

**LEGISLATIVE SUMMARY SHEET**

Tracking No. 0117-17

**DATE:** March 21, 2017

**TITLE OF RESOLUTION:** AN ACT RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, LAW AND ORDER, NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; AMENDING NAVAJO NATION CODE, TITLE 17 AND ENACTING THE LAW AGAINST HUMAN TRAFFICKING 2017

**PURPOSE:** This resolution if approved will amend Title 17 of the Navajo Nation Code and enact the Law against Human Trafficking 2017.

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

5-DAY BILL HOLD PERIOD: SNotah  
Website Posting Time/Date: 2:07pm 4/4/2017  
Posting End Date: 4/9/2017  
Eligible for Action: 4/10/2017

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Law & Order Committee

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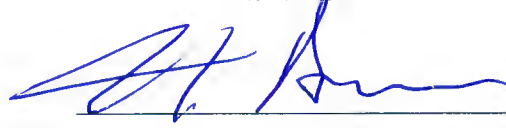
Naa'bik'íyáti' Committee

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Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION  
23rd NAVAJO NATION COUNCIL -- Third Year, 2017

INTRODUCED BY



(Prime Sponsor)



TRACKING NO. 0117-17

AN ACT

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, LAW AND  
ORDER, NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL;  
AMENDING NAVAJO NATION CODE, TITLE 17 AND ENACTING THE LAW  
AGAINST HUMAN TRAFFICKING 2017

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Health, Education and Human Services Committee of the Navajo Nation Council reviews and recommends resolutions relating to social services and health. 2 N.N.C. § 401(B)(6)(a).
- B. The Law and Order Committee of the Navajo Nation Council reviews and makes recommendations to the Navajo Nation Council proposed amendments to the Navajo Nation Code. 2 N.N.C. § 601(B)(14).
- C. The Naabik'íyáti' Committee of the Navajo Nation Council reviews proposed legislation which requires final action by the Navajo Nation Council. 2 N.N.C. § 164(A)(9)
- D. Enactments of positive law must be reviewed and approved by resolution by the Navajo Nation Council. 2 N.N.C. § 164(A).

SECTION TWO. FINDINGS

- 1 A. The Navajo Nation leaders have a duty to protect and enhance the Diné Way of Life, the  
2 sovereignty of the people and their government. 1 N.N.C. ch. 2, cl. 3 (2002).
- 3 B. Diné Traditional Law declares and teaches that the Legislative Branch leaders “shall  
4 enact policies and laws to address the immediate and future needs.” 1 N.N.C. § 203(D).
- 5 C. Diné Customary Law declares and teaches, “[i]t is the right and freedom of the people  
6 that every child and every elder be respected, honored and protected with a healthy  
7 physical and mental environment, free from all abuse.” 1 N.N.C. § 204(E).
- 8 D. Trafficking is defined as the act of transporting, trading, or dealing, especially in illegal  
9 goods or people. *Trafficking*, Black’s Law Dictionary (10<sup>th</sup> ed. 2014).
- 10 E. Human trafficking is the illegal recruitment, transportation, transfer, harboring, or receipt  
11 of a person, especially one from another country, with the intent to hold the person  
12 captive or exploit the person for labor, services, or body parts. Human trafficking  
13 offenses include forced prostitution, forced marriages, sweat-shop labor, slavery, and  
14 harvesting organs from unwilling donors. *Human trafficking*, Black’s Law Dictionary  
15 (10<sup>th</sup> ed. 2014).
- 16 F. The Navajo Nation must take appropriate measures to prevent human trafficking, punish  
17 the traffickers, assist and protect the victims of such trafficking, and protecting their  
18 human rights. Human Trafficking constitutes a serious offense and a violation of human  
19 rights.
- 20 G. In order to deter traffickers and bring them to justice, it is necessary to appropriately  
21 criminalize human trafficking and related offenses, prescribe appropriate punishment,  
22 give priority to the investigation and prosecution of trafficking offenses and assist and  
23 protect the victims of such offenses.
- 24 H. All actions and initiatives against human trafficking must be non-discriminatory and take  
25 gender equality into account and take a child-sensitive approach. Children who are  
26 victims or witnesses are particularly vulnerable and need special protection, assistance  
27 and support appropriate to their age, gender, level of maturity and special needs in order  
28 to prevent further hardship and trauma that may result from their participation in the  
29 criminal justice process.

30

- 1 I. Effective measures against human trafficking require national coordination and  
2 cooperation between government agencies as well as between government agencies and  
3 civil society, including non-governmental organizations.
- 4 J. Human Trafficking is a transnational crime; where criminals work across boundaries,  
5 therefore the response to human trafficking gives rise to jurisdictional limitations, and the  
6 Navajo Nation must cooperate bilaterally and multilaterally to effectively suppress this  
7 crime.
- 8 K. Advocacy, awareness-raising, education, research, training, counseling and other  
9 measures are necessary to help families, local communities and governmental and civil  
10 society institutions to fulfil their responsibilities in preventing human trafficking, in  
11 protecting and assisting the victims of such trafficking and in law enforcement.
- 12 L. Enacting the Law against Human Trafficking is in the Navajo Nation's best interest in  
13 order to protect the Navajo Nation people.

14  
15 **SECTION THREE. AMENDING NAVAJO NATION CODE TITLE 17**

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

17 \_\_\_\_\_  
18 **NAVAJO NATION CODE**  
19 **TITLE 17. LAW AND ORDER**  
20 **CHAPTER 3. OFFENSES**  
21 **SUBCHAPTER 26. LAW AGAINST HUMAN TRAFFICKING**

22  
23 **§ 650. Title**

24 The present Law may be cited as the Navajo Nation Law against Human Trafficking  
25 2017.

26  
27 **§ 651. Definitions**

28 **A. "coercion" means:**

- 29 1. causing or threatening to cause harm to any person;  
30 2. using or threatening to use physical force against any person;

- 1 3. abusing or threatening to abuse the law or legal process;  
2 4. threatening to report the immigration status of any person to governmental authorities;  
3 or  
4 5. knowingly destroying, concealing, removing, confiscating or retaining any actual or  
5 purported governmental document of any person; and

6 B. "commercial sexual activity" means any sexual act or sexually explicit exhibition for  
7 which anything of value is given, promised to or received by a person.

8  
9 **§ 652. Human Trafficking**

10 A. Offense. A person commits human trafficking if he or she knowingly;

- 11 1. recruits, solicits, entices, transports or obtains by any means another person with the  
12 intent or knowledge that force, fraud or coercion will be used to subject the person to  
13 labor, services or commercial sexual activity;  
14 2. recruits, solicits, entices, transports or obtains by any means a person under the age of  
15 eighteen years with the intent or knowledge that the person will be caused to engage in  
16 commercial sexual activity; or  
17 3. benefits, financially or by receiving anything of value, from the labor, services or  
18 commercial sexual activity of another person with the knowledge that force, fraud or  
19 coercion was used to obtain the labor, services or commercial sexual activity.

20 B. Sentence. A person found guilty of human trafficking may be sentenced to imprisonment  
21 for a term not to exceed three hundred and sixty-five (365) days and a fine up to five  
22 thousand (\$5,000) dollars. A person convicted of human trafficking shall, in addition to  
23 any other punishment, be ordered to make restitution to the victim for the gross income or  
24 value of the victim's labor or services and any other actual damages.

25  
26 **§663. Use of forced labor and services**

27 A. Offense. Anyone who makes use of the services or labor of a person or profits in any form  
28 from the services or labor of a person with the prior knowledge that such labor or services  
29 are performed or rendered under 17 N.N.C. § 652.

1 B. Sentence. A person found guilty of use of forced labor and services may be sentenced to  
2 imprisonment for a term not to exceed three hundred and sixty-five (365) days and a fine  
3 up to five thousand (\$5,000) dollars.

4  
5 **§664. Cooperation**

6 A. Law enforcement, labor and other relevant agencies shall, as appropriate, cooperate with  
7 one another to prevent and prosecute trafficking crimes and to protect the victims of  
8 trafficking in persons, without prejudice to the victims' right to privacy, by exchanging  
9 and sharing information and participating in training programs, in order, among other  
10 things:

11 1. To identify victims and traffickers;

12 2. To identify (the type of) travel documents used to cross the border for the purpose of  
13 trafficking in persons;

14 3. To identify the means and methods used by criminal groups for the purpose of  
15 trafficking in persons;

16 4. To identify best practices on all aspects of preventing and combating trafficking in  
17 persons;

18 5. To provide assistance and protection to victims, witnesses and victim witnesses.

19 B. In the development and implementation of policies, programs and measures to prevent and  
20 combat trafficking in persons and to assist and protect its victims, tribal agencies shall  
21 cooperate, as appropriate, with non-governmental organizations, other civil society  
22 institutions and international organizations.

23 \_\_\_\_\_  
24  
25 **SECTION FOUR. CODIFICATION**

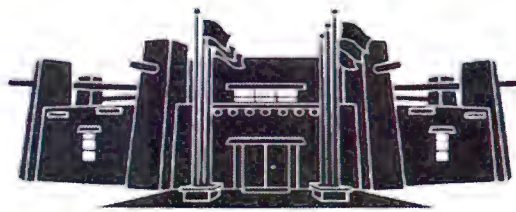
26 The provisions of the Act which amend or adopt new sections of the Navajo Nation  
27 Code shall be codified by the Office of Legislative Counsel. The Office of Legislative  
28 Counsel shall incorporate such amended provisions in the next codification of the Navajo  
29 Nation Code.  
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1 **SECTION FIVE. SAVINGS CLAUSE**

2           Should any provision of this Act be determined invalid by the Navajo Nation Supreme  
3 Court or the District Courts of the Navajo Nation, without appeal to the Navajo Nation  
4 Supreme Court, the remainder of the Act shall remain the law of the Navajo Nation.  
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6 **SECTION SIX. EFFECTIVE DATE**

7           The provisions of this Act shall become effective in accord with 2 N.N.C. § 221 (B).  
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**MEMORANDUM**

**TO:** Hon. Nathaniel Brown  
23<sup>rd</sup> Navajo Nation Council

**FROM:**   
Rhonda L. Tuni, Attorney  
Office of Legislative Counsel

**DATE:** March 21, 2017

**SUBJECT:** AN ACT RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, LAW AND ORDER, NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; AMENDING NAVAJO NATION CODE, TITLE 17 AND ENACTING THE LAW AGAINST HUMAN TRAFFICKING 2017

Pursuant to your request, attached is the above-referenced proposed resolution and associated legislative summary sheet. Based on existing law the resolution as drafted is legally sufficient. In addition, this legislation may raise funding issues.

The Office of Legislative Council confirms the appropriate standing committee(s) reviews based on the standing committees powers outlined in 2 N.N.C. §§ 301, 401, 501, 601 and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. § 164(A)(5).

**Please review the proposed resolution to ensure it is drafted to your satisfaction.** If this proposed resolution is acceptable to you, please sign it where it indicates "Prime Sponsor", and submit it to the Office of Legislative Services for the assignment of a tracking number and referral to the Speaker.

If the proposed resolution is unacceptable to you, or if you have further questions, please contact me at the Office of Legislative Counsel and advise me of changes you would like made to the proposed resolution. You may contact me at (928) 871-7166. Thank you.



THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0117-17\_\_

SPONSOR: Nate Brown

TITLE: An Action Relating Health, Education And Human Services, Law And Order, NAABIK'IYATI' Committee And Navajo Nation Council; Amending Navajo Nation Code, Title 17 And Enacting The Law Against Human Trafficking 2017

*Date posted:* April 4, 2017 at 2:07 PM

Digital comments may be e-mailed to [comments@navajo-nsn.gov](mailto:comments@navajo-nsn.gov)

Written comments may be mailed to:

Executive Director  
Office of Legislative Services  
P.O. Box 3390  
Window Rock, AZ 86515  
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

**Please note:** This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

**THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW SUMMARY**

**LEGISLATION NO.:** 0117-17

**SPONSOR:** Honorable Nathaniel Brown

**TITLE:** An Action Relating Health, Education And Human Services, Law And Order, NAABIK'İYATI' Committee And Navajo Nation Council; Amending Navajo Nation Code, Title 17 And Enacting The Law Against Human Trafficking 2017

**Posted:** April 4, 2017 at 2:07 PM

**5 DAY Comment Period Ended:** April 9, 2017

**Digital Comments received:**

<b>Comments Supporting</b>	<i>None</i>
<b>Comments Opposing</b>	<i>None</i>
<b>Inclusive Comments</b>	<i>None</i>

  
\_\_\_\_\_  
**Policy Analyst  
Office of Legislative Services**

4/10/17 8:31am  
\_\_\_\_\_  
**Date/Time**

**THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW SUMMARY**

**LEGISLATION NO.:** 0117-17

**SPONSOR:** Honorable Nathaniel Brown

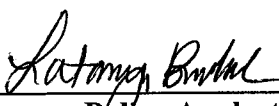
**TITLE: An Action Relating Health, Education And Human Services, Law And Order, NAABIK'YATI' Committee And Navajo Nation Council; Amending Navajo Nation Code, Title 17 And Enacting The Law Against Human Trafficking 2017**

**Posted:** April 4, 2017 at 2:07 PM

**5 DAY Comment Period Ended:** April 9, 2017

**Digital Comments received:**

<b>Comments Supporting</b>	<i>1. Vivian Arviso – Chairperson, Navajo Women’s Commission</i>
<b>Comments Opposing</b>	<i>None</i>
<b>Inclusive Comments</b>	<i>None</i>

  
\_\_\_\_\_  
**Policy Analyst  
Office of Legislative Services**

4/10/17 4:47 pm  
**Date/Time**

0117-17

vivian arviso <outlook\_EA71CD943DE324E0@outlook.com> on behalf of  
vivian arviso <varviso@comcast.net>

Sat 4/8/2017 3:32 PM

To: comments <comments@navajo-nsn.gov>;

Mr. Speaker and Naabikiyati Committee of the Navajo Nation Council:

On behalf of the Navajo Women's Commission, we urge passage of 0117-17, the Law Against Human Trafficking 2017 which will amend Title 17. It is time for the Navajo Nation to take a position of protection and to set consequences for these evil acts. Thank you.

Vivian Arviso, Chairperson  
Navajo Women's Commission

Sent from Windows Mail

Committee Report

THE HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE OF THE NAVAJO NATION COUNCIL to who has been assigned;

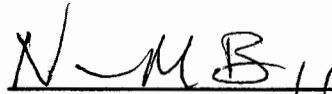
LEGISLATION NO. 0117-17

AN ACT RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, LAW AND ORDER, NAABIK' IYATI' COMMITTEES AND NAVAJO NATION COUNCIL; AMENDING THE NAVAJO NATION CODE, TITLE 17 AND ENACTING THE LAW AGAINST HUMAN TRAFFICKING 2017

**Sponsor:** *Honorable Nathaniel Brown*

Has had under consideration and report the same with the recommendation that Legislation 0117-17 PASS with no amendment and no directive; And therefore referred the same to the **LAW AND ORDER COMMITTEE OF THE NAVAJO NATION COUNCIL**

Respectfully Submitted,



Norman M. Begay, Vice-Chairperson  
Health, Education and Human Services Committee

Dated: April 10, 2017

**Main Motion**

Motion by: Honorable Jonathan L. Hale

Seconded by: Honorable Amber Kanazbah Crotty

Vote: 3 in favor; 0 Opposed; Vice-Chairperson Not Voting

**LAW AND ORDER COMMITTEE  
23<sup>RD</sup> NAVAJO NATION COUNCIL**

**THIRD YEAR 2017**

**COMMITTEE REPORT**

Mr. Speaker,

The **LAW AND ORDER COMMITTEE** to whom has been assigned:

**Legislation No. 0117-17:** An Act Relating to Health, Education and Human Services, Law and Order, Naabik'iyati' Committee and Navajo Nation Council; Amending Navajo Nation Code, Title 17 and Enacting the Law Against Human Trafficking 2017 – Sponsor: Hon. Nathaniel Brown

Has had it under consideration and reports the same with the recommendation that it **DO PASS** with no amendment

And thereafter referred to Naabik'iyati' Committee

Respectfully submitted,



Edmund Yazzie, Chairperson  
Law and Order Committee  
23<sup>rd</sup> Navajo Nation Council

Date: May 8, 2017

Main Motion: Honorable Herman M. Daniels  
Second : Honorable Kee A. Begay, Jr.  
Vote : 4-0 (Chairperson not voting)

**23<sup>rd</sup> NAVAJO NATION COUNCIL  
NAABIK'ÍYÁTI' COMMITTEE REPORT  
Third Year 2017**

The **NAABIK'ÍYÁTI' COMMITTEE** to whom has been assigned:

**NAVAJO LEGISLATIVE BILL #0117-17**

An Act Relating to Health, Education and Human Services, Law and Order, Naabik'iyáti' Committee and Navajo Nation Council; Amending Navajo Nation Code, Title 17 and Enacting the Law Against Human Trafficking 2017

*Sponsored by: Honorable Nathaniel Brown*

*Co-Sponsored by: Honorable Amber Kanazbah Crotty*

Has had it under consideration and reports the same **WAS PASSED AND REFERRED TO THE NAVAJO NATION COUNCIL**

Respectfully Submitted,



*Honorable LoRenzo C. Bates, Chairman  
NAABIK'ÍYÁTI' COMMITTEE*

**13 JULY 2017**

**MAIN MOTION:**

*Motioned by: Honorable Seth Damon*

*Seconded by: Honorable Dwight Witherspoon*

*Vote: 14 in Favor, 00 Opposed (Chairman Bates Not Voting)*

15

23rd Navajo Nation Council  
Naabik'iyati' Committee

Date: July 13, 2017

Legislation No. 0117-17

Motion: Seth Damon

Second: Dwight Witherspoon

ALL DELEGATES:

	Yea	Nay
BATES, LoRenzo C.		
BEGAY, Kee Allen Jr.	✓	
BEGAY, Norman M.		
BEGAY, Steven	✓	
BEGAYE, Nelson	✓	
BENNETT, Benjamin L.	✓	
BROWN, Nathaniel	✓	
CHEE, Tom T.		
CROTTY, Amber K.		
DAMON, Seth	✓	
DANIELS, Herman		
FILFRED, Davis		
HALE, Jonathan L.	✓	
JACK, Lee Sr.		
PERRY, Jonathan	✓	
PETE, Leonard H.		
PHELPS, Walter	✓	
SHEPHERD, Alton Joe		
SLIM, Tuchoney Jr.	✓	
SMITH, Raymond Jr.	✓	
TSO, Otto	✓	
TSOSIE, Leonard	✓	
WITHERSPOON, Dwight	✓	
YAZZIE, Edmund		

BY COMMITTEE:

	Yea	Nay	TOTAL
<b>BFC:</b>			
CHEE, Tom T.			
DAMON, Seth			
JACK, Lee Sr.			
SLIM, Tuchoney Jr.			
WITHERSPOON, Dwight			
TSOSIE, Leonard			
<b>HEHSC:</b>			
BEGAY, Norman M.			
BEGAY, Steven			
BEGAYE, Nelson			
BROWN, Nathaniel			
CROTTY, Amber K.			
HALE, Jonathan L.			
<b>LOC:</b>			
BEGAY, Kee Allen Jr.			
DANIELS, Herman			
SMITH, Raymond Jr.			
TSO, Otto			
YAZZIE, Edmund			
<b>RDC:</b>			
BENNETT, Benjamin L.			
FILFRED, Davis			
PERRY, Jonathan			
PETE, Leonard H.			
PHELPS, Walter			
SHEPHERD, Alton Joe			
<b>SPEAKER:</b>			
BATES, LoRenzo C.			
(Votes only in a tie)			

GRAND TOTAL

14 0

CERTIFICATION:

Honorable LoRenzo C. Bates  
Speaker