

Cherokee Nation Code Annotated

Title 21: Crimes and Punishments

Part 1. In General

Chapter 3: Persons Liable to Punishment

§ 152. Persons capable of committing crimes—Exceptions—Children—Idiots—Lunatics—Ignorance—Commission without consciousness—Involuntary subjection

Cite as: 21 CNCA § 152

All persons are capable of committing crimes, except those belonging to the following classes:

1. Children under the age of seven (7) years.
2. Children over the age of seven (7) years, but under the age of fourteen (14) years, in the absence of proof that at the time of committing the act or neglect charged against them, they knew its wrongfulness.
3. Mentally ill persons and persons of unsound mind, including persons temporarily or partially deprived of reason, upon proof that at the time of committing the act charged against them they were incapable of knowing its wrongfulness.
4. Persons who committed the act, or made the omission charged, under an ignorance or mistake of fact which disproves any criminal intent. But ignorance of the law does not excuse from punishment for its violation.
5. Persons who committed the act charged without being conscious thereof.
6. Persons who committed the act, or make the omission charged, while under involuntary subjection to the power of superiors.

Historical Data

LA 10-90, eff. November 13, 1990. Amended LA 28-20, eff. December 14, 2020.