

LEGISLATION SUMMARY SHEET

TRACKING NO. 0002-22

DATE: January 6, 2022

TITLE OF LEGISLATION: AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT, THE HEALTH, EDUCATION, AND HUMAN SERVICES, THE LAW AND ORDER, AND THE NAABIK'ÍYÁTI' COMMITTEES, AND TO THE NAVAJO NATION COUNCIL; AMENDING TITLE 17 OF THE NAVAJO NATION CODE TO ESTABLISH CRIMINAL PENALTIES FOR VICIOUS DOG AND OTHER ANIMAL ATTACKS

PURPOSE OF THIS LEGISLATION: to amend Title 17 of the Navajo Nation Code to specify a criminal nuisance offense and establish criminal penalties for vicious dogs and other dangerous animals running at large that cause injury or death.

OLC No. 22-003-1

5-DAY BILL HOLD PERIOD: Johnson
Website Posting Time/Date: 4:50pm; 01-07-22
Posting End Date: 01-12-22
Eligible for Action: 01-13-22

Resources & Development Committee

Thence

Health Education & Human Services Committee

Thence

Law & Order Committee

Thence

Naabik'íyáti' Committee


Thence

Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

24th NAVAJO NATION COUNCIL - Fourth Year, 2022

Introduced by:


(Prime Sponsor)

Tracking No. 0002-22

AN ACTION

RELATING TO THE RESOURCES AND DEVELOPMENT, THE HEALTH,
EDUCATION, AND HUMAN SERVICES, THE LAW AND ORDER, AND THE
NAABIK'ÍYÁTI' COMMITTEES, AND TO THE NAVAJO NATION COUNCIL;
AMENDING TITLE 17 OF THE NAVAJO NATION CODE TO ESTABLISH
CRIMINAL PENALTIES FOR VICIOUS DOG AND OTHER ANIMAL ATTACKS

BE IT ENACTED:

SECTION ONE. AUTHORITY

A. The Resources and Development Committee is a Standing Committee of the Navajo Nation Council with statutory authority over the Division of Natural Resources ("DNR"). 2 N.N.C. §501(C). The Department of Fish and Wildlife is within the DNR and the Navajo Nation's Animal Control Program is under the Department of Fish and Wildlife. 13 N.N.C. §1700(B)(1), Resolution No. CJY-64-18. The Resources and Development Committee recommends to the Navajo Nation Council the approval of resolutions that will accomplish the Committee's purposes. 2 N.N.C. §501(B)(4)(f).

B. The Health, Education, and Human Services Committee is a Standing Committee of the Navajo Nation Council authorized to provide oversight of, and to review and recommend resolutions relating to, general governmental services and public health matters. 2 N.N.C. §400(C)(1), §401(B)(6)(a).

1 C. The Law and Order Committee is a Standing Committee of the Navajo Nation Council
2 with statutory oversight of law enforcement and public safety services on the Navajo
3 Nation. 2 N.N.C. §600(C)(6). The Law and Order Committee is authorized to make
4 recommendations to the Navajo Nation Council concerning amendments to the Navajo
5 Nation Code. 2 N.N.C. §601(B)(14).

6 D. The Naabik'íyáti' Committee is a Standing Committee of the Navajo Nation Council that
7 reviews legislations requiring final action by the Navajo Nation Council. 2 N.N.C.
8 §164(A)(9), 2 N.N.C. §701(A)(3).

9 E. The Navajo Nation Council is the governing body of the Navajo Nation with the authority
10 to review and approve amendments to Navajo Nation laws. 2 N.N.C. §102(A), 2 N.N.C.
11 §164(A).

12 13 **SECTION TWO. FINDINGS**

14 A. The purpose of the Navajo Nation's Animal Control Program ("NNACP"), among others,
15 is to enforce the Navajo Nation's animal control laws by: (1) responding to complaints
16 regarding dog bites and animal attacks; (2) investigating such incidents; (3) patrolling
17 Navajo Nation communities; and (4) issuing citations for violations; all to protect the
18 health, safety, and property of the Navajo People and their animals. **Exhibit A, Exhibit B.**

19 B. Unfortunately, injuries to persons from dog bites and incidents of livestock injury from
20 attacks by dogs and other animals consumes up to 85% of NNACP field officers' time; and
21 the number of dogs running at large is alarming within all Navajo Nation communities.
22 **Exhibit B.**

23 C. Because of the COVID-19 pandemic, enforcement of the Navajo Nation's animal control
24 laws has been severely impeded since the Spring of 2020, with several NNACP facilities
25 closing. As well, the pandemic has reduced NNACP's efforts at spaying and neutering the
26 dog population. Both circumstances have resulted in an unprecedented number of dogs
27 running at large on the Navajo Nation.

28 D. According to NNACP's website: "[t]he Navajo Nation currently lacks an effective Animal
29 Control Program and adequate Animal Shelters. Because of this, we are unable to provide
30 services in a variety of areas such as: aggressive enforcement of laws, vaccinations,

1 livestock damage investigations, animal-bite investigations, quarantines, adoptions, pick-up
2 of stray/unwanted animals, dead animal disposal, and assisting with spay/neuter clinics. As
3 a result, over 3,000 individuals are treated each year at hospitals and clinics for animal
4 attacks and bites. The majority of victims are children and elderly. Some of these victims
5 are transported to other hospitals for special treatment.” **Exhibit C.**

6 E. The NNACP website continues: “[c]urrently there are only five Animal Control Officers
7 employed to address animal control issues for the entire Navajo Nation. These Officers can
8 only provide services that have been determined as priority, such as bite cases and livestock
9 damage. Officers are stationed in each of the five agencies (Ft. Defiance, Chinle, Shiprock,
10 Tuba City and Crownpoint). Without an adequate Animal Control Program, we place the
11 public’s health and safety at risk.” **Exhibit C.**

12 F. According to the Navajo Times, the death of a teenage girl in Fort Defiance in May of 2021
13 was the fifth person killed by vicious dogs running at large on the Navajo Nation since
14 2010. The victims include a 56-year-old man near Gallup, New Mexico in 2010, an 8-year-
15 old boy in Pine Hill, New Mexico in 2012, a 3-year-old boy in Seba Dalkai, Arizona in
16 2016, and a Kayenta woman in the fall of 2020.

17 G. The most recent comprehensive study on this problem was addressed in a White Paper
18 Analysis issued in January 2017 by NNACP. In this paper, NNACP reported: “[o]ver the
19 last five years there has been increase in the severity of dog bite cases. The Animal Control
20 Officers agree that the dogs are becoming more vicious and aggressive.” **Exhibit B.** This
21 White Paper was attached as an Exhibit to Resolution No. CJY-64-18, adopted in the
22 Summer of 2018, that amended Title 3 and Title 13 of the Navajo Nation Code to address
23 the roaming dog problem on the Navajo Nation. However, CJY-64-18 did not amend the
24 Navajo Nation’s criminal code to address the problem.

25 H. In February of 2021, Navajo Nation President Jonathan Nez recognized that roaming dog
26 attacks on the Navajo Nation have resulted in injuries and death to Navajo elderly folks and
27 children, and present a serious danger to the general public. **Exhibit D.**

28 I. Tragic deaths and injuries from dog attacks are avoidable, if the Navajo Nation implements
29 severe penalties that would discourage the keeping and breeding of vicious dogs. Severe
30 penalties would also deter persons from allowing their ferocious dogs and other dangerous

1 animals to run at large. Animal Control Officers should be given the authority to shoot on
2 site those vicious dogs running at large, and other dangerous animals, that they determine
3 to be a risk to the public's health, safety, or welfare.

4 J. At this time, Navajo Nation law does not provide any criminal penalties that would deter
5 persons from keeping vicious dogs or other dangerous animals that may attack. Neither
6 does the Navajo Nation make it a crime for a person to allow their vicious dog or other
7 dangerous animal to run at large, posing the danger of injuries or death to innocent persons.
8 Therefore, an amendment to the Navajo Nation Criminal Code is needed to protect the
9 public and to ensure that no one is ever again mauled to death or severely injured by a
10 vicious dog, or other dangerous animal, that is running at large on the Navajo Nation.

11 K. The purpose of the amendments to Title 17 approved herein is to better protect the public's
12 health, safety, and welfare by defining a specific criminal offense and establishing certain
13 criminal penalties for incidents involving injury or death as a result of an attack by a dog or
14 other animal running at large.

15 L. The Navajo Nation finds it in the best interest of the Navajo Nation and the Diné People to
16 amend Title 17 of the Navajo Nation Code, as set forth herein.

18 **SECTION THREE. AMENDING TITLE 17 OF THE NAVAJO NATION CODE.**

19 The Navajo Nation hereby amends Title 17 of the Navajo Nation Code, as follows:

21 TITLE 17. LAW AND ORDER

22 * * * *

23 **§ 486. Criminal nuisance; Vicious dogs and other dangerous animals**

24 A. Offense. A person commits criminal nuisance if:

- 25 1. By his or her conduct, activity, or behavior, whether by act or omission, which is either
26 inherently unlawful in itself or unreasonable under all the circumstances, he or she
27 knowingly, negligently, or recklessly creates, allows, facilitates, encourages, or
28 maintains any condition, situation, incident, or occurrence that poses a risk to which
29 endangers the safety, or health, or well-being of others any person(s) or the general
30 public; or

1 2. He or she knowingly, ~~conducts or maintains any premises, place or resort where persons~~
2 negligently, or recklessly engages in, facilitates, or encourages in any manner, any
3 gather for purposes of engaging in unlawful conduct, activity, or behavior, whether by
4 act or omission, that poses a risk to the safety, health, or well-being of any person(s) or
5 the general public; or

6 3. He or she knowingly, negligently, or recklessly allows a dog or other animal to run at
7 large, and while running at large such dog or other animal lunges at, chases, or attacks in
8 any manner, any other person and such person suffers any physical or mental injury
9 and/or death.

10 (a) At the discretion of the Navajo Nation Prosecutor, a criminal nuisance violation
11 under this §486(A)(3) may be charged against each and every person who allowed
12 the dog or animal to run at large, or charged against each and every owner of the dog
13 or animal, or charges may be brought against both.

14 (b) At the discretion of the Navajo Nation Prosecutor, a separate violation under this
15 §486(A)(3) may be charged for each separate incident or occurrence resulting in any
16 injury and/or death suffered by any person other than the alleged offender, and a
17 separate violation may be charged for each person, other than the alleged offender,
18 who suffers any injury and/or death as a result of such incident or occurrence.

19 (c) Teasing or provocation of the dog or animal in any manner by any person(s) shall
20 not be a defense under this §486(A)(3), and shall not mitigate any penalty imposed
21 for a conviction under this §486(A)(3).

22 (d) At the discretion of the Navajo Nation Prosecutor, a criminal nuisance violation
23 under this §486(A)(3) may be charged in lieu of, or in addition to, the civil offenses
24 established in 13 N.N.C. §§ 1702-1715, and the imposition of both civil and criminal
25 penalties may be requested.

26 (e) Any dog or other animal running at large that any Navajo Nation Peace Officer
27 determines has physically inflicted any physical or mental injury or death upon any
28 person(s), or that the Officer in his/her discretion considers to be a risk to the health,
29 safety, or welfare of any person(s) or the general public, may be immediately
30 captured, contained, restrained, muzzled, and/or destroyed by the Officer. The cost

1 for impoundment and care, and/or the destruction and disposal, of such dog or
2 animal shall be charged to the person(s) convicted under this §486(A)(3).

3 (f) For purposes of this §486(A)(3), “running at large” means that the dog or other
4 animal is found or observed off the property of its owner and is not under the
5 immediate and secure control of its owner or other designated person age 12 years or
6 older, by chain or other tether, leash, fence, kennel, crate, or other adequate method.
7 A dog or animal within any automobile or other vehicle of its owner or designee age
8 12 or older, shall be deemed upon/within the owner’s or designee’s property.

9 B. Sentence.

- 10 1. Any person found guilty of criminal nuisance may be sentenced to a term of
11 imprisonment not to exceed 30 days, or be ordered to pay a fine not to exceed \$1,000, or
12 both.
- 13 2. The trial court shall review all charges to ascertain whether there is a personal victim of
14 the offense(s) and may order that restitution or nalyeeh shall be paid to the victim(s).
- 15 3. The trial court may utilize the services of the Navajo Peacemaking Program to
16 determine nalyeeh and make a sentencing recommendation regarding that sentence, and
17 the trial court may require the defendant to pay the fee of the peacemaker.
- 18 4. The trial court may impose a peace or security bond upon the defendant, including the
19 pledges of family or clan sureties.
- 20 5. Upon the imposition of a bond or security pledges, the district Office of Probation and
21 Parole shall counsel the sureties of the consequences of breach of the bond or pledge.
- 22 6. The trial court may impose community service sentences, to be served under the
23 supervision of an organization or an individual designated by the court.
- 24 7. The punishment for each separate violation resulting in a conviction under §486(A)(3)
25 shall be: (1) a term of imprisonment not less than 30 days and not more than 365 days;
26 or (2) a fine not less than one-thousand-dollars (\$1000) and not more than five-
27 thousand-dollars (\$5,000); or (3) the trial court may impose both punishments
28 concurrently. The minimum sentencing provisions herein shall be imposed by the trial
29 court notwithstanding §486(B)(1-6), and notwithstanding any civil fines provided for in
30 13 N.N.C. §§ 1702-1715. For two or more violations resulting in convictions, the terms

1 of imprisonment shall be imposed consecutively and fines shall be imposed
2 cumulatively.

3 8. Those convicted under §486(A)(3) shall pay restitution for any costs incurred by the
4 victim(s) as a result of any physical or mental injury and/or death suffered. This
5 restitution payment shall not shield the person convicted from liability for civil fines
6 under 13 N.N.C. §§ 1702-1715 or civil damages in any statutory or common-law civil
7 action.

8 9. Those convicted under §486(A)(3) shall pay, in the event of death of the victim,
9 restitution for any and all costs incurred on behalf of the deceased, including but not
10 limited to, funeral and burial expenses. This restitution payment shall not shield the
11 person convicted from liability for civil fines under 13 N.N.C. §§ 1702-1715 or civil
12 damages in any statutory or common-law civil action.

13 * * * *

15 **SECTION FOUR. CODIFICATION**

16 The provisions of this resolution that amend or adopt new sections of the Navajo Nation Code
17 shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall
18 incorporate such amended provisions in the next codification of the Navajo Nation Code.

20 **SECTION FIVE. SAVING CLAUSE**

21 If any portion of this Act is determined invalid by the Navajo Nation Supreme Court or by a
22 District Court of the Navajo Nation, without appeal to the Navajo Nation Supreme Court, the
23 remainder of this Act shall remain the law of the Navajo Nation.

25 **SECTION SIX. EFFECTIVE DATE**

26 The provisions of this Act shall become effective according to 2 N.N.C. §221(B).

NAVAJO NATION



ANIMAL CONTROL

EXHIBIT

A

NNDFW Home

Business Hours
Mon - Fri 8am-5pm



Closed Weekends, Holidays, Tribal Holidays

NNDFW Personnel



DOG & CAT SERVICES

September 2021
Click Here

FEELER

No Place
Like Home
Challenge



NAVAJO NATION PRESIDENT

Proclamation

FUNCTIONS OF NAVAJO NATION ANIMAL CONTROL

- Investigate bite cases, livestock damages, nuisance calls, animal cruelty, and abuse reports
- Impound stray, diseased, and uncontrollable animals
- Return animals upon redemption to owners
- Enforce animal control ordinances by answering complaints and patrolling designated areas
- Issue warning notices and citations, which are filed in appropriate courts
- Collect fees, issue receipts and make deposits
- Operate agency animal shelters
- Maintain daily activity records on all actions taken, and submit reports on a daily and weekly basis

- Examine animal licenses and vaccination records for validity
- Euthanize unwanted, wild, unclaimed, rabid, sick or injured animals
- Issue animal licenses and provide vaccinations to animals, parasite control products and microchip identification
- Maintain cooperative working relationships with Navajo Police Department, Social Services, Division of Health, Veterinary Clinics and outside Law Enforcement agencies

- Develop relationship with Navajo Nation courts and prosecutors
- Educate the public in regards to animal control ordinances and responsible animal care
- Conduct surveys as required on animal health, safety and control

CJY-64-18 Newly Amended Navajo Nation Animal Control Ordinance (PDFs) Ordinance Booklet & Educational Presentation



Request for Assistance

Call DNR Central Dispatch for Services
(928) 871-6491/7041

Report Dog Bite / Vicious Dog
Report Livestock Damage by dogs
Animal (Dog & Cats) Surrender
Reporting Loose and Stray Dogs / Cats
Reporting Injured/Sick Animals (Dogs/Cats)

Email

Shiprock - [Stacy Daw](#)
Ft Defiance - [Vincent Tsosie](#)
Crownpoint - [Patrick Leo](#)
Many Farms - [George Skeet](#)
Kayenta - [Greg Pahe](#)
Tuba City - Vacant

Please include in email

Name:
Phone Number:
Place of Residence:
Nature of Complaint / Request:

Animal Impoundment, any animal not kept in conformity with the Animal Control Laws may be impounded, or a citation may be issued to the owner to appear in court; or both. jump

[Lost Pet Form \(pdf\)](#)

[Links](#)

[Navajo Nation Animal Control Presentation \(pdf\)](#)

*This is a larger document and may take some time to download.
Content contains some graphic images that may not be suitable for younger patrons.*



Helpful Information

[2020 CLVC / Shelter Information](#)

[Voluntary Animal Surrender Sites](#)

[Canine Distemper Vaccination](#)

[Shelter Animal Service Delivery / Cost of Animal Wellness Services](#)

[Table of Penalties](#)

[Rabies Vaccination](#)

[Feline Distemper Vaccination](#)

[Parasites Cats / Dogs](#)

-- Public Message --

Animal Control
The Animal Control Program is dedicated and committed to the professional enforcement of Animal Control Laws established by the Navajo Nation Council, to protect the health, safety, and property of peoples and animals, address responsible pet ownership, over-population, disease, and neglect of animals through education, and promote foster programs, spay and neuter clinics and animal adoption programs through public, other agencies and organizations for the benefit of present and future generations.



White Paper Analysis of Law Enforcement Activities & Functions

Navajo Nation Animal Control Program

Glenda Davis, Program Manager

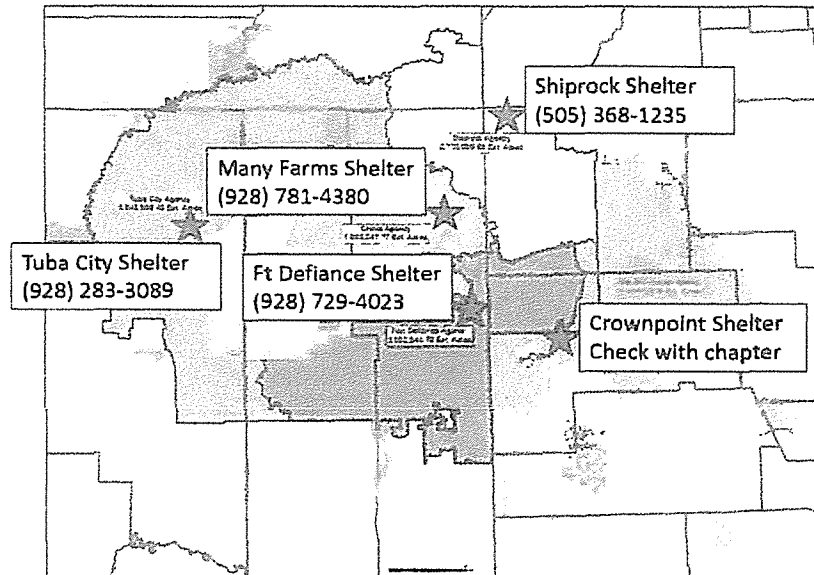
January 17, 2017



Navajo Nation Animal Control Program

PO Box 1480
Window Rock, AZ 86515

www.nndfw.ar1
Animal Control Program

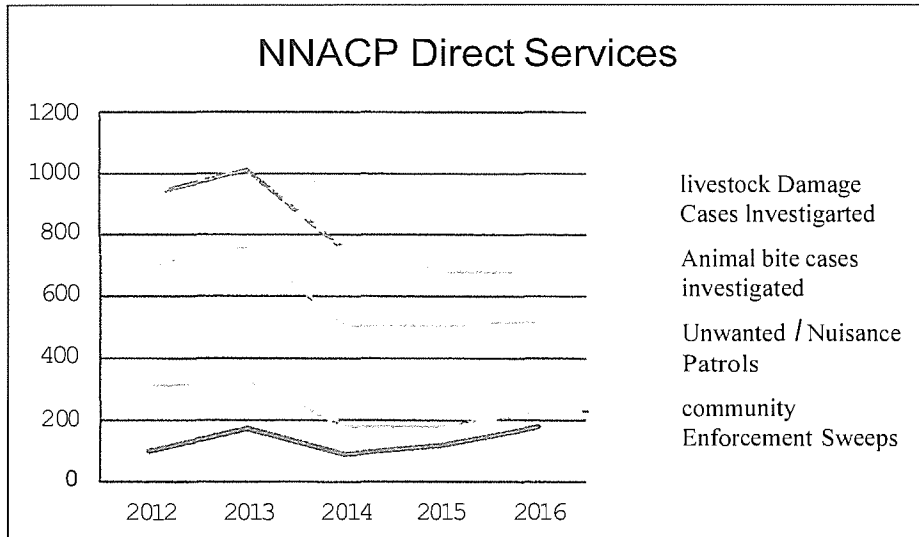


Introduction

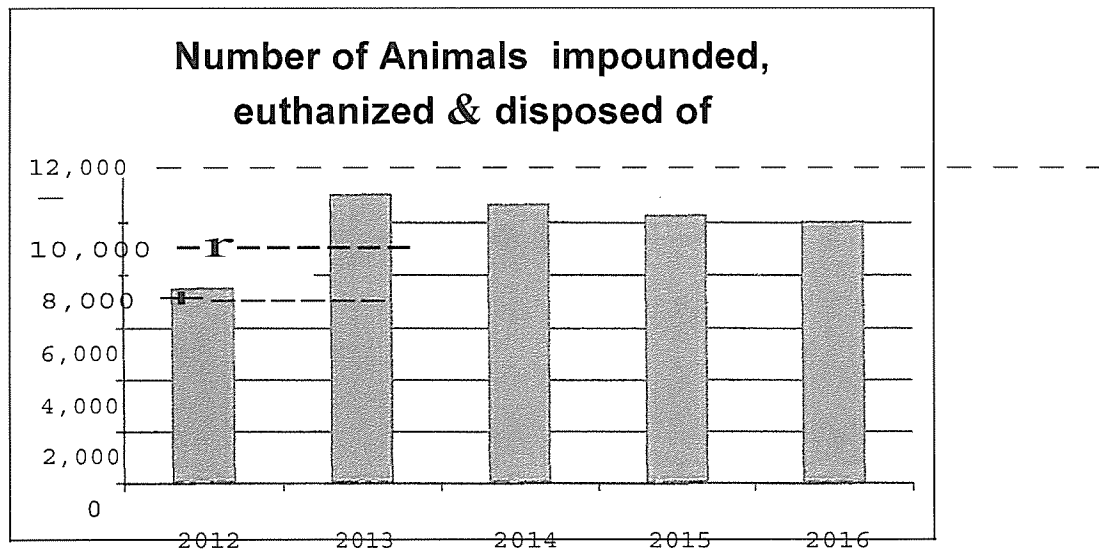
The purpose of the Animal Control Program is to enforce the animal control laws established by the Navajo Nation Council, to protect the health, safety and property of people and animals, address responsible pet ownership, over population, disease and neglect of animals through education, and in the spirit of cooperation, promote and foster spay and neuter clinics and animal adoption programs through the public, other agencies and organizations for the benefit of present and future generations. (Resolution: GSCD-87-02 NNACP Plan of Operation)

Problem Definition

The number of dog bites and livestock damage cases consumes 85% of our field officers' time. While our officers are addressing these investigations, the number of general traffic and service calls accumulate. The sheer volume of dogs running-at-large, the increase of vicious animals on school campuses and unwanted animal pick up requests is alarming within all Navajo Nation communities.

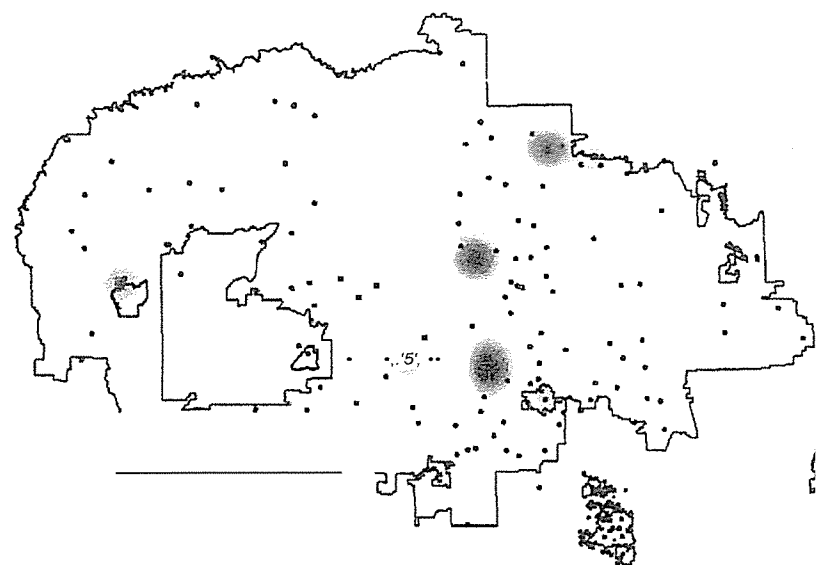


A Navajo Nation wide effort for Rocky Mountain Spotted Fever Prevention and the coordination of Navajo Nation Progras demonstrated an increase in direct services across all direct service avenues in 2013. The additional funding in 2013, made a remarkable difference in direct services and cases investigated. Whether this deceasing trend is due to a decrease in funding as a direct correlation or if the animal numbers are actually decreasing is difficult to measure after 2013.

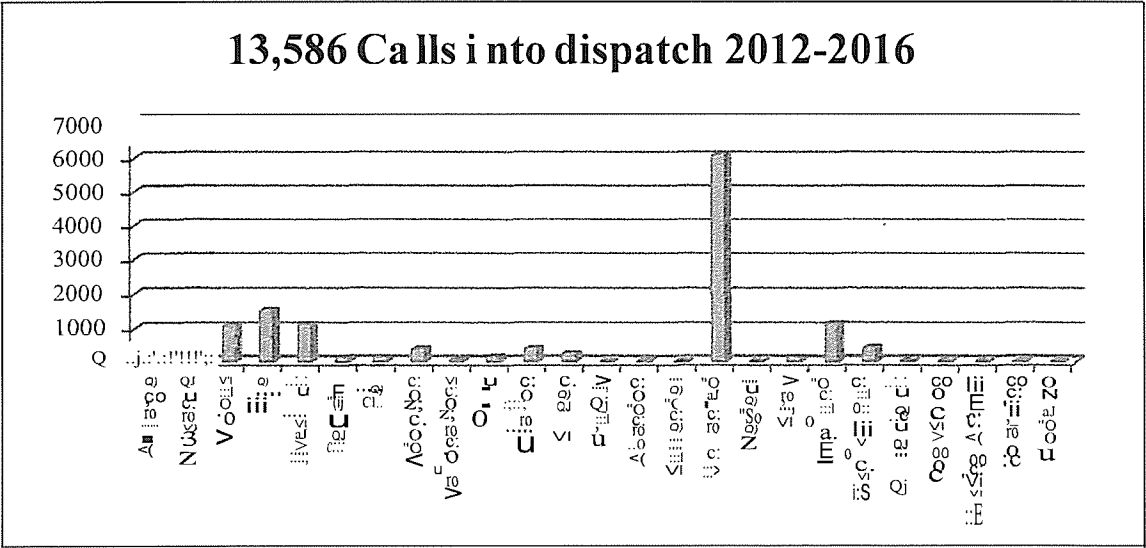


Given that on an annual basis, over 10,000 animals are impounded, euthanized and disposed of brings to question if we truly have any control of our animal population.

The Department of Fish & Wildlife has a single dedicated dispatch personnel for all law enforcement within the department. Communication directly to field officers is critical for the safety of the officers and the investigation of the violation in progress. The following is a summary of the data on the calls received between 2012-2016.



*Concentration of calls over Navajo Nation communities between 2012-2016 from dispatch data; Over 17,056 calls for all of Department of Fish & Wildlife – 65% related to Animal Control at 13,586



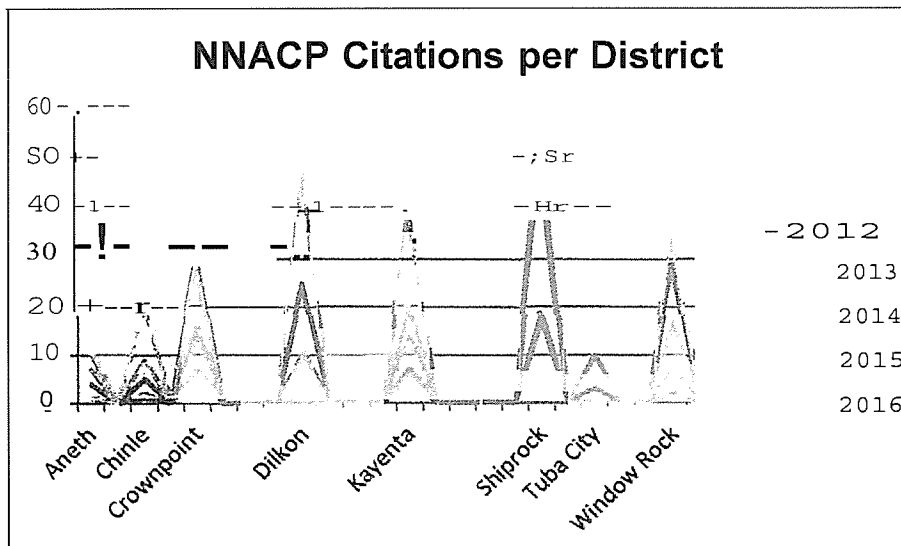
*Breakdown of calls -TOP FIVE: 6,078 Unwanted animals, 1,529 Bite cases, 1,135 Impounded animals, 1,118 Livestock Damage and 1,087 Vicious dogs.

Statistics law enforcement district (Window Rock, Chinle, Dilkon, Tuba City, Kayenta, Shiprock, & Crownpoint)

The Navajo Animal Control Program reported that 1,024 citations were filed in Navajo Nation courts from 2014 – 2016. The Program began monitoring citations in 2014 therefore any previous data was not available for this report.

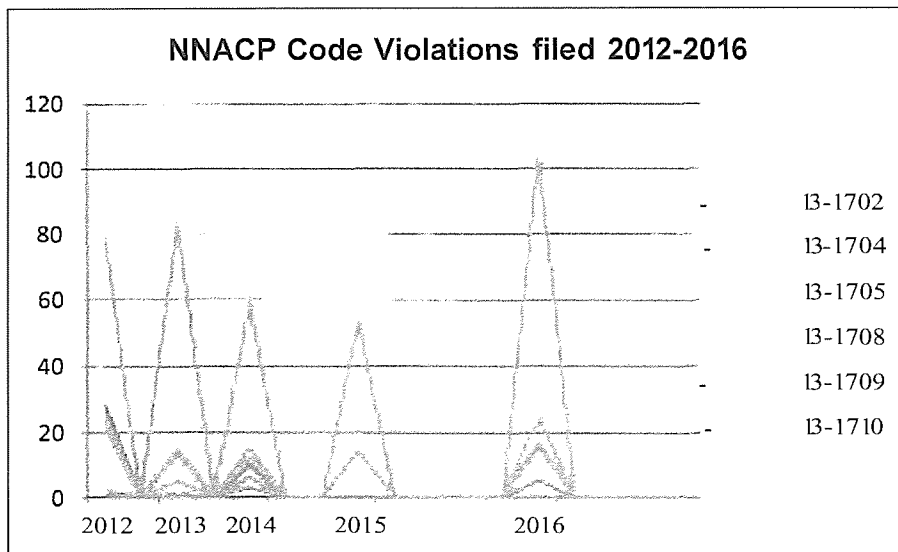
An official review of our citations was requested and compiled by Melanie A. Price. The report was received January 19, 2017. The following information is a summary of the data.

Over a five-year period between 2012 – 2016, six hundred twelve (612) citations were reported to be filed into the Navajo Courts. Comparing the Animal Control Program data between 2014-2016, the report from the Courts defines that 340 citations were filed whereas the Animal Control Program has reported that 1,024 citations were filed with the courts for the same timeframe.



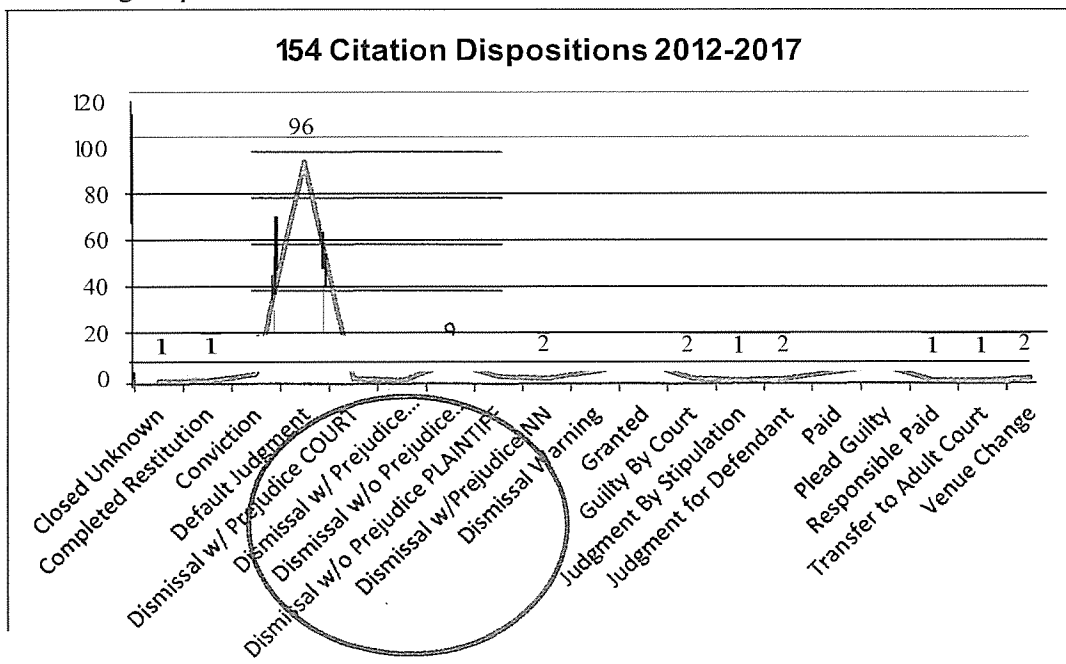
*Window Rock (District 1) – 90 cases filed, Shiprock (District 2) - 162 cases filed, Crownpoint (District 3) - 96 cases filed, Tuba City (District 4) - 13 cases filed, Chinle (District SJ) - 37 cases filed, Kayenta (District 6) - 87 cases filed, Dilkon (District 7) - 94 cases filed, and Aneth (District 8) - 33 cases filed

A breakdown of the 612 violations are demonstrated in the graph below with animals running at large the highest at 378 cases followed by vicious animals at 80 cases and other citations.

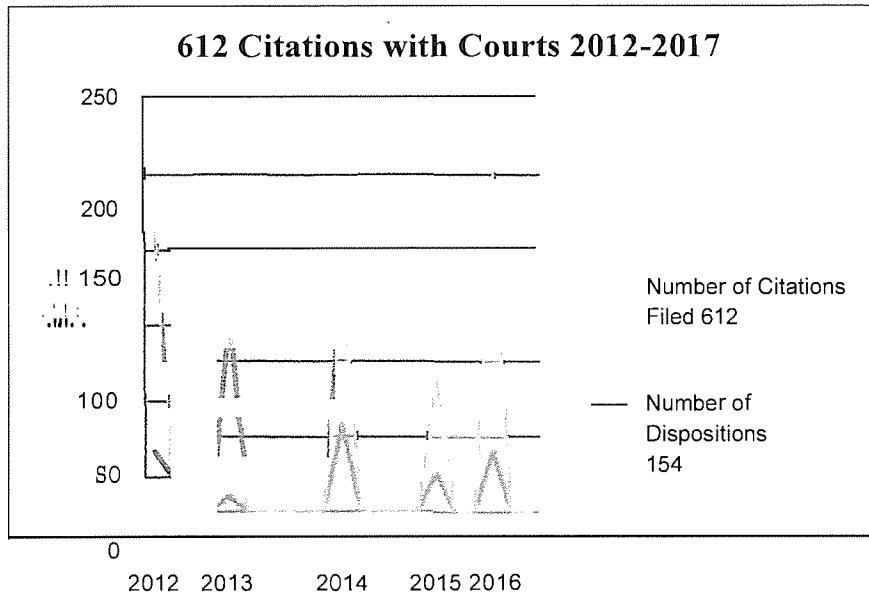


*13-1702 Animal Licenses - 68 citations (11% of 612 citations), 13-1704 Rabies Control - 68 citations (11% of 612 citations), 13-1705 Animal Bites Cases - 5 citations (1% of 612 citations), 13-1708 Nuisance Animals - 13 citations (2% of 612 citations), 13-1709 Restraint of Animals - 378 citations (62% of 612 citations), and 13-1710 Vicious Animals - 80 citations (13% of 612 citations)

The report was analyzed and reported that only 154 citations received dispositions of the 612 citations filed with the courts. Surprisingly 96 of the 154 cases had default judgements with 22 varied dismissal judgements, following by the remaining disposition results.

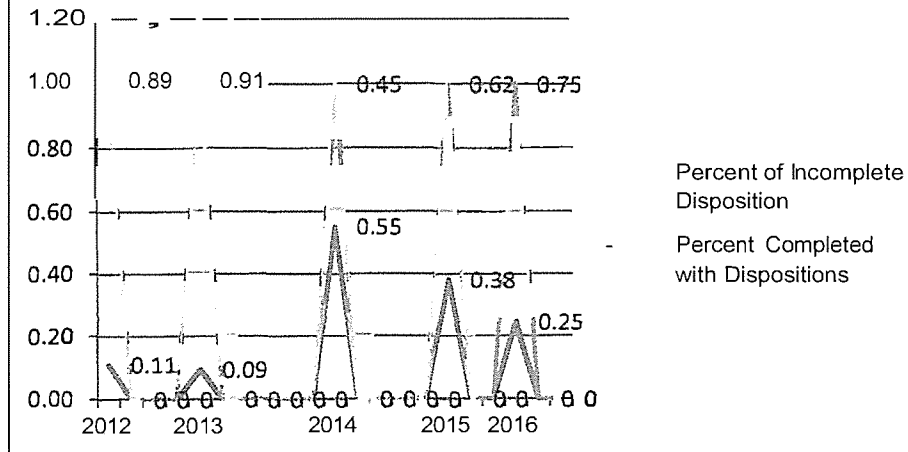


The following graph demonstrates the number of citations filed and the number of dispositions received of the 612 citations between 2012-2017.



Below are the percent of dispositions completed and percentage of pending citations presently with the courts between 2012-2016. The overall average of completed citations with disposition was 25% with 75% incomplete citations that still require dispositions. It was not revealed which districts have the specific disposition results as reported.

612 Citations with Courts 2012-2017



Upstream Issues

Within the Animal Control Program there is a need for additional training on correctly completing citation and warnings to the general public to decrease the number of citations that are dismissed. Outside of the Program, there is a need for a better understanding of the prosecution process especially since 13 NNC 1701-1712, are civil cases. It appears that civil cases are considered a lesser priority over more serious violations.

Over the last five years there has been increase in the severity of dog bite cases. The Animal Control Officers agree that the dogs are becoming more vicious and aggressive.

A need for a massive humane education platform on responsible pet owner and relationship of pet ownership with abiding our Navajo Nation codes for the control of pets within communities.

To begin coordination of services with other programs to assist with service delivery and increasing direct services within communities and at each animal shelter.

Barriers

- To decrease the timeline between the filing of citations and the disposition of each case.
- Lapse of statutes of limitations on cases filed.
- Need to process civil cases, to demonstrate to pet owners to be more responsible for their pets and decrease fines
- Better communication on trial dates

Resource Needs

- Increase in the number of animal control officers to two per shelter and a kennel officer at each shelter
- Funding for a second dispatch
- Massive Humane Education Platform - Responsible Pet Ownership; Obey all Navajo Nation Animal Control Laws

Proposed Solutions

- Increase in the number of animal control officers to two per shelter and a kennel officer at each shelter
- Training with the prosecutors, provide some time for "animal control issues"
- Develop a system to track citations, monitoring citations within the courts. "Just ware" Training on platform and use

Summary

After review of the data, a few specific areas need to be reaffirmed. The data submitted from the district courts, document that 612 citations were received but only 154 dispositions were completed, an estimate of only 25% of citations have dispositions. Of the 154 dispositions, 96 had default judgement with an additional 22 citations that were dismissed. The Animal Control Program is concerned that our citations are not taken serious within the courts, since only 25% have been processed with 460 filed citations pending within the courts since 2012.

Over the three year period, the Animal Control Program reports that 1,024 citations were filed by the officers where only 340 citations were received by the courts.

The dispatch call density map has the communities of Window Rock, Chinle and Shiprock as the areas requesting for a majority of the assistance from the Department of Fish & Wildlife and Animal Control Program.

The personnel of the Animal Control Program expend over \$800,000 in financial resources to keep the Navajo public safe and control our animal numbers. We are seeking your support to recognize the issues and assist the program to prosecute cases in a timely manner.

The humane education effort of the Animal Control Program requires cooperation and acknowledgement that our animal issues are really - People Issues.

Call to Action - "Safety for th**People & Animals**"

NAVAJO NATION



ANIMAL CONTROL

[NNAC Home](#)[Personnel](#)

The Navajo Nation currently lacks an effective Animal Control Program and adequate Animal Shelters. Because of this, we are unable to provide services in a variety of areas such as: aggressive enforcement of laws, vaccinations, livestock damage investigations, animal-bite investigations, quarantines, adoptions, pick-up of stray/unwanted animals, dead animal disposal, and assisting with spay/neuter clinics. As a result, over **3,000** individuals are treated **each year** at hospitals and clinics for animal attacks and bites. The majority of victims are children and elderly. Some of these victims are transported to other hospitals for special treatment.

Currently there are only five Animal Control Officers employed to address animal control issues for the entire Navajo Nation. These Officers can only provide services that have been determined as priority, such as bite cases and livestock damage. Officers are stationed in each of the five agencies (Ft. Defiance, Chinle, Shiprock, Tuba City and Crownpoint). Without an adequate Animal Control Program, we place the public's health and safety at risk.

The Animal Control Program must have additional funding to accomplish the following:

- Build and establish adequate comprehensive animal control centers in each agency that will serve as an animal shelter and adoption/vaccination centers;
- Reduce the number of bite cases that occur to children and elderly;
- Provide adequate services to BIA schools/housing, HIS Hospitals/housing, other schools/housing, and chapter communities;
- Reduce the number of livestock loss/damage cases by dog attacks;
- Develop an education program to address responsible pet care and an awareness of proper animal ownership;
- Address complaints received from guests/visitors regarding stray dogs and 'road-kills' they see when visiting the Navajo Nation;
- Address the over-population of dogs and cats within the Navajo Nation;
- Promote spay/neuter clinics;
- Enforcement of Navajo Nation animal laws.

The Animal Control Program is dedicated and committed to the professional enforcement of Animal Control Laws established by the Navajo Nation Council, to protect the health, safety, and property of peoples and animals, address responsible pet ownership, over-population, disease, and neglect of animals through education, and promote foster programs, spay and neuter clinics and animal adoption programs through public, other agencies and organizations for the benefit of present and future generations.



THE NAVAJO NATION

Proclamation

RECOGNIZING THE MONTH OF MARCH 2021
AS THE "NO PLACE LIKE HOME" CHALLENGE
FOR ALL NAVAJO NATION PET OWNERS

WHEREAS, the Navajo Nation has established animal control laws to protect the health, safety and property of people, which includes yearly licensing, microchipping, vaccination and confinement of dogs and cats; and

WHEREAS, Navajo children, elderly persons and livestock have suffered injuries, loss of life, from animals that run at large across the Nation; and many dogs and cats suffer from neglect, abuse, disease and injury and roam the Nation in search of food, water and shelter; and

WHEREAS, this situation is a threat to the public health, safety and welfare of Navajo communities; and

WHEREAS, Navajo citizens are required to abide by the animal control laws and should implement the following measures: microchip household pets; vaccinate to prevent diseases such Rabies and Parvo; deworm to reduce the number of parasites; and confine pets indoors or within an enclosed area.

NOW, THEREFORE, I, JONATHAN NEZ, President of the Navajo Nation, and **I, MYRON LIZER**, Vice-President of the Navajo Nation, with First Lady **Phefelia Nez** and Second Lady **Dottie Lizer**, do hereby proclaim the month of March 2021 as the "No Place Like Home" Challenge for all Navajo Nation pet owners to acknowledge that the best place for pets is at home and urges Navajo citizens to Microchip, Vaccinate, Deworm and Confine their pets for the health, safety and welfare of our communities.

PROCLAIMED THIS 24TH DAY OF FEBRUARY 2021

Jonathan Nez, *President*
THE NAVAJO NATION

Phefelia Nez, *First Lady*
THE NAVAJO NATION

Myron Lizer, *Vice President*
THE NAVAJO NATION

Dottie Lizer, *Second Lady*
THE NAVAJO NATION

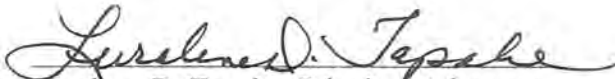
EXHIBIT

D



MEMORANDUM

TO: Hon. Delegate Eugene Tso
Law and Order Committee
24th Navajo Nation Council

FROM: 
Luralene D. Tapahe, Principal Advocate
Office of Legislative Counsel

DATE: January 6, 2022

SUBJECT: **AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT, THE HEALTH, EDUCATION, AND HUMAN SERVICES, THE LAW AND ORDER, AND THE NAABIK'ÍYÁTI' COMMITTEES, AND TO THE NAVAJO NATION COUNCIL; AMENDING TITLE 17 OF THE NAVAJO NATION CODE TO ESTABLISH CRIMINAL PENALTIES FOR VICIOUS DOG AND OTHER ANIMAL ATTACKS**

Per your request, the Office of Legislative Counsel has prepared the above-referenced proposed legislation and related summary sheet. Based on existing Navajo Nation law and other applicable laws, and upon review of all supporting documents submitted to OLC, this legislation as drafted is legally sufficient. However, as with any action of government, this legislation may be subject to review by the Navajo Nation courts in the event of proper legal challenge.

Please ensure that this legislation is precisely what you want. You are encouraged to review this proposed legislation to ensure that it is drafted to your satisfaction.

OLC has reviewed the appropriate standing committees' authorities to consider this legislation, based on the standing committees' powers and responsibilities set forth in Title 2 of the Navajo Nation Code. Based on its review, OLC has listed those committees in the title of this legislation. Nevertheless, the Speaker of the Navajo Nation Council may assign this legislation to committee(s) other than those shown in the title, pursuant to his authority under 2 N.N.C. §164(A)(5).

If you find this document unacceptable for any reason, please immediately contact me at the Office of Legislative Counsel (at extension 7166) and advise me of the changes you would like made to this proposed legislation. Thank you.

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



LEGISLATION NO: _0002-22_

SPONSOR: Eugene Tso

TITLE: An Action Relating to the Resources and Development, the Health, Education, and Human Services, The Law and Order, and the Naabik'iyáti' Committees, and to the Navajo Nation Council; Amending Title 17 of the Navajo Nation Code to Establish Criminal Penalties for Vicious Dog and Other Animal Attacks

***Date posted:* January 07, 2022 at 4:50PM**

Digital comments may be e-mailed to 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.: 0002-22

SPONSOR: Honorable Eugene Tso

TITLE: An Action Relating to the Resources and Development, the Health, Education, and Human Services, the Law and Order, and the Naabik'iyáti' Committees, and to the Navajo Nation Council; Amending Title 17 of the Navajo Nation Code to Establish Criminal Penalties for Vicious Dog and Other Animal Attacks

Posted: January 07, 2022 at 4:50 PM

5 DAY Comment Period Ended: January 12, 2022

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Comments/Recommendations	1) Glenda Davis, Animal Rez-Q, Inc.


 Legislative Tracking Secretary
 Office of Legislative Services

01/13/22; 7:00 AM

Date/Time

Legislation No 0002-22 Sponsor Eugene Tso

[glenda animalrezq.org](mailto:glenda@animalrezq.org) <glenda@animalrezq.org>

Wed 1/12/2022 10:07 PM

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

Importance: High

LEGISLATION NO: 0002-22

SPONSOR: Eugene Tso

TITLE: An Action Relating to the Resources and Development, the Health, Education, and Human Services, The Law and Order, and the Naabik'íyáti' Committees, and to the Navajo Nation Council; Amending Title 17 of the Navajo Nation Code to Establish Criminal Penalties for Vicious Dog and Other Animal Attacks

Legislation #0002-22 is a criminal code that is long overdue. It is paramount that the health and safety of our Navajo People be protected against any vicious dog and other animal attacks. No longer should our tribal nation allow a life to be taken by a vicious animal.

I would to respectfully request if the 24th Navajo Nation Council would be willing to include animal cruelty to help Legislation #0002-22 become more rounded whether at this session or in a future council session. No animal should be starved to the point of attacking and eating the flesh of a human. Several dog mauling cases on Navajo resulted in the impoundment of dogs until the impounded dogs defecated to determine whether human flesh was ingested by the dogs through testing completed at state veterinary laboratory. Some dogs were immediately euthanized and the intestinal track removed and sent to a state veterinary laboratory to identify human flesh. No animal should suffer to the point of eating a human.

In 2018, the Navajo Nation Animal Control Ordinance was amended after 34 years. We updated the code to assist the animal control officers and create more responsible pet owners. For whatever reason, animal cruelty was removed and never included as a Title 17 code. This was the language of the removed section that was to be a part of CJY-64-18.

Cruelty; molesting; neglect; abandonment; animal fights; hoarding; exception; penalties; forfeiture.

1. The following is prohibited:

1. Cruelty: It is unlawful for any person to willfully or maliciously deprive or refuse a Dog or Cat proper and Adequate Care, kill, beat, sexually abuse, torture, maim, poison, inflict physical injury, disfigure or scald any Dog or Cat, except that reasonable force may be employed only to drive off and repel vicious or trespassing Dogs or Cats. Cruelty also includes every act or omission, which causes or unreasonably permits the continuation of unnecessary or unjustifiable pain and suffering.
2. Molesting Dogs and Cats: It is unlawful for any person to tease, annoy, disturb or molest any Dog or Cat which is on the property of the Animal Owner or under the control of the Animal Owner.
3. Neglect:
 1. It is unlawful for any Animal Owner of a Dog or Cat to fail or neglect to provide said Dog or Cat with Adequate Care. Any Dog habitually kept outside shall be provided by the Animal

- Owner with a structurally sound enclosure large enough to accommodate the Dog in a suitable manner.
2. An Animal Owner must keep the premise where a Dog is kept free of Animal waste, garbage, hazardous materials, insect infestation, and other debris that may endanger the Dog's or Cat's health and safety.
 3. An Animal Owner must provide an injured or sick Dog or Cat with adequate veterinary care so as to prevent or stop suffering.
 4. Abandonment: It is unlawful for any person to abandon any Dog or Cat for more than twenty-four (24) hours off the Animal Owner's premises within the Navajo Nation without provision for Adequate Care or control by another person. -
 5. Animal Fights: It is unlawful for any person to promote, stage, hold, manage, conduct, participate in by any manner, or carry on any game, exhibition or contest in which one or more Dogs or Cats are engaged for the purpose of injuring, killing, maiming or destroying themselves, or any other animal.
 6. Animal Hoarding: It is unlawful for any person to own or harbor six (6) or more Animals, and to not provide them Adequate Care.
2. This Section does not apply to the practice of veterinary medicine as provided in any applicable Navajo Nation veterinary law.
3. Penalties:
1. Any person in violation of Subsection 1714(A)(1) Cruelty will be fined a minimum of five hundred dollars (\$500.00) not to exceed five thousand dollars (\$5,000.00) or sentenced to one year in jail or both.
 2. Any person in violation of Subsection 1714(A)(2) Molesting Dogs or Cats will be fined a minimum of five hundred dollars (\$500.00) not to exceed two thousand and five hundred dollars (\$2,500.00) or sentenced to six months in jail or both.
 3. Any person in violation of Subsection 1714(A)(3) Neglect will be fined a minimum of two hundred and fifty dollars (\$250.00) not to exceed five thousand (\$5,000.00) or sentenced to six months in jail or both.
 4. Any person in violation of Subsection 1714(A)(4) Abandonment will be fined a minimum of five hundred dollars (\$500.00) not to exceed two thousand and five hundred dollars (\$2,500.00) or sentenced to six months in jail or both.
 5. Any person in violation of Subsection 1714(A)(5) Animal Fighting will be fined a minimum of five hundred dollars (\$500.00) not to exceed two thousand and five hundred (\$2,500.00) or sentenced to six months in jail or both.
 6. Any person in violation of Subsection 1714(A)(6) Animal Hoarding will be fined a minimum of five hundred dollars (\$250.00) not to exceed two thousand and five hundred dollars (\$2,000.00) or sentenced to six months in jail, or both.
 7. In addition or in lieu of any other sentence the Court may impose, the Court may:
 1. Order the defendant to participate in community service. If the court does order community service participation, no such participation shall occur at any humane society, Animal Shelter or other facility where an Animal is present.
 2. Order the defendant to participate in an educational class taught by the Animal Control Division regarding the humane treatment of Animals. All costs of the educational class shall be borne by the defendant.
 3. Order the defendant to undergo a psychiatric, psychological or mental health evaluation, and if warranted by the condition of the defendant, shall order the defendant to undergo appropriate care or treatment.
 4. Require a defendant to forfeit all legal interest of the defendant in the Animal subjected to the violation. The court shall award all such legal interest to the Animal to a humane society,

Animal Shelter or other organization that has as its principal purpose the humane treatment of Animals.

5. Prohibit the defendant from owning, fostering, or acting as a caretaker to Animals.

4. Courts may forfeit Animals under this Section to the Navajo Nation.

Respectfully Submitted, Glenda S. Davis, RVT, MBA

Former Program Manager for the Veterinary & Livestock Program (2003-2016) and Animal Control Program (2016-2020)

"Healthy Animals, Healthy Families, Healthy Communities"

Glenda S Davis, RVT, MBA

Founder / President

Animal Rez-Q, Inc. (www.AnimalRezQ.org)

PO Box 387

Window Rock, AZ 86515

(928)

"[Like us on FaceBook/AnimalRezQ](#)"

WARNING: External email. Please verify sender before opening attachments or clicking on links.

**RESOURCES AND DEVELOPMENT COMMITTEE
24th NAVAJO NATION COUNCIL**

FOURTH YEAR 2022

COMMITTEE REPORT

Mr. Speaker,

The **RESOURCES AND DEVELOPMENT COMMITTEE** to whom has been assigned:

LEGISLATION #0002-22: AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT, THE HEALTH, EDUCATION, AND HUMAN SERVICES, THE LAW AND ORDER, AND THE NAABIK'ÍYÁTI COMMITTEES, AND TO THE NAVAJO NATION COUNCIL; AMENDING TITLE 17 OF THE NAVAJO NATION CODE TO ESTABLISH CRIMINAL PENALTIES FOR VICIOUS DOG AND OTHER ANIMAL ATTACKS.

Sponsor: Honorable Eugene Tso Co-Sponsors: Honorable Eugenia Charles-Newton, Kee Allen Begay Jr., and Raymond Smith, Jr.

Has had it under consideration and reports a **DO PASS** with no amendments and one (1) recommendation.

RECOMMENDATION: The Resources and Development Committee recommends that the Navajo Nation Council schedule a work session on Legislation 0002-21. The Navajo Nation Programs that should be invited to attend the work session include, but are not limited to, the Prosecutors Office; Fish and Wildlife, Animal Control Program; Navajo Veterinarian Program, Office of the Controller, Office of Management and Budget; Department of Agriculture, Navajo Division of Public Safety; and Navajo Housing Authority. Purposes of this work session include review of Legislation 0002-22; identifying funding to increase the Animal Control staff and to provide more funding to that staff; provide suggestions as to limit the number of dogs and cats a household may possess; provide suggestions on how to establish more spay and neuter clinics; provide suggestions on how to educate Navajo residents to care for their dogs and cats; and other topics to address this issue of dogs that injuring the Navajo population.

And thereafter the legislation was referred to Health, Education & Human Services Committee.

Respectfully submitted,



Rickie Nez, *Chairperson*
Resources and Development Committee of
the 24th Navajo Nation Council

Date: January 18, 2022 – Special Meeting (Teleconference)
Location: Resources and Development Committee also called in via teleconference
from their location within the boundary of the Navajo Nation.

Main Motion:

M: Mark A. Freeland **S:** Kee Allen Begay, Jr. **V:** 5-0-1 (CNV)
In Favor: Thomas Walker, Jr.; Kee Allen Begay, Jr.; Herman M. Daniels; Mark A. Freeland;
Wilson C. Stewart, Jr.
Opposition: None
Excuse: None
Not Voting: Rickie Nez, *Chairperson*

(NOTE: VOTE TALLY attached hereto)

**RESOURCES AND DEVELOPMENT COMMITTEE
24th NAVAJO NATION COUNCIL**

FOURTH YEAR 2022

**ROLL CALL
VOTE TALLY SHEET**

LEGISLATION #0002-22: AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT, THE HEALTH, EDUCATION, AND HUMAN SERVICES, THE LAW AND ORDER, AND THE NAABIK'ÍYÁTI COMMITTEES, AND TO THE NAVAJO NATION COUNCIL; AMENDING TITLE 17 OF THE NAVAJO NATION CODE TO ESTABLISH CRIMINAL PENALTIES FOR VICIOUS DOG AND OTHER ANIMAL ATTACKS.

Sponsor: Honorable Eugene Tso Co-Sponsors: Honorable Eugenia Charles-Newton, Kee Allen Begay Jr., and Raymond Smith, Jr.

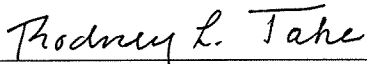
Date: January 18, 2022 – Special Meeting (Teleconference)
Location: Resources and Development Committee also called in via teleconference from their location within the boundary of the Navajo Nation.

Main Motion:

M: Mark A. Freeland **S:** Kee Allen Begay, Jr. **V:** 5-0-1 (CNV)
In Favor: Thomas Walker, Jr.; Kee Allen Begay, Jr.; Herman M. Daniels; Mark A. Freeland; Wilson C. Stewart, Jr.
Opposition: None
Excuse: None
Not Voting: Rickie Nez, *Chairperson*



Honorable Rickie Nez, *Chairperson*
Resources and Development Committee



Rodney L. Tahe, *Legislative Advisor*
Office of Legislative Services

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

LEGISLATION NO.: 0002-22

SPONSOR: Honorable Eugene Tso


TITLE: An Action Relating to the Resources and Development, the Health, Education, and Human Services, the Law and Order, and the Naabik'íyáti' Committees, and to the Navajo Nation Council; Amending Title 17 of the Navajo Nation Code to Establish Criminal Penalties for Vicious Dog and Other Animal Attacks

Posted: January 07, 2022 at 4:50 PM

5 DAY Comment Period Ended: January 12, 2022

Digital Comments received:

Comments Supporting	1) Evelyn Becenti 2) Fort Defiance Agency Grazing Committee
Comments Opposing	<i>None</i>
Comments/Recommendations	<i>None</i>



**Legislative Tracking Secretary
Office of Legislative Services**

01/18/22; 4:29pm

Date/Time

0002-22

Evelyn Becenti <becentie@yahoo.com>

Thu 1/13/2022 7:17 PM

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

Sent from Mail for Windows

I, Evelyn Becenti, am in favor of this legislation no. 0002-22. Doesn't Navajo Nation have a code for everyone with dogs to follow, if we do such, we can live harmoniously y with our pets. The penalty listed here is not severe, it is a legislation we need to live safety with our dear companion dogs. I was one time almost attach my a neighbor dog, and since then, I fear dogs. My report of the incident was done properly to Gallup Humane Society, and to the Navajo Nation Department of Fish and Wildlife.

WARNING: External email. Please verify sender before opening attachments or clicking on links.



FORT DEFIANCE AGENCY GRAZING COMMITTEE
THE NAVAJO NATION
DEPARTMENT OF AGRICULTURE
P.O. BOX 4889, WINDOW ROCK, AZ 86515



Resolution # JAN-22-001

**Supporting & Recommending Approval of the Navajo Nation Council Proposed Resolution
(Tracking Number: 0002-22) – Amending Title 17 of the Navajo Nation Code to Establish
Criminal Penalties for Vicious Dogs and Other Animal Attacks.**

WHEREAS:

1. The Fort Defiance Agency Grazing Officials are duly authorized to meet monthly at one District meeting and One Agency meeting to resolve concerns, mediate and provide education opportunities pursuant to 3 NNC Subchapter 5 §876; and
2. The District Grazing Officials are authorized to review, monitor, mediate, and resolve disputes concerning land, boundaries, grazing rights and fences within the Navajo Nation pursuant to 3 NNC Subchapter 5 §871; and
3. The District Grazing Officials have always been the initial point of contact for any dispute, threat or damage to livestock and are expected, by the community, to address the local concerns to the Navajo Nation Government; and
4. The Navajo Nation Government (Office of the President, Navajo Nation Council, Navajo Nation Programs including Animal Control, Navajo Nation Rangers and Public Safety) have publicly acknowledged that vicious dog attacks are a problem and need to be addressed; and
5. District Grazing Officials have first-hand reports and accounts of attacks on animals and persons from vicious dogs (i.e., Pitbull, rottweilers, German shepherds, etc.); and
6. The Fort Defiance Agency Grazing Officials agree that Title 17 of the Navajo Nation Code needs to be amended to include penalties for owners of dangerous/vicious dogs and animals.

NOW THEREFORE BE IT RSOLVED THAT:

1. The Fort Defiance Agency Grazing Committee Hereby Supports & Recommends Approval of the Navajo Nation Council Proposed Resolution (Tracking Number: 0002-22) – Amending Title 17 of the Navajo Nation Code to Establish Criminal Penalties for Vicious Dogs and Other Animal Attacks.

CERTIFICATION

I hereby certify that the foregoing resolution was presented and considered at a duly call Fort Defiance Agency Grazing Committee meeting at which a quorum was present and that the same was approved by a vote of 17 in favor, 00 opposed and 01 abstain on this 14th day of January, 2022.

Shawnevan Dale, Chairperson
Ft. Defiance Agency Grazing Committee

Motion by: Florina Howard
Second by: Patrick Martinez

**HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE
24TH NAVAJO NATION COUNCIL**

FOURTH YEAR 2022

COMMITTEE REPORT

Mr. Speaker,

The **HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE** to whom has been assigned:

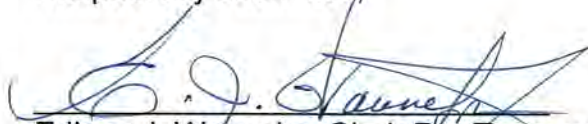
Legislation #0002-22: An Action Relating to the Resources and Development, the Health, Education, and Human Services, the Law and Order, and the Naabik'íyáti' Committees, and to the Navajo Nation Council; Amending Title 17 of the Navajo Nation Code to Establish Criminal Penalties for Vicious Dog and Other Animal Attacks

Sponsor: Delegate Eugene Tso **Co-Sponsor(s):** Delegate Eugenia Charles-Newton
Delegate Kee Allen Begay, Jr.
Delegate Raymond Smith, Jr

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

And thence is referred to the Law and Order Committee.

Respectfully submitted,



Edison J. Wauneka, Chair Pro-Tempore
Health, Education and Human Services Committee
24th Navajo Nation Council

Date: January 19, 2022

Main Motion:

Motion: Honorable Paul Begay, Jr.

Second: Honorable Charlaine Tso

Vote: 4-0-0

HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE
Regular Meeting
January 19, 2022

Legislation #0002-22: An Action Relating to the Resources and Development, the Health, Education, and Human Services, the Law and Order, and the Naabik'iyáti' Committees, and to the Navajo Nation Council; Amending Title 17 of the Navajo Nation Code to Establish Criminal Penalties for Vicious Dog and Other Animal Attacks

Sponsor: Delegate Eugene Tso **Co-Sponsor(s):** Delegate Eugenia Charles-Newton
Delegate Kee Allen Begay, Jr.
Delegate Raymond Smith, Jr

VOTE TALLY SHEET:

Main Motion:

Motion: Honorable Paul Begay, Jr.

Second: Honorable Charlaine Tso

Yea: Paul Begay, Jr.; Carl R. Slater; Charlaine Tso; Pernell Halona

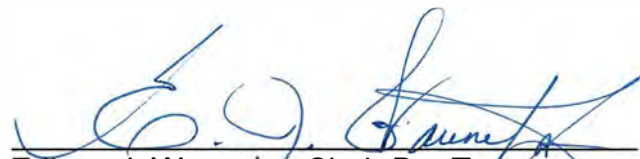
Nay:

Not Voting: Edison J. Wauneka (Presiding Chair Pro-Tempore)

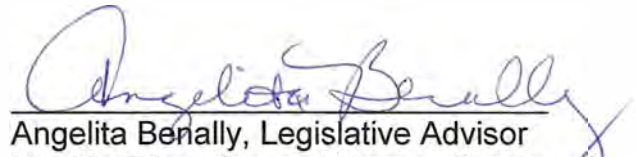
Excused:

Absent:

Vote: 4-0-0



Edison J. Wauneka, Chair Pro-Tempore
Health, Education and Human Services Committee
24th Navajo Nation Council



Angelita Benally, Legislative Advisor
Health, Education and Human Services Committee
Office of Legislative Services

**LAW AND ORDER COMMITTEE
24TH NAVAJO NATION COUNCIL**

FOURTH YEAR 2022

COMMITTEE REPORT

Mr. Speaker,

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

Legislation No. 0002-22: An Action Relating to Resources and Development, the Health, Education, and Human Services, the Law and Order Committee, and the Naabik'iyati' Committees, and to the Navajo Nation Council; Amending Title 17 of the Navajo Nation Code to Establish Criminal Penalties for Vicious Dog and Other Animal Attacks – *Sponsor: Honorable Eugene Tso/Co-Sponsors: Honorable Raymond Smith, Jr./Honorable Eugenia Charles-Newton/Honorable Kee Allen Begay, Jr.*

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,



Otto Tso, Chair Pro-Tempore
Law and Order Committee
24th Navajo Nation Council

Date: January 19, 2022

Main Motion:

Motion : Honorable Eugenia Charles-Newton
Second : Honorable Eugene Tso
Vote : 2-0-3

LAW AND ORDER COMMITTEE

**Special Meeting
January 19, 2022**

Legislation No. 0002-22: An Action Relating to Resources and Development, the Health, Education, and Human Services, the Law and Order Committee, and the Naabik'iyati' Committees, and to the Navajo Nation Council; Amending Title 17 of the Navajo Nation Code to Establish Criminal Penalties for Vicious Dog and Other Animal Attacks – *Sponsor: Honorable Eugene Tso/Co-Sponsors: Honorable Raymond Smith, Jr./Honorable Eugenia Charles-Newton/Honorable Kee Allen Begay, Jr.*

VOTE TALLY SHEET:

Main Motion:

Motion: Honorable Eugenia Charles-Newton

Second: Honorable Eugene Tso

Vote: 2-0-3

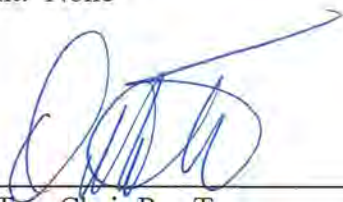
Yea: Hon. Eugenia Charles-Newton, Hon. Eugene Tso

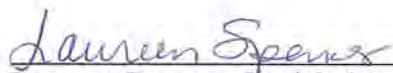
Nay: None

Not Voting: Hon. Otto Tso, Hon. Vince James, Hon. Edmund Yazzie

Excused: None

Absent: None



Otto Tso, Chair Pro-Tempore
Law and Order Committee
24th Navajo Nation Council

Laureen Spencer, Legislative Advisor
Office of Legislative Services

24th NAVAJO NATION COUNCIL NAABIK'ÍYÁTI' COMMITTEE REPORT Fourth Year 2022

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

NAVAJO LEGISLATIVE BILL #0002-22

An Action Relating to the Resources and Development, the Health, Education, and Human Services, the Law and Order, and the Naabik'íyáti' Committees, and to the Navajo Nation Council; Amending Title 17 of the Navajo Nation Code to Establish Criminal Penalties for Vicious Dog and Other Animal Attacks

Sponsored by: Honorable Eugene Tso

Co-Sponsored by: Honorable Kee Allen Begay, Jr.

Co-Sponsored by: Honorable Eugenia Charles-Newton

Co-Sponsored by: Honorable Raymond Smith, Jr.

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

Respectfully Submitted,



*Honorable Seth Damon, Chairperson
NAABIK'ÍYÁTI' COMMITTEE*

21 January 2022

MAIN MOTION

Motioned by: Honorable Daniel E. Tso

Seconded by: Honorable Rickie Nez

Vote: 17 In Favor, 00 Opposed (Chairman Damon Not Voting)

NAVAJO NATION

1191

1/21/2022

Naa'bik'iyati' Committee Special Meeting

07:17:44 PM

Amd# to Amd#

New Business: Item J.

PASSED

MOT Tso, D

Legislation 0002-22: Amending

SEC Nez, R

Title 17 of the Navajo Nation

Code to Establish Criminal...

Yeas : 17**Nays : 0****Excused : 3****Not Voting : 3****Yea : 17**

Begay, E

Daniels

Nez, R

Tso, D

Begay, K

Freeland, M

Smith

Tso, O

Begay, P

Halona, P

Stewart, W

Wauneka, E

Brown

James, V

Tso, C

Yellowhair

Charles-Newton

Nay : 0**Excused : 3**

Slater, C

Tso, E

Yazzie

Not Voting : 3

Walker, T

Henio, J

Crotty

Presiding Speaker: Damon

24th NAVAJO NATION COUNCIL

ACTION REPORT

Fourth Year 2022

The **NAVAJO NATION COUNCIL** to whom has been assigned:

NAVAJO LEGISLATIVE BILL #0002-22

An Action Relating to the Resources and Development, the Health, Education, and Human Services, the Law and Order, and the Naabik'iyáti' Committees, and to the Navajo Nation Council; Amending Title 17 of the Navajo Nation Code to Establish Criminal Penalties for Vicious Dog and Other Animal Attacks

Sponsored by: Honorable Eugene Tso

Co-Sponsored by: Honorable Kee Allen Begay, Jr.

Co-Sponsored by: Honorable Eugenia Charles-Newton

Co-Sponsored by: Honorable Raymond Smith, Jr.

Has had it under consideration and reports the same that the legislation **WAS TABLED**.

Respectfully Submitted,


Honorable Seth Damon, Speaker
24th NAVAJO NATION COUNCIL

27 JANUARY 2022

TABLING MOTION

Motion to Table Legislation 0002-22 and bring back no later than NNC Spring Session to hold a LOC & RDC Joint Work Session and include the Prosecutors Office, Public Safety, Animal Control Program, Fish & Wildlife, Divisions and other programs/departments provided in the RDC Committee Report, attached to the legislation, for possible recommendations and amendments

Motioned by: Honorable Eugenia Charles-Newton

Seconded by: Honorable Elmer P. Begay

Vote: 14 In Favor, 09 Opposed (Speaker Damon Not Voting)

AMENDMENT #1

1. On page 4, line 23, after the word "nuisance" underline "**Vicious dogs**".
2. On page 6, at line 28, between the words "provisions" and "herein" insert new underlined text: "**in §486(B)(7), (8), and (9)**".
3. Renumber or re-letter succeeding paragraphs, sections, and exhibits, as necessary and appropriate. The Navajo Nation Council hereby authorizes the Office of Legislative Services and the Office of Legislative Counsel to correct technical errors, consistent with the Council's intent in approving this Amendment. This Amendment supersedes all inconsistent language in any other Council Amendment.

Motioned by: Honorable Daniel E. Tso

Seconded by: Honorable Edmund Yazzie

Vote: 22 In Favor, 00 Opposed (Speaker Damon Not Voting)

MAIN MOTION

Motioned by: Honorable Edison J. Wauneka

Seconded by: Honorable Rickie Nez

Vote: VOTE PENDING

NAVAJO NATION

989

Navajo Nation Council 2022 Winter Session

1/27/2022

05:24:52 PM

Amd#1 to Amd#	On Page 4, Line 23, After the	PASSED
MOT Tso, D	word "Nuisance" Underline.	
SEC Yazzie	"Viciuos dogs".....	

Yeas : 22

Nays : 0

Excused : 0

Not Voting : 1

Yea : 22

Begay, K	Freeland, M	Smith	Tso, E
Begay, P	Halona, P	Stewart, W	Walker, T
Brown	Henio, J	Tso	Wauneka, E
Charles-Newton	James, V	Tso, C	Yazzie
Crotty	Nez, R	Tso, D	Yellowhair
Daniels	Slater, C		

Nay : 0

Excused : 0

Not Voting : 1

Begay, E

Presiding Speaker: Damon

NAVAJO NATION

990

Navajo Nation Council 2022 Winter Session

1/27/2022

05:41:58 PM

Amd# to Amd# Table Legislation 0002-22 no
MOT Charles-Newton longer than NNC Spring Session
SEC Begay, E

PASSED

Yeas : 14

Nays : 9

Excused : 0

Not Voting : 0

Yea : 14

Begay, E	Daniels	James, V	Tso, C
Begay, K	Freeland, M	Nez, R	Wauneka, E
Brown	Halona, P	Stewart, W	Yellowhair
Charles-Newton	Henio, J		

Nay : 9

Begay, P	Smith	Tso, D	Walker, T
Crotty	Tso	Tso, E	Yazzie
Slater, C			

Excused : 0

Not Voting : 0

Presiding Speaker: Damon

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

LEGISLATION NO.: 0002-22

SPONSOR: Honorable Eugene Tso

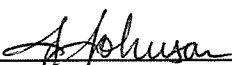
TITLE: An Action Relating to the Resources and Development, the Health, Education, and Human Services, the Law and Order, and the Naabik'íyáti' Committees, and to the Navajo Nation Council; Amending Title 17 of the Navajo Nation Code to Establish Criminal Penalties for Vicious Dog and Other Animal Attacks

Posted: January 07, 2022 at 4:50 PM

5 DAY Comment Period Ended: January 12, 2022

Digital Comments received:

Comments Supporting	1) Rena Dodson
Comments Opposing	<i>None</i>
Comments/Recommendations	<i>None</i>



**Legislative Tracking Secretary
Office of Legislative Services**

02/22/22 10:37 AM

Date/Time

Dog Populations

Rena Dodson <rena_dodson88@yahoo.com>

Tue 2/22/2022 8:19 AM

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

My comments about stray to vicious dogs loose on the Navajo Reservation, which is 100% unsafe for families, children and elderlies. I support establishing a law to control and do not allow vicious dogs roaming in our communities. It is unsafe.

There are too many stories of children all the way up to elderlies being attacked and mauled by dogs on the reservation. There should be a penalty and fines for those pet owners that do not know how to properly care for dogs as owners. Off the reservation, these kinds of animals are prohibited to even roam in the residential areas or loose in an open, public park.

Navajo Nation needs to put a law that is designed to not allow dogs that can attack and kill a Navajo person. Please allow the law and enforce it on the Navajo Reservation.

Thank you

WARNING: External email. Please verify sender before opening attachments or clicking on links.

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

LEGISLATION NO.: 0002-22

SPONSOR: Honorable Eugene Tso

TITLE: An Action Relating to the Resources and Development, the Health, Education, and Human Services, the Law and Order, and the Naabik'íyáti' Committees, and to the Navajo Nation Council; Amending Title 17 of the Navajo Nation Code to Establish Criminal Penalties for Vicious Dog and Other Animal Attacks

Posted: January 07, 2022 at 4:50 PM

5 DAY Comment Period Ended: January 12, 2022

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Comments/Recommendations	1) Gertie White 2) Leon Spencer


**Legislative Tracking Secretary
Office of Legislative Services**

March 21, 2022; 10:40 AM
Date/Time

Dog Control

Gertie White <gerj.white@yahoo.com>

Wed 3/16/2022 3:49 PM

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

Please allow this request to move forward and get approved. Too many dogs just wondering the Navajo Communities. No one is feeding the over population and they are starving and attacking the sheep. Number of dogs in one household needs to be addressed too.

Thank you.

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Animal Control

Leon Spencer <leon.spencer@navajochapters.org>

Mon 3/21/2022 8:57 AM

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

Honorable Delegates,

We need to get aggressive on Animal Control, more funding is need to spay and neuter dogs mainly and cats. I've take my dogs and it is expensive, but I take care of my dogs. But, others are not able to pay.

The other issues is, animal owners dropping of dogs anywhere and abandoned them to become feral. Stricter laws and penalties is needed for abandoning dogs on NN.

One recommendation is putting cages at Chapter for dogs to be surrendered. Animal control can pick them up. There should be funding for this. Dog owners are able to surrender without fear and easier.

Leon Spencer
Chapter President
Tiis Tsoh Sikaad Chapter

WARNING: External email. Please verify sender before opening attachments or clicking on links.

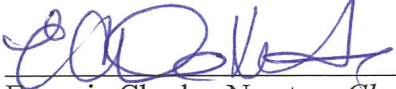


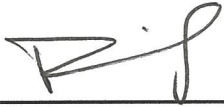
24th Navajo Nation Council

MEMORANDUM

DATE: April 14, 2022

TO: Honorable 24th Navajo Nation Council

FROM: 
Eugenia Charles-Newton, *Chairwoman*
Law and Order Committee


Rickie Nez, *Chairperson*
Resources and Development Committee

SUBJECT: **Joint Work Session on Navajo Nation Council Tabled Legislation 0002-22**

This memorandum serves to inform the 24th Navajo Nation Council that the Law & Order Committee and Resources and Development Committee ("Committees") conducted a joint work session on Tabled Legislation 0002-22 at Twin Arrows Casino Resort on Tuesday, April 12, 2022, at 9:00 a.m.

The following divisions, departments and programs were on the call and/or attended in the work session in person: The Department of Fish & Wildlife, Animal Control Program; Navajo Veterinarian Program; Prosecutors Office; Office of the Controller; Department of Agriculture; Division of Public Safety; and Navajo Housing Authority.

During the work session six (6) recommendations were provided: 1) Increase funding for the officers; 2) Change Title 17—Criminal Code and Title 13—Animal Code; 3) Limit the number of dogs and cats to two (2) per household; 4) Offer proper education to Navajo people; 5) Include animal cruelty to Title 17 and Title 13, and both be considered civil and criminal acts; and 6) All dogs and cats must be neutered and spayed on the Navajo Nation.

These recommendations were provided at the joint work session and the Committees agreed to place Legislation 0002-22 back on agenda for the Navajo Nation Council Spring Session. If you have any questions, please do not hesitate contact us by email or telephone. Thank you.

Case No:	Date of Incident	Time of Incident	Date Reported	Time Reported	
Name (Last, First, MI)	Census Number:	D.O.B.	District	Chapter	
Grazing Permit No:	Latest Tally Count Date:	Address:			Phone No:
Incident Location		Reporting Officer: DGCM/DLBM/FB/DLI			
The following statement consisting of ____ pages is a true and exact description of actions and observations that occurred regarding the above-listed incident, and it is understood that this document will be part of the investigation record and may be used in any legal action resulting from this investigation. _____					
CASE REFERRED TO:	Animal Control <input type="checkbox"/>	Resource Enforcement <input type="checkbox"/>	Public Safety <input type="checkbox"/>	BIA <input type="checkbox"/>	OTHER: (SPECIFY) <input type="checkbox"/>
DGCM/DLBM/FB/DLI Signature:		Badge No.	Date and Time:		

Confidential-Work product protected under NNDA-Not for public release
Request for copies must be made in writing to NNDA

Livestock Officer/Deputy Livestock Inspectors Handbook

C. In addition to any other penalty imposed by this Section, a person depriving the owner of the use of his/her livestock or equine under Subsection A or B of this Section shall be liable to the owner for damages equal to three times (3x) the value of such livestock or equine.

D. This Section shall not apply to animals under the stray laws or livestock roundups procedures.

§ 1358. Possession of livestock or equine without bill of sale.

The possession of livestock or equine without a written bill of sale can be used as prima facie evidence for a charge of unlawful possession, handling, driving or killing of livestock or equine.

§ 1359. Proof of branding with brand of accused as tending to show conversion by accused.

For violations of the livestock laws of the Navajo Nation, the prosecutor may prove, as tending to show a conversion by the accused, that the animals in question were branded into a brand or were marked into a mark claimed by the accused to be his brand or mark, although neither the brand nor the mark is recorded.

§ 1360. Abandonment of livestock or equine and animal at boarding facility or veterinary facility.

When livestock or equine or animal left at a boarding facility or any livestock, equine or animal left at a veterinary facility has not been reclaimed within the period of time previously agreed upon at the time of delivery of the livestock or animal to the boarding facility or veterinarian, the boarding facility or veterinarian may give written notice by certified mail to the last known address of the owner, possessor or custodian of the livestock, equine or animal, and if the livestock, equine or animal is not reclaimed within 14 days from the date of the mailing of the notice, the livestock, equine or animal shall become the property of the boarding facility or veterinary facility to dispose of as the boarding facility or veterinary facility sees fit.

§ 1361. Dogs killing, injuring or chase livestock or equine; liability of owner; classification.

A. If any person discovers a dog killing, wounding or chasing livestock or equine, or discovers a dog under circumstances which show conclusively that it has recently killed or chased livestock or equine, he/she may pursue and kill the dog.

B. The owner of a dog is liable for all damages caused by the dog chasing, killing or wounding livestock or equine; provided that the livestock or equine is within an area of authorized use. In the case of a dog killing or wounding livestock or equine, the owner of the dog is liable for damages to the owner of the livestock or equine to three times (3x) the value of the livestock or equine killed or wounded including but not limited to veterinary expense and other fees associated with damages.

C. No person shall keep any dog after it is known that dog is liable to kill or injure livestock, and it shall be the duty of the owner to kill, or have killed, the dog upon order of the Navajo Nation Animal Control Program after a finding that the dog has killed or injured livestock; provided, however, that it shall be the right of any owner of livestock so killed or injured by the actions of any dog or any person witnessing, such actions to kill such animal while it is upon property controlled by the owner of the

DEPARTMENT OF RESOURCE ENFORCEMENT AND DEPARTMENT OF AGRICULTURE
2017 Edition

Livestock Officer/Deputy Livestock Inspectors Handbook

livestock. If a dog is observed attacking livestock and wildlife (game animals), individuals authorized by the Director can take appropriate action to prevent these actions.

D. An owner of a dog who recklessly allows or causes the dog to:

1. Wound or kill livestock or equine owned by another person is guilty of an offense.
2. Chase livestock or equine owned by another person, causing injury to the livestock or equine, is guilty of an offense.

§ 1362. Person allowing livestock or equine to run at large within fence roadway or residential area or withdrawn area.

The owner or person in charge of livestock or equine, who recklessly allows or permits livestock or equine to run at large within a fence roadway, or residential area, or withdrawn areas, is guilty of an offense.

§ 1363. Failure to remove livestock or equine from fence roadway or residential area or withdrawn area.

- A. The owner or person in charge of livestock or equine, who fails to remove his/her livestock equine from fenced roadway, or residential area, or withdrawn areas, is guilty of an offense.
- B. The owner or person in charge of livestock or equine who places, allows or enters a withdrawn forest land for the purpose of grazing is guilty of an offense.

§ 1364. Failure to remove injured or dead livestock or equine.

- A. The owner or person in charge of livestock or equine, who fail to removed his/her injured or dead livestock or equine after being notified by an officer, is guilty of an offense.
- B. If the livestock or equine owner fails to removed a dead or injured livestock or equine, they will be responsible for all removal cost, care and disposal fees.

§ 1365. Penalties.

Unless otherwise provided, any person who violates this Chapter and is convicted of such violation shall be subject to the following punishments:

- A. For violation of Sections 1351 to 1364, he/she shall be sentenced for a period not to exceed 180 days jail or shall be fined a minimum of \$200.00 not to exceed \$5,000.00, or both.
- B. In addition, damages resulting from grazing in withdrawn areas, the offender will be required to pay the Navajo Nation the fair market value of the damaged property and/or restoration costs.