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FISCAL IMPACT REPORT

ORIGINAL DATE 2/07/07

SPONSOR Begaye LAST UPDATED _____ HB HJM 33

SHORT TITLE Navajo Nation Peace Office Investigations SB _____

ANALYST Weber

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Court (AOC)

SUMMARY

Synopsis of Bill

House Joint Memorial 33 This resolution urges the U.S. Congress to authorize Navajo Nation peace officers to investigate all crimes committed on the reservation and file complaints in Navajo tribal court.

FISCAL IMPLICATIONS

There are no apparent fiscal impacts.

SIGNIFICANT ISSUES

The AOC notes.

The resolution finds that the Navajo people experience a high crime rate, including felonies that are not prosecuted, a situation causing fear and concerns relating to public safety. In addition, a lack of knowledge and trust as well as cultural, language and geographical barriers and limited human resources are obstacles to adequate investigation and prosecution of crimes on the reservation.

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The bill urges Congress to permit Navajo law enforcement to investigate crimes and file complaints in tribal court, and fully cooperate with state and federal agencies including developing and carrying on a complete interstate, national and international system of criminal identification and investigation in order to furnish information about offenders to any court, D.A. or police officer of the state. It would also ask Congress to revisit jurisdictional limitations on Native American law enforcement set forth in federal law, and provide funding for additional training of officers.

The AOC notes the following concerns.

State law currently extends authority for tribal police officers to act as state police officers when an agreement has been executed between the Chief of the State Police and the appropriate tribal official. Permitting Navajo officers to investigate and file complaints in Navajo tribal court may offer greater protection to citizens residing on the reservation, resulting in speedier justice for offenders.

Criminal jurisdiction in Indian Country is very complex, depending on:

- Whether the offender is Indian or non-Indian,
- Whether the victim is Indian or non-Indian, and
- The type of crime involved

Investigations are currently conducted by the FBI and other federal law enforcement officials, and depend upon the federal prosecutor or U.S. Attorney to file the case in court. The federal courts have jurisdiction over felonies committed by Indians on the reservation, including murder, kidnapping, sexual abuse, arson, robbery, assault against a person under 16, assault with a dangerous weapon and others. Tribal courts may share jurisdiction in such cases. Federal courts also have jurisdiction for lesser crimes committed by Indians against non-Indians, and for all offenses committed by non-Indians against Indians. State courts only have jurisdiction in cases of non-Indians committing crimes against non-Indians or involving no victims, while on the reservation.

MW/mt