

Cherokee Nation Code Annotated

Title 22: Criminal Procedure

Chapter 26: RICO

§ 1404. Penalty for violation--Authority to institute proceedings

Cite as: 22 CNCA § 1404

A. Any person convicted of violating any provision of 21 CNCA § 1403 shall be punished by a term of imprisonment of not less than ten (10) years and shall not be eligible for a deferred sentence, probation, suspension, work furlough, or release from confinement on any other basis until the person has served one-half (1/2) of the sentence. A violation of each of the provisions of Section 1403 of this title shall be a separate offense.

B. In lieu of the fine authorized by the Cherokee Nation Racketeer-Influenced and Corrupt Organizations Act, any person convicted of violating any provision of 21 CNCA § 1403, through which the person derived pecuniary value, or by which the person caused personal injury, or property damage or other loss, may be sentenced to pay a fine that does not exceed three times the gross value gained or three times the gross loss caused, whichever is greater, plus court costs and the costs of investigation and prosecution reasonably incurred, less the value of any property ordered forfeited pursuant to the provisions of subsection A of 21 CNCA § 1405. The court shall hold a separate hearing to determine the amount of the fine authorized by the provisions of this subsection.

C. No person shall institute any proceedings, civil or criminal, pursuant to the provisions of this act, except the Attorney General.

Historical Data

LA 30-21, eff. June 18, 2021.