

An Act

Legislative Act 03-25

AN ACT AMENDING TITLE 21 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 21 of the Cherokee Nation Code Annotated and codified at Title 21, Part VIII, Chapter 75, Section 2415 of the Cherokee Nation Code Annotated.

Section 2. Purpose

The purpose of this Act is to further enhance the application of the Trafficking in Illegal Drugs Act.

Section 3. Legislative History

LA-10-90	LA-10-06	LA-09-16
LA-13-91	LA-18-06	LA-12-18
LA-24-02	LA-29-06	LA-28-20
LA-25-02	LA-31-06	LA-03-21
LA-39-02	LA-34-06	LA-07-21
LA-40-02	LA-09-07	LA-18-21
LA-41-02	LA-20-08	LA-19-21
LA-42-02	LA-22-08	LA-29-21
LA-31-03	LA-08-12	LA-36-21
LA-32-03	LA-09-12	LA-39-21
LA-36-03	LA-35-12	LA-02-22
LA-08-06	LA-10-13	LA-33-22

Section 4. Substantive Provisions

Title 21, Part VIII, Chapter 75, Section 2415 shall be amended as follows:

§ 2415. Application-Fines and penalties

A. The provisions of the Trafficking in Illegal Drugs Act, 21 CNCA § 2414 et seq., shall apply to persons convicted of violations with respect to the following substances:

1. Marijuana,

2. Cocaine or coca leaves,
3. Heroin,
4. Amphetamine or methamphetamine,
5. Lysergic acid diethylamide (LSD),
6. Phencyclidine (PCP),
7. Cocaine base, commonly known as "crack" or "rock".
8. 3,4-Methylenedioxy methamphetamine, commonly known as "ecstasy" or MDMA;
9. Morphine;
10. Oxycodone;
11. Hydrocodone;
12. Benzodiazepine;
13. Fentanyl and its analogs and derivatives;

B. Except as otherwise authorized by the Uniform Controlled Dangerous Substances Act, 21 CNCA § 2101 et seq., it shall be unlawful for any person to:

1. Knowingly distribute, manufacture, bring into this Nation or possess a controlled substance specified in subsection (A) of this section in the quantities specified in subsection (C) of this section; or
2. Possess any controlled substance with the intent to manufacture a controlled substance specified in subsection (A) of this section in quantities specified in subsection (C) of this section; or
3. Use or solicit the use of services of a person less than eighteen (18) years of age to distribute or manufacture a controlled dangerous substance specified in subsection (A) of this title in quantities specified in subsection (C) of this section.

Violation of this section shall be known as "trafficking in illegal drugs".

Any person who commits the conduct described in paragraph 1, 2 or 3 of this subsection and represents the quantity of the controlled substance to be an amount described in subsection (C) of this section shall be deemed guilty of a crimefelony.

C. In the case of a violation of the provisions of subsection (B) of this section, involving:

1. Marijuana: twenty-five (25) pounds or more of a mixture or substance containing a detectable amount of marijuana, such violation shall be a crimefelony;
2. Cocaine or coca leaves: twenty-eight (28) grams or more of a mixture or substance containing a detectable amount of cocaine or coca leaves, such violation shall be a crimefelony;
3. Heroin: ten (10) grams or more of a mixture or substance containing a detectable amount of heroin, such violation shall be a crimefelony;

4. Amphetamine or methamphetamine: twenty (20) grams or more of a mixture or substance containing a detectable amount of amphetamines or methamphetamine, such violation shall be a ~~crime~~felony;
 5. Lysergic acid diethylamide (LSD): one (1) gram or more of a substance containing a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD), such violation shall be a ~~crime~~felony;
 6. Phencyclidine (PCP): one (1) ounce or more of a substance containing a mixture or substance containing a detectable amount of phencyclidine (PCP), such violation shall be a ~~crime~~ felony;
 7. Cocaine base: five (5) grams or more of a mixture or substance described in paragraph 2 of this subsection which contains cocaine base, such violation shall be a ~~crime~~felony.
 8. Methylenedioxy methamphetamine: thirty (30) tablets or ten (10) grams of a mixture or substance containing a detectable amount of 3,4-Methylenedioxy methamphetamine, such violation shall be a felony;
 9. Morphine: one thousand (1,000) grams or more of a mixture containing a detectable amount of morphine, such violation shall be a felony;
 10. Oxycodone: four hundred (400) grams or more of a mixture containing a detectable amount of oxycodone, such violation shall be a felony;
 11. Hydrocodone: three thousand seven hundred fifty (3,750) grams or more of a mixture containing a detectable amount of hydrocodone, such violation shall be a felony;
 12. Benzodiazepine: five hundred (500) grams or more of a mixture containing a detectable amount of benzodiazepine, such violation shall be a felony;
 13. Fentanyl and its analogs and derivatives: one (1) gram or more of a mixture containing fentanyl or carfentanil, or any fentanyl analogs or derivatives, such violation shall be a felony.
- D. Any person who violates the provisions of this section with respect to a controlled substance specified in subsection (A) of this section in a quantity specified in subsection (C) shall be deemed guilty of a ~~crime~~felony.

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.

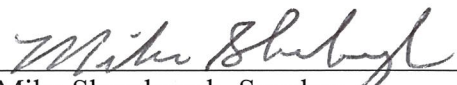
Section 7. Effective Date

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 immediately upon its passage and approval.

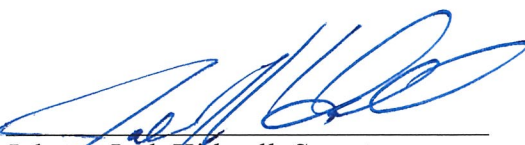
Section 8. Self-Help Contributions

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 10th day of February, 2025.


Mike Shambaugh, Speaker
Council of the Cherokee Nation

ATTEST:


Johnny Jack Kidwell, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 14th day of February, 2025.


Chuck Hoskin, Jr., Principal Chief
Cherokee Nation

ATTEST:

Shella Bowlin, Secretary of State
Cherokee Nation

YEAS AND NAYS AS RECORDED:

Sasha Blackfox-Qualls	<u>Yea</u>	Melvina Shotpouch	<u>Yea</u>
Candessa Teehee	<u>Yea</u>	Kendra McGeady	<u>Yea</u>
Lisa Hall	<u>Yea</u>	Dora Smith Patzkowski	<u>Yea</u>
Mike Dobbins	<u>Absent</u>	Joe Deere	<u>Absent</u>
E.O. "Jr." Smith	<u>Yea</u>	Kevin Easley, Jr.	<u>Yea</u>
Daryl Legg	<u>Yea</u>	Danny Callison	<u>Yea</u>
Joshua Sam	<u>Yea</u>	Julia Coates	<u>Absent</u>
Codey Poindexter	<u>Yea</u>	Johnny Kidwell	<u>Yea</u>
Mike Shambaugh	<u>Yea</u>		

**ADMINISTRATIVE
CLEARANCE**

Dept/Program:

Signature/Initial Date

Executive Director:

Signature/Initial Date

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

Signature/Initial Date

Government Relations:

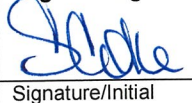
Signature/Initial Date

Administration Approval:

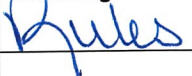
 1/15/25
Signature/Initial Date

LEGISLATIVE CLEARANCE:

Legal & Legislative Coordinator:

 1/15/25
Signature/Initial Date

Standing Committee & Date:

 1/30/25

Chairperson:


Signature/Initial Date

**Cherokee Nation
Act/Resolution Proposal Form**

☒ Act

☐ Resolution

TITLE:

**AN ACT AMENDING TITLE 21 OF THE
CHEROKEE NATION CODE ANNOTATED AND
DECLARING AN EMERGENCY**

DEPARTMENT CONTACT: Chuck Hoskin Jr.

RESOLUTION PRESENTER: Canaan Duncan

COUNCIL SPONSOR: Mike Shambaugh, Daryl Legg,
Johnny Kidwell, Jil Deere

NARRATIVE:

JAN 15 '25 PM 3:14