

Cherokee Nation Code Annotated

Title 21: Crimes and Punishments

Part IV. Crimes Against Public Decency and Morality

Chapter 31A: Contributing to the Delinquency of Minors

§ 856. Causing, aiding, abetting or encouraging minor to be delinquent or runaway child, to commit felony or to become involved with criminal street gang

Cite as: 21 CNCA § 856

A. 1. Except as otherwise specifically provided by law, every person who shall knowingly or willfully cause, aid, abet or encourage a minor to be, to remain, or to become a delinquent child or runaway child, upon conviction, shall, for the first offense, be guilty of a misdemeanor punishable by imprisonment for a term not to exceed one (1) year, or by a fine not to exceed One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

2. For purposes of prosecution under this subsection, a "runaway child" means an unemancipated minor who is voluntarily absent from the home without a compelling reason, without the consent of a custodial parent or other custodial adult and without the parent or other custodial adult's knowledge as to the child's whereabouts. "Compelling reason" means imminent danger from incest, a life-threatening situation, or equally traumatizing circumstance. A person aiding a child based upon a reasonable belief that the child is in physical, mental or emotional danger and with notice to the appropriate authority of the location of the child within twelve (12) hours of aiding the child shall not be subject to prosecution under this section.

B. Every person convicted of a second or any subsequent violation of this section shall be guilty of a felony punishable by imprisonment for a term not to exceed three (3) years, or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

C. Every person eighteen (18) years of age or older who shall knowingly or willfully cause, aid, abet or encourage a minor to commit or participate in committing an act that would be a felony if committed by an adult shall, upon conviction, be guilty of a felony punishable by the maximum penalty allowed for conviction of the offense or offenses which the person caused, aided, abetted or encouraged the minor to commit or participate in committing.

D. Every person who shall knowingly or willfully cause, aid, abet, encourage, solicit, or recruit a minor to participate, join, or associate with any criminal street gang, as defined by subsection F of this section, or any gang member for the purpose of committing any criminal act shall, upon conviction, be guilty of a felony punishable by imprisonment for a

term of not more than three (3) years, or a fine not to exceed Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment.

E. Every person convicted of a second or subsequent violation of subsection D of this section shall be guilty of a felony punishable by imprisonment for a term not more than three (3) years nor more than ten (10) years, or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

F. "Criminal street gang" means any ongoing organization, association, or group of five or more persons that specifically either promotes, sponsors, or assists in, or participates in, and requires as a condition of membership or continued membership, the commission of one or more of the following criminal acts:

1. Assault, battery, or assault and battery with a deadly weapon, as defined in Section 645 of this title;
2. Aggravated assault and battery as defined by Section 646 of this title;
3. Robbery by force or fear, as defined in Sections 791 through 797 of this title;
4. Robbery or attempted robbery with a dangerous weapon or imitation firearm, as defined by Section 801 of this title;
5. Unlawful homicide or manslaughter, as defined in Sections 691 through 722 of this title;
6. The sale, possession for sale, transportation, manufacture, offer for sale, or offer to manufacture controlled dangerous substances, as defined in Section 2-10l et seq.;
7. Trafficking in illegal drugs, as provided for in the Trafficking in Illegal Drugs Act, Section 2-414 et seq.;
8. Arson, as defined in Sections 1401 through 1403 of this title;
9. The influence or intimidation of witnesses and jurors, as defined in Sections 388, 455 and 545 of this title;
10. Theft of any vehicle, as described in Section 1720 of this title;
11. Rape, as defined in Section 1111 of this title;
12. Extortion, as defined in Section 1481 of this title;
13. Transporting a loaded firearm in a motor vehicle, in violation of Section 1289.13 of this title;
14. Possession of a concealed weapon, as defined by Section 1289.8 of this title;

15. Shooting or discharging a firearm, as defined by Section 652 of this title;
16. Soliciting, inducing or enticing another to commit an act of prostitution, as defined by Section 1030 of this title;
17. Human trafficking, as defined by Section 748 of this title; or
18. Possession of a firearm after former conviction of a felony, as defined by Section 1283 of this title.

Historical Data

LA 10–90, eff. November 13, 1990. Amended LA 07-21, eff. February 22, 2021.