Council of the Cherokee Nation

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

Legislation Details (With Text)

File #:	21-120	**Version:**	1	**Name:**	TITLE 18 AMEND TO MODERNIZE THE CRIMINAL CODE
Type:	Legislative Act			**Status:**	Passed
File created:	12/1/2021			**In control:**	TRIBAL COUNCIL
On agenda:	12/14/2021			**Final action:**	1/11/2022
Enactment date:	1/10/2022			**Enactment #:**	LA-02-22
Title:	AN ACT AMENDING TITLE 21 OF THE CHEROKEE NATION CODE ANNOTATED				
Sponsors:	Dora Patzkowski, Victoria Vazquez, Candessa Tehee, Mike Shambaugh				
Indexes:	Criminal Law, Criminal Procedure				
Code sections:	Title 21 - Crimes and Punishments				
Attachments:	1. LA-002-22.PDF				

Date	Ver.	Action By	Action	Result
1/11/2022	1	OFFICE OF THE CHIEF	Signed	
1/10/2022	1	TRIBAL COUNCIL	Approved	Pass
12/14/2021	1	RULES COMMITTEE	Approved and Forwarded to Council	Pass

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

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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

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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.