

**Cherokee Nation Code Annotated**

**Title 22: Criminal Procedure**

**Chapter 2: Prevention of Public Offenses**

**§ 40.3. Victims not to be discouraged from pressing charges—Warrantless arrest of certain persons**

Cite as: 22 CNCA § 40.3

A. A peace officer shall not discourage a victim of rape, forcible sodomy or domestic violence from pressing charges against the assailant of the victim.

B. A peace officer may arrest without a warrant a person anywhere, including his place of residence, if the peace officer has probable cause to believe the person within the preceding seventy-two (72) hours has committed an act of domestic violence as defined in Chapter 46 of Title 21, although the assault did not take place in the presence of the peace officer. A peace officer may not arrest a person pursuant to this section without first observing a recent physical injury to, or an impairment of the physical condition of, the alleged victim.

**Historical Data**

LA 10–90, eff. November 13, 1990. Amended LA 31–06, eff. December 20, 2006; LA 12–18, eff. June 13, 2018.