

Cherokee Nation Code Annotated

Title 21: Crimes and Punishments

Part IV. Crimes Against Decency and Morality

Chapter 47: Violation Sepulture and the Remains of the Dead

§ 1161.1. Desecration of a human corpse--Penalty--Prosecution with other offenses--

Definition

Cite as: 21 CNCA § 1161.1

A. It is unlawful for any person to knowingly and willfully desecrate a human corpse for any purpose of:

1. Tampering with the evidence of a crime;
2. Camouflaging the death of human being;
3. Disposing of a dead body;
4. Impeding or prohibiting the detection, investigation or prosecution of a crime;
5. Altering, inhibiting or concealing the identification of a dead body, a crime victim, or a criminal offender; or
6. Disrupting, prohibiting or interfering with any law enforcement agency or the Office of the State Medical Examiner in detecting, investigating, examining, determining, identifying or processing a dead body, cause of death, the scene where a dead body is found, or any forensic examination or investigation relating to a dead body or a crime.

B. Upon conviction, the violator of any provision of this section shall be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not more than seven (7) years, by a fine not exceeding Eight Thousand Dollars (\$8,000.00), or by both such fine and imprisonment.

C. This offense may be prosecuted in addition to any prosecution pursuant to Section 1161 of Title 21 of the Oklahoma Statutes for removal of a dead body or any other criminal offense.

D. For purposes of this section, "desecration of a human corpse" means any act committed after the death of a human being including, but not limited to, dismemberment, disfigurement, mutilation, burning, or any act committed to cause the dead body to be devoured, scattered or dissipated; except, those procedures performed by a state agency or licensed authority in due course of its duties and responsibilities for forensic examination, gathering or removing crime scene evidence, presentation or preservation of evidence, dead body identification, cause of death, autopsy, cremation or burial, organ

donation, use of a cadaver for medical educational purposes, or other necessary procedures to identify, remove or dispose of a dead body by the proper authority.

Historical Data

LA 07-21, eff. February 22, 2021.