

Cherokee Nation Code Annotated

Title 21: Crimes and Punishments

Part II. Crimes Against Public Justice

Chapter 19: Other Crimes Against Public Justice

§ 533. Refusing to receive or fingerprint prisoners—Medical exceptions

Cite as: 21 CNCA § 533

A. Every officer who, in violation of a duty imposed upon him by law as such officer to receive into his custody any person as a prisoner, willfully neglects or refuses so to receive such person into his custody, is guilty of a misdemeanor.

B. Except as provided in this section, or for emergency medical treatment for an injury or condition that threatens life or threatens the loss or use of a limb, any peace officer or jail or prison contractor who, in violation of a duty imposed upon the officer or contractor by law or by contract to fingerprint any person received into custody as a prisoner, willfully neglects or refuses so to fingerprint such person is guilty of a misdemeanor.

C. Any person coming into contact with a peace officer prior to being actually received into custody at a jail facility or holding facility, including, but not limited to, during the time of any arrest, detention, transportation, investigation of any incident, accident or crime, who needs emergency medical treatment for an injury or condition that threatens life or threatens the loss or use of a limb, shall be taken directly to a medical facility or hospital for such emergency medical care notwithstanding any duty imposed pursuant to this section or any other provision of law to first take such person into custody or to fingerprint such person. The responsibility for payment of such emergency medical costs shall be the sole responsibility of the person coming into the officer's contact and shall not be the responsibility of any jail, law enforcement agency, jail or prison contractor, except when the condition is a direct result of injury caused by such officer acting outside the scope of lawful authority.

Historical Data

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