

Cherokee Nation Code Annotated

Title 21: Crimes and Punishments

Part III. Crimes Against the Person

Chapter 20: Assault and Battery

§ 649. Assault, battery or assault and battery upon police officer or other peace officer

—Penalties

Cite as: 21 CNCA § 649

A. Every person who, without justifiable or excusable cause, knowingly commits any assault upon the person of an officer of the Cherokee Nation Marshal Service, police officer, sheriff, deputy sheriff, highway patrolman, corrections personnel, or other Nation peace officer commissioned by any Nation, state or federal governmental agency to enforce Nation laws while said officer is in the performance of his or her duties is upon conviction, guilty of a crime, punishable by imprisonment not exceeding six (6) months, or by a fine not exceeding One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

B. Every person who, without justifiable or excusable cause knowingly commits battery or assault and battery upon the person of a police officer, sheriff, deputy sheriff, highway patrolman, corrections personnel, or other Nation peace officer employed by any Nation governmental agency to enforce Nation laws while said officer is in the performance of his duties, upon conviction, is guilty of a felony punishable by imprisonment of 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.

C. As used in this section and in 21 CNCA § 650, "**corrections personnel**" means any person, employed by the Nation or by a political subdivision, who has direct contact with inmates of a jail or Nation correctional facility, and includes but is not limited to, penal institution employees in job classifications requiring direct contact with inmates, persons providing vocational-technical training to inmates, education personnel who have direct contact with inmates because of education programs for inmates, and persons employed by county or municipal jails to supervise inmates or to provide medical treatment or meals to inmates of jails.

Historical Data

LA 10–90, eff. November 13, 1990. Amended LA 10–13, eff. April 13, 2013. Amended LA 28-20, eff. December 14, 2020.