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Health, Education, and Human Services Committee supports legislation to enact the Revenge Porn Act

WINDOW ROCK – On Monday, the Health, Education, and Human Services Committee considered Legislation No. 0347-17, which seeks to amend the Navajo Nation Criminal Code Title 17 to enact the Navajo Nation Revenge Porn Act.

If approved by Council and signed into law, the act would implement a new subsection into the criminal code that would make it unlawful to intentionally distribute images or videos depicting states of nudity or specific sexual activities of another person without their permission as a means of revenge, retaliation, threatening and intimidation, and harassment.

The bill's proposed penalty states that if any person is found guilty of the offense, the penal punishment may include imprisonment for a term of up to 30 days in jail, a fine of up to \$500, and shall be ordered to remove the images or videos immediately. Nearly 38 states and the District of Columbia have implemented similar revenge porn laws, including Arizona, New Mexico, and Utah.

HEHSC chair and legislation sponsor Council Delegate Jonathan Hale (Oak Springs, St. Michaels) said that perpetrators of sex crimes now utilize the internet to threaten and intimidate victims through revenge porn as a means to intentionally harm another individual.

"Recently, it was brought to the attention of the Naabik'íyáti' Committee's Sexual Assault Prevention Subcommittee of a young woman who became a victim of revenge porn. When she separated from her partner of many years, he became disgruntled and released intimate photos they shared onto social media websites. Our laws should protect whatever is shared between two consenting adults, and sadly, this young woman was not able to receive justice. This law will address that," said Delegate Hale.

Delegate Hale, who also serves as a member of the SAP Subcommittee, said that this case is one of many that have occurred on the Navajo Nation. He cautioned Navajo citizens to refrain from sharing intimate photos, and said that although it is a personal choice, they must also keep in mind that they are responsible for protecting themselves by making sensible decisions.

HEHSC member and SAP Subcommittee chair, Council Delegate Amber Kanazbah Crotty (Beclabito, Cove, Gadi'í'áhi/To'Koi, Red Valley, Tooh Haltsooi, Toadlena/Two Grey Hills, Tsé ałnáoz't'í'í), commended the proposed act and said sexual harassment in every form should be criminalized.

“As technology progresses on the Navajo Nation, criminals are finding new ways to harass and harm others through social media, websites, email, or text messaging. This law focuses on the needs of the victim and provides a just means to an end. It is common for many people to trust their partners, but they still deserve protections when that trust is broken,” said Delegate Crotty.

HEHSC members voted 4-0 to approve Legislation No. 0347-17 and moves forward to the Resources and Development Committee. The Navajo Nation Council serves as the final authority on the bill.

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