

**RESOLUTION OF THE  
NAVAJO NATION COUNCIL**

**22nd NAVAJO NATION COUNCIL -- Fourth Year, 2014**

**AN ACT**

**RELATING TO LAW AND ORDER, NAABIK'ÍYÁTÍ 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:

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

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**§ 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**

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**§ 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 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.

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**§ 209. General definitions**

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

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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;

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**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;
- ~~3~~4. To imprisonment for a definite period within the term authorized;
- ~~4~~5. To fine and probation or fine and imprisonment;
- ~~5~~6. To community service-;
- ~~6~~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.

E. 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 ~~or~~ 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~~ 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; 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**

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**§ 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~~ 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 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.~~

### § 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.

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.~~

**§ 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.

C. 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.

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.~~

**§ 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).

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.~~

### § 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 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.~~

#### § 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 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 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).

~~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.~~

### § 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.

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.~~

### § 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.

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.~~

### § 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 ~~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.

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.~~

**§ 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 ~~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.

~~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.~~

#### § 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.

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.~~

### § 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.

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.~~

### 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.

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.~~

**§ 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.



~~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.~~

### **§ 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 ~~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 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.

## B. 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.



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.~~

### **§ 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.

~~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.~~

**§ 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 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.~~

**§ 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.~~

~~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.~~

**§ 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.

## C. Sentence.

1. 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.

~~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.~~

### § 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.

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.~~

**§ 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.

B. 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.

~~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.~~~~

### § 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 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.~~

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:



1. 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. Nicomorphine;
- bb. Normorphine;
- cc. Oxycodone;
- 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;

- t. 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 ((+)-norpsuedoephedrine);
- d. Clorphentermine;
- e. Clortermine.
- f. Diethylpropion;
- g. Fencamfamin;
- h. Fenethylamine;
- 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).

5. 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. Alphamethylfentanyl;  
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. Detropoxyphene;
- z. Diampromide;
- aa. Diethylthiambutene;
- bb. Difenoxin;
- cc. Dihydrocodeine;
- dd. Dimenoxadol;
- ee. Dimepheptanol;
- ff. Dimnethylthiambutene;
- gg. Dioxaphetyl butyrate;
- hh. Diphenoxylate;
- ii. Dipipanone;
- jj. Ethylmethyliambutene;
- kk. Etonitazene;
- ll. Etoxidine;
- mm. Fentanyl;
- nn. Furethidine;
- oo. Hydroxypethidine;

pp. Isoamidone (isomethadone);  
qq. Isonipecaïne;  
rr. Ketobemidone;  
ss. Levomethorphan;  
tt. Levoaramide;  
uu. Levophenacylmorphan;  
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. Racemoramide;  
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 azee') in Subsection A does not apply to the use of azee' by an enrolled member of an Indian tribe for bona fide ceremonial purposes in connection with nahaghá. Individuals who use, possess, or transport azee' for use in nahaghá are exempt from this prohibition. Azee' 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 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.~~

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).

C. 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 int~~ 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 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 courts, ~~including the chapter in which the defendant resides.~~

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'áán 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'áán 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~~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~~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~~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~~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~~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 in 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

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

22. 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.~~

#### **§ 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



3. 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.

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.~~

**§ 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 ~~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.~~

**§ 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).

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.~~

#### § 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.

~~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.

~~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.~~

**§ 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.

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.~~

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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).~~

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.~~

## § 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.

~~14.~~ 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).

25. 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.

~~36.~~ 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.

~~58.~~ 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.

22. 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.~~

#### § 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).

~~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.~~

**§ 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 ~~erform 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.

~~22.~~ 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.~~

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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 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 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 (\$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.

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.

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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).

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 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~~ 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~~

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**Section 4. Codification**

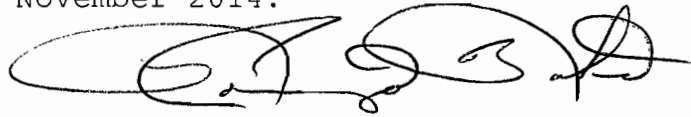
The provisions of these amendments which amend or adopt new sections of the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such amended provisions in the next codification of the Navajo Nation Code.

**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.

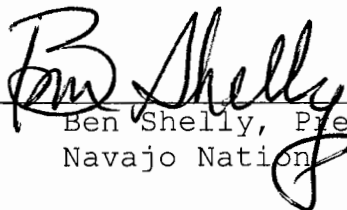


LoRenzo Bates, Pro Tem Speaker  
Navajo Nation Council

Motion: Honorable Joshua Lavar Butler  
Second: Honorable Leonard Pete

**ACTION BY THE NAVAJO NATION PRESIDENT:**

- 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