

Cherokee Nation Code Annotated
Title 22: Criminal Procedure
Chapter 2: Prevention of Public Offenses
§ 60.1. Definitions
Cite as: 22 CNCA § 60.1

As used in this act and in the Domestic Abuse Reporting Act:

1. **"Dating relationship"** means a person who is or has been in a social relationship of a romantic or intimate nature with another as determined by:

- a. the length of the relationship;
- b. the type of relationship; and
- c. the frequency of interaction between the persons involved in the relationship.

2. **"Domestic violence"** means the occurrence of one or more of the following acts between family or household members or persons involved in a dating relationship:

- a. causing or attempting to cause physical harm;
- b. threatening another with physical harm; or
- c. violation of any other domestic violence laws of the Cherokee Nation.

3. **"Family or household members"** means spouses, ex-spouses, parents, children, persons otherwise related by blood, marriage, or adoption, or persons living in the same household or who formerly shared the same residence. This shall include the elderly and disabled.

4. **"Harassment"** means a knowing and willful course or pattern of conduct by a family or household member or an individual who is or has been involved in a dating relationship with the person, directed at a specific person which seriously alarms or annoys the person, and which serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress and must actually cause substantial distress to the person. "Harassment" shall include, but not be limited to, harassing or obscene telephone calls and fear of death or bodily injury.

5. **"Intimate partner"** means:

- a. current or former spouses.
- b. persons who are or were in a dating relationship.

c. persons who are the biological parents of the same child, regardless of their marital status or whether they have lived together at any time, and

d. persons who currently or formerly lived together in an intimate way, primarily characterized by affectionate or sexual involvement. A sexual relationship may be an indicator that a person is an intimate partner, but is never a necessary condition.

6. **"Protective order"** means

a. any injunction, restraining order or other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence against, contact or communication with, or physical proximity to, another person;

and

b. any temporary or final order issued by a civil or criminal court, whether obtained by a filing and independent action or as a pendent lite order in another proceeding, if the civil or criminal court order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection.8. **"Rape"** means rape and rape by instrumentation in violation of 21 CNCA §§ 1111 and 1111.1.

7. **"Rape"** means rape and rape by instrumentation in violation of 21 CNCA §§ 1111 and 1111.1.

8. **"Stalking"** means the willful, malicious, and repeated following or harassment of a person by an adult, emancipated minor, or minor thirteen (13) years of age or older, in a manner that would cause a reasonable person to feel frightened, intimidated, threatened, harassed, or molested and actually causes the person being followed or harassed to feel terrorized, frightened, intimidated, threatened, harassed or molested.

Stalking also means a course of conduct composed of a series of two or more separate acts over a period of time, however short, evidencing a continuity of purpose or unconsented contact with a person that is initiated or continued without the consent of the individual or in disregard of the expressed desire of the individual that the contact be avoided or discontinued. Unconsented contact or course of conduct includes, but is not limited to:

a. following or appearing within the sight of that individual,

b. approaching or confronting that individual in a public place or on private property,

c. appearing at the workplace or residence of that individual,

d. entering onto or remaining on property owned, leased or occupied by that individual,

- e. contacting that individual by telephone,
- f. sending mail or electronic communications to that individual, or
- g. placing an object on, or delivering an object to, property owned, leased or occupied by that individual; and

9. **"Victim support person"** means a person affiliated with a domestic violence, sexual assault or adult human sex trafficking program, certified by the Attorney General or operating under a tribal government, who provides support and assistance for a person who files a petition under the Protection from Domestic Abuse Reporting Act.

Historical Data

LA 10–90, eff. November 13, 1990. Amended LA 12–18, eff. June 13, 2018. Amended LA 20–21, eff. May 17, 2021. Amended LA 31–22, eff. October 4, 2022.