

Committee: Rules

Author: Sara Hill

Date: 06/29/21

Committee Date: 07/13/21

Sponsor: Canaan Duncan, Victoria Vazquez, Daryl Legg, EO Smith, Rex Jordan, Mike Shambaugh, Keith Austin

An Act

Legislative Act 37-21

AN ACT AMENDING TITLE 57 OF THE CHEROKEE NATION CODE ANNOTATED AND DECLARING AN EMERGENCY

BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification

This act amends Title 57 of the Cherokee Nation Code Annotated and shall be codified at Title 57, Section 21 of the Cherokee Nation Code Annotated.

Section 2. Purpose

The purpose of this Act is to ban possession of contraband in jails and penal institutions within the Cherokee Nation.

Section 3. Legislative History

LA-22-08

LA-08-12

Section 4. Amendments

Title 57 shall be amended as follows:

TITLE 57

CHAPTER 2

GENERAL PROVISIONS

§§ 18-20. Reserved

§ 21. Bringing or Possessing Contraband in Jail or Penal Institution- Penalties

A. Any person who, without authority, brings into or has in their possession in any jail, penal institution, or other place where prisoners are located, any gun, knife, bomb or other dangerous instrument, any controlled dangerous substance as defined in Section 2101 et seq. of Title 21 of this code, any intoxicating beverage or low-point beer, or money, or financial documents for a person other than the inmate or a spouse of the inmate, shall be guilty of a felony and, upon conviction, shall be punished by a term of imprisonment not to exceed (3) years, or by a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

B. If an inmate is found to be in possession of any item prohibited by this section, upon conviction, such inmate shall be guilty of a felony and shall be punished by a term of imprisonment not to exceed three (3) years.

C Any person who, without authority, brings into or has in their possession in any jail, penal institution, or other place where prisoners are located, cigarettes, cigars, snuff, chewing tobacco or any other form of tobacco product shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment not to exceed one (1) year, or by a fine not exceeding Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

D. Any person who knowingly, willfully and without authority brings into or has in their possession in any secure area of a jail or penal institution or other secure place where prisoners are located any cellular phone or electronic device capable of sending or receiving any electronic communication shall, upon conviction, be guilty of a felony punishable by imprisonment for a term not exceeding two (2) years, or by a fine not exceeding Two Thousand Five Hundred Dollars (\$2,500.00), or by both such fine and imprisonment.

E. Any electronic communication device which has no identifiable owner and which is seized as a result of a violation of this section may be disposed of or sold by the agency that seized the device.

F. "Electronic communication" means any transfer of signs, signals, writings, images, sounds, data, or intelligence of any nature transmitted in whole or part by a wire, radio, electromagnetic, photo-electronic, or photo-optical system, and includes, but is not limited to, the transfer of that communication through the Internet.

Section 5. Provisions as cumulative

The provisions of this act shall be cumulative to existing law.

Section 6. Severability

The provisions of this act are severable and if any part of provision hereof shall be held void, the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this act.

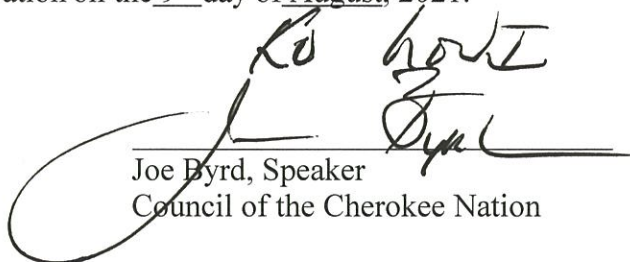
Section 7. Effective Date/Emergency Declared

It being immediately necessary for the welfare of the Cherokee Nation, the Council hereby declares that an emergency exists, by reason whereof this act shall take effect and be in full force after its passage and approval.

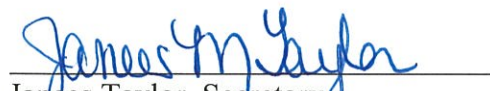
Section 8. Self-Help Contributions

To the extent that this Act involves programs or services to citizens of the Nation or others, self-help contributions shall be required, unless specifically prohibited by the funding agency, or a waiver is granted due to physical or mental incapacity of the participant to contribute.


Enacted by the Council of the Cherokee Nation on the 9th day of August, 2021.


Joe Byrd, Speaker
Council of the Cherokee Nation

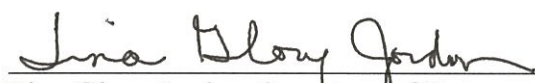
ATTEST:


James Taylor, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 12th day of August, 2021.


Chuck Hoskin, Jr., Principal Chief
Cherokee Nation

ATTEST:


Tina Glory Jordan, Secretary of State
Cherokee Nation

YEAS AND NAYS AS RECORDED:

Rex Jordan	<u>Yea</u>	Harley Buzzard	<u>Yea</u>
Joe Byrd	<u>Yea</u>	Victoria Vazquez	<u>Yea</u>
Wes Nofire	<u>Yea</u>	Dora Smith Patzkowski	<u>Yea</u>
Mike Dobbins	<u>Yea</u>	Joe Deere	<u>Yea</u>
E. O. "Jr." Smith	<u>Yea</u>	Keith Austin	<u>Yea</u>
Daryl Legg	<u>Yea</u>	Janees Taylor	<u>Yea</u>
Canaan Duncan	<u>Yea</u>	Julia Coates	<u>Yea</u>
Shawn Crittenden	<u>Yea</u>	Mary Baker Shaw	<u>Yea</u>
Mike Shambaugh	<u>Yea</u>		

Cherokee Nation Act/Resolution Proposal Form

Act Resolution

ADMINISTRATIVE
CLEARANCE

Dept/Program:

TITLE:

**AN ACT AMENDING TITLE 57 OF THE CHEROKEE
NATION CODE ANNOTATED AND DECLARING AN
EMERGENCY**

Signature/Initial _____ Date _____

Executive Director:

DEPARTMENT CONTACT: Sara Hill

RESOLUTION PRESENTER: Chrissi Nimmo

Signature/Initial _____ Date _____

**Treasurer (Required:
Grants/Contracts/Budgets):**

COUNCIL SPONSOR: Canaan Duncan, Victoria Vazquez, Daryl Legg,
EO Smith, Rex Jordan, Mike Shambaugh
Keith Austin

NARRATIVE:

The purpose of this Act is to ban possession of contraband in jails and penal institutions within the Cherokee Nation.

Signature/Initial _____ Date _____

Government Relations:

Signature/Initial _____ Date _____

Administration Approval:
Joni King
Challe Montgey 6/29/21

Signature/Initial _____ Date _____

LEGISLATIVE CLEARANCE:

Legal & Legislative Coordinator:
Steele 6/29/21

Signature/Initial _____ Date _____

Standing Committee & Date:
Rules 7/13/21

Chairperson:
Byrd

Signature/Initial _____ Date _____

JUN 29 '21 PM 2:00