect the public interest of the Navajo Nation by defining the act or omission which constitutes each offense, and to apply the provisions of this title equally and unfavorably impartially to all persons within the territorial jurisdiction of the Courts of the Navajo Nation.

### § 203. Territorial applicability

A. The Navajo Nation Courts shall have jurisdiction over any person who commits an offense by his or her own conduct if the conduct constituting any element of the offense or a result of such conduct occurs within the territorial jurisdiction of the Navajo Nation Courts as defined in 7 N.N.C. § 254, or such other dependent Indian communities as may hereafter be determined to be under the jurisdiction of the Navajo Nation and the Courts of the Navajo Nation. ~~The Navajo Nation Courts shall also have jurisdiction over any member of the Navajo Nation who commits an offense against any other member of the Navajo Nation wherever the conduct which constitutes the offense occurs.~~

B. The Navajo Nation Courts shall also have jurisdiction over any member of the Navajo Nation who commits an offense against any other member of the Navajo Nation wherever the acts or conduct which constitutes the offense occurs. Under this circumstance, the Navajo Nation shall not prosecute the offender if another tribal or state jurisdiction has already initiated a prosecution.

§ 204. Civil prosecutions of non-Indians

A. Any non-Indian alleged to have committed any offense enumerated in this Title may be civilly prosecuted by the Office of the Prosecutor. In no event shall such a civil prosecution permit incarceration of a non-Indian or permit the imposition of a criminal fine against a non-Indian.

B. Procedure. Civil prosecutions under this Section shall be conducted in accordance with the Navajo Rules of Criminal Procedure, and the non-Indian civil defendant shall be afforded all the heightened protections available to a criminal defendant under those rules including, but not limited to, the ~~more stringent beyond a reasonable doubt~~ burden of proof ~~beyond a reasonable doubt~~.

C. Nothing in this Section shall be deemed to preclude exercise of criminal jurisdiction over any person who, by reason of assuming tribal relations with the Navajo people or being an "in-law" or ~~hadane~~ hadanehadane, nihi zhaa aad, or relative as defined by Navajo common law, custom, or tradition, submits himself or herself to the criminal jurisdiction of the Navajo Nation.

D. Civil Penalties. Upon a finding that a non-Indian has committed any of the offenses enumerated in this Title, the Court may impose any of the following civil penalties in any combination deemed appropriate by the Court:

1. A civil fine (fines listed for offenses under Title 17 may serve as a guideline for the calculation of a civil fine, but the criminal fines are not binding upon the calculation of a civil fine);
2. Any civil forfeiture made appropriate by the penalty Sections of Title 17;
3. Restitution, or nályééh, consistent with the traditional principles of nályééh;
4. Exclusion from all lands subject to the territorial jurisdiction of the Navajo Nation courts.

\*\*\*\*

§ 209. General definitions

In this Code, unless a different meaning plainly is required:

\*\*\*\*

G. "Deceit" means ~~either~~ any of the following:

1. The suggestion, as a fact, of that which is not true, by one who does not believe it to be true;

2. The assertion, as a fact, of that which is not true, by one who has no reasonable ground for believing it to be true;

3. The suppression of a fact, by one who is bound to disclose it, or who gives information of other facts which are likely to mislead for want of communication of that fact; or,

4. A promise made without any intention of performing it;

Q. "Peace officer" means any person who is a law enforcement officer vested by law with a duty to maintain public order or make arrests, whether that duty extends to all offenses or is limited to specific classes of offenses or offenders;

\*\*\*\*

**Subchapter 3. Sentencing**

§ 220. Criteria

A. No person convicted of an offense pursuant to this Title shall be sentenced otherwise than in accordance with this Subchapter. A sentence of incarceration is always considered an extraordinary measure under any offense enumerated in this Title and should be imposed only as a last alternative where a defendant is found to have caused serious injury to a victim or victims, or other serious circumstances warrant a jail sentence. All jail sentences must be supported by a written statement, by the Court, of reasons for imposition of a jail sentence.

B. Except as otherwise provided in sentencing of a specific offense under this Title, the court may suspend the imposition of sentence of a person who has been convicted of a crime, may order him or her in lieu of a sentence to be committed to a hospital or other institution for medical, psychiatric or other rehabilitative treatment, or may sentence him or her to alternative sentences, which may include any of the following or any combination thereof as follows:

1. To pay a fine;
2. To be placed on probation;
3. To rehabilitative treatment after assessment;
4. To imprisonment for a definite period within the term authorized;
5. To fine and probation or fine and imprisonment;
6. To community service;
7. To pay full or partial restitution or nályééh.;
8. To restore harmony between victim and offender or between offender and community.
9. To electronic monitoring; or
10. To pay costs or fees associated with incarceration, electronic monitoring, and probation and parole services.

C. The court may, pursuant to its legal authority, decree a forfeiture of property, suspend or cancel a license, require full or partial restitution, remove a non-elected public servant or Navajo Nation government employee from office, or impose any other civil penalty, and such order or judgment may be included in the sentence. Any penalty imposed pursuant to this subsection shall require separate civil court proceedings with a standard of proof of beyond a reasonable doubt.

D. At arraignment, the Court shall inform a defendant who is charged with a sex offense that if he or she is found guilty or pleads guilty or pleads no contest to the offense, the defendant will be ordered to register for a minimum of fifteen (15) years

as a convicted sex offender in any Navajo police district wherein he or she resides, works or goes to school.

#### K. Recidivism

If a sex offender is subsequently convicted of the same or another sex offense under 17 N.N.C. §436 - 449, 541, 557, and 558, he or she will be subject to serving a longer period of actual incarceration than he or she served for the previous conviction.

### § 221. Sentencing considerations

- A. Before imposing sentence the court shall take into consideration the offender's prior record, family circumstances, employment status, and any other circumstances which will aid in imposing a just and fair sentence.
- B. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and whether restitution or nályééh shall be paid to the victim(s) or the Navajo Nation.
- C. The trial court may utilize the services of the Navajo Peacemaking Program ~~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.
- D. The trial court may consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.
- E. 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.
- F. The trial court shall consider the utility of labor or community service sentences, under the supervision of the Navajo Nation ~~Department~~ Division of Public Safety or a public or private organization, including the chapter in which the defendant resides.

G. The courts of the Navajo Nation shall establish a fund, to be collected from assessments against persons convicted of any offense under this Title and under Title 14, in addition to any fine, to cover the cost of liability insurance for the community service programs.

H. Notwithstanding any other provision of this Section or Section 220, the trial court may impose any reasonable condition of sentence which strives to rehabilitate the defendant or serves the reasonable needs of the victims of crime and of society and is not inconsistent with the sentencing terms established for the offense or offenses which the defendant is determined to have committed.

#### **§ 222. Fines**

A. A person who has been convicted of an offense may be sentenced to pay a fine as designated for that offense.

B. Whether to impose a fine in a particular case, up to the authorized maximum, and the method of payment, shall remain within the sound discretion of the court.

C. The court ~~shall be explicitly~~ is authorized to permit installment payments of any imposed fine ~~on conditions tailored to~~ considering the means or circumstances of the particular offender.

#### **§ 223. Imprisonment**

A person who has been convicted may be sentenced for a definite term not greater than one year (365 days) per offense, up to a maximum of nine years for one incident with multiple sentences.

#### **§ 224. Probation**

The court shall have the discretion ~~in any case~~ except where prohibited by statute to suspend all or part of an offender's sentence and release the defendant on probation. The offender shall sign a probationary pledge, which may include the conditions and limitations of which shall be set forth by the court.

## § 225. Multiple sentences

When multiple sentences of imprisonment are imposed on a defendant for more than one crime, such multiple sentences shall run concurrently or consecutively as the court determines at the time of the sentence, up to a maximum of nine years.

## § 226. De Minimis Infractions

A. The court shall dismiss a prosecution if, having regard to the nature of the conduct charged to constitute an offense and the nature of the attendant circumstances, it finds that the defendant's conduct:

1. ~~Constituted~~ was within normally permissible conduct a customary license or tolerance, neither expressly negated by the persons whose interest was infringed nor not inconsistent with the purpose of the law defining the offense; or

2. Did not actually cause or threaten the harm ~~or evil~~ sought to be prevented by the law defining the offense or did so only to an extent too trivial to warrant the condemnation of conviction; or

3. ~~Presents such other extenuation~~ is so far removed from what would reasonably be considered a crime that it cannot reasonably be regarded as contemplated envisaged by the legislature Navajo Nation Council in forbidding the offense.

B. The court shall not dismiss a prosecution under this Section without filing a written statement of its reasons.

## Chapter 3. Offenses

### Subchapter 11. ~~Obscenity~~ [Reserved]

~~400. Definitions~~

~~401. Furnishing sexual materials to minors~~

~~402. Displaying sexual materials to minors~~

~~403. Defenses to prosecution~~

404. ~~Destruction of obscene material upon conviction~~

### Subchapter 1. Inchoate Offenses

#### § 301. Solicitation

A. Offense. A person commits solicitation if, with intent that another person engage in conduct constituting an offense, he or she commands, entreats, induces, or otherwise endeavors to persuade such person to engage in such conduct.

B. Affirmative defense. It is an affirmative defense to a prosecution under this Section that, under circumstances manifesting a complete and voluntary renunciation of his or her criminal intent, the defendant made a reasonable effort to prevent the conduct or result which is the object of the solicitation.

C. Defense precluded. It is not a defense to a prosecution under this Section that the person solicited could not be convicted of the offense because he or she lacked the state of mind required for the commission of the offense, because the person solicited was incompetent or irresponsible, or because he or she was otherwise not subject to prosecution.

D. Sentence.

1. Any person found guilty of solicitation of any offense under Subchapter 2 of Chapter 3 or Subchapter 7 of Chapter 3 of this Title may be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay a fine not to exceed five hundred dollars (\$500.00), or both, but in no case shall the penalty imposed be greater than the penalty imposed for the crime which was the object of solicitation.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program 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.

4. The trial court may impose ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. 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.

6. The trial court may impose ~~shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.~~

## § 302. Conspiracy

A. Offense. A person commits conspiracy if, with the intent to promote or facilitate the commission of an offense, he or she agrees with one or more persons that at least one of them will engage in conduct constituting the offense, and one of the parties commits an overt act in furtherance of the agreement.

B. Affirmative defense. It is an affirmative defense to a prosecution under this Section that the defendant, under circumstances manifesting a complete and voluntary renunciation of his or her criminal intent, gave timely warning to law enforcement authorities or otherwise made a reasonable effort to prevent the conduct or result which was the objective of the conspiracy.

C. Defense precluded. It is not a defense to prosecution under this Section that one or more of the persons with whom the defendant is alleged to have conspired has not been prosecuted or convicted, has been convicted of a different offense, or is immune from or otherwise not subject to prosecution.

D. Duration of conspiracy. Conspiracy is a continuing course of conduct which ends when the offense or offenses which are its object have been committed or when the agreement that they be committed is abandoned by the defendant.

E. Abandonment of conspiracy. A defendant may abandon a conspiratorial agreement and terminate his or her relationship with the conspiracy only if he or she clearly ceases to agree that the conspiratorial objective be committed, takes no further part in the conspiracy, and communicates his or her desire to abandon the conspiracy to other members of the conspiracy.

F. Sentence.

1. Any person found guilty of conspiracy to commit an offense under Subchapter 2 or Subchapter 7 of Chapter 3 of this Title may be sentenced to imprisonment for a term not to exceed 365 days, or be ordered to pay a fine not to exceed five thousand dollars (\$5,000), or both, but in no case shall the penalty imposed be greater than the penalty imposed for the crime which was the object of the conspiracy.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program ~~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.

4. The trial court may impose ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. 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.

6. The trial court may impose ~~shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private~~ an organization or an individual designated by the court, including the chapter in which the defendant resides.

Subchapter 2. Offenses Against Persons

§ 309. Reckless burning

- A. A person is guilty of reckless burning if he or she:
1. Recklessly starts a fire or causes an explosion which endangers human life; or
  2. Having started a fire, whether recklessly or not, and knowing that it is spreading and will endanger the life or property of another, either fails to take reasonable measures to put out or control the fire or fails to give a prompt fire alarm; or
  3. Damages the property of another by reckless use of fire or causing an explosion.
- B. Sentence.
1. Any person found guilty of reckless burning may be sentenced to imprisonment for a term not to exceed 90 days, or ordered to pay a fine not to exceed two thousand five hundred dollars (\$2,500), or both.
  2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).
  3. The trial court may utilize the services of the Navajo Peacemaking Program 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.
  4. The trial court may impose ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.
  5. 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.

6. ~~The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.~~

### § 310. Threatening

A. Offense. A person commits threatening if he or she threatens by word or conduct to cause physical injury to the person of another or causes serious damage to the property of another:

1. With the intent to terrorize, or in reckless disregard of the risk of terrorizing, another person; or
2. With intent to cause, or in reckless disregard of the risk of causing, serious public inconvenience, including but not limited to evacuation of a public building or transportation facility.

B. Sentence.

1. Any person found guilty of threatening may be sentenced to imprisonment for a term not to exceed ~~90~~ 180 days, or be ordered to pay a fine not to exceed ~~two hundred fifty five~~ hundred dollars (~~\$2500.00~~), or both.
2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).
3. The trial court may utilize the services of the Navajo Peacemaking Program 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.
4. The trial court may impose ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. 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.

6. ~~The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.~~

### § 311. Unlawful imprisonment

A. Offense. A person commits unlawful imprisonment if without lawful authority he or she intentionally removes, detains, restrains, or confines the person of another without his or her consent.

B. Sentence.

1. Any person found guilty of unlawful imprisonment may be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay a fine not to exceed \$1,000, or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program-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.

4. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. 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.

96. The trial court may impose ~~shall consider the utility of labor or~~ community service sentences, to be served under the supervision of the ~~Navajo Nation Department of Public Safety or a public or private~~ an organization or an individual designated by the court, ~~including the chapter in which the defendant resides.~~

**§ 312. Interference with custody**

A. Offense. A person commits interference with custody if he or she intentionally or knowingly takes or entices any minor child under the age of from the custody of its parent, guardian or other lawful custodian, or any legally committed person from lawful custody, when he or she has no privilege to do so.

B. Sentence.

1. Any person found guilty of interference with custody may be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay a fine not to exceed \$500, or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order ~~whether~~ that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program ~~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.

4. The trial court may impose ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. 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.

6. The trial court ~~may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private~~ an organization or an individual designated by the court, including the chapter in which the defendant resides.

**§ 313. Contributing to the delinquency of a minor**

A. Offense. A person commits contributing to the delinquency of a minor if he or she knowingly assists, aids, encourages or advises a minor to commit an offense as defined by the laws of the Navajo Nation, or federal or state law.

B. Sentence.

1. Any person found guilty of contributing to the delinquency of a minor may be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay fine not to exceed \$1,000 , or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program ~~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.

4. The trial court may impose ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. 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.

6. The trial court may impose ~~shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private~~ an organization or an individual designated by the court, including the chapter in which the defendant resides.

**§ 314. Assault**

A. Offense. A person commits assault if he or she:

1. Attempts to commit a battery upon the person of another; or
2. By any unlawful act, threat or menacing conduct causes another person to reasonably believe that he or she is in danger of receiving an immediate battery.

B. Sentence. Any person found guilty of assault may be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay a fine not to exceed two thousand five hundred dollars (\$2,500), or both.

**§ 314.01. Assault upon a Peace Officer**

A. Offense. A person commits assault upon a peace officer, as defined in 17 N.N.C. § 209, if he or she:

1. Attempts to commit a battery upon the person of a peace officer engaged in the performance of his or her official duties; or
2. By any unlawful act, threat or menacing conduct causes a peace officer engaged in the performance of his or her official duties to believe that he or she is in danger of receiving an immediate battery.

B. Mandatory Sentence. The mandatory sentence for this offense shall be imprisonment in active custody for not less than ninety (90) days nor more than one hundred eighty (180) days and ordered to pay a fine, or restitution in lieu of a fine, not to exceed two thousand five hundred (\$2,500) dollars. This punishment shall not be suspended or subject to probation or parole.

**§ 315. Aggravated assault**

A. Offense. A person commits aggravated assault if he or she:

1. Unlawfully assaults or strikes at another with a deadly weapon; or

2. Commits assault by threatening or menacing another while wearing a mask, hood, robe or other covering upon the face or head, or while disguised in any manner, so as to conceal identity.

B. Sentence. Any person found guilty of aggravated assault may be sentenced to imprisonment for a term not to exceed 365 days, or be ordered to pay a fine not to exceed five thousand dollars (\$5,000), or both.

**§ 315.01. Aggravated Assault upon a Peace Officer**

A. Offense. A person commits aggravated assault upon a peace officer, as defined in 17 N.N.C. § 209, if he or she:

1. Unlawfully assaults or strikes at a peace officer engaged in the performance of his or her official duties with a deadly weapon; or

2. Commits assault by threatening or menacing a peace officer engaged in the performance of his or her official duties while wearing a mask, hood, robe or other covering upon the face or head, or while disguised in any manner, so as to conceal identity.

B. Mandatory Sentence. The mandatory sentence for this offense, among other penalties that may be imposed, shall be imprisonment for a term of not less than one hundred eighty (180) days in jail and not less than one hundred eighty (180) days nor more than three hundred sixty-five (365) days in active custody. There shall be no discretion in the imposition of the mandatory sentencing requirements of this section, and no portion of a mandatory sentence under this section shall be suspended or subject to probation or parole.

**§ 316. Battery**

A. Offense. A person commits battery if he or she unlawfully and intentionally strikes or applies force to the person of another.

B. Sentence. Any person found guilty of battery may be sentenced to imprisonment for a term not to exceed 365 days, or be ordered to pay a fine not to exceed five thousand dollars (\$5,000), or both.

**§ 316.01. Battery upon a Peace Officer**

A. Offense. A person commits battery upon a peace officer, as defined in 17 N.N.C. § 209, if he or she unlawfully and intentionally strikes or applies force to the person of a peace officer engaged in the performance of his or her official duties.

B. Mandatory Sentence. The mandatory sentence for this offense, among other penalties that may be imposed, shall be imprisonment for a term of not less than one hundred eighty (180) days nor more than three hundred and sixty-five (365) days in active custody. There shall be no discretion in the imposition of the mandatory sentencing requirements of this section, and no portion of a mandatory sentence under this section shall be suspended or subject to probation or parole.

**§ 317. Aggravated battery**

- A. Offense. A person commits aggravated battery if he or she:
1. Unlawfully applies force to the person of another, or strikes the person with a deadly weapon; or
  2. Intentionally or knowingly causes serious physical injury to the person of another.

B. Sentence. Any person found guilty of aggravated battery may be sentenced to imprisonment for a term not to exceed 365 days, or be ordered to pay a fine not to exceed five thousand dollars (\$5,000), or both.

**§ 317.01. Aggravated Battery upon a Peace Officer**

A. Offense. A person commits aggravated battery upon a peace officer, as defined in 17 N.N.C. § 209, if he or she:

1. Unlawfully applies force to the person of a peace officer engaged in the performance of his or her official

duties, or strikes the person of a peace officer engaged in the performance of his or her official duties with a deadly weapon; or

2. Intentionally or knowingly causes serious physical injury to the person of a peace officer engaged in the performance of his or her official duties.

B. Mandatory Sentence. The mandatory sentence for this offense, among other penalties that may be imposed, shall be imprisonment for a term of not less than three hundred sixty-five (365) days in active custody. There shall be no discretion in the imposition of the mandatory sentencing requirements of this section, and no portion of a mandatory sentence under this section shall be suspended or subject to probation or parole.

### **Subchapter 3. Weapons and Explosives**

#### **§ 320. Unlawful carrying of a deadly weapon**

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

B. Exceptions. Subsection (A) of this Section shall not apply to any of the following:

1. To peace officers in the lawful discharge of their duties;

2. To persons in a private motor vehicle or other means of conveyance, for lawful protection of the person's or another's person or property, while traveling and such weapon is located in a closed trunk, luggage, or glove compartment of a motor vehicle;

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.

12. Sentence.

1. Any person found guilty of unlawful carrying of a deadly weapon may be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay a fine not to exceed \$500, or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program ~~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.

4. The trial court may impose ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. 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.

6. The trial court may impose ~~shall consider the utility of labor or~~ community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, ~~including the chapter in which the defendant resides.~~

**§ 321. Unlawful use of a weapon**

A. Offense. A person commits unlawful use of a weapon if he or she:

1. Without lawful authority discharges a firearm in the proximity of a building, or into any building or vehicle so as to knowingly endanger a person or property;

2. Carries a firearm while under the influence of an intoxicant or narcotic; or

3. Handles or uses a firearm or other deadly weapon so as to knowingly or recklessly endanger the safety of another or that person's property,

B. Sentence.

1. Any person found guilty of unlawful use of a weapon may be sentenced to imprisonment for a term not to exceed 90 days, or be ordered to pay a fine not to exceed \$250, or both.

42. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order ~~whether~~ that restitution or nályééh shall be paid to the victim(s).

23. The trial court may utilize the services of the Navajo Peacemaking Program ~~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.

34. The trial court may impose ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

45. 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.

56. The trial court may impose ~~shall consider the utility of labor or~~ community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.

**§ 322. Unlawful sale, possession or transportation of explosives**

A. Offense. A person commits unlawful sale, possession or transportation of explosives if he or she:

1. Knowingly sells or possesses any explosive, or causes such explosive to be transported, without having plainly marked in large letters in a conspicuous place on the box or package containing such explosive, the name and explosive character thereof and the date of manufacture;

2. Knowingly makes, buys, transports, or transfers any explosive either with intent to use such explosive to commit a crime or knowing that another intends to use it to commit a crime.

B. Sentence.

1. Any person found guilty of unlawful sale, possession or transportation of explosives as set forth in subsection (A)(1) of this section may be sentenced to imprisonment for a term not to exceed 90 days, or be ordered to pay a fine not to exceed \$250, or both. Any person found guilty of unlawful sale, possession or transportation of explosives as set forth in subsection (A)(2) of this section may be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay a fine not to exceed \$500, or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order ~~whether~~ that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program ~~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.

4. The trial court may ~~impose~~ ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

45. 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.

56. The trial court may impose ~~shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.~~

### § 323. Dangerous use of explosives

A. Offense. A person commits dangerous use of explosives if he or she maliciously explodes, attempts to explode or places any explosive with the intent to injure, intimidate or terrify another, or to damage another's property.

B. Sentence.

1. Any person found guilty of dangerous use of explosives may be sentenced to imprisonment for a term not to exceed 365 days, or be ordered to pay a fine not to exceed five thousand dollars (\$5,000), or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaker ing Program 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.

4. The trial court may impose ~~consider the imposition of a~~ peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. 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.

6. ~~The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.~~

#### § 324. Negligent use of explosives

A. Offense. A person commits negligent use of explosives if he or she negligently explodes, attempts to explode or places any explosive in such a manner as to result in injury to another or to the property of another, or by such action increases the probability of such injury.

B. Sentence.

1. Any person found guilty of negligent use of explosives may be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay a fine not to exceed \$2,500, or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaker Program 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.

4. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. 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.

6. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public

~~Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.~~

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#### Subchapter 4. Theft and Related Offenses

##### § 330. Theft

A. Offense. A person commits theft if, without lawful authority, he or she intentionally or knowingly:

1. Controls property of another with the intent to deprive him or her of such property permanently;
2. Converts to an unauthorized use services or property of another entrusted to the defendant for a limited, authorized use;
3. Obtains property of another by means of any material misrepresentation with intent to deprive him or her thereof;
4. Comes into control of lost, mislaid or misdelivered property of another under circumstances providing means of inquiry as to the true owner and appropriates such property to his or her own or another's use without reasonable efforts to notify the true owner.

B. Sentence.

1. Any person found guilty of theft may be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay a fine not to exceed \$1,000, or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

23. The trial court may utilize the services of the Navajo Peacemaking Program ~~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.

44. The trial court may impose ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

45. 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.

46. The trial court may impose ~~shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.~~

### § 331. Theft of services

A. Offense. A person commits ~~an offense pursuant to this section~~ theft of services if, without lawful authority, he or she obtains services which such person knows are available only for compensation with the intent of avoiding payment for such services.

B. Sentence.

1. Any person found guilty of theft of services may be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay a fine not to exceed \$1,000, or both.

12. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

23. The trial court may utilize the services of the Navajo Peacemaking Program ~~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.

44. The trial court may ~~impose~~ consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

45. 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.

46. The trial court ~~may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private~~ an organization or an individual designated by the court, including the chapter in which the defendant resides.

### § 332. Unauthorized use of automobiles or other vehicles

A. Offense. A person commits an ~~offense pursuant to this Section~~ unauthorized use of automobiles or other vehicles if he or she intentionally or knowingly operates another's automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle, without the consent of the owner. The repossession of any such vehicle in violation of the provisions of 7 N.N.C. § 607 et seq. shall constitute a violation of this Section.

B. Sentence.

1. Any person found guilty of unauthorized use of automobiles or other vehicles may be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay a fine not to exceed \$1,000, or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order ~~whether~~ that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program 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.

44. The trial court may impose ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

45. 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.

46. The trial court may impose ~~shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.~~

### § 333. Receiving stolen property

A. Offense. A person commits ~~an offense pursuant to this Section~~ the offense of receiving stolen property if he or she purchases, receives, conceals, or aids in the concealing of any property of another knowing or having reason to know that such property was obtained by theft, extortion, fraud, or other means declared to be unlawful under the provisions of this title.

B. Sentence.

1. Any person found guilty of stolen property may be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay a fine not to exceed \$500, or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order ~~whether~~ that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program ~~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.

34. The trial court may impose ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

45. 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.

56. The trial court may impose ~~shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.~~

§ 334. Shoplifting

A. Offense. A person commits shoplifting if he or she obtains the goods of another while in a mercantile establishment in which merchandise is displayed for sale by:

1. Willfully taking possession of any merchandise with the intention of converting it without paying for it;
2. Willfully concealing any merchandise with the intention of converting it without paying for it;
3. Willfully altering any label, price, tag or marking any merchandise with the intention of depriving the merchant of all or some part of the value of it;
4. Willfully transferring any merchandise from the container in or on which it is displayed to any other container with the intention of depriving the merchant of all or some part of the value of it.

B. Detention to effect recovery. A merchant, or his or her agent or employee, upon probable cause, may detain on the premises in a reasonable manner and for a reasonable time any person suspected of shoplifting as defined in Subsection (A) of this Section for questioning or summoning a law enforcement officer. In no event shall such detention exceed one (1) hour. Such detention shall not subject the merchant or his or her agent or employee to criminal or civil liability.

## C. Sentence.

1. Any person found guilty of shoplifting goods valued at \$100 or over may be sentenced to imprisonment for a term not to exceed 90 days, or be ordered to pay a fine up to \$500 but not to exceed the value of the goods taken, or both.

2. Any person found guilty of shoplifting goods valued under \$100 may be sentenced to imprisonment for a term not to exceed 30 days, or be ordered to pay a fine up to \$100 but not to exceed the value of the goods taken, or both.

3. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order ~~whether~~ that restitution or nályééh shall be paid to the victim(s).

4. The trial court may utilize the services of the Navajo Peacemaking Program 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.

5. The trial court may impose ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

6. 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.

7. The trial court may impose ~~shall consider the utility of labor or~~ community service sentences, to be served under the supervision of the ~~Navajo Nation Department of Public Safety or a public or private~~ an organization or an individual designated by the court, ~~including the chapter in which the defendant resides.~~

§ 335. Fraud

A. Offense. A person commits fraud if he or she unlawfully obtains the property of another by willful misrepresentation, deceit, false interpreting, or the use of false weights and measures, with the intent of depriving such other person of the property.

B. Sentence.

1. Any person found guilty of fraud shall may be sentenced to imprisonment for a term of 365 days, or be ordered to pay a fine not to exceed \$5,000, or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program 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.

4. The trial court may impose ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. 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.

6. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, ~~including the chapter in which the defendant resides.~~

**§ 336. Theft by extortion**

A. Offense. A person commits theft by extortion if he or she intentionally or knowingly obtains or seeks to obtain property by means of a threat to do in the future any of the following:

1. Cause physical injury to any other person; or
2. Cause damage to property, or
3. Accuse anyone of a crime or bring criminal charges against anyone; or
4. Expose a secret or an asserted fact, whether true or false, tending to subject anyone to hatred, contempt or ridicule, or to impair his or her credit or business; or
5. Take or withhold action as public servant or cause a public servant to take or withhold action.

B. Sentence.

1. Any person found guilty of theft by extortion pursuant to Sections 336(A)(1) or (5) may be sentenced to imprisonment for a term not to exceed 365 days, or be ordered to pay a fine not to exceed five thousand dollars (\$5,000), or both.
2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order ~~whether~~ that restitution or nályééh shall be paid to the victim(s).
3. The trial court may utilize the services of the Navajo peacemaking Program 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.
4. The trial court may impose ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. 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.

6. ~~The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.~~

### Subchapter 5. Forgery and Related Offenses

#### § 340. Forgery

A. Offense. A person commits forgery if, with intent to defraud, he or she:

1. Falsely makes, completes or alters a written instrument; or
2. Offers or presents, whether accepted or not, a forged instrument.

B. Sentence.

1. Any person found guilty of forgery may be sentenced to imprisonment for a term not to exceed 90 days, or be ordered to pay a fine not to exceed \$500, or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program 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.

44. The trial court may impose ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

45. 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.

56. The trial court may impose ~~shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.~~

**§ 341. Criminal simulation**

A. Offense. A person commits criminal simulation if, with intent to defraud, he or she makes, alters, or presents or offers, whether accepted or not, any object so that it appears to have an antiquity, rarity, source, authorship or value that it does not in fact possess.

B. Sentence.

1. Any person found guilty of criminal simulation may be sentenced to imprisonment for a term not to exceed 90 days, or be ordered to pay a fine not to exceed \$500, or both.

12. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

23. The trial court may utilize the services of the Navajo Peacemaking Program ~~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.

34. The trial court may impose ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

45. 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.

56. The trial court may ~~impose shall consider the utility of labor or~~ community service sentences, to be served under the supervision of the ~~Navajo Nation Department of Public Safety or a public or private an~~ organization or an individual designated by the court, ~~including the chapter in which the defendant resides.~~

### § 342. Obtaining a signature by deception

A. Offense. A person commits obtaining a signature by deception if, with intent to defraud, he or she obtains the signature of another person to a written instrument by knowingly misrepresenting or omitting any fact material to the instrument or transaction.

B. Sentence.

1. Any person found guilty of obtaining a signature by deception may be sentenced to imprisonment for a term not to exceed 90 days, or be ordered to pay a fine not to exceed \$500, or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order ~~whether~~ that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program 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.

4. The trial court may impose ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

45. 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.

56. The trial court may impose ~~shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.~~

**§ 343. Criminal impersonation**

A. Offense. A person commits criminal impersonation if he or she:

1. Assumes a false identity with the intent to defraud another; or

2. Pretends to be a representative of some person or organization with the intent to defraud.

B. Sentence.

1. Any person found guilty of criminal impersonation may be sentenced to imprisonment for a term not to exceed 90 days, or be ordered to pay a fine not to exceed \$500, or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

23. The trial court may utilize the services of the Navajo Peacemaking Program ~~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.

34. The trial court may impose ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

45. 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.

56. ~~The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.~~

### Subchapter 6. Trespass and Burglary

#### § 350. Criminal trespass

A. Offense. A person commits criminal trespass if he or she intentionally and knowingly, and without consent or permission of the owner, user, or person in lawful possession thereof enters upon, remains or traverses upon private, allocated or allotted lands or other property not his or her own.

B. Sentence.

1. Any person found guilty of criminal trespass may be sentenced to imprisonment for a term not to exceed 30 days, or be ordered to pay a fine not to exceed \$100, or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order ~~whether~~ that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program 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.

4. The trial court may impose ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

45. 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.

46. The trial court ~~may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private~~ an organization or an individual designated by the court, including the chapter in which the defendant resides.

### § 351. Criminal entry

A. Offense. A person commits criminal entry if he or she intentionally and knowingly, and without consent or permission of the owner, user, or person in lawful possession thereof:

1. Enters upon any lands or buildings whether unenclosed or enclosed by fence, for the purpose of injuring any property or property rights or with the intention of interfering with or obstructing any lawful business or occupation therein;

2. Refuses or fails to leave land, real property or structures of any kind belonging to or lawfully occupied by another, and not open to the general public, upon being requested to leave by a police officer, or the owner, user, or the person in lawful possession thereof;

3. Refuses or fails to leave a public building or a public agency during those hours of the day or night when the building is regularly closed to the public upon being requested to do so by a police officer, a regularly employed guard, watchman or custodian of the public agency owning or maintaining the building or property.

B. Sentence.

1. Any person found guilty of criminal entry may be sentenced to imprisonment for a term not to exceed 90 days, or be ordered to pay a fine not to exceed \$250, or both.

42. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

43. The trial court may utilize the services of the Navajo Peacemaking Program 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.

44. The trial court may impose ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

45. 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.

46. The trial court may impose ~~shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.~~

## § 352. Trespass with force or violence

A. Offense. A person commits trespass with force or violence if he or she uses force or violence in entering upon or detaining lands, real property or structures of any kind belonging to, or lawfully occupied by another, except in cases and the manner allowed by law.

B. Sentence.

1. Any person found guilty of trespass with force or violence may be sentenced to imprisonment for a term not to exceed 365 days, or be ordered to pay a fine not to exceed five thousand dollars (\$5,000) or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program ~~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.

4. The trial court may impose ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. 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.

6. The trial court may impose ~~shall consider the utility of labor or~~ community service sentences, to be served under the supervision of ~~the Navajo Nation Department of Public Safety or a public or private~~ an organization or an individual designated by the court, including the chapter in which the defendant resides.

### § 353. Burglary

A. Offense. A person commits burglary if he or she enters or remains unlawfully in a residential or non-residential structure, or motor vehicle, with the intent of committing an offense therein.

B. Sentence.

1. Any person found guilty of burglary may be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay a fine not to exceed \$2,500, or both.

~~2.~~ The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

23. The trial court may utilize the services of the Navajo Peacemaking Program ~~Center~~ to determine nályeéh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

34. The trial court may impose ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

45. 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.

56. The trial court may impose ~~shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private~~ an organization or an individual designated by the court, ~~including the chapter in which the defendant resides.~~

### **Subchapter 7. Bribery and Related Offenses**

#### **§ 360. Bribery in official and political matters**

A. Offense. A person commits an offense pursuant to this Section if:

1. He or she offers, confers, or agrees to confer any benefit upon a Navajo Nation official, Navajo Nation judge or employee with the intention of influencing such person's vote, opinion, judgment, exercise of discretion or other action in his or her capacity as a Navajo Nation official, Navajo Nation judge or employee.

2. While a Navajo Nation official, Navajo Nation judge or employee, he or she solicits, accepts or agrees to accept any benefit upon an agreement or understanding that his or her vote, opinion, judgment, exercise of discretion or other action as a Navajo Nation official, Navajo Nation judge or employee may thereby be influenced.

## H. Sentence.

1. Any person found guilty of bribery in official and political matters may be sentenced to imprisonment for a term not to exceed 365 days, or be ordered to pay a fine not to exceed five thousand dollars (\$5,000), or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program ~~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.

4. The trial court may impose ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. 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.

6. The trial court may impose ~~shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private~~ an organization or an individual designated by the court, ~~including the chapter in which the defendant resides.~~

**§ 361. Improper influence in official and political matters**

A. Offense. A person commits an offense pursuant to this Section if he or she threatens harm to any person, Navajo Nation official, Navajo Nation judge or employee with the intent of influencing such person's vote, opinion, judgment, or exercise of discretion.

## B. Sentence.

1. Any person found guilty of improper influence in official and political matters may be sentenced to imprisonment for a term not to exceed 365 days, or be ordered to pay a fine not to exceed five thousand dollars (\$5,000), or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program ~~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.

4. The trial court may impose ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. 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.

6. The trial court may impose ~~shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.~~

**§ 362. Paying or receiving Navajo Nation Government funds for services not rendered**

A. Offense. A person commits an offense pursuant to this Section if he or she knowingly makes or receives payment or causes payment to be made from Navajo Nation government funds when such payment purports to be for wages, salary or remuneration for personal services which have not in fact been rendered.

B. Authorized expenditures. Nothing in this section shall be construed to prevent the payment of Navajo Nation government funds where such payments are intended to cover lawful remuneration to Navajo Nation officers or Navajo Nation employees for vacation periods or absences from employment because of sickness, or for other lawful authorized purposes.

C. Sentence.

1. Any person found guilty of paying or receiving Navajo Nation funds for services not rendered may be sentenced to imprisonment for a term not to exceed 365 days, or be ordered to pay a fine not to exceed five thousand dollars (\$5,000), or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program 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.

4. The trial court may impose ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. 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.

6. The trial court may impose ~~shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.~~

**§ 363. Making or permitting false Navajo Nation voucher**

A. Offense. A person commits an offense pursuant to this Section if he or she knowingly, intentionally or willfully makes, or causes to be made, or permits to be made a material misrepresentation or forged signature upon any Navajo Nation voucher, expense reimbursement form, or invoice supporting a Navajo Nation voucher, with the intent that the voucher, expense reimbursement form, or invoice be relied upon for the unauthorized expenditure of Navajo Nation funds.

B. Sentence.

1. Any person found guilty of making or permitting false Navajo Nation voucher may be sentenced to imprisonment for a term not to exceed 365 days, or be ordered to pay a fine not to exceed five thousand dollars (\$5,000), or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program 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.

4. The trial court may impose ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. 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.

6. The trial court may impose ~~shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private~~ an organization or an individual designated by the court, ~~including the chapter in which the defendant resides.~~

**§ 364. Abuse of office**

A. Offense. A person commits abuse of office if he or she acts or purports to act in an official capacity, or takes advantage of such actual or purported capacity, knowing such conduct is unlawful, and:

1. Subjects another to arrest, detention, search or seizure, mistreatment, or dispossession;
2. Infringes upon the personal or property right of another; or
3. Denies or impedes another in the exercise or enjoyment of any right, privilege, power, or immunity.

B. Sentence.

1. Any person found guilty of abuse of office may be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay a fine not to exceed two thousand five hundred dollars (\$2,500), or both.
2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).
3. The trial court may utilize the services of the Navajo Peacemaking Program 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.
4. The trial court may impose ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.
5. 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.

g; ~~The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.~~

### § 365. Forfeiture of Navajo Nation employment or office

Notwithstanding the provisions regarding sentencing of Chapter 2, Subchapter 2 of this Title, a Navajo Nation employee or non-elected public servant convicted of violating any section of this Subchapter shall permanently forfeit any his or her present or future employment or office with any Navajo Nation entity division, department, agency, program, or enterprise.

### Subchapter 8. Obstruction of Navajo Nation Administration

#### § 370. Obstruction of justice

A. A person is guilty of ~~an offense~~ the offense of obstruction of justice if, with intent to hinder, prevent, or delay the discovery, apprehension, prosecution, conviction, or punishment of another for the commission of a crime, he or she:

1. Knowing an offense has been committed, conceals it from a judge of the Navajo courts;
2. Harbors or conceals the offender;
3. Provides the offender a weapon, transportation, disguise, or other means for avoiding discovery or apprehension;
4. Warns the offender of impending discovery or apprehension;
5. Conceals, destroys, or alters any physical evidence that might aid in the discovery, apprehension, or conviction of the person;

6. Obstructs by force, intimidation, or deception anyone from performing an act that might aid in the discovery, apprehension, prosecution, or conviction of the person; or

7. Having knowledge that a law enforcement officer has been authorized or has applied for authorization to intercept a wire, electronic, or oral communication, gives notice or attempts to give notice of the possible interception to any person.

B. Sentence.

1. Any person found guilty of obstruction of justice may be sentenced to imprisonment for a term not to exceed 90 days, or be ordered to pay a fine not to exceed \$250, or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program ~~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.

4. The trial court may impose ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. 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.

6. The trial court may impose ~~shall consider the utility of labor or~~ community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, ~~including the chapter in which the defendant resides.~~

§ 370A. [Repealed]

§ 371. Refusing to aid an officer

A. Offense. A person commits an offense pursuant to this Section if he or she, upon a reasonable command by a peace officer, intentionally or knowingly refuses or fails to aid such officer in:

1. Effectuating or securing an arrest;
2. Preventing the commission by another of an offense as defined in this Title.

B. A person who complies with this Section by aiding a peace officer shall not be held liable to any person for civil damages resulting therefrom, provided he or she acted reasonably under the circumstances known to him or her at the time.

C. Sentence.

1. Any person found guilty of refusing to aid an officer may be sentenced to imprisonment for a term not to exceed 80 hours of community service work, or be ordered to pay a fine not to exceed \$100, or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program ~~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.

4. The trial court may impose ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. 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.

~~36. The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.~~

**§ 372. Rescue from lawful custody**

A. Offense. A person commits an offense pursuant to this Section if he or she intentionally and without lawful authority rescues or attempts to rescue any person in lawful custody or confinement.

B. Sentence.

1. Any person found guilty of rescue from lawful custody may be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay a fine not to exceed \$500, or both.

~~2.~~ The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

~~3.~~ The trial court may utilize the services of the Navajo Peacemaker ing Program 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.

~~4.~~ The trial court may impose ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

~~5.~~ 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.

56. The trial court may ~~impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private~~ an organization or an individual designated by the court, including the chapter in which the defendant resides.

**§ 373. Escape from lawful custody**

A. Offense. A person commits an offense pursuant to this Section if he or she escapes or attempts to escape from lawful custody or confinement.

B. Sentence.

1. Any person found guilty of escape from lawful custody may be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay a fine not to exceed \$500, or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program 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.

4. The trial court may impose consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. 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.

56. The trial court ~~may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public~~

~~Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.~~

**§ 374. Tampering with a public record**

A. Offense. A person commits tampering with a public record if he or she intentionally or knowingly and without proper authority:

1. Makes or completes a written instrument which purports to be a public record or true copy thereof or alters or makes a false entry in a written instrument which is a public record or a true copy thereof;

2. Presents or uses a written instrument which is or purports to be a public record or a copy thereof, knowing that it has been falsely made, completed or altered or that a false entry has been made therein, with intent that it be taken as genuine;

3. Records, registers or files or offers for recordation, registration or filing in a governmental office or agency a written statement which has been falsely made, completed or altered or in which a false entry has been made or which contains a false statement or false information;

4. Destroys, mutilates, conceals, removes or otherwise impairs the availability of any public record;

5. Refuses to deliver a public record in his or her possession upon proper request of a Navajo Nation official entitled to receive such record for examination or other purposes.

B. Public record, for purposes of this Section, means all official books, papers, written instruments or records created, issued, received or kept by any governmental office, department, division, branch or section or required by law to be kept by others for the information of any governmental office.

## 11. Sentence.

11. Any person found guilty of tampering with a public record may be sentenced to imprisonment for a term not to exceed 90 days, or be ordered to pay a fine not to exceed \$500, or both.

12. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order ~~whether~~ that restitution or nályééh shall be paid to the victim(s).

23. The trial court may utilize the services of the Navajo Peacemaking Program ~~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.

34. The trial court may impose ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

45. 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.

56. The trial court may impose ~~shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.~~

### § 375. Malicious criminal prosecution

A. Offense. A person commits an offense pursuant to this Section if he or she maliciously causes or attempts to cause a criminal charge to be preferred or prosecuted against an innocent person, knowing such person to be innocent.

## B. Sentence.

1. Any person found guilty of malicious criminal prosecution may be sentenced to imprisonment for a term not to exceed 90 days, or be ordered to pay a fine not to exceed \$1,000, or both.

42. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

23. The trial court may utilize the services of the Navajo Peacemaking Program ~~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.

34. The trial court may impose ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

45. 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.

56. The trial court may impose ~~shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private~~ an organization or an individual designated by the court, ~~including the chapter in which the defendant resides.~~

### § 376. Unsworn ~~f~~Falsification

A. Offense. A person commits ~~unsworn~~ falsification by knowingly:

1. Falsifying, concealing or covering up by any trick, scheme or device a material fact or making any false, fictitious or fraudulent statements or representations or making or using any false writing or document knowing the

same to contain any false, fictitious or fraudulent statement in connection with any matter within the jurisdiction of any Navajo Nation department or agency.

2. Making any false statement or providing any false documents to any prosecutor, special prosecutor or their investigator or agents, or any law enforcement officer, when the person believes the statement or document to be false.

3. Making any statement which he or she believes to be false in regard to a material issue to any Navajo Nation employee in connection with an application for any benefit, privilege, contract, agreement, or license.

H. Sentence.

1. Any person found guilty of falsification may be sentenced to imprisonment for a term not to exceed 365 days, or be ordered to pay a fine not to exceed \$5,000, or both.

12. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

23. The trial court may utilize the services of the Navajo Peacemaking Program ~~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.

34. The trial court may impose ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

45. 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.

56. The trial court may impose ~~shall consider the utility of labor or~~ community service sentences, to be served under the supervision of the ~~Navajo Nation Department of Public Safety or a public or private~~ an organization or an individual designated by the court, ~~including the chapter in which the defendant resides.~~

**§ 377. Unauthorized Practice of Law**

A. Offense. The unauthorized practice of law is committed when, without being an active member in good standing of the Navajo Nation Bar Association, a person:

1. Provides legal representation before the Courts of the Navajo Nation, any quasi-judicial, administrative, or legislative body to another person; or
2. Provides legal services within the Navajo Nation or to another person within the Navajo Nation, including but not limited to, the rendering of legal advice to another person, the drafting or completion of legal pleadings for another person, or the legal interpretation of documents for another person.

B. Exception. The acts set forth in Subsection (A) shall not be considered the unauthorized practice of law when legal representation is provided to another person in accord with Navajo Nation Court rules allowing association of lawyers unlicensed in the Navajo Nation with a member of the Navajo Nation Bar Association.

C. Sentence

1. Any person found guilty of unlawful practice of law may be sentenced to imprisonment for a term not to exceed 365 days, or be ordered to pay a fine not to exceed \$5,000, or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order ~~whether~~ that restitution or nályééh shall be paid to the victim(s).

23. The trial court may utilize the services of the Navajo Peacemaking Program 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.

34. The trial court may ~~impose~~ ~~consider~~ ~~the~~ ~~imposition~~ ~~of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

45. 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.

56. The trial court ~~may impose~~ ~~shall consider~~ ~~the~~ ~~utility~~ ~~of~~ ~~labor~~ ~~or~~ ~~community~~ ~~service~~ ~~sentences,~~ ~~to~~ ~~be~~ ~~served~~ ~~under~~ ~~the~~ ~~supervision~~ ~~of~~ ~~the~~ ~~Navajo~~ ~~Nation~~ ~~Department~~ ~~of~~ ~~Public~~ ~~Safety~~ ~~or~~ ~~a~~ ~~public~~ ~~or~~ ~~private~~ an organization or an individual designated by the court, ~~including~~ ~~the~~ ~~chapter~~ ~~in~~ ~~which~~ ~~the~~ ~~defendant~~ ~~resides.~~

### Subchapter 9. Criminal Damage to Property

#### § 380. Criminal damage

A. Offense. A person commits criminal damage if he or she intentionally or recklessly:

1. Defaces or damages tangible property of another person;
2. Tampers with tangible property of another person so as to substantially impair its function or value;
3. Tampers with the tangible property of a utility;
4. Defaces or damages tangible property of the Navajo Nation, of a political campaign or any public property.

B. Sentence.

1. Any person found guilty of criminal damage involving property damage of less than \$100 worth may be sentenced to perform up to 40 hours of community service work, or be ordered to pay a fine not to exceed \$100, or both.

2. Any person found guilty of criminal damage involving property damage of more than \$100 worth may be sentenced to perform up to 80 hours of community service work, or be ordered to pay a fine not to exceed \$500, or both.

3. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and ~~may order whether that~~ restitution or nályeéh shall be paid to the victim(s).

4. The trial court may utilize the services of the Navajo Peacemaking Program Court to determine nályeéh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

5. The trial court may ~~impose~~ ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

6. 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.

7. The trial court ~~may impose shall consider the utility of labor or~~ community service sentences, to be served under the supervision of ~~the Navajo Nation Department of Public Safety or a public or private~~ an organization or an individual designated by the court, ~~including the chapter in which the defendant resides.~~

C. Restitution. The court, in addition to or in lieu of the sentence, may require the offender to pay actual damages to the injured party.

### **§ 381. Littering**

A. Offense. A person commits an offense pursuant to this Section if he or she throws, places, drops, or disposes of any litter, destructive or injurious material upon lands within the territorial jurisdiction of the Navajo Nation which is not a lawful waste disposal site or receptacle for the disposal of litter.

## B. Sentence.

~~1.~~ 1. Any person found guilty of a first offense of littering may be sentenced to imprisonment for a term not to exceed 30 days, or be ordered to pay a fine not to exceed \$100, or both. In lieu of imprisonment or fine, the court may sentence ~~Any person found guilty of a first offense of littering may be sentenced to serve~~ perform not less than forty four hours nor more than 820 hours picking up and clearing litter from the highways, roads, or public places of the Navajo Nation.

2. Any person found guilty of a second or subsequent offense of littering may be sentenced to imprisonment for a term not to exceed 60 days, or be ordered to pay a fine not to exceed \$500, or both. In lieu of imprisonment or fine, the court may sentence any person found guilty of a second or subsequent offense of littering to perform not less than 80 hours nor more than 160 hours picking up and clearing litter from the highways, roads or public places of the Navajo Nation.

**§ 382. [Repealed]****§ 383. Desecration of religious or traditional artifacts**

A. Any person, group of persons, organization, association or church, who desecrates or unlawfully destroys any religious artifact or traditional relic belonging to another person, group of persons, organization, association or church, or aids, abets or facilitates such desecration or unlawful destruction shall be deemed guilty of an offense, and upon conviction thereof, may be sentenced to imprisonment for a period not in excess of 365 days for a natural person, or shall be fined an amount not to exceed five thousand dollars (\$5,000), or both.

1. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

2. The trial court may utilize the services of the Navajo Peacemaking Program ~~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 impose ~~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 may impose ~~shall consider the utility of labor or~~ community service sentences, to be served under the supervision of ~~the Navajo Nation Department of Public Safety or a public or private~~ an organization or an individual designated by the court, ~~including the chapter in which the defendant resides.~~

B. Each act of desecration or unlawful destruction shall constitute a separate offense.

#### Subchapter 10. Controlled Substances

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#### § 391. Possession of marijuana

A. Offense. ~~The Navajo Nation has a zero tolerance policy relative to the possession of marijuana. A person commits an offense pursuant to this Section if he or she possesses any amount of marijuana and such marijuana is intended for his or her personal use.~~

B. Sentence.

1. Any person found guilty of a first offense of violating this Section by possessing one ounce or less of marijuana may be sentenced to perform up to twenty hours of community service work, or be ordered to pay a fine not to exceed \$100, or both.

2. Any person found guilty of a second or subsequent offense of violating this Section by possessing one ounce or less of marijuana may be sentenced to perform up to forty hours of community service work, or be ordered to pay a fine not to exceed \$250, or both.

3. Any person found guilty of violating this Section by possessing more than one ounce but less than one pound of marijuana may be sentenced to perform up to eighty hours of community service work, or be ordered to pay a fine not to exceed \$2,500, or both.

4. Any person found guilty of violating this Section by possessing more than one pound of marijuana may be sentenced to imprisonment for a term not to exceed 365 days, or be ordered to pay a fine not to exceed \$5,000, or both.

C. Procedure.

~~1. Any person found guilty of violating this Section and in possession of any amount of marijuana shall be sentenced to imprisonment for a term not to exceed 365 days, or be ordered to pay a fine not to exceed five thousand dollars (\$5,000).~~

21. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

32. The trial court may utilize the services of the Navajo Peacemaking Program 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.

43. The trial court may impose ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

54. 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.

65. The trial court ~~may impose~~ shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.

### **§ 392. Production or delivery of marijuana**

A. Offense. A person commits an offense pursuant to this Section if he or she intentionally or knowingly produces, delivers, or possesses marijuana with intent to deliver such marijuana to another.

B. "Deliver" or "delivery" means the actual or constructive transfer of possession of marijuana to another with or without consideration, whether or not there is an agency relationship.

C. Sentence. Any person found guilty of producing, selling or delivering marijuana may be sentenced to imprisonment for a term not to exceed ~~180~~ 365 days, or be ordered to pay a fine not to exceed five ~~two~~ thousand ~~five hundred~~ dollars (\$25,000~~500~~), or both.

### **§ 393. Delivery of marijuana to minors**

A. Offense. A person commits an offense pursuant to this Section if he or she is at least 18 years of age, ~~and violates 17 N.N.C. § 391 by delivering and delivers~~ marijuana to a person under 18 years of age.

B. "Deliver" or "delivery" means the actual or constructive transfer of possession of marijuana, with or without consideration, whether or not there is any agency relationship.

C. Sentence. Any person found guilty of delivering marijuana to minors ~~may~~ shall be sentenced to imprisonment for a term of ~~not to exceed~~ 365 days, ~~and~~ and to pay a fine not to exceed five thousand dollars (\$5,000).

### **§ 394. Possession or sale of controlled substances**

A. Offense. A person commits an offense pursuant to this section if he or she possesses, manufactures, transports, sells, uses, trades or delivers:

l. Opium or coca leaves, or any compound, manufacture, salt, derivative, mixture or preparation thereof, apo morphine and its salts excepted, and including the following:

- a. Acetorphine;
- b. Acetyldihydrocodeine;
- c. Benylmorphine;
- d. Codeine;
- e. Codeine methylbromide;
- f. Codeine-n-oxide;
- g. Cyprenorphine;
- h. Desomorphine;
- i. Dihydromorphine;
- j. Drotebanol;
- k. Ethylmorphine;
- l. Etorphine;
- m. Heroin;
- n. Hydrocodone;
- o. Hydromorphinol;
- p. Hydromorphone;
- q. Methyldesorphine;
- r. Methyldihydromorphine;
- s. Metopon;
- t. Morphine;
- u. Morphine methylbromide;
- v. Morphine methylsulfonate;
- w. Morphine-n-oxide;
- x. Myrophine;
- y. Nalorphine;
- z. Nicocodeine;

- aa. Neomorphine;
- bb. Neomorphine;
- cc. Nizycodeine;
- dd. Oxymorphone;
- ee. Pholcodine;
- ff. Thebacon;
- gg. Thebaine;
- hh. Cocaine.

2. Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers:

- a. Lysergic acid diethylamide;
- b. Mescaline;
- c. Psilocybin;
- d. Psilocyn;
- e. Hashish;
- f. Peyote;
- g. 4-bromo 2, 5-dimethoxyamphetamine;
- h. Bufotenine;
- i. Diethyltryptamine;
- j. 2, 5-dimethoxyamphetamine;
- k. Dimethyltryptamine;
- l. 5-methoxy 3, 4-methylenedioxyamphetamine;
- m. 4-methyl 2, 5-dimethoxyamphetamine;
- n. Ibogaine;
- o. Lysergic acid amide;
- p. Methoxymethylenedioxyamphetamine (MMDA);
- q. Methylenedioxyamphetamine (MDA);
- r. 3, 4-metyulenedioxymethamphetamine;
- s. 3, 4-methylenedioxy-n-ethylamphetamine;

- f. N-ethyl 3-piperidyl benzilate (JB 318);
- u. N-hydroxy 3, 4-methylenedioxyamphetamine;
- v. N-methyl 3-piperidyl bezilate (JB 336);
- w. N-(1-phenylcyclohexyl) ethylamine (PCE);
- x. Nabilone;
- y. 1-(1-phenylcyclohexyl) pyrrolidine (PHP);
- z. 1-(1-(2-thienyl)-cyclohexyl) pyrrolidine;
- aa. Para-methoxyamphetamine (PMA);
- bb. Synhexyl;
- cc. Trimethoxyamphetamine.

3. Any material, compound, mixture or preparation which contains an amount equal to or more than 1.4% quantity of tetrahydrocannabinol (T.H.C.).

4. Any material, compound, mixture or preparation which contains any quantity of the following substances and their salts, isomers, and salts of isomers having a potential for abuse associated with a stimulant effect on the central nervous system:

- a. Amphetamine;
- b. Benzphetamine;
- c. Cathine ((+)-norpseudoephedrine);
- d. Clorpheniramine;
- e. Clortermine.
- f. Diethylpropion;
- g. Fencamfamin;
- h. Fenethylline;
- i. Fenproporex;
- j. Mazindol;
- k. Mefenorex;
- l. Methamphetamine;
- m. 4-methylaminorex;

- n. Methylphenidate;
- o. N-ethylamphetamine;
- p. N, N-dimethylamphetamine;
- q. Pemoline;
- r. Phendimetrazine;
- s. Phenmetrazine;
- t. Pipradol;
- u. Propylhexedrine;
- v. Pyrovalerone;
- w. Spa ((-) 1-dimethylamino 1,2-diphenylethane).

8. Any material, compound, mixture or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

- a. Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid, unless specifically excepted;
- b. Alprazolam;
- c. Bromazepam;
- d. Camazepam;
- e. Chloral betaine;
- f. Chloral hydrate;
- g. Chlordiazepoxide;
- h. Chlorhexadol;
- i. Clobazam;
- j. Clonazepam;
- k. Clorazepate;
- l. Clotiazepam;
- m. Cloxazolam;
- n. Delorazepam;

o. Diazepam;  
p. Estazolam;  
q. Ethchlorvynol;  
r. Ethinamate;  
s. Ethyl loflazepate;  
t. Fenfluramine;  
u. Fludiazepam;  
v. Flunitrazepam;  
w. Flurazepam;  
x. Gamma hydroxy butyrate;  
y. Glutethimide;  
z. Halazepam;  
aa. Haloxazolam;  
bb. Ketamine;  
cc. Ketazolam;  
dd. Loprazolam;  
ee. Lorazepam;  
ff. Lormetazepam;  
gg. Lysergic acid;  
hh. Metabutamate;  
ii. Mecloqualone;  
jj. Medazepam;  
kk. Meprobamate;  
ll. Methaqualone;  
mm. Methylprylon;  
nn. Midazolam;  
oo. Nimetazepam;  
pp. Nitrazepam;  
qq. Nordiazepam;  
rr. Oxazepam;

ss. Oxazolam;  
tt. Paraldehyde;  
uu. Petrichloral;  
vv. Phencyclidine;  
ww. Pinazepam;  
xx. Praxepam;  
yy. Scopolamine;  
zz. Sulfondiethylmethane;  
aaa. Sulfoethylmethane  
bbb. Sulfomethane;  
ccc. Quazepam;  
ddd. Temazepam;  
eee. Tetrazepam;  
fff. Tiletamine;  
ggg. Triazolam;  
hhh. Zolazepam.

6. Narcotic drugs, including the following, whether of natural or synthetic origin and any substance neither chemically or physically distinguishable from them:

a. Acetyl-alpha-methylfentanyl;  
b. Acetylmethadol;  
c. Alfentanil;  
d. Allyprodine;  
e. Alphacetylmethadol;  
f. Alphameprodine;  
g. Alphamethadol;  
h. Alphamethylfentanyl;  
i. Alphamethylioxyfentanyl;  
j. Alphaprodine;  
k. Amidone (methadone);

- l. Anileridine;
- m. Benzethidine;
- n. Benzylfentanyl;
- o. Betacetylmethadol;
- p. Betahydroxyfentanyl;
- q. Betahydroxy-3-methylfentanyl;
- r. Betameprodine;
- s. Betamethadol;
- t. Betaprodine;
- u. Bezitramide;
- v. Buprenorphine and its salts;
- w. Cafentanil;
- x. Clonitazene;
- y. Detropropoxyphene;
- z. Diampromide;
- aa. Diethylthiambutene;
- bb. Difenoxylin;
- cc. Dihydrocodeine;
- dd. Dimenoxadol;
- ee. Dimepseptanol;
- ff. Dimethylthiambutene;
- gg. Dioxaphetyl butyrate;
- hh. Diphenoxylate;
- ii. Dipipanone;
- jj. Ethylmethyliambutene;
- kk. Etonitazene;
- ll. Etoxeridine;
- mm. Fentanyl;
- nn. Furethidine;
- oo. Hydroxypethidine;

pp. Isoamidone (isomethadone);  
qq. Isonipecaine;  
rr. Ketobemidone;  
ss. Levomethorphan;  
tt. Levoaramide;  
uu. Levophenacetylmorphan;  
vv. Levorphanol;  
ww. Metazocine;  
xx. 3-methylfentanyl;  
yy. 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP);  
zz. 3-Methylthiofentanyl;  
aaa. Morpheridine;  
bbb. Noracymethadol;  
ccc. Norlevorphanol;  
ddd. Normethadone;  
eee. Norpipanone;  
fff. Paraflourofentanyl;  
ggg. Pentazocine;  
hhh. Phenadoxone;  
iii. Phenampromide;  
jjj. Phenazocine;  
kkk. 1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine  
(PEPAP);  
lll. Phenomorphan;  
mmm. Phenoperidine;  
nnn. Piminodine;  
ooo. Piritramide;  
ppp. Prohepatazine;  
qqq. Properidine;  
rrr. Propiram;

sss. Racemethorphan;  
 ttt. Racemotamide;  
 uuu. Racemorphan;  
 vvv. Sufentanil;  
 www. Thenylfentanyl;  
 xxx. Thiofentanyl;  
 yyy. Tilidine;  
 zzz. Trimeperidine.

B. Defense. It is a defense to a prosecution under this section that the controlled substance or narcotic was obtained directly from or pursuant to a valid prescription or order issued by a practitioner acting in the course of his or her professional practice.

C. Peyote. The listing of peyote (more commonly known as azeé') in Subsection A does not apply to the use of azeé' by an enrolled member of an Indian tribe for bona fide ceremonial purposes in connection with nahaghá. Individuals who use, possess, or transport azeé' for use in nahaghá are exempt from this prohibition. Azeé' is lawful on the Navajo Nation.

D. Sentence.

1. Any person found guilty of possession or sale of controlled substances may ~~shall~~ be sentenced to imprisonment for a term not to exceed 365 days, or be ordered to pay a fine not to exceed five thousand dollars \$5,000, or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order ~~whether~~ that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaker ~~ing Program 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.

4. The trial court may ~~impose~~ ~~consider the imposition of a~~ ~~peace or security bond upon the defendant, including the~~ ~~pledges of family or clan sureties.~~

5. 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.

6. The trial court may ~~impose~~ ~~shall consider the utility~~ ~~of labor or community service sentences, to be served under~~ ~~the supervision of the Navajo Nation Department of Public~~ ~~Safety or a public or private~~ an organization or an

individual designated by the court, including the chapter ~~in which the defendant resides.~~

E. Rehabilitation. At the discretion of the court, any person found guilty of violating this section, and found to be addicted to a controlled substance, may be ordered to receive rehabilitative treatment pursuant to 17 N.N.C. § 220.

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## Subchapter 12. Intoxicating Liquors

### § 410. Possession of liquor

A. Offense. A person commits an offense pursuant to this Section if he or she intentionally or knowingly possesses, or transports any beer, ale, wine, whiskey or any other beverage or any other intoxicating substance which produces ~~alcoholic~~ intoxication, and such alcoholic beverage or intoxicating substance is intended for his or her personal use.

B. Sentence.

1. Any person found guilty of violating this Section ~~possession of liquor~~ may for a first offense be ordered to pay a fine not to exceed fifty five hundred dollars (\$500.00).

2. Upon subsequent conviction of violating this Section possession of liquor within a period of 180 days of any previous conviction based upon violation of this Section, he or she may be ordered to pay a fine not to exceed one ~~hundred~~ thousand dollars (\$1,000.00).

P. Rehabilitation. At the discretion of the court, any person found guilty of violating this Section, and found to be addicted to alcohol or other intoxicating substances, may be ordered to receive rehabilitative treatment pursuant to Section 220 of this Title.

#### **§ 411. Manufacture or delivery of liquor**

A. Offense. A person commits an offense pursuant to this Section if he or she intentionally or knowingly manufactures, delivers, or possesses, with intent to deliver, any beer, ale, wine, whiskey, or any other beverage or other intoxicating substance which produces ~~alcoholic~~ intoxication.

B. "Deliver" or "delivery" means the actual or constructive transfer of possession of any alcoholic beverage or intoxicating substance as described above, with or without consideration, whether or not there is an agency relationship.

C. Presumption. The possession of 12 or more bottles of beverages with an alcohol content of ten percent (10%) or greater, or the possession of 24 or more bottles or cans of beverages with an alcohol content of less than ten percent (10%) shall give rise to the rebuttable presumption that the person possessed such quantity of alcoholic beverages intending to deliver the same.

D. Sentence.

1. Any person found guilty of violating this Section may be sentenced to imprisonment for a term not to exceed 365 days, or be ordered to pay a fine not to exceed five thousand dollars (\$5,000), or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program ~~Court~~ to determine *nalyeesh* and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

4. The trial court may impose ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

*See note* → 5. 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.

6. The trial court may impose ~~shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private~~ an organization or an individual designated by the court, ~~including the chapter in which the defendant resides.~~ *Courts, in*

E. Tort liability. Any person who directly gives, sells, or otherwise provides liquor or any alcoholic beverage to any other person shall be strictly liable for any personal injuries, property damage, means of support to any third person (or to the spouse, child or parent of that third person), or to a person who may bring an action for wrongful death where:

1. The person who obtained the liquor or alcoholic beverage consumed the same;
2. The consumption of the liquor or alcoholic beverage was a proximate cause of the injury, death or property damage.

For the purposes of this Subsection, if it is found that the person who obtained the liquor or alcoholic beverage causes injuries or property damage as a result of the consumption of the liquor or alcoholic beverage within a reasonable period of time following his or her first obtaining the liquor or alcoholic beverage, it shall create a rebuttable presumption that the person consumed the liquor or alcoholic beverage provided to him or her by the person who gave, sold or otherwise provided the liquor or alcoholic beverage.

If a person having rights or liabilities under this Subsection dies, the rights or liabilities provided by this Subsection survive to or against that person's estate.

An action based upon a cause of action under this Subsection shall be commenced within five (5) years after the date of injury or property damage.

Nothing in this Subsection precludes any cause of action or additional recovery against the person causing the injury.

F. Civil forfeiture. Any personal or real property of any person found liable for an offense under this Section, whether criminally or civilly, is subject to forfeiture to the Navajo Nation if the following conditions are met:

1. A person is found to have committed an offense under this Section;
2. There is proof, by at least a preponderance of the evidence, that the property was used in connection with the manufacture, delivery, possession, or transfer of any liquor or alcoholic beverage;
3. The person liable for an offense under this Section has received notice of the proposed forfeiture and provided an opportunity to be heard on that issue.

For the purposes of this Subsection, notice of a proposed forfeiture shall be deemed adequate if the forfeiture is alleged in a complaint for an offense under this Section and the property to be forfeited is described with particularity.

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### **Subchapter 13. Gambling**

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#### **§ 421. Promotion of unlawful gambling**

A. Offense. A person commits promotion of unlawful gambling if he or she derives or intends to derive an economic benefit other than personal winnings from gambling and:

1. Induces or aids another to engage in gambling; or
2. Knowingly invests in, finances, owns, controls, supervises, manages, or participates in any gambling.

B. Exceptions. It shall not be unlawful for any person to engage in the activities constituting this offense within the Tóhajiilee Chapter of the Navajo Nation and a Navajo Nation certified chapter that approves gaming within the chapter such as Shiprock Chapter, Manuelito Chapter, Tóhajiilee Chapter, Nahata Dzil Chapter, Leupp Chapter and Tsé Daak'aán Chapter, if done pursuant to a gaming compact entered into between the Navajo Nation and the applicable states.

C. Sentence. Any person found guilty of violating this Section shall forfeit to the Navajo Nation any and all proceeds and devices obtained through the activities constituting this offense and may be ordered to pay a fine not to exceed \$1,000.

#### **§ 422. Possession of an unlawful gambling device**

A. Offense. A person commits possession of an unlawful gambling device if, with knowledge of the character thereof, he or she manufactures, sells, transports, places or possesses, or conducts or negotiates a transaction affecting or designed to affect ownership, custody, or use of, a slot machine or any other gambling device knowing it is to be used in promoting unlawful gambling.

B. Exceptions. It shall not be unlawful for any person to engage in the activities constituting this offense within the Tóhajiilee Chapter of the Navajo Nation and a Navajo Nation certified chapter that approves gaming within the chapter such as Shiprock Chapter, Manuelito Chapter, Tóhajiilee Chapter, Nahata Dzil Chapter, Leupp Chapter and Tsé Daak'aán Chapter, if done pursuant to a gaming compact entered into between the Navajo Nation and the applicable states.

C. Sentence. Any person found guilty of possession of a gambling device shall forfeit to the Navajo Nation any and all proceeds and devices obtained through the activities constituting this offense and may be ordered to pay a fine not to exceed \$1,000.

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### Subchapter 14. Prostitution

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#### § 431. Prostitution

A. Offense. A person commits an offense pursuant to this Section if he or she engages in or agrees or offers to engage in sexual conduct with another person under a fee arrangement.

B. Sentence.

1. Any person found guilty of engaging in sexual conduct with another person under a fee arrangement may be ordered to pay a fine not to exceed \$1,000.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order ~~whether that~~ restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program ~~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.

4. The trial court may impose ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. 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.

6. The trial court may impose ~~shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private~~ an organization or an individual designated by the court, including the chapter in which the defendant resides.

§ 432. Promotion of prostitution

A. Offense. A person commits promotion or prostitution if he or she knowingly finances, compels, manages, supervises or controls either alone or in association with others, prostitution activity.

B. Sentence.

1. Any person found guilty of promoting prostitution may be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay a fine not to exceed \$1,000, or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program 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.

4. The trial court may impose ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. 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.

6. The trial court may impose ~~shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private~~ an organization or an individual designated by the court, ~~including the chapter in which the defendant resides.~~

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## Subchapter 16. Offenses Against the Family

### § 450. Definition

The following definition is applicable to this Subchapter

"Sexual contact" and "sexual act" have the same meaning as those terms are defined in Section 435 in Subchapter 15 of this Title.

### § 451. Bigamy

A. Offense. A person commits bigamy if he or she intentionally or knowingly marries or purports to marry another person at a time when either is lawfully married.

B. Sentence.

1. Any person found guilty of bigamy may be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay a fine not to exceed \$1,000, or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order ~~whether~~ that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program 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.

4. The trial court may ~~impose~~ ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. 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.

6. The trial court ~~may impose~~ ~~shall consider the utility of labor or~~ community service sentences, to be served under the supervision of ~~the Navajo Nation Department of Public~~

~~the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.~~

## § 452. Adultery

A. Offense. A person commits adultery if he or she intentionally or knowingly:

1. If married, engages in sexual intercourse with one other than his or her spouse; or

2. If unmarried engages in sexual intercourse with a married person.

B. No prosecution for adultery shall be commenced except upon complaint of the husband or wife not committing the offense.

C. Sentence.

1. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

2. The trial court may utilize the services of the Navajo Peacemaking Program 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 impose 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 may impose ~~shall consider the utility of labor or community service sentences, to be served~~ under the supervision of ~~the Navajo Nation Department of Public Safety or a public or private an organization or an~~

~~individual designated by the court, including the chapter in which the defendant resides.~~

§ 453. **Reserved.**

§ 454. **Abandonment of a child**

A. **Offense.** A person commits abandonment of a child if, as a parent, guardian or other person having custody of a child, he or she intentionally or knowingly abandons a child under 18 years of age.

B. **Sentence.**

1. Any person found guilty of abandonment of a child may be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay a fine not to exceed \$1,000, or both.

~~2.~~ The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

~~3.~~ The trial court may utilize the services of the Navajo Peacemaking Program ~~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.

~~4.~~ The trial court may impose ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

~~5.~~ 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.

~~6.~~ The trial court may impose ~~shall consider the utility of labor or~~ community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, ~~including the chapter in which the defendant resides.~~

**§ 455. Persistent nonsupport**

A. Offense. A person commits an offense pursuant to this Section if he or she intentionally and persistently fails to provide food, shelter, clothing, medical attention, financial support or other necessary care which he or she can provide and is legally obliged to provide to a spouse, child or other dependent.

B. Sentence.

1. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

2. The trial court may utilize the services of the Navajo Peacemaking Program 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 impose ~~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 may impose ~~shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private~~ an organization or an individual designated by the court, including the chapter in which the defendant resides.

C. Payment of actual damages. In addition to or in lieu of the sentence described above, the court at its discretion may require the defendant to pay actual damages, plus reasonable interest and costs of collection, for the benefit of the spouse, child or other dependent.

**§ 456. Endangering the welfare of a minor**

A. Offense. A parent, guardian or any other person commits endangering the welfare of a minor if he or she intentionally or knowingly contributes, encourages or causes a person under 18 years of age:

1. To be subjected to the infliction of physical or mental injury including failing to maintain reasonable care and treatment thereof; or
2. To be habitually truant from school or a runaway from a parent or guardian or otherwise incorrigible; or
3. To live in a home, which by reason of neglect, cruelty or depravity is an unfit place.

B. Construction to be given this Section. This Section shall be liberally construed in favor of the Navajo Nation for the protection of the minor from neglect or omission of parental duty toward the child, and also to protect children of the Navajo Nation from the effects of the improper conduct, acts or bad example of any person which may be calculated to cause, encourage or contribute to the adverse welfare of minors, although such person is in no way related to the minor.

C. Any person having cause to believe that a minor has received physical injury as a result of unusual or unreasonable physical abuse or neglect should report or cause reports to be made in accordance with the provisions of this Section.

D. An oral report should be made as soon as possible by telephone or otherwise and may be followed by a report in writing to the local Navajo Nation Police unit. Such report should contain the name and address of the minor, if known by the person making the report, and any other information the person making the report believes might be helpful in establishing the cause of the injuries and the identity of the perpetrator.

E. Any person or institution making report in good faith pursuant to this Section shall have immunity from any liability, civil or criminal, that might be otherwise incurred or imposed. Any person or institution making a report in good faith pursuant

E. Any person or institution making report in good faith pursuant to this Section shall have immunity from any liability, civil or criminal, that might be otherwise incurred or imposed. Any person or institution making a report in good faith pursuant to this Section shall have the same immunity with respect to participation in any proceeding resulting from such report.

F. Sentence.

1. Any person found guilty of endangering the welfare of a minor may be sentenced to a term of imprisonment not to exceed 90 days, or be ordered to pay a fine not to exceed \$500, or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order ~~whether~~ that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program 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.

4. The trial court may impose ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. 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.

6. The trial court may impose ~~shall consider the utility of labor or~~ community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, ~~including the chapter in which the defendant resides.~~

#### **Subchapter 17. [Reserved]**

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## Subchapter 18. Interference with Judicial Proceedings

### § 470. Definitions

The following definitions are applicable to this Subchapter:

- A. "Benefit" means any present or future gain or advantage to a beneficiary or to a third person pursuant to the desire or consent of the beneficiary.
- B. "Juror" means any person who is a member of any impaneled jury and includes any person who has been drawn or summoned to attend as a prospective juror.
- C. "Official proceeding" means a proceeding heard before any standing committee of the Navajo Nation Council, judicial proceeding or before an official authorized to hear evidence under oath.
- D. "Testimony" includes oral or written statements, documents or any other material that may be offered by a witness in an official proceeding.

### § 471. Influencing a witness

- A. Offense. A person commits influencing a witness if he or she threatens a witness, or offers, confers or agrees to confer any benefit upon a witness in any official proceeding, or a person he or she believes may be called as a witness, with intent to:
  - 1. Influence the testimony of that person; or
  - 2. Induce that person to avoid legal process summoning him or her to testify; or
  - 3. Induce that person to absent himself or herself from any official proceeding to which he or she has been legally summoned.
- B. Sentence.
  - 1. Any person found guilty of violating this section may be sentenced to imprisonment for a term not to exceed 180

41ys, or be ordered to pay a fine not to exceed \$1,000, or both.

42. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nalyeesh shall be paid to the victim(s).

43. The trial court may utilize the services of the Navajo Peacemaking Program ~~Court~~ to determine nalyeesh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

44. The trial court may impose ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

45. 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.

46. The trial court may impose ~~shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private~~ an organization or an individual designated by the court, ~~including the chapter in which the defendant resides.~~

#### **§ 472. Receiving a bribe by a witness**

A. Offense. A witness in an official proceeding, or a person who believes he or she may be called as a witness, commits receiving a bribe by a witness if he or she intentionally or knowingly solicits, accepts or agrees to accept any benefit upon an agreement or understanding that:

1. His or her testimony will thereby be influenced; or
2. He or she will attempt to avoid legal process summoning him or her to testify; or

4. He or she will absent himself or herself from any official proceeding to which he or she has been legally summoned.

#### B. Sentence.

1. Any person found guilty of receiving a bribe by a witness may be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay a fine not to exceed \$1,000, or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program ~~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.

4. The trial court may impose ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. 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.

6. The trial court may impose ~~shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private~~ an organization or an individual designated by the court, including the chapter in which the defendant resides.

#### § 473. Influencing a juror

A. Offense. A person commits an offense pursuant to this Section if he or she threatens a juror or offers, confers or agrees to confer a benefit upon a juror with the intent to influence the juror's vote, opinion, decision or other action as a juror.

## B. Sentence.

1. Any person found guilty of influencing a juror may be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay a fine not to exceed \$1,000, or both.

12. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

23. The trial court may utilize the services of the Navajo Peacemaking Program ~~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.

34. The trial court may impose ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

45. 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.

56. The trial court may impose ~~shall consider the utility of labor or~~ community service sentences, to be served under the supervision of the ~~Navajo Nation Department of Public Safety or a public or private~~ an organization or an individual designated by the court, ~~including the chapter in which the defendant resides.~~

#### § 474. Receiving a bribe by a juror

A. Offense. A juror commits an offense pursuant to this Section if he or she intentionally or knowingly solicits, accepts or agrees to accept any benefit upon an agreement or understanding that his or her vote, opinion, decision or other action as a juror may thereby be influenced.

## B. Sentence.

1. Any juror found guilty of receiving a bribe may be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay a fine not to exceed \$1,000, or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program ~~Center~~ 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.

4. The trial court may impose ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. 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.

6. The trial court may impose ~~shall consider the utility of labor or~~ community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.

**§ 475. Jury tampering**

A. Offense. A person commits jury tampering if, with intent to influence a juror's vote, opinion, decision or other action in a case, he or she, directly or indirectly, communicates with a juror other than as part of the normal proceedings of the case.

## B. Sentence.

1. Any person found guilty of jury tampering may be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay a fine not to exceed \$1,000, or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order ~~whether that~~ restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program ~~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.

4. The trial court may impose ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. 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.

6. The trial court may impose ~~shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.~~

### § 476. Tampering with physical evidence

A. Offense. A person commits tampering with physical evidence if, with intent that it be used, introduced, rejected or unavailable in an official proceeding which is then pending or which such person knows is about to be instituted, he or she:

1. Destroys, mutilates, alters, conceals or removes physical evidence with the intent to impair its verity or availability; or

2. Knowingly makes, produces or offers any false physical evidence; or

3. Prevents the production of physical evidence by an act of force, intimidation or deception against any person.

B. Sentence.

1. Any person found guilty of tampering with physical evidence may be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay a fine not to exceed \$1,000, or both.

42. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

23. The trial court may utilize the services of the Navajo Peacemaking Program ~~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.

34. The trial court may impose ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

45. 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.

56. The trial court may impose ~~shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private~~ an organization or an individual designated by the court, ~~including the chapter in which the defendant resides.~~

**§ 477. Interfering with judicial proceedings**

A. Offense. A person commits an offense pursuant to this Section if he or she intentionally or knowingly:

1. Engages in disorderly, disrespectful or insolent behavior during the session of a court which directly tends to interrupt its proceedings or impairs the respect due to its authority after being advised by the court to cease; or
2. Disobeys or resists the lawful order, process or other mandate of a court; or
3. Refuses to be sworn as a witness in any court proceeding; or
4. Refuses to serve as a juror; or
5. Fails inexcusably to attend a trial at which he or she has been chosen to serve as a juror.

B. Sentence.

1. Any person found guilty of interfering with judicial proceedings may be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay a fine not to exceed \$1,000, or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order ~~whether~~ that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program ~~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.

4. The trial court may ~~impose~~ consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

45. 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.

56. The trial court ~~may impose shall consider the utility of labor or~~ community service sentences, to be served under the supervision of the ~~Navajo Nation Department of Public Safety or a public or private~~ an organization or an individual designated by the court, ~~including the chapter in which the defendant resides.~~

#### § 478. Simulating legal process

A. Offense. A person commits an offense pursuant to this Section if he or she intentionally or knowingly sends or delivers to another any document purporting to be an order or other document that simulates civil or criminal process, including process which is otherwise proper but which is not authorized by the laws of the Navajo Nation.

B. Sentence.

1. Any person found guilty of simulating legal process may be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay a fine not to exceed \$1,000, or both.

12. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

23. The trial court may utilize the services of the Navajo Peacemaking Program 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.

34. The trial court may ~~impose consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

45. 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.

46. ~~The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.~~

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**Subchapter 19. Offenses Against the Public Order**

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**§ 481. Unlawful assembly**

A. Offense. A person commits unlawful assembly if being present at any assembly of five or more other persons that either has or develops the purpose to engage in conduct constituting a riot as defined in 17 N.N.C. § 482, he or she knowingly remains there and refuses to obey an official order to disperse.

B. Sentence.

1. Any person found guilty of unlawful assembly may be ordered to pay a fine not to exceed \$250.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order ~~whether~~ that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program 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.

44. The trial court may impose ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

45. 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.

56. The trial court may impose ~~shall consider the utility of labor or~~ community service sentences, to be served under the supervision of the ~~Navajo Nation Department of Public Safety or a public or private~~ an organization or an individual designated by the court, ~~including the chapter in which the defendant resides.~~

#### § 482. Riot

A. Offense. A person commits riot if, with five or more other persons acting together, he or she intentionally, knowingly or recklessly uses force or violence or threatens to use force or violence, if accompanied by immediate power of execution, which disturbs the public peace.

B. Sentence.

1. Any person found guilty of rioting may be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay a fine not to exceed one thousand five hundred dollars (\$1,000.00), or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program ~~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.

4. The trial court may impose ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. 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.

6. ~~The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.~~

### § 483. Disorderly conduct

A. Offense. A person commits disorderly conduct if, with intent to cause public inconvenience, annoyance or alarm, or with knowledge of doing so, or recklessly creating a risk thereof, he or she:

1. Engages in fighting, or provokes a fight in a Public or Private place; or
2. In a public place uses abusive or offensive language or gestures to any person present in a manner likely to provoke immediate physical retaliation by such person; or
3. Makes any protracted commotion, utterance or display with the intent of preventing the transaction of the business of a lawful meeting, gathering or procession; or
4. Makes unreasonable noise in a public place.

B. Sentence.

1. Any person found guilty of a first offense of disorderly conduct may be ordered to pay a fine not to exceed \$100.

2. Any person found guilty of a second offense of disorderly conduct within one year may be ordered to pay a fine not to exceed \$250.

3. Any person found guilty of a third or subsequent offense of disorderly conduct within one year may be ordered to pay a fine not to exceed \$500.

44. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nalyeeh shall be paid to the victim(s).

45. The trial court may utilize the services of the Navajo Peacemaking Program Court to determine nalyeeh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

46. The trial court may impose ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

47. 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.

48. The trial court may impose ~~shall consider the utility of labor or~~ community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.

**484. Obstructing a highway or other public thoroughfare**

A. Offense. A person commits obstructing a highway or other public thoroughfare when, having no legal privilege to do so, he or she, alone or with other persons, intentionally, knowingly or recklessly interferes with the passage of any highway or public thoroughfare by creating an unreasonable inconvenience or hazard.

B. Sentence.

1. Any person found guilty of obstructing a highway or other public thoroughfare may be ordered to perform up to eighty hours of community service work.

42. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order ~~whether that~~ restitution or nályééh shall be paid to the victim(s).

43. The trial court may utilize the services of the Navajo Peacemaking Program ~~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.

44. The trial court may ~~impose~~ ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

45. 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.

46. The trial court may ~~impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private~~ an organization or an individual designated by the court, ~~including the chapter in which the defendant resides.~~

**§ 485. False reporting**

A. Offense. A person commits false reporting if he or she initiates or circulates a report of a bombing, fire, offense or other emergency knowing that the report is false or baseless and intending or knowing:

1. That it will cause action of any sort by an official or volunteer agency organized to deal with emergencies; or
2. That it will place a person in fear of imminent serious bodily injury; or
3. That it will prevent or interrupt the occupation of any building, room, place of assembly, public place or means of transportation.

## B. Sentence.

1. Any person found guilty of false reporting may be sentenced to imprisonment for a term not to exceed 30 days, or be ordered to pay a fine not to exceed \$500, or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

23. The trial court may utilize the services of the Navajo Peacemaking Program ~~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.

34. The trial court may impose ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

45. 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.

56. The trial court may impose ~~shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.~~

### § 486. Criminal nuisance

A. Offense. A person commits criminal nuisance if:

1. By conduct either unlawful in itself or unreasonable under all the circumstances, he or she knowingly or recklessly creates or maintains a condition which endangers the safety or health of others; or

2. He or she knowingly conducts or maintains any premises, place or resort where persons gather for purposes of engaging in unlawful conduct.

## B. Sentence.

1. Any person found guilty of criminal nuisance may be sentenced to a term of imprisonment not to exceed 30 days, or be ordered to pay a fine not to exceed \$1,000, or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program ~~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.

4. The trial court may impose ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. 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.

6. The trial court may impose ~~shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.~~

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#### § 488. Public intoxication

A. Offense. A person commits an offense pursuant to this Section if he or she appears in a public place under the influence of alcohol, marijuana, or controlled substances which use of or possession of is prohibited under 17 N.N.C. § 394, not therapeutically administered, to the degree that he or she is unable to care for his or her own safety.

B. Safety detention. Any person arrested for public intoxication may be held in a detention facility of the Navajo Nation Department of Public Safety for not more than 24 hours after arrest.

C. Sentence.

1. Any person found guilty of a first offense of public intoxication may be ordered to attend rehabilitative therapy or pay a fine not to exceed \$100 ~~perform a term of community service not to exceed five days,~~ or both.

2. Any person found guilty of a second offense of public intoxication within one year may be ordered to attend rehabilitative therapy or pay a fine not to exceed \$250, or both.

3. Any person found guilty of a third or subsequent offense of public intoxication within one year may be ordered to attend rehabilitative therapy or pay a fine not to exceed \$500, or both.

24. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

35. The trial court may utilize the services of the Navajo Peacemaking Program ~~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.

46. The trial court may impose ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

57. 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.

68. The trial court may impose ~~shall consider the utility of labor or~~ community service sentences, to be served under the supervision of the ~~Navajo Nation Department of Public~~

68. The trial court may ~~impose shall consider the utility of labor or~~ community service sentences, to be served under the supervision of the ~~Navajo Nation Department of Public Safety or a public or private~~ an organization or an individual designated by the court, ~~including the chapter in which the defendant resides.~~

#### § 489. Inhalation of toxic vapors

A. Offense. A person commits an offense pursuant to this Section if he or she inhales the vapors or fumes of paint, gas, glue, or any other toxic product for the purpose of becoming intoxicated.

B. Safety detention. A person arrested for inhalation of toxic vapors may be held in a detention facility of the Navajo Nation Department of Public Safety for not more than 24 hours after arrest.

C. Sentence.

1. Any person found guilty of inhalation of toxic vapors may be ordered to attend rehabilitative therapy, or perform a term of community service not to exceed ~~five days~~ eighty hours, or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaker ing Program 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.

4. The trial court may impose ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. 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.

6. The trial court may impose ~~shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.~~

### Subchapter 20. Robbery

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#### § 491. Robbery

A. Offense. A person commits robbery if in the course of committing theft, he or she threatens or uses immediate force against any person with intent either to coerce surrender of property or to forestall resistance to his or her taking or retaining of property.

B. Sentence.

1. Any person found guilty of robbery may be sentenced to imprisonment for a term not to exceed 365 days, or be ordered to pay a fine not to exceed five thousand dollars (\$5,000), or both.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program ~~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.

4. The trial court may impose ~~consider the imposition of a~~ peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. 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.

6. ~~The trial court may impose shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.~~

**§ 492. Armed robbery**

A. Offense. A person commits armed robbery if in the course of committing robbery as defined in 17 N.N.C. § 491, he or she or an accomplice:

1. Is armed with a deadly weapon; or
2. Uses or threatens to use a deadly weapon or dangerous instrument.

B. Sentence. Any person found guilty of armed robbery may be sentenced to imprisonment for a term not to exceed 365 days, or ~~and~~ to pay a fine not to exceed five thousand dollars (\$5,000), or both.

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**Subchapter 22. Forests and Woodlands Violations**

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**§ 521. Resisting or obstructing a forest officer**

A. Offense. A person commits an offense pursuant to this Section if he or she intentionally or knowingly obstructs, impairs, hinders or resists any forest officer or Navajo Nation Ranger engaged in the lawful exercise of his or her official duties.

B. Sentence.

1. Any person found guilty of resisting or obstructing a forest officer may be ordered to perform up to eighty hours of community service work, or be ordered to pay a fine not to exceed \$1,000, or both.

42. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályèéh shall be paid to the victim(s).

43. The trial court may utilize the services of the Navajo Peacemaking Program ~~Court~~ to determine nályèéh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

44. The trial court may impose ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

45. 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.

46. The trial court may impose ~~shall consider the utility of labor or~~ community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.

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### § 523. Fire violations

A. Offense. A person commits an offense pursuant to this Section if he or she intentionally, recklessly or negligently:

1. Throws or places any burning, glowing or ignited substance within Navajo forests or woodlands which may start a fire;
2. Causes timber, trees, brush, slash or grass to burn, except as authorized by permit issued by BIA Forestry or their delegated agency;
3. Leaves a fire within Navajo forests or woodlands without completely extinguishing it;

4. Allows a fire to get out of control within Navajo forests or woodlands;
5. Within Navajo forests or woodlands, builds a campfire in a dangerous place, or during windy weather without confining it;
6. Operates equipment within the Navajo forest without approved fire safety and spark-arresting devices.

B. Sentence.

1. Any person found guilty of violating the provisions of this Section may be ordered to perform up to eighty hours of community service work or pay a fine not to exceed five thousand dollars (\$5,000), or both.
2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order ~~whether~~ that restitution or nályééh shall be paid to the victim(s).
3. The trial court may utilize the services of the Navajo Peacemaking Program ~~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.
4. The trial court may impose ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.
5. 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.
6. The trial court may impose ~~shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private~~ an organization or an individual designated by the court, ~~including the chapter in which the defendant resides.~~

C. Restitution. The court, in addition to or in lieu of the sentence, may require the offender to pay the Navajo Nation the full cost of suppression of the fire and/or the fair market value of the timber and improvements destroyed or damaged as a result of the fire.

**§ 524. [Reserved]**

**§ 525. Unauthorized harvesting of timber or forest product**

A. Offense. A person commits an offense pursuant to this Section if, after approval of regulations, he or she intentionally or knowingly:

1. Cuts, kills, destroys, chops, boxes, injures or otherwise damages, or harvests any timber, tree or other forest product, except as authorized pursuant to valid permit, approved contract, or Tribal regulation;
2. Harvests any tree pursuant to a valid permit or approved contract before a forest officer has marked it or has otherwise designated it for harvest;
3. Removes any timber or other forest product cut pursuant to a valid permit or approved contract, except to a location designated for scaling, or removes any timber or forest product from a location designated for scaling before it has been scaled, measured, counted, or otherwise inventoried by a forest officer;
4. Stamps, marks with paint, or otherwise identifies any tree or other forest product in a manner similar to that employed by a forest officer to mark or designate a tree or forest product for harvest or removal;
5. Fails to comply with permit requirements or timber harvest standards;
6. Sells or trades any forest product without a valid permit authorizing the commercial sale of the product.

## B. Sentence.

1. Any person found guilty of violating the provisions of this Section may be ordered to perform up to eighty hours of community service work or pay a fine not to exceed two thousand five hundred dollars (\$2,500), or both, and ordered to forfeit the subject timber or forest product.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order ~~whether~~ that restitution or nalyééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program ~~Court~~ to determine nalyééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

4. The trial court may impose ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. 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.

6. The trial court may impose ~~shall consider the utility of labor or~~ community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.

C. Restitution. The court, in addition to or in lieu of the penalty, may require the offender to pay the Navajo Nation the fair market value of the damaged property and/or restoration costs.

### § 526. Unauthorized occupancy and use of Navajo forest lands

A. Offense. A person commits an offense pursuant to this Section if he or she intentionally or knowingly:

1. Constructs or maintains any road, trail, structure, fence, enclosure, or other improvement upon Navajo forests or woodlands without proper authorization;

2. Abandons a motor vehicle, animal or personal property within Navajo forests or woodlands.

B. Sentence.

1. Any person found guilty of violating the provisions of this Section may be ordered to pay a fine not to exceed two thousand five hundred dollars (\$2,500).

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program ~~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.

4. The trial court may impose ~~consider the imposition of a~~ peace or security bond upon the defendant, including the pledges of family or clan sureties.

5. 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.

6. The trial court may impose ~~shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, including the chapter in which the defendant resides.~~

C. Removal costs. The court, in addition to or in lieu of the sentence, may order the offender to remove the unauthorized improvements or to pay the Navajo Nation the full costs of removal.

**§ 527. Unauthorized use of motor vehicles**

A. Offense. A person commits an offense pursuant to this Section if he or she intentionally or knowingly:

1. Fails to stop a motor vehicle when directed to do so by a forest officer;
2. Blocks, restricts, or otherwise interferes with the use of a road or trail within Navajo forests or woodlands;
3. Operates any motor vehicle off of established roads in a manner which damages or unreasonably disturbs Navajo forests or woodlands or any Navajo vegetative resource.

B. Sentence.

1. Any person found guilty of violating the provisions of this Section may be ordered to pay a fine not to exceed one thousand dollars (\$1,000).
2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and may order whether that restitution or nályééh shall be paid to the victim(s).
3. The trial court may utilize the services of the Navajo Peacemaking Program 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.
4. The trial court may impose ~~consider the imposition of~~ a peace or security bond upon the defendant, including the pledges of family or clan sureties.
5. 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.
6. The trial court may impose ~~shall consider the utility of labor or community service sentences, to be served under the supervision of the Navajo Nation Department of Public Safety or a public or private~~ an organization or an

~~individual designated by the court, including the chapter in which the defendant resides.~~

C. Restitution. The court, in addition to or in lieu of the sentence, may require the offender to pay the Navajo Nation the full cost of restoration of the damaged resource.

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### Subchapter 23. Curfew Violations

#### § 530. Definitions

The following definitions apply in this Subchapter:

A. "Abroad" shall mean when a child is in any place in or out-of-doors other than his/her usual place of abode. However, no child shall be considered "abroad" in any of the following circumstances:

1. When accompanied by a parent or guardian; or
2. When returning home without delay or loitering from a community, school or other activity attended with permission or his/her parent or guardian; or
3. During an emergency.

B. "Child" shall mean any person who has not reached his/her eighteenth birthday.

C. "Curfew hours" shall mean for a child who has not reached his/her eighteenth birthday, between the hours or 10:00 p.m. through 6:00 a.m. on Sunday through Thursday, and 12:00 a.m. through 6:00 a.m. on Friday and Saturday.

D. "Emergency" shall mean an unforeseen circumstance or a combination of circumstances or the resulting state thereof that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life, or damage to or loss of property.

E. "Establishment" shall mean any place or business to which the public is invited, including but not limited to, any place of amusement, entertainment or traditional ceremony.

F. "Guardian" shall mean a person who is:

1. Assigned by a court of law, other than a parent, having the duty and authority to provide care and control of a child; or

2. At least 18 years of age and authorized by a parent to have the care and custody of a child.

G. "Operator" shall mean any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

H. "Parent" shall mean a person who is a natural or adoptive parent but does not include any person whose parental rights have been terminated.

I. "Public place" shall mean any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

J. "Remain" shall mean to:

1. Linger or stay; or

2. Fail to leave the premises when requested to do so by a police officer or the owner, operator, or other persons in control of the premises.

K. "Serious bodily injury" shall mean bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

**§ 531. Curfew**

A. A parent or guardian of a child commits an offense whenever:

1. The child is found or remains abroad in any public place or on the premises of any establishment within the territorial jurisdiction of the Navajo Nation during curfew hours as defined by Section 530 of this Subchapter; or

2. The parent or guardian fails or refuses to take such child into custody after such demand is made upon him/her by a law enforcement officer who has taken custody of said child for committing an offense pursuant to Section 531 of this Subchapter.

B. A child, who has not reached his/her eighteenth birthday, commits an offense if he/she is found or remains abroad in any public place or on the premises of any establishment within the territorial jurisdiction of the Navajo Nation during curfew hours as defined by Section 530(C) of this Subchapter.

C. The owner, operator or any employee of an establishment commits an offense whenever a child is found or remains abroad upon the premises of the establishment during curfew hours as defined by Section 530(C) of this Subchapter.

D. Sentence.

1. Any Indian, other than a child who is found guilty of committing an offense under this Subchapter may be sentenced to perform up to eighty hours of community service work ~~imprisonment for a term not to exceed 180 days,~~ or be ordered to pay a fine not to exceed ~~five hundred~~ one thousand dollars (\$~~5~~1,000.00), or both.

2. Any Indian child who commits an offense under Section 531(B) or (C) of this Subchapter shall be deemed to have committed a delinquent act and may be deemed a delinquent child pursuant to 9 N.N.C. § 1001 et seq.

3. Any non-Indian child or non-Indian parent or guardian of a child who commits an offense under Section 531 or this Subchapter may be excluded from the territorial jurisdiction of the Navajo Nation pursuant to 17 N.N.C. § 1901 et seq., or be ordered to pay a civil penalty not to

exceed one thousand five hundred dollars (\$1,0500.00), or both.

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#### Subchapter 24. Violence Against Family Act

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##### § 535. Definitions

The following definitions are applicable to this subchapter:

A. "Advocate" means any individual, including a family member, who provides support for a victim. This individual is not a legal advocate.

B. "Bodily injury" includes but is not limited to the following:

1. A cut, abrasion, bruise, burn, or disfigurement;
2. Physical pain;
3. Illness; or
4. Impairment of the function of a bodily member, organ, or mental faculty.

C. "Deadly Weapon" means any instrument capable of being used in a lethal manner or to cause serious bodily injury, including but not limited to a firearm, cross bow, knife, axe, etc.

D. "Family member" means any individual who is a spouse, former spouse, household member, parent, legal guardian, present or former stepparent or stepchild(ren), or former in-law, or relative to the second affinity which includes aunts, uncles, nieces, nephews, cousins, grandparents, grandchildren; or an individual with whom one has a continued personal relationship.

E. "Family violence" means any criminal act as defined under this subchapter committed by a family member against another family member resulting in:

1. Physical harm, including bodily injury and sexual assault;
2. A threat causing imminent fear of bodily injury, including assault and sexual assault;
3. Emotional distress;
4. Stalking;
5. Harassment;
6. Electronic harassment;
7. Criminal trespass;
8. Criminal damage to property; or
9. Financial or economic loss.

F. "Family violence court order" means a Court order issued pursuant to this subchapter or the Domestic Abuse Protection Act, 9 N.N.C. § 1601, et seq.

G. "Firearm" means any handgun, rifle, shotgun, machine gun, automatic or semi-automatic rifle, or any gun, including tasers, device or instrument in the nature of a weapon from which may be fired or ejected any solid projectable ball, slug, pellet, missile or bullet, or any gas, vapor or other noxious thing, by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances.

H. "Law Enforcement Officer" means a duly commissioned peace officer, sheriff, or deputy sheriff.

I. "Repeatedly" means more than one time.

J. "Pattern of conduct" means any acts or behaviors which are intentional, regular or repeated.

K. "Serious bodily injury" means the following but is not limited to:

1. A substantial risk of death or loss of life of an individual or transmission of fatal disease;
2. Protracted and obvious disfigurement;
3. Pregnancy or disease or injury resulting from a sexual assault;
4. Extreme physical pain; or
5. Protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

L. "Sexual contact" means any direct or indirect touching, fondling, manipulating of any part of the genitals, anus, breasts or other intimate parts of the individual.

M. "Spouse" means wife or husband, including common law and traditional.

N. "Stalking" means a pattern of repeated, unwanted attention, harassment and contact. It is a pattern of conduct that can include:

1. Following the victim;
2. Appearing at the victim's home or place of work;
3. Making unwanted and frightening contact with the victim through telecommunications technology, including but not limited to phone, texting, mail and/or email;
4. Harassing the victim through the Internet;
5. Making threats to harm the victim, the victim's children, relatives, friends, pets or livestock;
6. Sending the victim unwanted gifts;
7. Intimidating the victim;
8. Vandalizing the victim's property; or
9. Securing personal information about the victim by accessing public records, hiring private investigators,

using internet search services, contacting friends, family, work or neighbors, or going through the victim's garbage.

(2). "Victim" for purposes of this subchapter means any individual who meets the definition of "family member" herein and is subjected to a criminal act.

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**§ 542. Unlawful imprisonment of a family member**

A. An individual commits unlawful imprisonment of a family member when, without lawful authority, he/she intentionally detains, restrains, or confines a family member without consent.

B. Sentence.

1. An individual found guilty of unlawful imprisonment of a family member may be sentenced to imprisonment for a term not to exceed one hundred eighty (180) days, and/or be ordered to pay a fine not less than five hundred dollars (\$500.00) and not to exceed one thousand dollars (\$1,000.00).

2. Upon a second or subsequent conviction of this offense, such person shall be sentenced to imprisonment for a term of not less than one hundred eighty (180) days and not to exceed three hundred sixty-five (365) days, and/or be ordered to pay a fine not less than two thousand dollars (\$2,000.00) and not to exceed five thousand dollars (\$5,000).

**§ 543. Aggravated assault of a family member**

A. An individual commits aggravated assault of a family member when he/she intentionally or knowingly assaults or strikes at a family member with a deadly weapon and/or attempts to cause grave bodily injury.

B. Sentence.

1. Any individual found guilty of aggravated assault of a family member may be sentenced to imprisonment for a term not to exceed one hundred eighty (180) days and not to exceed three hundred sixty-five (365) days, and/or be ordered to pay a fine

not less than two thousand five hundred dollars (\$2,500.00) and not to exceed five thousand dollars (\$5,000.00).

**§ 544. Battery of a family member**

A. An individual commits battery of a family member if he/she unlawfully and intentionally strikes or applies force to a family member.

B. Any individual found guilty of battery of a family member may be sentenced to imprisonment for a term not to exceed three hundred sixty-five (365) days, and/or be ordered to pay a fine not to exceed five thousand dollars (\$5,000.00).

**§ 545. Aggravated battery against a family member**

A. An individual commits aggravated battery against a family member if he/she unlawfully:

1. Applies force or strikes a family member with a deadly weapon; or
2. Causes serious bodily injury to another family member.

B. An individual found guilty of aggravated battery against a family member shall be sentenced to imprisonment for a term not to exceed three hundred sixty-five (365) days, and/or be ordered to pay a fine of not less than one thousand dollars (\$1,000.00) and not to exceed five thousand dollars (\$5,000.00).

**§ 546. Possession of a firearm**

A. An individual commits possession of a firearm when that individual has been convicted of an offense under this subchapter and/or a valid protection order issued against him/her under the Domestic Abuse Protection Act or similar order by another jurisdiction; and if he/she possesses any firearm.

B. This section shall not apply to law enforcement officers, unless convicted under this subchapter or found to have violated the Domestic Abuse Protection Act utilizing a firearm.

C. Sentence.

1. Any individual found guilty of possession of a firearm may be sentenced to imprisonment for a term not to exceed one hundred eighty (180) days, and/or be ordered to pay a fine not less than five hundred dollars (\$500.00) and not to exceed one thousand dollars (\$1,000.00).

2. Upon a second or subsequent conviction such individual shall be sentenced to imprisonment for a term of not less than one hundred eighty (180) days and not to exceed three hundred sixty-five (365) days, and/or be ordered to pay a fine not less than one thousand dollars (\$1,000.00) and not to exceed five thousand dollars (\$5,000.00).

**§547. Trespass with force or violence against a family member**

A. An individual commits trespass with force or violence against a family member if he/she uses force or violence to enter the residence, property, vehicle or facility occupied by the family member.

B. Sentence.

1. Any individual found guilty of trespass with force or violence against a family member may be sentenced to imprisonment for a term not to exceed one hundred eighty (180) days, and/or be ordered to pay a fine not less than five hundred dollars (\$500.00) and not to exceed one thousand dollars (\$1,000.00).

2. Upon a second or subsequent conviction such individual shall be sentenced to imprisonment for a term of not less than one hundred eighty (180) days and not to exceed three hundred sixty-five (365) days, and/or be ordered to pay a fine not less than one thousand dollars (\$1,000.00) and not to exceed two thousand dollars (\$2,000.00).

**§ 548. Burglary against a family member**

A. An individual commits burglary against a family member if he/she enters or remains unlawfully in a residential or non-residential structure, or motor vehicle, with the intent of committing any offense and/or in violation of a valid court order.

## B. Sentence.

1. Any individual found guilty of burglary against a family member may be sentenced to imprisonment for a term no less than one hundred eighty (180) days, and/or be ordered to pay a fine not less than two hundred fifty dollars (\$250.00) and not to exceed five hundred dollars (\$500.00).

2. Upon a second or subsequent conviction, such individual shall be sentenced to imprisonment for a term of not less than one hundred eighty (180) days and not to exceed three hundred sixty-five (365) days, and/or be ordered to pay a fine not less than five hundred dollars (\$500.00) and not to exceed one thousand five hundred dollars (\$1,500.00).

**§ 549. Threatening a family member**

A. An individual commits the offense of threatening a family member if he/she threatens by word or conduct to cause physical injury to a family member or cause serious damage to the property of a family member:

1. With the intent to terrorize; or
2. In reckless disregard of the risk of terrorizing a family member.

## B. Sentence.

1. Any individual found guilty of threatening a family member may be sentenced to imprisonment for a term not to exceed one hundred eighty (180) days, and/or be ordered to pay a fine not less than two hundred fifty dollars (\$250.00) and not to exceed five hundred dollars (\$500.00).

2. Upon a second or subsequent conviction such individual shall be sentenced to imprisonment for a term of not less than one hundred eighty (180) days and not to exceed three hundred sixty-five (365) days, and/or be ordered to pay a fine not less than five hundred dollars (\$500.00) and not to exceed one thousand five hundred dollars (\$1,500.00).

**§ 550. Custodial interference**

A. An individual commits custodial interference if he/she intentionally or knowingly takes or entices a minor child from the custody of his/her parent, guardian, or lawful custodian.

B. Sentence.

1. Any individual found guilty of custodial interference may be sentenced to imprisonment for a term not to exceed one hundred eighty (180) days, and/or be ordered to pay a fine not less than two hundred fifty dollars (\$250.00) and not to exceed five hundred dollars (\$500.00).

2. Upon a second or subsequent conviction such individual shall be sentenced to imprisonment for a term of not less than one hundred eighty (180) days and not to exceed three hundred sixty-five (365) days, and/or be ordered to pay a fine not less than five hundred dollars (\$500.00) and not to exceed one thousand five hundred dollars (\$1,500.00).

**§ 551. Unlawful use of a weapon against a family member**

A. An individual commits unlawful use of a weapon against a family member when he/she during a domestic violence incident:

1. Intentionally, knowingly or recklessly handles or discharges a deadly weapon endangering the safety of his/her family member and/or his/her property, including pets or livestock; or

2. Carries a deadly weapon while under the influence of alcohol, intoxicants or drugs.

B. Sentence.

1. An individual found guilty of unlawful use of a weapon against a family member may be sentenced to imprisonment for a term not to exceed one hundred eighty (180) days, and/or be ordered to pay a fine not to exceed two thousand five hundred dollars (\$2,500.00).

2. Upon a second or subsequent conviction such person shall be sentenced to imprisonment for a term of not less than one hundred eighty (180) days and not to exceed three hundred sixty-five (365) days, and/or be ordered to pay a fine not to exceed five thousand dollars (\$5,000.00).

**§ 552. Criminal entry involving family violence**

A. An individual commits criminal entry involving family violence when he/she intentionally, knowingly or recklessly:

1. Enters upon any property occupied by a family member to cause damage to the property or to interfere with or obstruct any business or occupation therein; or

2. Refuses or fails to leave such property upon being requested to leave by a law enforcement officer, owner, user, or family member.

B. Sentence.

1. Any individual found guilty of criminal entry involving family violence may be sentenced to imprisonment for a term not to exceed sixty (60) days, and/or be ordered to pay a fine not to exceed five hundred dollars (\$500.00).

2. Upon a second or subsequent conviction such individual shall be sentenced to imprisonment for a term of not less than sixty (60) days and not to exceed one hundred eighty (180) days, and/or be ordered to pay a fine not to exceed one thousand dollars (\$1,000.00).

**§ 553. Criminal damage involving family violence**

A. An individual commits criminal damage involving family violence when he/she intentionally, recklessly or knowingly:

1. Defaces or damages tangible property of a family member; or

2. Tamper with tangible property of a family member so as to substantially impair its function or value.

3. It is not a defense that the property is considered community property.

3. It is not a defense that the property is considered community property.

B. Sentence.

1. Any individual found guilty of criminal damage involving family violence may be sentenced to imprisonment for a term not to exceed one hundred eighty (180) days, and/or be ordered to pay a fine not to exceed five hundred dollars (\$500.00).

2. Upon a second or subsequent conviction such individual shall be sentenced to imprisonment for a term of not less than one hundred eighty (180) days and not to exceed three hundred sixty-five (365) days, and/or be ordered to pay a fine not less than five hundred dollars (\$500.00) and not to exceed one thousand five hundred dollars (\$1,500.00).

3. Restitution/Nályééh. The Court, in addition to or in lieu of the sentence described in subsection (B)(1) and (2) above, may require the offender to pay actual damages for the benefit of the injured party.

**§ 554. Violation of family violence court order**

A. An individual commits an offense pursuant to this subchapter when he/she intentionally, ~~or~~ knowingly, or recklessly disobeys or resists any family violence court order, process, or other mandate of a court entered against him or her.

B. Sentence.

1. Any individual found guilty of a violation of a family violence court order may be sentenced to imprisonment for a term not to exceed one hundred eighty (180) days, and/or be ordered to pay a fine not less than five hundred dollars (\$500.00) and not to exceed one thousand five hundred dollars (\$1,500.00).

2. Upon a second or subsequent conviction such individual shall be sentenced to imprisonment for a term of not less than one hundred eighty (180) days and not to exceed three hundred sixty-five (365) days, and/or be ordered to pay a fine not less than one thousand five hundred dollars (\$1,500.00) and not to exceed five thousand dollars (\$5,000.00).

4. The court shall recognize pursuant to this subchapter full faith and credit within the Navajo Nation and other jurisdictions.

**§ 555. Robbery of a family member**

A. An individual commits robbery of a family member when, in the course of committing a theft he/she causes a family member to give up property through the use of coercion, threats and/or immediate physical force.

B. Sentence.

1. Any individual found guilty of robbery of a family member may be sentenced to imprisonment for a term of not less than one hundred eighty (180) days, and/or be ordered to pay a fine not to exceed two thousand five hundred dollars (\$2,500.00).

2. Upon a second or subsequent conviction such individual shall be sentenced to imprisonment for a term of not less than one hundred eighty (180) days and not to exceed three hundred sixty-five (365) days, and/or be ordered to pay a fine not to exceed five thousand dollars (\$5,000.00).

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**§ 557. Solicitation against a family member**

A. An individual commits solicitation against a family member when he/she commands, entreats, induces, or otherwise endeavors to persuade another person to engage in unlawful conduct against a family member.

B. Affirmative defense. It is an affirmative defense to a prosecution under this section that, under circumstances manifesting a complete and voluntary renunciation of his/her criminal intent, the defendant made a reasonable effort to prevent the conduct or result which is the object of the solicitation.

C. Defense precluded. It is not a defense to a prosecution under this section that the person solicited could not be convicted of the offense because he/she lacked the state of mind required for the commission of the offense, because the person

solicited was incompetent or irresponsible, or because he/she was otherwise not subject to prosecution.

D. Sentence.

1. Any individual found guilty of solicitation against a family member may be sentenced to imprisonment for a term not less than thirty (30) days and not to exceed sixty (60) days, and/or be ordered to pay a fine not to exceed two hundred fifty dollars (\$250.00).

2. Upon a second or subsequent conviction such individual shall be sentenced to imprisonment for a term of not less than sixty (60) days and not to exceed one hundred eighty (180) days, and/or be ordered to pay a fine not to exceed one thousand dollars (\$1,000.00).

**§ 558. Aggravated Solicitation of a Minor Family Member**

A. An individual commits aggravated solicitation of a minor family member when he/she knowingly causes a minor to engage in conduct constituting an offense pursuant to this subchapter, and/or he/she commands, demands or coerces a minor to engage in such conduct. Subsections 557(B) and (C) shall apply to this section.

B. Sentence.

1. Any individual found guilty of aggravated solicitation of a minor family member may be sentenced to imprisonment for a term not less than sixty (60) days and not to exceed ninety (90) days, and/or be ordered to pay a fine not to exceed five hundred dollars (\$500.00).

2. Upon a second or subsequent conviction such individual shall be sentenced to imprisonment for a term of not less than one hundred eighty (180) days and not to exceed three hundred sixty-five (365) days, and/or be ordered to pay a fine not to exceed two thousand five hundred dollars (\$2,500.00).

**§ 559. Arson Against a Family Member**

A. An individual commits arson against a family member when he/she intentionally, knowingly or recklessly sets fire, or attempts to set fire to a family member's dwelling/residence, vehicle and/or property.

B. Sentence.

1. Any person found guilty of arson against a family member ~~attempt of arson~~ may be sentenced to imprisonment for a term not less than one hundred eighty (180) days, and/or be ordered to pay a fine not less than two hundred fifty dollars (\$250.00) and not to exceed five hundred dollars (\$500.00).

2. Upon a second or subsequent conviction such individual shall be sentenced to imprisonment for a term of not less than one hundred eighty (180) days and not to exceed three hundred sixty-five (365) days, and/or be ordered to pay a fine not less than five hundred dollars (\$500.00) and not to exceed one thousand five hundred dollars (\$1,500.00).

3. Restitution/Nalyeeh. The court, in addition to or in lieu of the sentence described in subsection (B)(1) and (2) above, may require the offender to pay actual damages for the benefit of the injured party.

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**Subchapter 1. General**

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**§ 2705. Penalties**

A. Any person who shall violate 17 N.N.C. § 2702, or having been warned to leave a closed area pursuant to 17 N.N.C. § 2704 shall willfully fail or refuse so to leave, shall be deemed guilty of an offense and, upon conviction thereof, ~~may be sentenced to labor for not more than 60 days~~ ordered to perform up to eighty hours of community service work or to pay a fine of not more than \$500 ~~three hundred dollars (\$300.00)~~, or both.

B. Any non-member who shall violate this Chapter may be excluded from Navajo Nation land pursuant to the provisions of 17 N.N.C. § 1901 *et seq.*

## Subchapter 2. Navajo Nation Fireworks Code

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### § 2737. Violations of Code

Any person who is determined to be in violation of the provisions of this Code or the provisions of any ordinance complying with this Code, ~~shall~~ ~~shall~~ ~~may~~ be sentenced ~~as follows~~ to perform up to 40 hours of community service work, or be ordered to pay a fine not to exceed \$100, or both, and as follows:

1. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and ~~may order whether~~ that restitution or nályééh shall be paid to the victim(s).
2. The trial court may utilize the services of the Navajo Peacemaking Program ~~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 impose ~~consider the imposition of~~ ~~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 may impose ~~shall consider the utility of labor or shall consider the utility of labor or~~ ~~community service sentences, to be served~~ under the supervision of the Navajo Nation Department of Public Safety or a public or private an organization or an individual designated by the court, ~~including the chapter in which the defendant~~

~~resides, including the chapter in which the defendant resides.~~

\*\*\*\*

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**Section 4. Codification**

The provisions of these amendments which 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 in the next modification of the Navajo Nation Code.

**Section 5. Savings Clause**

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

**CERTIFICATION**

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 8 in favor and 4 opposed, this 14<sup>th</sup> day of November 2014.

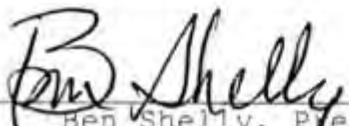


Lorenzo Bates, Pro Tem Speaker  
Navajo Nation Council

Motion: Honorable Joshua Lavar Butler  
Second: Honorable Leonard Pete

**ACTION BY THE NAVAJO NATION PRESIDENT:**

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (C)(10), on this \_\_\_\_\_ day of DEC 01 2014 2014.

  
\_\_\_\_\_  
Ben Shelly, President  
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this \_\_\_\_\_ day of \_\_\_\_\_ 2014 for the reason(s) expressed in the attached letter to the Speaker.

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Ben Shelly, President  
Navajo Nation