

Cherokee Nation Code Annotated
Title 21: Crimes and Punishments
Part 1. In General
Chapter 2: General Provisions
§ 143.4. Duty of the Office of Attorney General to Victims

Cite as: 21 CNCA § 143.4

A. The Office of the Attorney General is directed to inform the victims and witnesses of crimes of their rights under this Act. The following rights shall be included:

1. Upon request, to be notified and to be present at all proceedings involving the criminal or delinquent conduct; to be heard in any proceeding involving release, plea, sentencing, disposition, and parole; to be notified that a court proceeding to which a victim or witness has been subpoenaed will or will not go on as scheduled in order to save the person an unnecessary trip to court;
2. To be treated with fairness and respect for the safety, dignity and privacy of the victim;
3. To be informed of financial assistance and other social services available to witnesses and/or victims, including information on how to apply for any applicable assistance and services;
4. To be informed of the procedure for applying to receive any restitution to which the victim is entitled;
5. To be provided, whenever possible, a secure waiting area during court proceedings that does not require close proximity to defendants and families and friends of defendants;
6. To have any stolen or other personal property expeditiously returned by law enforcement agencies when no longer needed as evidence. If feasible, all such property---except weapons, currency, contraband, property subject to evidentiary analysis, and property the ownership of which is disputed---shall be returned to the person;
7. To have the family members of any homicide victims afforded any applicable services under this section, whether or not the person is to be a witness in any criminal proceeding;
8. To be informed of any plea bargain negotiations and, upon request, to confer with the attorney for the nation;
9. To have victim impact statements filed with the court;
10. To a speedy disposition of the charges free from unwarranted delay caused by or at the behest of the defendant or minor. In determining a date for any criminal trial or other

important criminal or juvenile justice hearing, the court shall consider the interests of the victim of a crime to a speedy resolution of the charges under the same standards that govern the right to a speedy trial for a defendant or a minor. In ruling on any motion presented on behalf of a defendant or minor to continue a previously established trial or other important criminal or juvenile justice hearing, the court shall inquire into the circumstances requiring the delay and consider the interests of the victim of a crime to a speedy resolution of the case. If a continuance is granted, the court shall enter into the record the specific reason for the continuance and the procedures that have been taken to avoid further delays.

B. The Attorney General's office shall provide all victims with an official request for restitution form. The form is to be completed and signed by the victim, and shall include all invoices, bills, receipts, and other evidence of injury, loss of earnings, and out-of-pocket loss. The victim shall provide all documentation and evidence of compensation or reimbursement from insurance companies or agencies of this Nation, any other nation or tribal government, any state, or the federal government received as a direct result of the crime for injury, loss of earnings, or out-of-pocket loss. The unexcused failure or refusal of the victim to provide all or part of the requisite information prior to the sentencing, unless disclosure is deferred by the court, shall constitute a waiver of any grounds to appeal or seek future amendment or alteration of the restitution order predicated on the undisclosed available information.

Historical Data

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