

Cherokee Nation Code Annotated
Title 21: Crimes and Punishments
Part II. Crimes Against Public Justice
Chapter 19: Other Crimes Against Public Justice
§ 542. Roadblocks

Cite as: 21 CNCA § 542

A peace officer may set up one or more roadblocks to apprehend any person riding upon or within a motor vehicle traveling upon a highway, street, turnpike, or area accessible to motoring public, when the officer has probable cause to believe such person is committing or has committed:

1. a violation of 21 CNCA § 541;
2. escape from the lawful custody of any peace officer;
3. a crime under the laws of this Nation or the laws of any other jurisdiction.

A roadblock is defined as a barricade, sign, standing motor vehicle, or similar obstacle temporarily placed upon or adjacent to a public street, highway, turnpike or area accessible to the motoring public, with one or more peace officers in attendance thereof directing each operator of approaching motor vehicles to stop or proceed.

Every operator of a motor vehicle approaching such roadblock has a duty to stop at the roadblock unless directed otherwise by a peace officer in attendance thereof and the willful violation hereof shall constitute a separate offense from any other offense committed. Any person who willfully attempts to avoid such roadblock or in any manner willfully fails to stop at such roadblock or who willfully passes by or through such roadblock without receiving permission from a peace officer in attendance thereto, is guilty of a felony and shall be punished by imprisonment for not more than three (3) years, or by a fine not exceeding Fifteen Thousand Dollars (\$15,000.00) or by both such fine and imprisonment.

Historical Data

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