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Health, Education, and Human Services Committee supports mandatory penalties for bootleggers

WINDOW ROCK – Last Wednesday, the Health, Education, and Human Services Committee unanimously approved Legislation No. 0186-18, which seeks to impose a mandatory imprisonment term and fine for the illegal sale of alcohol on the Navajo Nation. The Navajo Nation prohibits the sale or consumption of alcohol, with the limited exception of Class III gaming facilities.

According to the legislation, the sale and consumption of alcohol has contributed to many individuals being arrests for public intoxication, domestic violence, assault and battery, driving under the influence, and sexual assault. In 2016, there were 552 alcohol-related arrests and in 2017, it had increased to 661. Within the same years, the Navajo Nation Police Department responded to over 88,500 calls and instances involving intoxication.

HEHSC member and legislation sponsor Council Delegate Nelson BeGaye (Lukachukai, Rock Point, Round Rock, Tsaile/Wheatfields, Tsé Ch'izhí) said he was approached by some communities asking for stricter penalties for "bootleggers," or individuals who sell alcohol illegally on the Navajo Nation, who have plagued Navajo communities and contributed to addiction, drug use, and deaths.

"If you are caught bootlegging, you will be fined $5,000 and serve 365 days in jail. It is time that we are strict on this. We are going to hit them hard and if they don't learn from it, then they will receive the maximum penalty," said Delegate Nelson BeGaye. "Enough is enough, because our people are dying either through addiction, violence, and drunk driving."

Delegate Nelson BeGaye said he received reports of bootleggers utilizing non-emergency transportation vehicles to smuggle alcohol onto the Navajo Nation. Law enforcement have expressed their disappointment and discouragement when they arrest a bootlegger and see them being released no more than a day later, he added.

HEHSC member Council Delegate Amber Kanazbah Crotty (Beclabito, Cove, Gadi'i'áhi/To'Koi, Red Valley, Tooh Haltsooi, Toadlena/Two Grey Hills, Tsé ałnáoz't'l'í) said that in addition to mandatory

jail time and fines, the revocation of the perpetrators property and home site lease should also be taken into consideration.

“I support this legislation, but what we are looking at is that it’s not just putting them in jail. There are other issues such as property and their home site. What is going to happen to the property that they acquire through bootlegging? Let’s look at it from a Navajo Nation-wide perspective, said Delegate Crotty. “As delegates, our families also suffer from our own family members who use bootleggers. These are serious social destructive behaviors that we are seeing.”

Delegate Crotty said that the Title 17 Criminal Code Task Force is also looking at other areas of the law to strengthen penalties against alcohol-related crimes and will be victim-centered to provide justice to victims.

HEHSC member Council Delegate Steven Begay (Coyote Canyon, Mexican Springs, Naschitti, Tohatchi, Bahastl’a’a’) said he understood the frustration that many victims and leaders have in regards to alcohol and bootleggers, but cautioned the approach in dealing with the perpetrators property and home site leases.

“Home site leases are a complicated subject and I am having a difficult time with this proposed recommendation to revoke them. A lot of the time it isn’t the bootlegger on the home site lease, so I would be careful with that. I don’t know how we could identify property that was secured by the illegal business because that would be very hard to prove. Sometimes taking away the property could be an immediate effect on the family, their belongings, and children. It could take away a home or property from family members who had nothing to do with the illegal operation,” said Delegate Steven Begay.

HEHSC members voted 4-0 to approve Legislation No. 0186-18. The bill moves forward to the Law and Order Committee and the Navajo Nation Council serves as the final authority on the legislation.

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