

RESOLUTION OF THE
NAVAJO NATION COUNCIL

22ND NAVAJO NATION COUNCIL - Second Year 2012

AN ACT

RELATING TO LAW AND ORDER; HEALTH, EDUCATION AND HUMAN
SERVICES; NAA'BIK'ÍYÁTI'; ENACTING THE 2011 NAVAJO NATION
VIOLENCE AGAINST FAMILY ACT BY ENACTING 17 N.N.C. § 534 *ET*
SEQ.

BE IT ENACTED:

Section 1. Findings

1. The Navajo Nation finds that the Navajo Nation Advisory Council Against Domestic Violence comprised of certain staff of the Navajo Nation Division of Social Services, the Navajo Nation Battered Families and Home Shelters, the Navajo Nation Judicial Branch, the Window Rock Police Department, and the Navajo Nation Office of the Public Defender, has actively worked on the proposed "Navajo Nation 2011 Navajo Nation Violence Against Family Act."

2. The Navajo Nation finds that the purpose of the Act is to provide for the safety and the protection of all family members from family violence.

Section 2. Amendment to Title 17

The Navajo Nation Council hereby enacts the 2011 Navajo Nation Violence Against Family Act by enacting 17 N.N.C. § 534 *et seq.* as follows:

TITLE 17. LAW AND ORDER
CHAPTER 3. OFFENSES

* * * * *

Subchapter 24. Violence Against Family Act

§ 534. Purpose

The purpose of this Act is to provide for the safety and protection of family members from violence. The Act embodies the intent of the legislature: that the criminal justice system shall respond to family members with fairness, compassion and in a prompt and effective manner; to recognize that family violence is contrary to the traditional Navajo way of life and is a violation of fundamental human rights; and, that the criminal justice system shall be utilized to impose consequences upon individuals for behaviors that violate traditional Navajo values, such as *K'e* and *Hozho*.

§ 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 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.

O. "Victim" for purposes of this subchapter means any individual who meets the definition of "family member" herein and is subjected to a criminal act.

§ 536. Victim's Rights

A. A victim of family violence has a right to be treated with fairness, respect and dignity within the criminal justice system. He/she has a right to have the criminal justice system respond in a prompt and effective manner. He/she has the right to:

1. Be protected from the accused individual;

2. Participate in the criminal justice system by being present and heard;

3. Be accompanied by an advocate of his/her choice;

4. Be provided information about the sentencing and imprisonment of the accused individual;

5. Be notified of the offender's release prior to his/her release;

6. Be timely notified of court proceedings.

7. Be notified of his/her rights and be provided with information at the time the crime occurs;

8. Restitution and enforcement of orders;

9. Be free of intimidation, harassment, abuse, uninitiated contact; and

10. An interpreter or translator.

B. Confidentiality for Victims.

1. A victim of domestic abuse may refuse to disclose and may request any volunteer or employee of a program for victims of domestic abuse from disclosing the content of oral communication and written records and reports concerning the victim.

2. This privilege may be waived only by the victim. It must be in writing and must identify what information may be disclosed, to whom, and for what purpose. Such a waiver is not valid after thirty (30) days or after the victim revokes the waiver.

3. This privilege does not relieve a person from a duty imposed under applicable law to report child abuse or neglect or from providing evidence about child abuse or neglect in court pursuant to proceedings under Title 9, Chapter 11, of the Navajo Nation Code.

4. These provisions on confidentiality for victims shall not prevent the disclosure of information compiled about incidents of domestic and family violence which protects the identity of the victim and family or household members of the victim.

§ 537. Mandatory arrest

A. When a law enforcement officer has probable cause to believe that an individual has committed a crime involving family violence in or outside the presence of a law enforcement officer, the individual shall be arrested without a warrant. The officer may request the individual be held until arraignment or without bond through the Office of Prosecutor.

B. Supporting evidence for probable cause may include:

1. Statements of the victims, witnesses and/or alleged offender;

2. Physical appearance, condition and/or demeanor of any individuals present, including the victim, children or household members;

3. Physical condition of the premises;
4. Complaints by neighbors; or
5. Other forms of documentation such as use of camera, video, etc.

C. Any individual arrested pursuant to any offenses in this subchapter shall be detained for no more than thirty-six (36) hours, unless there be issued a commitment bearing the signature of a duly qualified judge of the Court of the Navajo Nation. An individual arrested on a Friday, Saturday, Sunday, or a day before a holiday, who, having been given an opportunity within thirty-six (36) hours after arrest to be released on bail does not provide bail, may be held in custody pending commitment for a reasonable additional period not to exceed eight (8) hours following the opening of Court on the next day it is in session. There shall be issued for each individual held for trial, a temporary commitment and, for each individual held after sentence, a final commitment on the prescribed forms.

§ 538. Alternative Sentencing

Notwithstanding any other provision of this subchapter or Section 220 of this Title, 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. Section 221 of this Title shall apply to all provisions within this subchapter. The victim and family must be given an opportunity to write a victim impact statement and make a statement before sentence.

§ 539. Stalking

A. An individual commits stalking if he/she intentionally or knowingly pursues a pattern of conduct that would cause a victim to feel frightened, intimidated or threatened. In furtherance of the stalking, or by his/her agent, the alleged stalker must commit one or more of the following acts on two or more occasions:

1. Placing another family member under any form of surveillance whether it be electronic, visual, or physical by being present outside the victim's residence, school, work place, motor vehicle or any other place frequented by the victim; or

2. The victim is subjected to fear of death or bodily injury, sexual assault, confinement or restraint or the alleged stalker intends to cause emotional distress for the victim.

B. Sentence.

1. Any individual found guilty of stalking may be sentenced to imprisonment 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 five thousand dollars (\$5,000.00).

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 less than one thousand dollars (\$1,000.00) and not to exceed five thousand dollars (\$5,000.00).

§ 540. Harassment

A. An individual commits harassment when he/she intentionally or knowingly causes emotional alarm and distress to another by repeatedly shaming, degrading, humiliating, placing in fear, or otherwise abusing personal dignity.

B. Sentence.

1. An individual found guilty of harassment may be sentenced to imprisonment not to exceed sixty (60) days, and/or be ordered to pay a fine not less than one hundred dollars (\$100.00) and 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 less than two hundred fifty dollars (\$250.00) and not to exceed one thousand dollars (\$1,000.00).

§ 541. Sexual assault of a family member

A. An individual commits sexual assault of a family member by intentionally or knowingly engaging in sexual contact, including sexual intercourse, with a family member without his/her consent.

B. Any individual found guilty of sexual assault shall be sentenced to imprisonment for a term not less than one hundred twenty (120) days and not to exceed three hundred sixty-five (365) days, and/or be ordered to pay a fine not less than fifteen hundred dollars (\$1,500.00) and not to exceed five thousand dollars (\$5,000.00).

C. Any individual convicted under this subsection shall register as a sex offender under applicable laws.

§ 542. Unlawful imprisonment

A. An individual commits unlawful imprisonment 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 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 (\$5,000.00).

§ 543. Aggravated assault of a family member

A. An individual commits aggravated assault 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 may be sentenced to imprisonment for a term not to exceed one hundred (180) days, and/or be ordered to pay a fine not less than one thousand dollars (\$1,000.00) and 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 (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 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 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 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 (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 (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

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 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 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 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 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 (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. Any individual found guilty of unlawful use of a weapon 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 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. Tampered 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.

B. Sentence.

1. Any individual found guilty of criminal damage 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/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.

§ 554. Violation of family violence court order

A. An individual commits an offense pursuant to this subchapter when he/she intentionally or knowingly, 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).

3. 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 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).

§ 556. Conspiracy against a family member

A. An individual commits conspiracy against a family member when with knowledge to promote or facilitate the commission of an offense pursuant to this subchapter, he/she agrees with one or more persons that at least one of them will engage in conduct constituting family violence, and one of the parties commits an overt act in furtherance of the agreement.

B. Sentence.

1. Any individual found guilty of conspiracy against a family member may be sentenced to imprisonment for a term not to exceed ninety (90) 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).

§ 557. Solicitation against a family member

A. An individual commits solicitation 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 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 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 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 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 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.

* * * * *

Section 3. Effective Date

The amendments enacted herein shall be effective pursuant to 2 N.N.C. §221(B).

Section 4. Codification

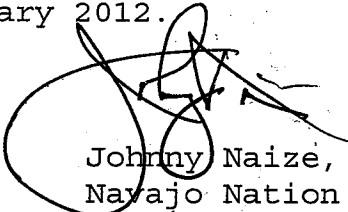
The provisions of the Act which amend or adopt new sections of the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such amended provisions in the next codification of the Navajo Nation Code.

Section 5. Saving Clause

Should any provision of this Act be determined invalid by the Navajo Nation Supreme Court, or the District Courts of the Navajo Nation without appeal to the Navajo Nation Supreme Court, those provisions of the Act which are not determined invalid shall remain the law of the Navajo 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 19 in favor and 0 opposed, this 25th day of January 2012.



Johnny Naize, Speaker
Navajo Nation Council

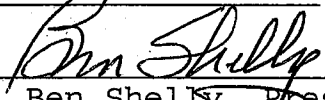
Feb 04, 2012

Date

Motion: Jonathan Nez
Second: 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 FEB 16 2012 2012.



Ben Shelly, President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this _____ day of _____ 2012 for the reason(s) expressed in the attached letter to the Speaker.

Ben Shelly, President
Navajo Nation

**LAW AND ORDER COMMITTEE
22nd NAVAJO NATION COUNCIL**

FIRST YEAR 2011

COMMITTEE REPORT

Mr. Speaker,

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

NAVAJO LEGISLATION NO. 0425-11

AN ACT RELATING TO LAW AND ORDER; HEALTH, EDUCATION AND
HUMAN SERVICES; NAA'BIK'YATI; ENACTING THE 2011 NAVAJO
NATION VIOLENCE AGAINST FAMILY ACT BY ENACTING 17 N.N.C.§ET
SEQ.. (*Sponsored by Katherine Benally*)

Has had it under consideration and report the same with a recommendation that it **DO
PASS**, with one amendment:

Page 6, Line 2, after the word "detained" insert the following language "no less than
twenty-four (24) hours and".

and therefore referred to **HEALTH, EDUCATION AND HUMAN SERVICES
COMMITTEE**.

Respectfully submitted,



Edmund Yazzie, Chairperson
Law and Order Committee of the
22nd Navajo Nation Council

Date: October 31, 2011

The vote was 2 in favor and 0 opposed

Motion: Elmer Begay

Second: Alton Joe Shepherd



22nd NAVAJO NATION COUNCIL – FIRST YEAR 2011

The **HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE OF THE NAVAJO NATION COUNCIL** to whom has been assigned:

LEGISLATION NO. 0425-11

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

And therefore referred the same to the **NABIK'ÍYÁTI' COMMITTEE OF THE NAVAJO NATION COUNCIL.**

A handwritten signature in cursive script that reads "Jonathan L. Hale".

Jonathan Hale, Chairperson
Health, Education and Human Services Committee

Dated: November 23, 2011

Motioned by: Honorable Walter Phelps

Seconded by: Honorable Dwight Witherspoon

Vote: 3 in Favor, 0 Opposed and 01 Abstain

NAA'BIK'IYATI COMMITTEE REPORT
22ND NAVAJO NATION COUNCIL – Second Year 2012

Mr. Speaker:

The NAA'BIK'IYATI COMMITTEE to whom has been assigned:

LEGISLATION NO. 0425-11
Introduced by Hon. Katherine Benally

AN ACTION

Relating to Law and Order; Health, Education, and Human Services; Naa'bik'iyati; Enacting the
2011 Navajo Nation Violence Against Family Act by Enacting 17 N.N.C. §534 *Et. Seq.*

has had it under consideration and reports the same with a **DO PASS** with NO AMENDMENTS;
and thence referred to the **Navajo Nation Council**.

CERTIFICATION

I hereby certify that the foregoing legislation was duly considered by the Naa'bik'iyati' Committee of the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed with a vote of **13 in favor 0 opposed** this 5th day of January 2012.

Set.



Mr. Johnny Naize, Chairperson
Naa'bik'iyati Committee

MOTION: Duane Tsinigine
SECOND: Roscoe Smith