

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0224-22\_

SPONSOR: Edmund Yazzie

**TITLE An Act Relating to the Law and Order and Naabik'iyáti' Committees and the Navajo Nation Council; Amending the Navajo Nation Criminal Code at 17 N.N.C. § 320 by Recognizing Concealed Weapon Carry Permits Issued by States**

*Date posted:* November 15, 2022 at 5:50 PM

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## LEGISLATIVE SUMMARY SHEET

Tracking No. 0224-22

**DATE:** November 10, 2022

**TITLE OF RESOLUTION:** AN ACT RELATING TO THE LAW AND ORDER AND NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; AMENDING THE NAVAJO NATION CRIMINAL CODE AT 17 N.N.C. § 320 BY RECOGNIZING CONCEALED WEAPON CARRY PERMITS ISSUED BY STATES

**PURPOSE:** The purpose of this legislation is allow persons on the Navajo Nation to carry a concealed weapon if they have a duly authorized state issued concealed carry permit..

**This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.**

5-DAY BILL HOLD PERIOD: Johnson  
Website Posting Time/Date: \_\_\_\_\_  
Posting End Date: 11-20-22  
Eligible for Action: 11-21-22

Law & Order Committee  
Thence  
Naabik'iyáti' Committee  
Thence  
Navajo Nation Council

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION  
2 24th NAVAJO NATION COUNCIL – Fourth Year, 2022

3 INTRODUCED BY

4   
5 \_\_\_\_\_  
6 (Prime Sponsor)  
7 TRACKING NO. 0224-22  
8 

9 AN ACT  
10 RELATING TO THE LAW AND ORDER AND NAABIK'ÍYÁTI' COMMITTEES  
11 AND THE NAVAJO NATION COUNCIL; AMENDING THE NAVAJO NATION  
12 CRIMINAL CODE AT 17 N.N.C. § 320 BY RECOGNIZING CONCEALED  
13 WEAPON CARRY PERMITS ISSUED BY STATES

14  
15 BE IT ENACTED:

16  
17 SECTION ONE. AUTHORITIES

- 18 A. The Law and Order Committee is a standing committee of the Navajo Nation  
19 Council, 2 N.N.C. § 600 (A), with oversight over law enforcement and the Division  
20 of Public Safety and its programs. 2 N.N.C. §§ 600 and 601(C)(1).  
21 B. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council. 2  
22 N.N.C. § 700 (A). Pursuant to 2 N.N.C. §164 (A)(9), "a proposed resolution that  
23 requires final action by the Navajo Nation Council [must] be assigned to standing  
24 committee(s) having authority over the subject matter at issue and the Naabik'iyáti'  
25 Committee."  
26 C. The Navajo Nation Council, pursuant to 2 N.N.C. §102 (A), is the "governing body  
27 of the Navajo Nation ...." and must review and approve statements of policy and  
28 enactments of positive law. 2 N.N.C. § 164 (A).

29  
30 SECTION TWO. FINDINGS

- 1 A. Navajo Nation law prohibits the unlawful carrying of a deadly weapon, particularly  
2 loaded firearms. 17 N.N.C. § 320 (A). Generally, this law is not intended to apply to  
3 police officers, persons in private vehicles when weapons are for protection and  
4 located in a closed compartment, persons in their homes, persons in "an integral part  
5 of [a] traditional Navajo religious ceremony," and persons engaged in the hunting of  
6 predatory animals. *See* 17 N.N.C. §320 (B).
- 7 B. The Navajo Nation has not enacted statutory law to recognize or otherwise clearly  
8 address duly-issued state permits for concealed weapons.

9  
10 **SECTION THREE. AMENDING CRIMINAL CODE**

11 The Navajo Nation Criminal Code, at 17 N.N.C. § 320, is amended as follows:

12  
13 \*\*\*\*

14 **§320. Unlawful carrying of a deadly weapon**

- 15 A. Offense. A person commits unlawful carrying of a deadly weapon if he or she carries  
16 a loaded firearm or any other type of deadly weapon.
- 17 B. Exceptions. Subsection (A) of this Section shall not apply to any of the following:
- 18 1. To peace officers in the lawful discharge of their duties;
  - 19 2. To persons in a private motor vehicle or other means of conveyance, for  
20 lawful protection of the person's or another's person or property, while  
21 traveling and such weapon is located in a closed trunk, luggage, or glove  
22 compartment of a motor vehicle;
  - 23 3. To a person in his or her residence, or on real property belonging to such  
24 person as owner, lessee, tenant, or licensee;
  - 25 4. To a person or persons carrying or discharging a firearm as an integral part of  
26 any traditional Navajo religious practice, ceremony, or service;
  - 27 5. To persons engaged in the hunting of game or predatory animals.
  - 28 6. To a person who is issued, and lawfully possesses, a valid and current state  
29 permit for concealed weapons, provided:
- 30

1 a). The weapon is being carried or transported in a manner consistent with the  
2 terms and conditions of the state permit being invoked by the carrier; and,

3 b). Concealed weapons, loaded or not, shall not be carried:

4 1. Into any governmental building, office or property maintained by any  
5 government;

6 2. Within 1000 feet of any school, including any child care facility;

7 3. Into churches or other places of religious worship;

8 4. Within any park or recreational area;

9 5. On any public passenger transportation vehicle, or private commercial  
10 vehicle used for transporting passengers;

11 6. At any airport;

12 7. Into liquor establishments, including establishments where alcoholic  
13 beverages are sold and consumed; and,

14 8. At or in locations, public or private, where signs are posted prohibiting  
15 weapons of any kind; or when an owner or manager of property  
16 verbally instructs a person, regardless of a valid permit, to leave the  
17 premises.

18 **C. Rules and Regulations.** The Law and Order Committee shall be authorized to  
19 enact rules and regulations consistent with the concealed weapons provisions  
20 herein. Violations of such rules and regulations shall be prosecuted under this  
21 section.

22 **D. Sentence.**

23 1. Any person found guilty of unlawful carrying of a deadly weapon may be  
24 sentenced to imprisonment for a term not to exceed 180 days, or be ordered to  
25 pay a fine not to exceed \$500, or both.

26 2. The trial court shall review all charges to ascertain whether there is a personal  
27 victim of the offense(s) and may order that restitution or nályééh shall be paid  
28 to the victim(s).

29 3. The trial court may utilize the services of the Navajo Peacemaking Program to  
30 determine nályééh and make a sentencing recommendation regarding that

1 sentence, and the trial court may require the defendant to pay the fee of the  
2 peacemaker.

- 3 4. The trial court may impose a peace or security bond upon the defendant,  
4 including the pledges of family or clan sureties.
- 5 5. Upon the imposition of a bond or security pledges, the district Office of  
6 Probation and Parole shall counsel the sureties of the consequences of breach  
7 of the bond or pledge.
- 8 6. The trial court may impose community service sentences, to be served under  
9 the supervision of an organization or an individual designated by the court.

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12 **SECTION FOUR. EFFECTIVE DATE**

13 This Action of the Navajo Nation Council shall be effective pursuant to 2 N.N.C. §  
14 221(B).

15

16 **SECTION FIVE. CODIFICATION**

17 The provisions of these amendments of the Navajo Nation Code shall be codified by the  
18 Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such  
19 amendments in the next codification of the Navajo Nation Code.

20

21 **SECTION SIX. SAVINGS CLAUSE**

22 Should any provision of these amendments be determined invalid by the Navajo Nation  
23 Supreme Court, or the District Courts of the Navajo Nation without appeal to the Navajo  
24 Nation Supreme Court, those amendments that are not determined invalid shall remain  
25 the law of the Nation.