

Cherokee Nation Code Annotated

Title 22: Criminal Procedure

Chapter 3: Jurisdiction and Commitment

§ 151. Limitations on actions for criminal violations

Cite as: 22 CNCA § 151

A. A prosecution for the following crimes may be commenced at any time:

1. Murder in the first or second degree;
2. manslaughter
3. rape;
4. forcible sodomy;
5. sexual abuse:
6. sexual abuse of a minor;
7. incest;
8. burglary;
9. robbery:
10. child molestation;
11. kidnapping;
12. arson;
13. conspiracy; and
14. forgery.

B. Prosecutions for the crimes of bribery, embezzlement of public money, bonds, securities, assets, or property of the Cherokee Nation or other subdivision thereof, or if any misappropriation of public money, bonds, securities, assets, or property of the Cherokee Nation or other subdivision thereof, falsification of public records of the Cherokee Nation or other subdivision thereof, and conspiracy to defraud the Cherokee Nation or other subdivision thereof in any manner or for any purpose shall be commenced within ten (10) years after the discovery of the crime.

C. Except as otherwise provided in this section, prosecution for a crime or a felony other than those crimes enumerated in this section is barred if not commenced within ten (10) years after the crime is committed.

D. Prosecutions for sodomy, lewd or indecent proposals or acts against children, and the involvement of minors in pornography shall be commenced within ten (10) years after the discovery of the crime.

E. Prosecutions for criminal violations of any Cherokee Nation tax laws shall be commenced within five (5) years after the commission of such violation.

F. Prosecutions for crimes of false or bogus checks, shall be commenced within five (5) years after the commission of such offense.

G. Except as otherwise provided in this section, any criminal offense that is classified as a misdemeanor is barred if not commenced within three (3) years after the crime is committed.

H. No statute of limitations shall extend to any person fleeing from justice.

I. As used in this section, "discovery" means the date that a physical or sexually related crime involving a victim under the age of eighteen (18) years of age is reported to a law enforcement agency, up to and including one (1) year from the eighteenth birthday of the child.

Historical Data

LA 10-90, eff. November 13, 1990. Amended LA 29-20, eff. December 14, 2020.