

Cherokee Nation Code Annotated

Title 21: Crimes and Punishments

Part 1. In General

Chapter 1: Preliminary Provisions

§ 14. Sentencing Authority

Cite as: 21 CNCA § 14

A. The Cherokee Nation has authority pursuant to the "Tribal Law and Order Act of 2010", Pub.L. 111-211, Title II, July 29, 2010, 124 Stat. 2261 and 25 U.S.C. § 1302 to subject a person convicted of a crime punishable by the laws of the Cherokee Nation to a term of imprisonment not to exceed three (3) years for any single offense and a fine not to exceed Fifteen Thousand Dollars (\$ 15,000.00), or both.

B. The Cherokee Nation may impose upon a convicted person a total penalty or punishment of imprisonment for not more than nine (9) years in a criminal proceeding.

C. For the purposes of this section, the term "offense" means a violation of a criminal law.

D. For the purposes of this section, the term "criminal proceeding" means a prosecution for a single offense or a series of offenses that are part of a continuing transaction that may constitute separate offenses, but that are closely related in time.

E. If a defendant is convicted in a criminal proceeding for more than one offense where the total punishment upon conviction would be more than nine (9) years, the sentencing judge shall at the time of sentencing order that some or all of the sentences be served concurrently so that a term of imprisonment is not entered where the defendant would be subjected to imprisonment for a term of more than nine (9) years.

Historical Data

LA 28-20, eff. December 14, 2020.