

**Cherokee Nation Code Annotated**  
**Title 21: Crimes and Punishments**  
**Part III. Crimes Against the Person**  
**Chapter 21: Attempts to Kill**

**§ 652. Shooting or discharging firearm with intent to kill—Use of vehicle to facilitate discharge of weapon in conscious disregard of safety of others—Assault and battery with deadly weapon, etc.**

Cite as: 21 CNCA § 652

A. Every person who intentionally and wrongfully shoots another with or discharges any kind of firearm, with intent to kill any person, is guilty of a crime. Any person who commits any assault and battery upon another by means of any deadly weapon, or by such other means or force as is likely to produce death, or in any manner attempts to kill another, or in resisting the execution of any legal process, is guilty of a crime.

B. Every person who uses any vehicle to facilitate the intentional discharge of any kind of firearm, crossbow or other weapon in conscious disregard for the safety of any other person or persons including an unborn child shall upon conviction be guilty of a felony punishable by imprisonment for a term not exceeding three (3) years.

C. Any person who commits any assault and battery upon another, including an unborn child by means of any deadly weapon, or by such other means or force as is likely to produce death, or in any manner attempts to kill another, including an unborn child, or in resisting the execution of any legal process, shall upon conviction be guilty of a felony punishable by imprisonment not exceeding three (3) years.

D. The provisions of this section shall not apply to:

1. Acts which cause the death of an unborn child if those acts were committed during a legal abortion to which the pregnant woman consented; or
2. Acts which are committed pursuant to usual and customary standards of medical practice during diagnostic testing or therapeutic treatment.

E. Under no circumstances shall the mother of the unborn child be prosecuted for causing the death of the unborn child unless the mother has committed a crime that caused the death of the unborn child.

F. "Unborn child" means the unborn offspring of human beings from the moment of conception, through pregnancy, and until live birth including the human conceptus, zygote, morula, blastocyst, embryo and fetus.

## Historical Data

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