

Cherokee Nation Code Annotated

Title 21: Crimes and Punishments

Part II. Crimes Against Public Justice

Chapter 12: Escapes and Aiding Therein

§ 446. Escape from jail, or other lawful custody—Penalty—Juvenile offender

Cite as: 21 CNCA § 446

A. Any person having been imprisoned in a jail awaiting charges on a felony offense, or a prisoner awaiting trial, or a prisoner having been sentenced on a felony charge, or any other prisoner having been lawfully detained who escapes from a jail or prison, either while actually confined therein, while permitted to be at large as a trustee, or while awaiting transportation to a jail, correctional or other facility for execution of sentence, shall be guilty of a felony punishable by imprisonment of not more than three (3) years.

B. For the purposes of this section, a prisoner assigned to an alternative to incarceration authorized by law shall be considered to have escaped if the inmate cannot be located within a twenty-four hour period or if he or she fails to report to a correctional facility or institution, as directed. This includes any person escaping by absconding from an electronic monitoring device or absconding after removing an electronic monitoring device from his or her body.

C. Any juvenile offender lawfully placed in a juvenile detention facility or secure juvenile facility, other than a community intervention center, who escapes from the facility while actually confined therein, who escapes while escorted by a transportation officer. or who escapes while permitted to be on an authorized pass or work program outside the facility shall be guilty of a felony punishable by imprisonment for not more than three (3) years. For purposes of this subsection:

1. A juvenile offender permitted to be on an authorized pass or work program shall be considered to have escaped if the juvenile offender cannot be located within a twenty-four-hour period or if the juvenile offender fails to report to the facility at the specified time, and shall include any juvenile offender escaping by absconding from an electronic monitoring device or absconding after removing an electronic monitoring device from the body of the juvenile offender; and

2. "Escape" means a juvenile offender in lawful custody who has absented himself or herself without official permission from a facility or secure placement, during transport to or from such facility, or failure to return from a pass issued by a facility.

Historical Data

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