



# Council of the Cherokee Nation

Cherokee Nation Tribal  
Council  
17763 S. Muskogee Ave.  
Tahlequah, OK 74464

## Legislation Text

File #: 21-120, Version: 1

### AN ACT AMENDING TITLE 21 OF THE CHEROKEE NATION CODE ANNOTATED

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

#### Section 1. Title and Codification

This Act amends Title 21 of the Cherokee Nation Code Annotated and shall be codified at 21 CNCA § 1132

#### Section 2. Purpose

The purpose of this Act is to modernize the Criminal Code of the Cherokee Nation

#### Section 3. Legislative History

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

#### Section 4. Substantive Provisions

#### 21 CNCA § 1132. Assault and battery domestic abuse by strangulation-Definition

Any person who commits any assault or assault and battery with intent to cause great bodily harm by

strangulation or attempted strangulation against a current or former spouse, a present spouse of a former spouse, parent, a foster parent, child, person otherwise related by blood or marriage, a person with whom the defendant is in a dating relationship, an individual with whom the defendant has had a child, a person who formerly lived in the same household as the defendant, or a person living in the same household as the defendant, **shall, upon conviction, be guilty of the felony of domestic abuse by strangulation. As used in this subsection "strangulation" by means of a any form of asphyxia; including, but not limited to, asphyxia characterized by closure of the blood vessels or air passages of the neck as a result of external pressure on the neck or the closure of the nostrils or mouth as a result of external pressure on the head., shall be guilty of the crime of domestic abuse by strangulation.**

**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 or 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.