

RESOLUTION OF THE
NAVAJO NATION COUNCIL

21st NAVAJO NATION COUNCIL - First Year, 2007

AN ACTION

RELATING TO PUBLIC SAFETY AND INTERGOVERNMENTAL RELATIONS;
CONFIRMING THE NAVAJO NATION JURISDICTION OVER SEX OFFENDER
REGISTRATION AND NOTIFICATION FOR PURPOSES OF PUBLIC LAW
109-248, TITLE 1, THE ADAM WALSH CHILD PROTECTION AND
SAFETY ACT OF 2006


BE IT ENACTED:

1. The Navajo Nation finds that it has exerted its jurisdiction over the areas of sex offender registration and notification through its passage on April 20, 2006 of the Navajo Nation Sex Offender Registration Act, Resolution CAP-20-06, attached hereto as Exhibit "A".
2. The Navajo Nation finds that the United States Congress on July 27, 2006 passed Public Law 109-248, Title I, the Adam Walsh Child Protection and Safety Act of 2006 (Adam Walsh Act), which contains a Section 127, Election by Indian Tribes.
3. The Navajo Nation finds that the Adam Walsh Act, without proper consultation with the Navajo Nation or other federally recognized Indian Nations, provides for state jurisdiction to assume responsibility for maintaining and managing a sex offender registration on behalf of the Indian nations and arbitrarily removes Indian nations, including the Navajo Nation, from monitoring sex offenders within their own jurisdictions if they do not expressly affirm their intent to implement the requirements of the Adam Walsh Act.
4. The Navajo Nation, by enacting the Navajo Nation Sex Offender Registry Act, while not specifically stating that it intends to implement the requirements of the later-passed Adam Walsh Act, has clearly expressed its desire as a sovereign Nation to protect individuals within the territorial jurisdiction of the Navajo Nation from sexual predators.

5. The Navajo Nation finds that the provisions of Section 127(a)(1)(A) of the Adam Walsh Act require Indian tribes to adopt a resolution electing to carry out the provisions of Subtitle A of Title I of the Adam Act.
6. The Navajo Nation hereby finds that the requirements of Subtitle A of Title I of the Adam Walsh Act exceed the current requirements of the Navajo Nation Sex Offender Registration Act of 2006.
7. The Navajo Nation further states its intent to carry out Subtitle A of Title I of the Adam Walsh Act within the period for implementation by jurisdictions set forth in said subtitle.
8. The Navajo Nation hereby expressly reaffirms its intent to fully implement all of the applicable requirements of the Adam Walsh Act and wholly rejects the idea that any state may be authorized, without proper consultation, and contrary to the Navajo Nation government-to-government relationship with the United States Government, to exercise this type of jurisdiction within the Navajo Nation.
9. The Navajo Nation further states its expectation that the United States Congress will address the unfunded mandates of the Adam Walsh Act by appropriating adequate funds directly to the Navajo Nation and other Indian nations to fund the full implementation of the Adam Walsh Act. The Navajo Nation continues its opposition to the appropriation of funds to the sundry states for later allocation to the Navajo Nation and other Indian nations. This results in the decrease of funding to the Navajo Nation and other Indian nations and is inconsistent with the government-to-government relationship with the United States Government.
10. The Navajo Nation hereby directs the Office of the President and the Division of Public Safety to immediately apply for any funds which are made available through the Adam Walsh Act, and any other federal source, for the purposes of developing and implementing the Navajo Nation sex offender registration and notification system.

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 54 in favor and 0 opposed, this 19th day of July 2007.


Lawrence T. Morgan, Speaker
Navajo Nation Council
20 July 07
Date

Motion: LoRenzo Bates
Second: Peterson Yazzie

CAP-20-06

RESOLUTION OF THE
NAVAJO NATION COUNCIL20TH NAVAJO NATION COUNCIL - Fourth Year, 2006

AN ACT

RELATING TO PUBLIC SAFETY, AND JUDICIARY; ENACTING THE SEX
OFFENDERS REGISTRATION ACT OF 2005; AMENDING TITLE
SEVENTEEN OF THE NAVAJO NATION CODE

BE IT ENACTED:

Section 1. Enactment of the Title 17 General Provisions and
Offenses Amendment Act of 2005The Navajo Nation Council hereby enacts the Sex
Offenders Registration Act of 2005.

Section 2. Purpose

The purpose of the Sex Offenders Registration Act of
2005 is to require persons convicted of sexual offenses in
the Navajo Nation Courts or courts of other jurisdictions,
who live, work, or attend school within the Navajo Nation,
to register and maintain registration as a sex offender
with the Navajo Nation, or face sanctions including the
revocation of probation or parole, or the reporting of non-
registration to other jurisdictions, or both.

- A. The Navajo Nation Council hereby directs that all
Navajo Nation branches, divisions, departments,
offices, programs and other tribal entities to
cooperate to the fullest extent possible to develop
an integrated criminal justice information system.
- B. It is further directed that all technology groups
coordinate with the Department of Information
Technology and help facilitate the development of
the integrated criminal justice information system.
- C. The Navajo Nation Council further directs that the
proposed criminal justice information system be
submitted for approval by the Navajo Nation Council
no later than six (6) months.

Section 3. Amendments to Title 17 Navajo Nation Code

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

§ 220. Criteria

D. Sex Offender Registration and Reporting.

1. All Navajo Nation court sentences for convictions, guilty pleas, pleas of nolo contendere, and all conditions of probation and parole for violations of sexual offenses shall require that the offender register, and maintain registration, as a sex offender with the Navajo Nation Chief of Police.

2. All persons who have been convicted, or entered guilty pleas or pleas of nolo contendere to crimes constituting sexual offenses, by Navajo Nation Courts or the courts of another jurisdiction, and who reside, work, or attend school within the Navajo Nation shall register, and maintain registration, as a sex offender with the Navajo Nation Chief of Police.

This registration shall include:

a. a copy of each judgment of the court finding the person guilty of a sexual offense; and

b. a copy of the probation or parole order relative to each sexual offense committed, including all conditions of probation or parole; and

c. the physical address of the residence of the sex offender; and

d. the physical work address of the sex offender; and

e. the physical address of the school attended by the sex offender.

f. the census number and current photograph of the sex offender.

3. All sex offenders shall maintain their registration with the Navajo Nation Chief of Police by reporting any additional or changed information set forth in subsection (D)(1) above to the Navajo Nation Chief of Police within ten days of any change affecting such information.

4. The Navajo Nation Chief of Police shall provide written notice to:

a. all District Commanders within the Department of Law Enforcement and all Navajo Nation Chapter(s) in which the offender resides, in addition to all Navajo Nation Chapters(s) in which the offender resides, or works, or attends school; and

b. all print and broadcast media outlets which provide news coverage to all Navajo Nation Chapter(s) in which the offender resides, in addition to all Navajo Nation Chapters(s) in which the offender resides, or works, or attends school.

5. Failure by a sex offender to register, or maintain registration, as a sex offender shall be conclusive evidence of breach of conditions of probation or parole contained within any Navajo Nation court order and require that any such probation or parole be revoked. Any failure to register, or maintain registration, as a sex offender by a sex offender whose sexual offense conviction was issued by the court of another jurisdiction shall be reported, in writing, to that jurisdiction by the Navajo Nation Chief of Police.

Section Four. Codification

The provisions of this Act which amend the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall not finalize a recodification or supplement of the Navajo Nation Code which does not incorporate such amendments.

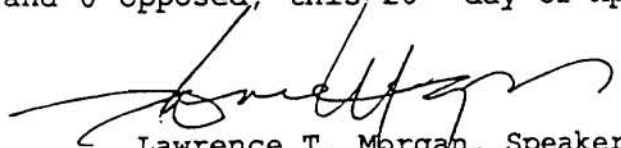
Section Five. Savings Clause

Should any provisions 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, or any other court of competent jurisdiction, those portions of this 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 63 in favor and 0 opposed, this 20th day of April 2006.



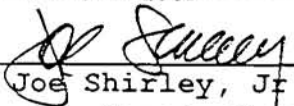
Lawrence T. Morgan, Speaker
Navajo Nation Council

21 April 2006
Date

Motion: Ernest Hubbell
Second: Larry Anderson, Sr.

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 APR 26 2006 2006.



Joe Shirley, Jr., President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this _____ day of _____ 2006 for the reason(s) expressed in the attached letter to the Speaker.

Joe Shirley, Jr., President
Navajo Nation