

Cherokee Nation Code Annotated

Title 21: Crimes and Punishments

Part VII. Crimes Against Property

Chapter 68: Larceny

§ 1731. Larceny of merchandise from retailer or wholesaler--Punishment--Recidivists

Cite as: 21 CNCA § 1731

A. Larceny of merchandise held for sale in retail or wholesale establishments shall be punishable as follows:

1. For the first conviction, in the event the value of the goods, edible meat or other corporeal property which has been taken is less than One Thousand Dollars (\$1,000.00), the defendant shall be guilty of a misdemeanor and shall be punished by imprisonment for a term not exceeding thirty (30) days, and by a fine not less than Ten Dollars (\$10.00) nor more than Five Hundred Dollars (\$500.00); provided, for the first conviction, in the event more than one item of goods, edible meat or other corporeal property has been taken, punishment shall be by imprisonment for a term not to exceed thirty (30) days, and by a fine not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00);
2. If it be shown, in the trial of a case in which the value of the goods, edible meat or other corporeal property is less than One Thousand Dollars (\$1,000.00), that the defendant has been once before convicted of the same offense, the defendant shall, on a second conviction, be guilty of a misdemeanor and shall be punished by imprisonment in the county jail for a term not to exceed one (1) year, and by a fine not exceeding One Thousand Dollars (\$1,000.00);
3. If it be shown, upon the trial of a case where the value of the goods, edible meat or other corporeal personal property is less than One Thousand Dollars (\$1,000.00), that the defendant has two or more times before been convicted of the same offense, regardless of the value of the goods, edible meat or other corporeal personal property involved in the first two convictions, upon the third or any subsequent conviction, the defendant shall be guilty of a felony and shall be punished by imprisonment for a term not to exceed three (3) years; and
4. In the event the value of the goods, edible meat or other corporeal property is One Thousand Dollars (\$1,000.00) or more, the defendant shall be guilty of a felony and shall be punished by imprisonment for a term not to exceed three (3) years. The defendant shall also be subject to a fine of not more than Five Thousand Dollars (\$5,000.00) and ordered to provide restitution to the victim as provided in Section 991a of Title 22 of the Cherokee Nation Code Annotated.

B. When three or more separate offenses under this section are committed within a ninety-day period, the value of the goods, edible meat or other corporeal property involved in each larceny offense may be aggregated to determine the total value for purposes of determining the appropriate punishment under this section.

C. In the event any person engages in conduct that is a violation of this section in concert with at least one other individual, such person shall be liable for the aggregate value of all items taken by all individuals. Such person may also be subject to the penalties set forth in Section 421 of this title, which shall be in addition to any other penalties provided for by law.

D. Any person convicted pursuant to the provisions of this section shall also be ordered to pay restitution to the victim as provided in Section 991f of Title 22 of the Cherokee Nation Code Annotated.

Historical Data

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