

# An Act

## Legislative Act 04-15

### ACT RELATING TO INTOXICATING LIQUORS

#### BE IT ENACTED BY THE CHEROKEE NATION:

#### Section 1. Title and Codification

This act shall be known as the Public Intoxication and Open Container Act and codified as Title 37, Chapter 1, Sections 1, 2 and 8 of the Cherokee Nation Code Annotated.

#### Section 2. Purpose

To criminalize open container and public intoxication within Cherokee Nation and renumber portions of the "Cherokee Nation Mixed Beverage Sales Act."

#### Section 3. Legislative History

Title 37, Chapter 1, Sections 1, 2 and 8.

#### Section 4.

Chapter 1

§ 1. Possession of open container of intoxicating or alcoholic beverage

Except where otherwise provided for by law, every person who possesses any open container of alcohol, beer, wine coolers, or other intoxicating or alcoholic beverage at any public facility or grounds upon Indian Country shall be guilty of a crime and shall be punished by up to thirty (30) days in a penal institution and/or a fine of up to two hundred and fifty dollars (\$250.00).

#### Section 5.

§ 2. Second and subsequent alcohol related offenses

Every person who having been convicted of public intoxication or some other alcohol related crime or of an attempt of some other alcohol related crime shall upon subsequent conviction of public intoxication or some other alcohol related crime or of an attempt of some other alcohol related crime be punishable by twice the punishment provided for the crime.

**Section 6.**

§ 8. Consuming or inhaling intoxicants in public places-Penalties

Any person who shall, in any public place, or in or upon any passenger streetcar or in or upon any vehicle commonly used for the transportation of passengers, or in or about any depot, platform, waiting station or room, otherwise consume any intoxicating liquor unless authorized by law, intoxicating substance, or intoxicating compound of any kind, or inhale glue, paint or other intoxicating substance, if any person shall be drunk or intoxicated in any public or private road, or passenger coach, streetcar, or any public place or building, or at any gathering, from drinking or consuming such intoxicating liquor, intoxicating substance or intoxicating compound or from inhalation of glue, paint or other intoxicating substance, or if any person shall be drunk or intoxicated cause and shall disturb the peace of any person, he shall be guilty of a crime, and upon conviction thereof shall be punished by a fine of not less than Ten Dollars (\$10.00), nor more than One Hundred Dollars (\$100.00), or by imprisonment for not less than five (5) days nor more than thirty (30) thirty days or by both such fine and imprisonment.

**Section 7.**

Chapter 1, “Cherokee Nation Limited Mixed Beverage Sales Act” shall be renumbered as Chapter 2.

**Section 8. Provisions as cumulative**

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

**Section 9. 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.

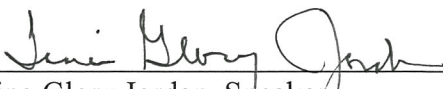
**Section 10. Effective Date - Emergency**

The provisions of this act shall become law immediately upon its passage and approval.

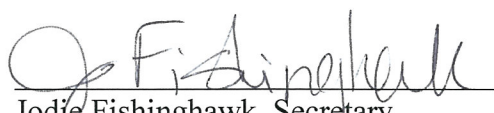
**Section 11. Self-Help Contributions**

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.

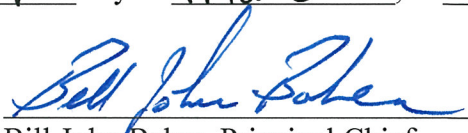
Enacted by the Council of the Cherokee Nation on the 26<sup>th</sup> day of February, 2015.

  
Tina Glory Jordan, Speaker  
Council of the Cherokee Nation

**ATTEST:**

  
Jodie Fishinghawk, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 11 day of March, 2015.

  
Bill John Baker, Principal Chief  
Cherokee Nation

**ATTEST:**

  
Chuck Hoskin, Jr., Secretary of State  
Cherokee Nation

**YEAS AND NAYS AS RECORDED:**

Tina Glory Jordan	<u>Yea</u>	Janees Taylor	<u>Yea</u>
David Walkingstick	<u>Yea</u>	Dick Lay	<u>Yea</u>
Joe Byrd	<u>Yea</u>	Cara Cowan Watts	<u>Absent</u>
Jodie Fishinghawk	<u>Yea</u>	Harley Buzzard	<u>Yea</u>
Janelle Lattimore Fullbright	<u>Yea</u>	Frankie Hargis	<u>Yea</u>
David W. Thornton, Sr.	<u>Absent</u>	Victoria Mitchell Vazquez	<u>Yea</u>
Don Garvin	<u>Yea</u>	Julia Coates	<u>Absent</u>
Lee Keener	<u>Yea</u>	Jack D. Baker	<u>Yea</u>
Curtis G. Snell	<u>Absent</u>		