

Cherokee Nation Code Annotated

Title 47: Motor Vehicles

Chapter 11: Rules of the Road

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

§ 11–904. Person involved in personal injury accident while under influence of alcohol or other intoxicating substance—Causing great bodily injury

Cite as: 47 CNCA § 11-904

A. Any person who is involved in a personal injury accident while driving or operating a motor vehicle within this Nation and who is in violation of the provisions of 47 CNCA § 11–902(A) may be charged with a violation of the provisions of this subsection as follows:

1. Any person who is convicted of a violation of the provisions of this subsection shall be deemed guilty of a crime.
2. Any person who is convicted of a second or subsequent violation of the provisions of this subsection shall be deemed guilty of a misdemeanor for the first offense and shall be punished by imprisonment in the county jail for not more than one (1) year, and a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00); and

B. 1. Any person who causes an accident resulting in great bodily injury to any person other than himself while driving or operating a motor vehicle within this state and who is in violation of the provisions of subsection A of 47 CNCA § 11–902 may be charged with a violation of the provisions of this subsection. Any person who is convicted of a violation of the provisions of this subsection shall be deemed guilty of a felony punishable by imprisonment for not more than three (3) years or a fine of not more than Fifteen Thousand Dollars (\$15,000.00), or by both such fine and imprisonment.

2. As used in this subsection, "great bodily injury" means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

Historical Data

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