

RESOLUTION OF THE  
NAVAJO NATION COUNCIL

23<sup>RD</sup> NAVAJO NATION COUNCIL -- Third Year, 2017

AN ACT

RELATING TO LAW AND ORDER AND NAABIK'ÍYÁTI' AND THE NAVAJO  
NATION COUNCIL; AMENDING TITLE 17 OF THE NAVAJO NATION CODE

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Navajo Nation established the Law and Order Committee (LOC) as a Navajo Nation standing committee and as such empowered LOC to review and make recommendations to the Navajo Nation Council on proposed Navajo Nation Code amendments and enactments. 2 N.N.C. §§ 164 (A) (9), 600 (A), 601 (B) (14) (2012); CO-45-12.
- B. The Navajo Nation Council established the Naabik'iyáti' Committee as a Navajo Nation standing committee and as such proposed legislation that requires final action by the Navajo Nation Council shall be assigned to the Naabik'iyáti' Committee. 2 N.N.C. §§ 164 (A) (9), 700 (A) (2012); CO-45-12.
- C. The Navajo Nation Council must review and approve enactments or amendments of positive law. 2 N.N.C. § 164 (A) (2012); CO-45-12.

SECTION TWO. FINDINGS

- A. The Navajo Nation is a sovereign government responsible for providing critical government services to its people. Repeated instances of financial fraud, dishonesty, and gross mismanagement of the Nation's funds by public officials and employees entrusted with those funds has directly undermined the Nation's ability to function as a government and serve the needs of its people.
- B. The actions have resulted in extensive, long-term damage to the Nation, including lost revenue and expenses for prosecution of these crimes. In violation of Traditional Law, these actions have betrayed the rights and freedom of the Diné to choose leaders who will use their experience and wisdom to always act in the best interest of the people

and ensure the rights and freedoms of generations yet to come. Financial fraud and abuse have also betrayed the right and freedom of the Diné under Traditional Law to be represented by leaders who carry out their duties and responsibilities in a moral and legal manner, as well as represent the people and the government with trust and confidence.

- C. Given the severe negative impact of this financial fraud and abuse, the following changes to the criminal code is proposed in order to strengthen the Nation's ability to hold white-collar offenders accountable and deter future offenses to ultimately protect the Nation's limited resources from exploitation and fraud.
- D. The Department of Justice along with key criminal justice stakeholders proposes to incorporate explicit offense of embezzlement against the Navajo Nation with stringent penalties. The amendments also clarify statute of limitations for these types of offenses so that defendants cannot exploit ambiguities and potentially avoid prosecution. Letters to Delegate Otto Tso, Members of the Budget and Finance Committee and Members of the Law and Order Committee is attached as **Exhibit A**, **Exhibit B** and **Exhibit C**.
- E. The amendment to Title 17 is in the best interest of the Navajo Nation to hold offenders accountable, to deter future offenses and protect the Navajo Nation's limited resources from exploitation and fraud.

### **SECTION THREE. AMENDMENT**

The Navajo Nation Council amends Title 17 as follows:

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**NAVAJO NATION CODE**  
**TITLE 17. LAW AND ORDER**  
**CHAPTER 2. GENERAL PROVISIONS**  
**SUBCHAPTER 1. GENERAL**

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#### **§ 205. Time Limitations**

- A. ~~A prosecution for embezzlement of Navajo Nation monies or falsification of Navajo Nation records or vouchers may be~~

~~commenced at any time within five years after discovery of the offense.~~

~~B. A. Except as otherwise provided in this Section—Title, prosecution for other offenses must be commenced within three years from the date of the act or conduct which constitutes the offense.~~

~~C. If the offense has a material element of fraud, forgery or an offense against the Navajo Nation government, prosecution may be commenced after discovery of the offense by an aggrieved party or by a person under a legal duty to represent an aggrieved party and who was not a party to the offense.~~

~~D. B. A prosecution is commenced either when a complaint is filed or when an arrest warrant or other similar process is issued.~~

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#### § 209. General definitions

Y. "Navajo Nation" means:

1. Navajo Nation Council;
2. The Speaker and Delegates of the Navajo Nation Council;
3. The President and Vice President of the Navajo Nation;
4. The Executive Branch of the Navajo Nation government;
5. The Legislative Branch of the Navajo Nation government;
6. The Judicial Branch of the Navajo Nation government;
7. Chapters, Townships and any other local government or political subdivision of the Navajo Nation;
8. The Commissions of the Navajo Nation Council;
9. The Grazing Committees of the Navajo Nation;
10. The Land Boards of the Navajo Nation;

11. The Farm Boards of the Navajo Nation;
12. Institutions of higher learning of the Navajo Nation;
13. Ramah Band of Navajo School Board;
14. The Enterprises of the Navajo Nation;
15. Any other entity that receives funding meant to benefit the Navajo Nation or Navajo People, including but not limited to Indian Self-Determination and Education Assistance Act ("638") funds, Native American Housing Assistance and Self Determination Act (NAHASDA) funds, funds from private sources, and any other federal, state, or Navajo Nation funds.
- ~~Y.Z.~~ "Navajo Nation official" means any person who is an officer or employee of the Navajo Nation government, including a peace officer, whether elected, appointed or otherwise employed and any person participating as advisor, consultant or otherwise in performing a Navajo Nation governmental function; the term does not include jurors or witnesses;
- ~~Z.~~ AA. "Unlawful" means contrary to law or, where the context so requires, not permitted by law; it does not mean immoral;
- ~~AA.~~ BB. "Utility" means any enterprise, public or private, which provides gas, electric, steam water or communications services, as well as any common carrier on land, sea or air.

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**CHAPTER 3. OFFENSES**  
**SUBCHAPTER 1. INCHOATE OFFENSES**

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**§ 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, that 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 or Subchapter 2 of Chapter 6 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~~ shall order that restitution or nályééh shall be paid to the victim(s).
  3. The trial court may utilize the services of the Navajo Peacemaking Program 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 a peace or security bond upon the defendant, including the pledgees of family or clan sureties.
  5. Upon the inposition 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 community services sentences, to be served under the supervision of an

organization or an individual designated by the court.

E. Statute of Limitations. A prosecution for solicitation may be commenced at any time within ten (10) years after commission of the offense. If the offense is allegedly committed against the Navajo Nation, prosecution may be commenced at any time within ten (10) years from the date of discovery of the offense.

### § 302. Conspiracy

- A. Offense. A person commits conspiracy if, with the intent to promote or facilitate the commission of an offense, ~~he or she~~ that person 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 personal 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~~ shall order that restitution or nályééh shall be paid to the victim(s).
3. The trial court may utilize the services of the Navajo Peacemaking Program 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 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 community service sentences, to be served under the supervision of an organization or an individual designated by the court.

G. Statute of Limitations. A prosecution for conspiracy may be commenced at any time within ten (10) years after commission of the offense. If the offense is allegedly committed against the Navajo Nation, prosecution may be commenced at any time within ten (10) years from the date of discovery of the offense.

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## SUBCHAPTER 4. THEFT AND RELATED OFFENSES

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## § 330. Theft

A. Offense. A person commits theft if, without lawful authority, ~~he or she~~ that person intentionally or knowingly:

1. ~~Controls property of another with the intent to deprive him or her of such property permanently~~ Takes, obtains or withholds, by any means for any length of time, from the possession of the owner or of any other person, any funds or other property; or
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. If the offense is committed against the Navajo Nation, any person found guilty of theft 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~~ shall order that restitution or nályééh shall be paid to the victim(s).
3. The trial court may utilize the services of the Navajo Peacemaking Program 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 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 community service sentences, to be served under the supervision of an organization or an individual designated by the court.

C. Statute of Limitations. A prosecution for theft may be commenced within ten (10) years after commission of the offense. If the offense is allegedly committed against the Navajo Nation, prosecution may be commenced at any time within ten (10) years from the date of discovery of the offense.

### § 331. Theft of services

A. Offense. A person commits theft of services if, without lawful authority, ~~he or she~~ that person 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. If the offense is committed against the Navajo Nation, any person found guilty of theft of services 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~~ shall order that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program 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 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 community service sentences, to be served under the supervision of an organization or an individual designated by the court.

C. Statute of Limitations. A prosecution for theft of services may be commenced at any time within ten (10) years after commission of the offense. If the offense is allegedly committed against the Navajo Nation, prosecution may be commenced at any time within ten (10) years from the date of discovery of the offense.

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### § 333. Receiving stolen property

- A. Offense. A person commits receiving stolen property if ~~he or she~~ that person 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 receiving 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 \$1,000, or both. If the offense is committed against the Navajo Nation, any person found guilty of receiving stolen property 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~~ shall order that restitution or nályééh shall be paid to the victim(s).
3. The trial court may utilize the services of the Navajo Peacemaking Program 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 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 community service sentences, to be served under the supervision of an organization or an individual designated by the court.

C. Statute of Limitations. A prosecution for receiving stolen property may be commenced at any time within ten (10) years after commission of the offense. If the offense is allegedly committed against the Navajo Nation, prosecution may be commenced at any time within ten (10) years from the date of discovery of the offense.

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### § 335. Fraud

- A. Offense. A person commits fraud if ~~he or she~~ that person unlawfully obtains the property or funds 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 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.

2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and ~~may~~ shall order that restitution or nályééh shall be paid to the victim(s).
3. The trial court may utilize the services of the Navajo Peacemaking Program 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 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 community service sentences, to be served under the supervision of an organization or an individual designated by the court.

C. Statute of Limitations. A prosecution for fraud may be commenced within ten (10) years from the date of discovery of the offense.

**§ 336. Theft by extortion**

- A. Offense. A person commits theft by extortion if ~~he or she~~ that person 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~~ shall order that restitution or nályééh shall be paid to the victim(s).
3. The trial court may utilize the services of the Navajo Peacemaking Program 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 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 community service sentences, to be served under the supervision of an organization or an individual designated by the court.

C. Statute of Limitations. A prosecution for theft by extortion may be commenced at any time within ten (10) years from the date of discovery of the offense.

**§ 337. Embezzlement against the Navajo Nation**

A. Offense. A person commits embezzlement against the Navajo Nation if that person, without lawful authority, intentionally or knowingly converts to that person's use or the use of another any funds or property of the Navajo Nation entrusted to the defendant for a limited, authorized use.

B. Sentence.

1. Any person found guilty of embezzlement against the Navajo Nation 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 shall order that restitution or nályééh shall be paid to the victim(s).
3. The trial court may utilize the services of the Navajo Peacemaking Program 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 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 community service sentences, to be served under the supervision of an organization or an individual designated by the court.

C. Statute of Limitations. A prosecution for embezzlement against the Navajo Nation may be commenced at any time within ten (10) years from the date of discovery of the offense.

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**SUBCHAPTER 5. FORGERY AND RELATED OFFENSES**

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**§ 340. Forgery**

A. Offense. A person commits forgery if, with intent to defraud, ~~he or she~~ that person:

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~~ 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~~ shall order that restitution or nályééh shall be paid to the victim(s).
3. The trial court may utilize the services of the Navajo Peacemaking Program 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 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 community service sentences, to be served under the supervision of an organization or an individual designated by the court.

C. Statute of Limitations. A prosecution for forgery may be commenced at any time within ten (10) years from the date of discovery of the offense.

**§ 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 against the Navajo Nation may be sentenced to imprisonment for a term not to exceed 90 days, or be ordered to pay a fine not to exceed five hundred dollars (\$500), or both. If the offense is committed against the Navajo Nation, any person found guilty of criminal simulation 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 shall order that restitution or nályééh shall be paid to the victim(s).
3. The trial court may utilize the services of the Navajo Peacemaking Program 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 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 community service sentences, to be served under the supervision of an organization or an individual designated by the court.

C. Statute of Limitations. A prosecution for criminal simulation may be commenced at any time within ten (10) years from the date of discovery of the offense.

**§ 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~~ 365 days, or be ordered to pay a fine not to exceed five ~~hundred~~ 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~~ shall order that restitution or nályééh shall be paid to the victim(s).
3. The trial court may utilize the services of the Navajo Peacemaking Program 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 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 community service sentences, to be served under the supervision of an organization or an individual designated by the court.

C. Statute of Limitations. A prosecution for obtaining a signature by deception may be commenced at any time within ten (10) years from the date of discovery of the offense.

**§ 343. Criminal impersonation**

A. Offense. A person commits criminal impersonation if ~~he or she~~ that person intentionally assumes a false identity and:

1. ~~Assumes a false identity with the intent to defraud~~  
Commits fraud against another; or

2. Pretends to be a representative of some person or organization with the intent to defraud. Subjects another to arrest, detention, search or seizure, mistreatment, or dispossession;
3. Infringes upon the personal right of another; or
4. Denies or impedes another in the exercise or enjoyment of any right, privilege, power or immunity.

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 five hundred dollars (\$500), or both. If the offense is committed against the Navajo Nation, any person found guilty of criminal impersonation against the Navajo Nation or impersonates a Navajo Nation official, he or she 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~~ shall order that restitution or nályééh shall be paid to the victim(s).
3. The trial court may utilize the services of the Navajo Peacemaking Program 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 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 community service sentences, to be served under the supervision of an organization or an individual designated by the court.

C. Statute of Limitations. A prosecution for criminal impersonation may be commenced at any time within ten (10) years from the date of discovery of the offense.

**§ 344. Misrepresentation of Navajo-produced goods or products**

A. Offense. A person commits misrepresentation of Navajo-produced goods or products if that person intentionally or knowingly offers, displays for sale, or sells any good that falsely suggests it is made by a Navajo Indian.

B. Sentence.

1. Any person found guilty of misrepresentation of Navajo-produced goods or products 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 shall order that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program 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 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 community service sentences, to be served under the supervision of an organization or an individual designated by the court.

C. Statute of Limitations. A prosecution for misrepresentation of Navajo-produced goods or product maybe commenced at any time within ten (10) years from the date of discovery of the offense.

## SUBCHAPTER 7. BRIBERY AND RELATED OFFENSES

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## § 360. Bribery in official and political matters

A. Offense. A person commits an offense pursuant to this Section if:

1. ~~He or she~~ That person 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~~ Navajo Nation official's vote, opinion, judgement, exercise of discretion or other action in his or her capacity as a Navajo Nation official, ~~Navajo Nation judge or employee.~~; or
2. ~~While~~ As 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, judgement, 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~~ shall order that restitution or nályééh shall be paid to the victim(s).
3. The trial court may utilize the services of the Navajo Peacemaking Program 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 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 community service sentences, to be served under the supervision of an organization or an individual designated by the court.

C. Statute of Limitations. A prosecution for bribery in official and political matters may be commenced at any time within ten (10) years from the date of discovery of the offense.

**§ 361. Improper Unlawful influence in official and political matters**

A. Offense. A person commits unlawful influence in official and political matters ~~an offense pursuant to this Section if he or she~~ that person threatens harm by word or conduct to cause physical injury to or cause damage to the property of ~~to~~ any person, Navajo Nation official or his or her "family member" as defined in the Violence Against Family Act, 17 N.N.C. § 535(D), Navajo Nation judge or employee with the intent of influencing such ~~person's~~ Navajo Nation official's vote, opinion, judgement, or exercise of discretion.

B. Sentence.

1. Any person found guilty of ~~improper~~ unlawful 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~~ shall order that restitution or nályééh shall be paid to the victim(s).
3. The trial court may utilize the services of the Navajo Peacemaking Program 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 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 community service sentences, to be served under the supervision of an organization or an individual designated by the court.

C. Statute of Limitations. A prosecution for unlawful influence in official and political matters may be commenced at any time within ten (10) years from the date of discovery of the offense.

**§ 362. Paying Payment or receiving receipt of Navajo Nation Government funds for services not rendered**

- A. Offense. A person commits an offense pursuant to this Section if ~~he or she~~ that person 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~~ officials ~~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~~ shall order that restitution or nályééh shall be paid to the victim(s).

3. The trial court may utilize the services of the Navajo Peacemaking Program 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 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 community service sentences, to be served under the supervision of an organization or an individual designated by the court.

D. Statute of Limitations. A prosecution for payment or receipt of Navajo Nation funds for services not rendered may be commenced at any time within ten (10) years from the date of discovery of the offense.

E. Forfeiture of Navajo Nation employment or office. Section 365 of this subchapter shall only apply to a violation of this offense if the amount of monetary damage to the Navajo Nation is one thousand dollars (\$1,000) or above.

**§ 363. Making, or authorizing, permitting, or receiving payment of false Navajo Nation voucher funds for products or services not rendered**

A. Offense. A person commits an offense pursuant to this Section if ~~he or she~~ that person knowingly, ~~or intentionally or willfully:~~

1. ~~m~~Makes, or causes to be made, or permits to be made a material misrepresentation of forged signature upon any instrument for payment of Navajo Nation voucher funds, including but not limited to an expense reimbursement form, purchase card (P-card) receipt, or invoice supporting a Navajo Nation voucher, with the intent that the ~~voucher, expense reimbursement form, or invoice~~ instrument for payment be relied upon for the ~~unauthorized~~ unauthorized expenditure of Navajo Nation funds for products and services not rendered; ~~or~~

2. Receives a payment of Navajo Nation funds for products or services not rendered.

B. Sentence.

1. Any person found guilty of ~~making or permitting false Navajo Nation voucher~~ this offense 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~~ shall order that restitution or nályééh shall be paid to the victim(s).
3. The trial court may utilize the services of the Navajo Peacemaking Program 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 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 community service sentences, to be served under the supervision of an organization or an individual designated by the court.

C. Statute of Limitations. A prosecution for this offense may be commenced at any time within ten (10) years from the date of discovery of the offense.

D. Forfeiture of Navajo Nation employment or office. Section 365 of this subchapter shall only apply to a violation of this offense if the amount of monetary damage to the Navajo Nation is one thousand dollars (\$1,000) or above.



**§ 364. Abuse of office**

A. Offense. A ~~person~~ Navajo Nation official commits abuse of office if ~~he or she~~ that person intentionally acts or purports to act in an official capacity, ~~or takes advantage of such actual or purported capacity, knowing~~ when that person knows or should have known that 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.
4. Commits fraud against another.

B. Sentence.

1. Any person found guilty of abuse of office may be sentenced to imprisonment for a term not to exceed 365 days, or be ordered to pay a fine not to exceed ~~two~~ five thousand ~~five hundred~~ dollars (\$~~2,5~~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~~ shall order that restitution or nályééh shall be paid to the victim(s).
3. The trial court may utilize the services of the Navajo Peacemaking Program 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 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 community service sentences, to be served under the supervision of an organization or an individual designated by the court.

C. Statute of Limitations. A prosecution for abuse of office may be commenced at any time within ten (10) years from the date of discovery of the offense.

### § 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~~ official convicted of violating any section of this Subchapter shall ~~permanently~~ immediately forfeit any present or future employment with any Navajo Nation entity, division, department, agency, program, or enterprise.

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## SUBCHAPTER 8. OBSTRUCTION OF NAVAJO NATION ADMINISTRATION

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### § 370. Obstruction of justice

A. Offense. A person ~~is guilty of the offense of~~ commits 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~~ that person:

- ~~1.~~ Knowing an offense has been committed, ~~conceals it from a judge of the Navajo courts;~~
- ~~2.~~1. Harbors or conceals the offender;
- ~~3.~~2. Provides the offender a weapon, transportation, disguise, or other means for avoiding discovery or apprehension;
- ~~4.~~3. Warns the offender of impending discovery or apprehension;
- ~~5.~~4. Conceals, destroys, or alters any ~~physical~~ evidence that might aid in the discovery, apprehension, prosecution, or conviction of the person;

- ~~6-5.~~ 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
- ~~7-6.~~ 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~~ 365 days, or be ordered to pay a fine not to exceed (~~\$25,000~~), or both.
2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and ~~may~~ shall order that restitution or nályééh shall be paid to the victim(s).
3. The trial court may utilize the services of the Navajo Peacemaking Program 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 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 community service sentences, to be served under the supervision of an organization or an individual designated by the court.

C. Statute of Limitations. A prosecution for obstruction of justice may be commenced at any time within ten (10) years from the date of discovery of the offense.

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§ 374. Tampering with a public government record

A. Offense. A person commits tampering with a public government 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 government~~ record or true copy thereof or alters or makes a false entry in a written instrument which is a public government record or a true copy thereof;
2. Presents or uses a ~~written instrument which is or purports to be a public government~~ 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 is to 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 government record;
5. Refuses to deliver a public government 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 Government record, for purposes of this Section, means a protected record or public record as defined in the Navajo Nation Privacy Act, 2 N.N.C. § 81 et seq. as well as all official books, papers, written instruments or records created, issued, received or kept retained 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 government record may be sentenced to imprisonment for

a term not to exceed ~~90~~ 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~~ shall order that restitution or nályééh shall be paid to the victim(s).
3. The trial court may utilize the services of the Navajo Peacemaking Program 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 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 community service sentences, to be served under the supervision of an organization or an individual designated by the court.

D. Statute of Limitations. A prosecution for tampering with a government record may be commenced at any time within ten (10) years from the date of discovery of the offense.

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### **§ 376. Falsification**

- A. Offense. A person commits 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 of 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~~ the 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~~ peace officer, when the person ~~believes~~ knows the statement or document to be false.

3. Making any statement which he or she ~~believes~~ knows to be false in regard to a material issue to any Navajo Nation ~~employee~~ official 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 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~~ shall order that restitution or nályééh shall be paid to the victim(s).
3. The trial court may utilize the services of the Navajo Peacemaking Program 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 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 community service sentences, to be served under the supervision of an organization or an individual designated by the court.

C. Statute of Limitations. A prosecution for falsification may be commenced within ten (10) years from the date of discovery of the offense.

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## SUBCHAPTER 18. INTERFERENCE WITH JUDICIAL PROCEEDINGS

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## § 460. 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 of 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~~ Judicial 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~~ the Navajo Nation Supreme Court or any district court of the Navajo Nation.
- D. "Testimony" includes oral or written statements, documents or any other material that may be offered by a witness in an ~~official~~ proceeding.
- E. "Witness" means a person who has been or who may be called to give testimony.

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## § 471. Influencing a witness

- A. Offense. A person commits influencing a witness if ~~he or she~~ that person threatens or intimidates a witness, or offers, confers or agrees to confer any benefit upon a witness in any ~~official judicial proceeding, or a person he or she believes may be called as a witness,~~ with intent to:
  1. Influence the testimony of that ~~person~~ witness; or
  2. Induce that ~~person~~ witness to avoid legal process summoning ~~him or her~~ the witness to testify; or
  3. Induce that ~~person~~ witness to ~~absent~~ abstain himself or herself from providing testimony in any official

judicial proceeding to which ~~he or she~~ the witness 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~~ 365 days, or be ordered to pay a fine not to exceed \$~~1~~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~~ shall order that restitution or nályééh shall be paid to the victim(s).
3. The trial court may utilize the services of the Navajo Peacemaking Program 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 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 community service sentences, to be served under the supervision of an organization or an individual designated by the court.

C. Statute of Limitations. A prosecution for influencing a witness may be commenced at any time within ten (10) years from the date of discovery of the offense.

**§ 472. ~~Receiving a bribe by w~~Witness soliciting or accepting a bribe**

- A. Offense. A witness in an ~~official~~ judicial proceeding, ~~or a person who believes he or she may be called as a witness,~~ commits ~~receiving a bribe by a witness~~ this offense if ~~he or she~~ the witness intentionally or knowingly solicits, accepts or agrees to accept any benefit upon an agreement or understanding that:



1. ~~His or her~~ The testimony of the witness will thereby be influenced: or
2. ~~He or she~~ The witness will ~~attempt to~~ avoid legal process summoning ~~him or her~~ the witness to testify; or
3. ~~He or she~~ The witness will ~~absent himself or herself~~ abstain from providing testimony in any official judicial proceeding to which he or she has been legally summoned.

B. Sentence.

1. ~~Any person found guilty of receiving a bribe by~~ witness soliciting or accepting a bribe may be sentenced to imprisonment for a term not to exceed ~~180~~ 365 days, or be ordered to pay a fine not to exceed ~~\$15,000~~, or both.
2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and ~~may~~ shall order that restitution or nályééh shall be paid to the victim(s).
3. The trial court may utilize the services of the Navajo Peacemaking Program 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 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 community service sentences, to be served under the supervision of an organization or an individual designated by the court.

C. Statute of Limitations. A prosecution for witness soliciting or accepting a bribe may be commenced at any time within ten (10) years from the date of discovery of the offense.

§ 473. Influencing a juror

- A. Offense. A person ~~commits an offense pursuant to this Section~~ influences a juror if ~~he or she~~ that person threatens or intimidates 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~~ 365 days, or be ordered to pay a fine not to exceed ~~\$15,000~~, or both.
  2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and ~~may~~ shall order that restitution or nályééh shall be paid to the victim(s).
  3. The trial court may utilize the services of the Navajo Peacemaking Program 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 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 community service sentences, to be served under the supervision of an organization or an individual designated by the court.
- C. Statute of Limitations. A prosecution for influencing a juror may be commenced at any time within ten (10) years from the date of discovery of the offense.

§ 474. ~~Receiving a bribe by a juror~~ soliciting or accepting a bribe

- A. ~~Offense. A juror commits an offense pursuant to this Section if he or she~~ solicits or accepts a bribe if the juror 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~~ soliciting or accepting a bribe may be sentenced to imprisonment for a term not to exceed ~~180~~ 365 days, or be ordered to pay a fine not to exceed ~~\$15,000~~, or both.
  2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and ~~may~~ shall order that restitution or nályééh shall be paid to the victim(s).
  3. The trial court may utilize the services of the Navajo Peacemaking Program 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 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 community service sentences, to be served under the supervision of an organization or an individual designated by the court.
- C. Statute of Limitations. A prosecution for juror soliciting or accepting a bribe may be commenced at any time within ten (10) years from the date of discovery of the offense.

**§ 475. Jury tampering**

- A. Offense. A person commits jury tampering if that person, 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~~ 365 days, or be ordered to pay a fine not to exceed ~~\$15,000~~, or both.
  2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and ~~may~~ shall order that restitution or nályééh shall be paid to the victim(s).
  3. The trial court may utilize the services of the Navajo Peacemaking Program 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 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 community service sentences, to be served under the supervision of an organization or an individual designated by the court.
- C. Statute of Limitations. A prosecution for jury tampering may be commenced at any time within ten (10) years from the date of discovery of the offense.

**§ 476. Tampering with ~~physical~~ evidence**

- A. Offense. A person commits tampering with ~~physical~~ evidence if that person, acts 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 to interfere with an apprehension, investigation, or conviction in a judicial proceeding and:~~

1. Destroys, mutilates, alters, conceals or removes ~~physical~~ evidence with the intent to impair its verity or availability; ~~or~~
2. Knowingly ~~m~~akes, 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~~ 365 days, or be ordered to pay a fine not to exceed \$15,000, or both.
2. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and ~~may~~ shall order that restitution or nályééh shall be paid to the victim(s).
3. The trial court may utilize the services of the Navajo Peacemaking Program 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 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 community service sentences, to be served under the supervision of an organization or an individual designated by the court.

C. Statute of Limitations. A prosecution for tampering with evidence may be commenced at any time within ten (10) years from the date of discovery of the offense.

**§ 477. Interfering with judicial proceedings**

A. Offense. A person ~~commits an offense pursuant to this Section~~ interferes with a judicial proceeding 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 ~~it's~~ the proceedings or impairs the respect due to its authority after being ~~advised~~ instructed 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 to inexcusably attend a trial at which ~~he or she~~ that person has been chosen to serve as a juror.

B. Sentence.

1. Any person found guilty of interfering with judicial proceeding 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~~ shall order that restitution or nályééh shall be paid to the victim(s).
3. The trial court may utilize the services of the Navajo Peacemaking Program 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 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 community service sentences, to be served under the supervision of an organization or an individual designated by the court.

C. Statute of Limitations. A prosecution for interfering with judicial proceedings may be commenced at any time within ten (10) years from the date of discovery of the offense.

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**CHAPTER 5. PROCEDURES  
SUBCHAPTER 9. SEARCH AND SEIZURE**

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**§ 2002. Warrants—issuance; complaint**

Every judge of the Courts of the Navajo Nation shall have the authority to issue warrants for search and seizure of the premises and property of any person under the jurisdiction of such court. However, no warrant of search and seizure shall issue except upon duly signed and written complaint application based upon reliable information or belief and charging the commission of some offense against the Navajo Nation.

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**SECTION FOUR. CODIFICATION**

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

**SECTION FIVE. SAVINGS CLAUSE**

Should any provision of this Act be determined invalid by the Navajo Nation Supreme Court or the District Courts of the Navajo Nation, without appeal to the Navajo Supreme Court, the remainder of the Act shall remain in the law of the Navajo Nation.

**SECTION SIX. EFFECTIVE DATE**

This provision of this Act shall become effective in accordance with 2 N.N.C. § 221 (B).

**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 22 in favor and 00 opposed, on this 17<sup>TH</sup> day of October 2017.



LoRenzo C. Bates, Speaker  
Navajo Nation Council

10-27-17

Date

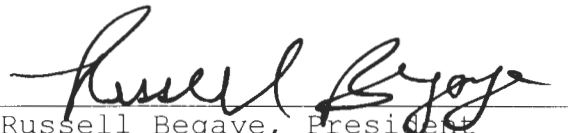
Motion: Honorable Nathaniel Brown  
Second: Honorable Amber Kanazbah Crotty

Speaker Bates not voting



ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (c)(10), on this 6<sup>th</sup> day of November 2017.



Russell Begaye, President  
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (c)(11), on this \_\_\_\_\_ day of \_\_\_\_\_ 2017 for reason(s) \_\_\_\_\_ expressed in the attached letter to the Speaker

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Russell Begaye, President  
Navajo Nation



**NAVAJO NATION DEPARTMENT OF JUSTICE**  
*OFFICE OF THE ATTORNEY GENERAL*



ETHEL B. BRANCH  
ATTORNEY GENERAL

RODGERICK T. BEGAY  
DEPUTY ATTORNEY GENERAL

March 23, 2017

Honorable Otto Tso  
The 23<sup>rd</sup> Navajo Nation Council  
Office of Legislative Services  
Post Office Box 3390  
Window Rock, Arizona 86515

**RE: Legislation to Amend White Collar Crime Provisions of Title 17**

Dear Honorable Delegate Tso:

Thank you for so graciously offering to sponsor the White Collar Crime amendments to Title 17. We believe these amendments will strengthen prosecution and promote deterrence of financial crimes against the Nation. As revenue flow to the Nation diminishes, our close guarding of the public funds of the Nation will become increasingly important. Please find attached the proposed amendments and legislation introducing them. These should be ready to drop.

The effort behind these amendments began in 2016, when the Law and Order Committee (LOC) and the Budget and Finance Committee (BFC) met with me to discuss the challenges in prosecuting White Collar Crime on the Nation. Many of those challenges can be solved by strengthening and closing gaps in the Nation's Criminal Code (Title 17). You asked for recommendations on specific changes to our laws that would address these issues.

Accordingly, I formed a working group of key criminal justice stakeholders, including the Chief Justice and other judges and attorneys of the Judicial Branch, the Chief Prosecutor and Deputy Chief Prosecutor, the Chief Public Defender, Director Delmar of Navajo Division of Public Safety, Law Enforcement Officers, attorneys of the Department of Justice, and interested local government leadership and staff. We held our initial Title 17 revisions meeting on June 24, 2016 and have convened monthly since then.

The attached amendments reflect the team's final proposed White Collar Crime amendments to Title 17. These amendments have been painstakingly designed to eliminate barriers to effective prosecution, address unnecessary delays in the prosecutorial process, and act as a deterrence against future crime.

These amendments were circulated for comment among relevant Navajo Nation stakeholders—including the members of the work group, LOC, BFC, Chief Legislative Counsel, Office of the President and Vice President, Office of the Controller, and the Auditor General—but the work group did not receive any comments except from our White Collar Crime Investigator on the proposed amendments.

Letter to: Honorable Otto Tso

**RE: Legislation to Amend White Collar Crime Provisions of Title 17**

March 23, 2017

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Thank you for your leadership in sponsoring these important amendments to protect the Nation and deter against the repeat of the financial crimes that have plagued the Nation's precious and limited financial resources.

Respectfully,

A handwritten signature in black ink, appearing to be 'Ethel B. Branch', written in a cursive style with a long horizontal line extending to the right.

Ethel B. Branch, Attorney General  
The Navajo Nation



**NAVAJO NATION DEPARTMENT OF JUSTICE**  
*OFFICE OF THE ATTORNEY GENERAL*



ETHEL B. BRANCH  
ATTORNEY GENERAL

RODGERICK T. BEGAY  
DEPUTY ATTORNEY GENERAL

March 23, 2017

Members of the Budget & Finance Committee  
The 23<sup>rd</sup> Navajo Nation Council  
Office of Legislative Services  
Post Office Box 3390  
Window Rock, Arizona 86515

**RE: Legislation to Amend White Collar Crime Provisions of Title 17**

Dear Honorable Chair and Members of the Budget and Finance Committee:

In 2016 I met with you and the Law and Order Committee (LOC) to discuss challenges in prosecuting White Collar Crime on the Nation. Many of those challenges can be solved by strengthening and closing gaps in the Nation's Criminal Code (Title 17). You asked for recommendations on specific changes to our laws that would address these issues.

We believe the attached proposed amendments will strengthen prosecution and promote deterrence of financial crimes against the Nation. As revenue flow to the Nation diminishes, our close guarding of the public funds of the Nation will become increasingly important. Delegate Tso has agreed to sponsor these amendments, and I would greatly appreciate it if your Membership would consider co-sponsorship as well. Based on previous discussions, I understand White Collar Crime prosecution to be a key priority for your Committee.

These amendments were developed in collaboration with a work group of key criminal justice stakeholders, including the Chief Justice and other judges and attorneys of the Judicial Branch, the Chief Prosecutor and Deputy Chief Prosecutor, the Chief Public Defender, Director Delmar of Navajo Division of Public Safety, Law Enforcement Officers, attorneys of the Department of Justice, and interested local government leadership and staff. We held our initial Title 17 revisions meeting on June 24, 2016 and have convened monthly since then.

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Letter to: Honorable Chair and Members of the Budget & Finance Committee

**RE: Legislation to Amend White Collar Crime Provisions of Title 17**

March 23, 2017

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but the work group did not receive any comments except from our White Collar Crime Investigator on the proposed amendments.

We are thankful for your sponsorship of these important amendments to protect the Nation and deter against the repeat of the financial crimes that have plagued the Nation's precious and limited financial resources.

Respectfully,

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Ethel B. Branch, Attorney General  
The Navajo Nation

cc: Delegate Otto Tso, Member of the 23<sup>rd</sup> Navajo Nation Council



**NAVAJO NATION DEPARTMENT OF JUSTICE**  
*OFFICE OF THE ATTORNEY GENERAL*



ETHEL B. BRANCH  
ATTORNEY GENERAL

RODGERICK T. BEGAY  
DEPUTY ATTORNEY GENERAL

March 23, 2017

Members of the Law & Order Committee  
The 23<sup>rd</sup> Navajo Nation Council  
Office of Legislative Services  
Post Office Box 3390  
Window Rock, Arizona 86515

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Page 2

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We are thankful for your consideration of co-sponsorship of these important amendments to protect the Nation and deter against the repeat of the financial crimes that have plagued the Nation's precious and limited financial resources.

Respectfully,

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Ethel B. Branch, Attorney General  
The Navajo Nation

**NAVAJO NATION**

RCS# 842

NNC Fall Session

10/17/2017

04:12:54 PM

Amd# to Amd#

Legislation No. 0177-17

**PASSED**

MOT Brown

Amending Title 17 of the

SEC Crotty

Navajo Nation Code

(as amended)

**Yea : 22**

**Nay : 0**

**Not Voting : 1**

**Yea : 22**

Begay, K  
Begay, NM  
Begay, S  
BeGaye, N  
Bennett  
Brown

Chee  
Crotty  
Damon  
Daniels  
Filfred  
Jack

Perry  
Pete  
Phelps  
Shepherd  
Slim

Smith  
Tso  
Tsosie  
Witherspoon  
Yazzie

**Nay : 0**

**Not Voting : 1**

Bates

Hale