

Cherokee Nation Code Annotated

Title 21: Crimes and Punishments

Part IV. Crimes Against Public Decency and Morality

Chapter 47A: General and Miscellaneous Provisions

§ 1171. Peeping Tom—Use of photographic, electronic or video equipment—Offenses and punishment—Definition

Cite as: 21 CNCA § 1171

A. Every person who hides, waits or otherwise loiters in the vicinity of any private dwelling house, apartment building, any other place of residence, or in the vicinity of any locker room, dressing room, restroom, or any other place where a person has a right to a reasonable expectation of privacy, with the unlawful and willful intent to watch, gaze, or look upon any person in a clandestine manner, is guilty of a misdemeanor punishable by a term of imprisonment not to exceed one (1) year or by imposition of a fine in an amount not to exceed Five Thousand Dollars (\$5,000), or by both such fine and imprisonment, provided that such sentence must include a term of imprisonment.

B. Every person who uses photographic, electronic or video equipment in a clandestine manner for any illegal, illegitimate, prurient, lewd or lascivious purpose with the unlawful and willful intent to view, watch, gaze or look upon any person without the knowledge and consent of such person when the person viewed is in a place where there is a right to a reasonable expectation of privacy, or who publishes or distributes any image obtained from such act, shall, upon conviction, be 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, provided that such sentence must include a term of imprisonment.

C. Every person who uses photographic, electronic or video equipment in a clandestine manner for any illegal, illegitimate, prurient, lewd or lascivious purpose with the unlawful and willful intent to view, watch, gaze or look upon any person and capture an image of a private area of a person without the knowledge and consent of such person and knowingly does so under circumstances in which a reasonable person would believe that the private area of the person would not be visible to the public, regardless of whether the person is in a public or private place shall, upon conviction, be guilty of a misdemeanor. The violator shall be punished by a term of imprisonment not to exceed one (1) year or by imposition of a fine in an amount not to exceed Five Thousand Dollars (\$5,000), or by both such fine and imprisonment.

D. As used in this section, the phrase "private area of the person" means the naked or undergarment-clad genitals, pubic area, buttocks, or any portion of the areola of the female breast of that individual.

E. 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 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.