

**Cherokee Nation Code Annotated**

**Title 47: Motor Vehicles**

**Chapter 11: Rules of the Road**

**Article IX. Reckless Driving, Driving While Intoxicated and Negligent Homicide**

**§ 11-902.2. Sentence and punishment—Conditional participation in alcohol and drug substance abuse course or program**

Cite as: 47 CNCA § 11-902.2

Except as otherwise provided by law, in any case in a court of proper jurisdiction wherein the defendant is charged with actual physical control of or operation of a motor vehicle while under the influence of or impaired by alcohol or a drug, the Court may:

A. Upon a plea of guilty or nolo contendere, or stipulation by the defendant, or a verdict, but before a judgment of guilt is entered, without entering a judgment of guilt and with the consent of the defendant, defer further proceedings upon the condition that the defendant enroll in, attend and successfully complete, at his or her own expense, an alcohol and drug substance abuse course or an alcohol and drug substance abuse treatment program or both as identified by an assessment conducted by a certified assessor; or

B. Upon a conviction, suspend the execution of sentence, with or without probation, upon the condition that the defendant enroll in, attend and successfully complete, at his or her own expense an alcohol and drug substance abuse course or an alcohol and drug substance abuse treatment program as provided by Section 11-902.3 of this title.

**Historical Data**

LA 2-91, eff. February 9, 1991. Amended LA 02-21, eff. January 11, 2021.