

**Cherokee Nation Code Annotated**

**Title 21: Crimes and Punishments**

**Part III. Crimes Against the Person**

**Chapter 20: Assault and Battery**

**§ 650.2. Aggravated assault and battery upon Corrections, Children and Family Services or Juvenile Services employee or contractor**

Cite as: 21 CNCA § 650.2

A. Every person incarcerated in an institution, prison, jail or detention facility owned, operated, or contracted by the Cherokee Nation, who, without justifiable or excusable cause, knowingly commits any assault, battery or assault and battery upon the person of an employee of the institution, prison, jail, detention facility or any contractor while said employee is in the performance of his or her duties shall, upon conviction thereof, be guilty of a felony.

B. Every person in the custody of the Cherokee Nation who, without justifiable or excusable cause, knowingly commits any aggravated assault and battery upon the person of a Department of Human Services employee or any contractor, or a person contracting with the Department to provide services, while the employee or contractor is in the performance of his or her duties shall, upon conviction thereof, be guilty of a felony.

C. Every person in the custody of the Cherokee Nation who, without justifiable or excusable cause, knowingly commits any assault, battery or assault and battery upon the person of a juvenile services employee while said employee is in the performance of his or her duties shall, upon conviction thereof, be guilty of a felony.

D. Every person in the custody of the Cherokee Nation who, without justifiable or excusable cause, knowingly commits any battery or assault and battery resulting in bodily injury to any juvenile services employee or employee of any residential facility while said employee is in the performance of duties of employment shall, upon conviction thereof, be guilty of a felony. The fine for a violation of this subsection shall not be less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), which may be imposed whether or not a period of incarceration is imposed.

**Historical Data**

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