

Cherokee Nation Code Annotated

Title 47: Motor Vehicles

Chapter 17: Penalties

§ 17-101. Misdemeanor violations--Penalties

Cite as: 47 CNCA § 17-101

A. It is a misdemeanor for any person to violate any of the provisions of this title unless such violation is by this title or other law of this Nation declared to be a felony.

B. 1. Every person convicted of a misdemeanor, which includes a violation of any of the provisions of 47 CNCA §§ 10-101 through 14-121 or 16-101 through 16-114 for which another penalty is not provided shall upon conviction thereof be punished by a fine of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) or by imprisonment for not more than ten (10) days; for a second such conviction within one (1) year after the first conviction such person shall be punished by a fine of not less than Twenty Dollars (\$20.00) nor more than Two Hundred Dollars (\$200.00) or by imprisonment for not more than twenty (20) days or by both such fine and imprisonment; upon a third or subsequent conviction within one (1) year after the first conviction such person shall be punished by a fine or not more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than six (6) months or by both such fine and imprisonment.

2. Any person violating the provisions of 47 CNCA §§ 10-101 through 14-121 or 16-101 through 16-114, where a jail sentence is not mandatory may, in the discretion of the prosecuting attorney wherein the offense occurred, be permitted to enter a plea of guilty by written statement by the person charged to be presented to the Court wherein the case is filed. A remittance covering the fine and costs may be considered and received with the same force and effect as a written plea of guilty.

C. Unless another penalty is in this title or by the laws of this Nation provided, every person convicted of a crime, which under the laws of Oklahoma would be a misdemeanor, for the violation of any other provision of this title shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

D. Provided, however, notwithstanding any provision of law to the contrary, any offense, including traffic offenses, in violation of any of the provisions of this title which is not otherwise punishable by a term of imprisonment or confinement shall be punishable by a term of imprisonment not to exceed one day in the discretion of the Court, in addition to any fine prescribed by law.

Historical Data

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