

Cherokee Nation Code Annotated
Title 21: Crimes and Punishments
Part 1. In General
Chapter 2: General Provisions
§ 143.6. Victim Impact Statements
Cite as: 21 CNCA § 143.6

A. Each victim, or members of the immediate family of each victim, or person designated by the victim or by family members of the victim, may present a victim impact statement either in writing or orally at the sentencing proceeding. Any victim or representative who appears personally at the formal sentence proceeding shall not be cross-examined by opposing counsel; provided, however, such cross-examination shall not be prohibited in a proceeding before a jury or a judge acting as a finder of fact. A written victim impact statement introduced at a formal sentence proceeding shall not be amended by any person other than the author, nor shall the statement be excluded in whole or in part from the court record. The court shall allow the victim impact statement to be read into the record.

B. If a presentence investigation report is prepared, the person preparing the report shall consult with each victim or members of the immediate family or a designee of members of the immediate family if the victim is deceased, incapacitated or incompetent, and include any victim impact statements in the presentence investigation report. If the individual to be consulted cannot be located or declines to cooperate, a notation to that effect shall be included.

C. The judge shall make available to the parties copies of any victim impact statements.

D. In any case which is plea bargained, victim impact statements shall be presented at the time of sentencing. In determining the appropriate sentence, the court shall consider among other factors any victim impact statements if submitted to the jury, or the judge in the event a jury was waived.

E. Any victim impact statements submitted to the court, judge, or jury shall be considered when deciding whether to release an individual on parole.

Historical Data

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