

Cherokee Nation Code Annotated

Title 21: Crimes and Punishments

Part VII. Crimes Against Property

Chapter 61: False Pretenses, False Personations, Cheats and Frauds

§ 1542. Obtaining property or signature under false pretenses--Use of retail sales receipt or Universal Price Code Label to cheat or defraud

Cite as: 21 CNCA § 1542

A. Every person who, with intent to cheat or defraud another, designedly, by color or aid of any false token or writing, or other false pretense, obtains the signature of any person to any written instrument, or obtains from any person any money or property, is, upon conviction, guilty of a felony punishable by imprisonment for a term not exceeding three (3) years or in a county jail not exceeding one (1) year if the value is One Thousand Dollars (\$1,000.00) or more, or by a fine not exceeding three times the value of the money or property so obtained, or by both such fine and imprisonment. If the value is less than One Thousand Dollars (\$1,000.00), the person is, upon conviction, guilty of a misdemeanor punishable by imprisonment for a term not exceeding one (1) year, or by a fine not exceeding three times the value of the money or property so obtained, or by both such fine and imprisonment.

B. Every person who, with intent to cheat or defraud another, possesses, uses, utters, transfers, makes, manufactures, counterfeits, or reproduces a retail sales receipt or a Universal Price Code Label is, upon conviction, guilty of a felony punishable by imprisonment for a term not exceeding three (3) years or in a county jail not exceeding one (1) year if the value is One Thousand Dollars (\$1,000.00) or more, or by a fine not exceeding three times the value represented on the retail sales receipt or the Universal Price Code Label. or by both such fine and imprisonment. If the value is less than One Thousand Dollars (\$1,000.00), the person is, upon conviction. guilty of a misdemeanor punishable by imprisonment for a term not exceeding one (1) year, or by a fine not exceeding three times the value represented on the retail sales receipt or the Universal Price Code Label. or by both such fine and imprisonment. For purposes of this subsection, a series of offenses may be aggregated into one offense when they are the result of the formulation of a plan or scheme or the setting up of a mechanism which, when put into operation, results in the taking or diversion of money or property on a recurring basis. When all acts result from a continuing course of conduct, they may be aggregated into one crime. Acts forming an integral part of the first taking which facilitate subsequent takings, or acts taken in preparation of several takings which facilitate subsequent takings, are relevant to determine the intent of the party to commit a continuing crime.

Historical Data

LA 10-90, eff. November 13, 1990. Amended LA 07-21, eff. February 22, 2021.