

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

§ 1125. Zone of safety--Schools, child care centers, playgrounds, parks, and residences of victims--Restrictions on convicted sex offenders--Exemptions

Cite as: 21 CNCA § 1125

A. A zone of safety is hereby created around elementary, junior high, and high schools, licensed child care centers, playgrounds, parks, or the residence of a victim of a sex crime.

1. A person is prohibited from loitering within five hundred (500) feet of any elementary, junior high, or high school, licensed child care center, playground, or park if the person has been convicted of a crime that requires the person to register pursuant to the Sex Offenders Registration and Notification Act, 57 CNCA § 1 et seq., or the person has been convicted of an offense in another jurisdiction, which offense if committed or attempted in the Cherokee Nation, would have been punishable as one or more of the offenses listed in 57 CNCA § 4 and the victim was a child under the age of sixteen (16) years.

2. A person is prohibited from entering any park if:

a. the person has been designated as a habitual or aggravated sex offender as provided in 57 CNCA § 1 et seq., or

b. the person has been convicted of an offense in another jurisdiction, which offense, if committed or attempted in this state, would designate the person as a habitual or aggravated sex offender as provided in 57 CNCA § 1 et seq.

3. A person is prohibited from loitering within one thousand (1,000) feet of the residence of his or her victim if:

a. the person who committed a sex crime against the victim has been convicted of said crime, and

b. the person is required to register pursuant to the Sex Offenders Registration and Notification Act, 57 CNCA § 1 et seq. and/or any similar federal, state, or tribal law.

B. A person convicted of a violation of subsection (A) of this section shall be guilty of a felony punishable by a fine not exceeding Two Thousand Five Hundred Dollars (\$2,500.00), or by imprisonment for a term not to exceed three (3) years, or by both such fine and imprisonment. Any person convicted of a second or subsequent violation of subsection A of this section shall be punished by a fine not exceeding Fifteen Thousand Dollars (\$15,000.00), or by imprisonment for a term not to exceed three (3) years, or by both such fine

and imprisonment. This proscription of conduct shall not modify or remove any restrictions currently applicable to the person by court order, conditions of probation or as provided by other provision of law.

C. 1. A person shall be exempt from the prohibition of this section regarding a school or a licensed or permitted child care facility only under the following circumstances and limited to a reasonable amount of time to complete such tasks:

a. the person is the custodial parent or legal guardian of a child who is an enrolled student at the school or child care facility, and

b. the person is enrolling, delivering or retrieving such child at the school or licensed or permitted child care center during regular school or facility hours or for school-sanctioned or licensed-or-permitted-child-care-center-sanctioned extracurricular activities.

Prior to entering the zone of safety for the purposes listed in this paragraph, the person shall inform school or child care center administrators of his or her status as a registered sex offender. The person shall update monthly, or as often as required by the school or center, information about the specific times the person will be within the zone of safety as established by this section.

2. This exception shall not be construed to modify or remove any restrictions applicable to the person by court order, conditions of probation, or as provided by other provision of law.

D. The provisions of subsection (A) of this section shall not apply to any person receiving medical treatment at a hospital or other facility certified or licensed by any government to provide medical services. As used in this subsection, "medical treatment" shall not include any form of psychological, social or rehabilitative counseling services or treatment programs for sex offenders.

E. Nothing in this section shall prohibit a person, who is registered as a sex offender pursuant to the Sex Offender Registration and Notification Act, from attending a recognized church or religious denomination for worship; provided, the person has notified the religious leader of his or her status as a registered sex offender and the person has been granted written permission by the religious leader.

F. As used in this section, "park" means any outdoor public area specifically designated as being used for recreational purposes that is operated or supported in whole or in part by a homeowners' association or a city, town, county, state, federal or tribal governmental authority.

Historical Data

LA 20-08, eff. January 12, 2009. Amended LA 09-12, eff. May 23, 2013. Amended LA 07-21, eff. February 22, 2021. Amended LA 23-25, eff. September 15, 2025.