

Cherokee Nation Code Annotated

Title 22: Criminal Procedure

Chapter 2: Prevention of Public Offenses

§ 60.9. Statement Required on All Ex Parte or Final Protective Order

Cite as: 22 CNCA § 60.9

1. The filing or nonfiling of criminal charges and the prosecution of the case shall not be determined by a person who is protected by the protective order, but shall be determined by the prosecutor;
2. No person, including a person who is protected by the order, may give permission to anyone to ignore or violate any provision of the order. During the time in which the order is valid, every provision of the order shall be in full force and effect unless a court changes the order;
3. The order shall be in effect for a fixed period of five (5) years unless extended, modified, vacated or rescinded by the court or shall be continuous upon a specific finding by the court as provided in subparagraph b of paragraph 1 of subsection G of 22 CNCA § 60.4 unless modified, vacated or rescinded by the court;
4. The order shall be entered into the National Crime Information Center (NCIC) database;
5. A violation of the order is punishable by a fine of up to One Thousand Dollars (\$1,000.00) or imprisonment for up to one (1) year in a penal institution, or by both such fine and imprisonment. A violation of the order which causes injury is punishable by imprisonment for twenty (20) days to one (1) year in a penal institution or a fine of up to Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment;
6. Possession of a firearm or ammunition by a defendant while an order is in effect may subject the defendant to prosecution for a violation of federal law even if the order does not specifically prohibit the defendant from possession of a firearm or ammunition;
7. The defendant must avoid the residence of the petitioner or any premises temporarily occupied by the petitioner;
8. The defendant must avoid contact that harasses or intimidates the petitioner. Contact includes, but is not limited to, contact at the home, work, or school of the petitioner, public places, in person, by phone, in writing, by electronic communication or device, or in any other manner;
9. The defendant shall not impersonate or adopt the personification of the petitioner by pretending to be the petitioner, ordering items, posting information or making inquiries, or

publishing photographs of the petitioner, by use of social media, or by use of computer, telephone, texting, emailing, or by use of any electronic means;

10. The defendant must refrain from removing, hiding, damaging, harming, mistreating, or disposing of a household pet;

11. The defendant must allow the petitioner or a family member or household member of the petitioner acting on his or her behalf to retrieve a household pet;

12. The defendant must avoid contacting the petitioner or causing any person other than an attorney for the petitioner or law enforcement officer to contact the petitioner unless the petitioner consents in writing: and

13. A peace officer will accompany the petitioner and assist in placing the petitioner in physical possession of his or her residence, if requested.

Historical Data

LA 31-22, eff. September 22, 2022.