

Cherokee Nation Code Annotated

Title 21: Crimes and Punishments

Part IV. Crimes Against Decency and Morality

Chapter 45: Rape, Abduction, Carnal Abuse of Children and Seduction

§ 1123.1. Sexual battery

Cite as: 21 CNCA § 1123.1

A. No person shall commit sexual battery on any other person. "Sexual battery" shall mean the intentional touching, mauling or feeling of the body or private parts, in a lewd and lascivious manner, of:

1. a victim under the age of 14 years of age; or
2. a victim age 14 or older but who has not yet attained the age of 16, except when:
 - a. the victim otherwise consents, and
 - b. the accused is not required to register as a sex offender, and
 - c. the accused is less than 19 years of age or the accused is married to the victim; or
3. any person without the victim's consent when the victim is over age sixteen (16) years, or
4. any person who is a student, or under the legal custody, supervision, or authority of any public or private elementary or secondary school, junior high or high school, or public vocational school, or any Cherokee Nation agency and the accused is a person who is an employee or official of the same school system or Cherokee Nation agency or otherwise exercises power as an official over the school system or Cherokee Nation agency regardless of the ages of the victim and the accused.

B. Any person convicted of violating this section is guilty of a felony punishable by a term of imprisonment not to exceed three (3) years or by imposition of a fine in an amount not to exceed Fifteen Thousand Dollars (\$15,000), or by both such fine and imprisonment. Any person convicted of a violation of this section 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 shall be in addition to the actual imprisonment. Any person convicted of a second or subsequent violation of this section shall not be eligible for any form of probation, suspended or deferred sentence.

C. The fact that an undercover operative or law enforcement officer was involved in the detection and investigation of an offense pursuant to this section shall not constitute a defense to a prosecution under this section.

Historical Data

LA 20–08, eff. January 12, 2009. Amended LA 09–12, eff. May 23, 2013. Amended LA 23-25, eff. September 15, 2025.