23RD NAVAJO NATION COUNCIL
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MEDIA CONTACTS
Jared Touchin (928) 221-9253
Jolene Holgate (928) 380-4174
Crystalyne Curley (928) 286-7918
nnlb.communications@gmail.com

Navajo Nation Council supports criminal code amendments to address cyberbullying

Photo: Council Delegate Amber Kanazbah Crotty worked with Navajo Department of Justice attorney Daniel Moquin, Office of the President and Vice President executive staff assistant Yvonne Kee-Billison, and Navajo Nation Police Department chief Phillip Francisco, in developing the cyberbullying amendments to the Title 17 Criminal Code. They are pictured here at the Navajo Nation Council Chamber on Jan. 25, 2018 in Window Rock, Ariz.

WINDOW ROCK – The 23rd Navajo Nation Council unanimously approved amendments to the Navajo Nation Criminal Code Title 17 to address cyber bullying through Legislation No. 0366-17. The legislation seeks to strengthen the Navajo Nation's ability to hold cyberbullying offenders accountable for their actions and to deter future offenses.

According to the legislation, cyberbullying is defined as the "use of an electronic communication, such as text messages, emails, phone calls, social media, etc. to bully another person." It goes on

to state that for the "purposes of determining jurisdiction for offenses involving electronic communications, an offense is committed within the Navajo Nation if an electronic communication device transmission either originates or is received in the Navajo Nation."

Council Delegate Amber Kanazbah Crotty (Beclabito, Cove, Gadi'i'áhi/To'Koi, Red Valley, Tooh Haltsooi, Toadlena/Two Grey Hills, Tsé ałnáoz't'I'í) said cyberbullying is a prevalent issue that has come to light in recent years, and the legislation is an attempt to update current laws to reflect today's crimes.

"It is known that cyberbullying contributes to some individuals engaging in self-harm, or even suicide. Approximately one-in-three children report being a victim of cyberbullying and 87-percent of children have witnessed cyberbullying. Native youth suicides are three-times the national average. Navajo leaders have to continue to find ways to protect our youth as they are our most precious resource," said Delegate Crotty.

She added that in addition to amending the criminal code, the next crucial steps would be to educate the public on cyberbullying because it is critical to understand its effects on people and to aid in the prevention of online bullying behavior.

The bill's amendments to the criminal code include definitions of offenses under manslaughter, stalking, and harassment:

- Manslaughter: "A person commits manslaughter if the person recklessly causes or contributes to the death of another, including via electronic communication device."
- Stalking: "Making unwanted or frightening contact with another through postal mail, Internet, or electronic communication, including but not limited to radio, fax, phone, texting, or email."
- Harassment: "A person commits harassment when that person intentionally or knowingly causes emotional distress to another by repeatedly shaming, degrading, humiliating, placing in fear, or otherwise abusing personal dignity, including via electronic communication device."

Legislation cosponsor Council Delegate Jonathan Hale (Oak Springs, St. Michaels), who serves as chair for the Health, Education, and Human Services Committee, said after further consultation with the Navajo Nation Office of the Prosecutor, Navajo Peacemaking Program, and the Office of the President and Vice President, his committee supported the bill.

"Navajo Nation laws have caught up to the 21st century in relation to technology. Technology can be a blessing, but there are other negative ramifications in its utilization. In protecting Navajo people, there is a need to monitor people's actions in an effort to preserve Hózhó (harmony and balance) for individuals," said Delegate Hale.

Delegate Hale added that the legislation addresses the consequences of cyber bullying, which provides redress to victims so they can feel validated in their cause to take action against their perpetrators, and can aid in their healing process as they move forward.

Council members voted 14-0 to approve Legislation No. 0366-17. President Russell Begaye will have ten calendar days to consider the resolution once it is sent to the Office of the President and Vice President.

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