

Cherokee Nation Code Annotated

Title 21: Crimes and Punishments

Part IV. Crimes Against Public Decency and Morality

Chapter 39: Cherokee Nation Obscenity and Child Pornography Act

§ 1021. Indecent exposure—Indecent exhibitions—Obscene material or child pornography—Solicitation of minors

Cite as: 21 CNCA § 1021

A. Every person who willfully and knowingly either:

1. lewdly exposes his or her person or genitals in any public place, or in any place where there are present other persons to be offended or annoyed thereby;
2. procures, counsels, or assists any person to expose such person, or to make any other exhibition of such person to public view or to the view of any number of persons, for the purpose of sexual stimulation of the viewer;
3. writes, composes, stereotypes, prints, photographs, designs, copies, draws, engraves, paints, molds, cuts, or otherwise prepares, publishes, sells, distributes, keeps for sale, knowingly downloads on a computer, or exhibits any obscene material or child pornography; or
4. makes, prepares, cuts, sells, gives, loans, distributes, keeps for sale, or exhibits any disc record, metal, plastic, or wax, wire or tape recording, or any type of any obscene material or child pornography shall be guilty, upon conviction, of a felony punishable by a fine in an amount not to exceed Fifteen Thousand Dollars (\$15,000) or by imprisonment for a term not to exceed three (3) years, or by both such fine and imprisonment, provided that such sentence shall include a term of imprisonment.

B. Every person who:

1. willfully solicits or aids a minor child to perform; or
2. shows, exhibits, loans, or distributes to a minor child any obscene material or child pornography for the purpose of inducing said minor to participate in any act specified in paragraphs 1, 2, 3 or 4 of subsection (A) of this section shall be guilty, upon conviction, of a felony punishable by a fine in an amount not to exceed Fifteen Thousand Dollars (\$15,000) or by imprisonment for a term not to exceed three (3) years, or by both such fine and imprisonment, provided that such sentence shall include a term of imprisonment.

C. For purposes of this section, "downloading on a computer" means electronically transferring an electronic file from one computer or electronic media to another computer or electronic media.

D. Any person convicted of a second violation of paragraphs 1 or 2 of subsection (A) of this section, or for a first violation of either paragraph 3 or 4 of subsection (A) of this section when the offense involves child pornography, or for a first violation of subsection (B), shall be required to register as a sex offender pursuant to 57 CNCA § 1 et seq. The jury, if any, shall be advised that the mandatory sex offender registration is a civil remedy that shall be in addition to the actual imprisonment.

Historical Data

LA 10–90, eff. November 13, 1990. Amended LA 20–08, eff. January 12, 2009. Amended LA 09–12, eff. May 23, 2012. Amended LA 07-21, eff. February 22, 2021.