

Cherokee Nation Code Annotated
Title 21: Crimes and Punishments
Part 1. In General
Chapter 2: General Provisions
§ 143.3. Victim's Rights—Generally
Cite as: 21 CNCA § 143.3

A. Victims of crime shall have the following rights:

1. To be treated with fairness and respect for the victim's safety, dignity, and privacy;
2. Upon request and whenever possible, to reasonable and timely notice of and to be present at all proceedings involving the criminal or delinquent conduct;
3. To be heard in any proceeding involving release, plea, sentencing, or disposition;
4. To refuse an interview or other request made by the accused or any person acting on behalf of the accused, other than a refusal to appear if subpoenaed by defense counsel;
5. Upon request and whenever possible, to full and timely restitution;
6. To proceedings free from unreasonable delay, and a prompt conclusion of the case;
7. Upon request, to confer with the attorney for the Nation; and
8. To be informed of all rights enumerated in this section.

B. The victim, or the attorney for the Cherokee Nation Attorney General's Office, may assert in any jurisdiction the rights enumerated in this act and any other right afforded to the victim by law. The court shall act promptly on such a request.

C. This act shall not be construed as a waiver of sovereign immunity and shall not create any cause of action for compensation or damages against the Cherokee Nation, any officer, employee, or agent of the nation, or any officer or employee of the court.

D. As used in this section, the term "victim" includes any person against whom a criminal offense or delinquent act is committed, or any person who is directly and proximately harmed by the commission of such offense or act. The term "victim" shall not include the accused or any person whom the court finds would not act in the best interests of a deceased, incompetent, minor, or incapacitated victim.

Historical Data

LA 03-21, eff. January 11, 2021.