

Cherokee Nation Code Annotated
Title 21: Crimes and Punishments
Part III. Crimes Against the Person
Chapter 30: Miscellaneous Offenses Against the Person
§ 843.4. Exploitation of elderly persons or disabled adults
Cite as: 21 CNCA § 843.4

A. As used in this section, "**exploitation of an elderly person or disabled adult**" means:

1. Knowingly, by deception or intimidation, obtaining or using, or endeavoring to obtain or use, an elderly person's or disabled adult's funds, assets, or property with the intent to temporarily or permanently deprive the elderly person or disabled adult of the use, benefit, or possession of the funds, assets, or property, or to benefit someone other than the elderly person or disabled adult, by a person who:

- a. stands in a position of trust and confidence with the elderly person or disabled adult; or
- b. has a business relationship with the elderly person or disabled adult.

2. Obtaining or using, endeavoring to obtain or use, or conspiring with another to obtain or use an elderly person's or disabled adult's funds, assets, or property with the intent to temporarily or permanently deprive the elderly person or disabled adult of the use, benefit, or possession of the funds, assets, or property, or to benefit someone other than the elderly person or disabled adult, by a person who knows or reasonably should know that the elderly person or disabled adult lacks the capacity to consent.

B. Any person convicted of violating this section commits a crime punishable pursuant to 21 CNCA § 10.

C. For purposes of this section, "**elderly person**" means any person sixty-two (62) years of age or older.

Historical Data

LA 20–08, eff. January 12, 2009. Amended LA 09–12, eff. May 23, 2012.