

Cherokee Nation Code Annotated

Title 47: Motor Vehicles

Chapter 79: Motor Vehicle Chop Shop, Stolen and Altered Property Act

§ 1504. Seizure of tool, implement, or instrumentality without process

Cite as: 47 CNCA § 1504

A. Any tool, implement, or instrumentality, including but not limited to a motor vehicle or motor vehicle part, used or possessed in connection with any violation of 47 CNCA § 1503 may be seized by any peace officer upon process issued by any court of competent jurisdiction.

B. Seizure of property described in subsection A of this section may be made by any peace officer without process if:

1. in accordance with any applicable law or regulation;
2. the seizure is incident to inspection under an administrative inspection warrant;
3. the seizure is incident to search made under a search warrant;
4. the seizure is incident to a lawful arrest;
5. the seizure is made pursuant to a valid consent to search;
6. the property seized has been the subject of a prior judgment in favor of the Nation in a criminal proceeding, or in an injunction or forfeiture proceeding under 47 CNCA §§ 1505 or 1506; or
7. there are reasonable grounds to believe that the property is directly or indirectly dangerous to health or safety.

C. When property is seized under this section, the seizing agency may:

1. place the property under seal; or
2. remove the property to a place selected and designated by the seizing agency.

Historical Data

LA 31-21, eff. June 18, 2021.