

Cherokee Nation Code Annotated
Title 57: Prisons and Reformatories
Chapter 1: Sex Offender Registration and Notification
§ 3. Definitions
Cite as: 57 CNCA § 3

As used in this act, the term:

1. **"Adam Walsh Act"** means the federal legislation embodied in PL 109–248 (July 27, 2006) and any subsequent amendments thereto.
2. **"Aggravated sex offender"** means any person who has received a conviction for a crime, including a deferred sentence imposed in violation of 22 CNCA § 991C, for a crime provided for in 21 CNCA § 843 if the offense involved sexual abuse or sexual exploitation as these terms are defined in that section, or any of 21 CNCA § 885, 1111, 1123, or 1123.1.
3. **"Change in enrollment or employment status"** means the commencement or termination of enrollment or employment or a change in location of enrollment or employment.
4. **"Cherokee Nation Indian Country"** means any trust or restricted lands within the Indian Territory that were ceded by the United States to the Cherokee Nation pursuant to the Treaties of May 6, 1828, February 14, 1833, and December 29, 1835, 7 Stat. 478, the Indian Removal Act of 1830, 4 Stat. 411, and the fee patent executed by President Martin Van Buren on December 31, 1838, diminished only by sales under the Acts of February 28, 1877, 19 Stat. 265, June 2, 1886, 24 Stat. 121, March 3, 1893, ch. 209, 27 Stat. 612, 645, and Proclamation No. 5, 20 Stat. 1222 (1893), or as otherwise determined by federal law or courts of competent jurisdiction including those lands later acquired or acknowledged through federal action or court decision.
5. **"Conviction"** means a determination of guilt which is the result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld. A conviction includes receipt of a suspended sentence or any probationary term, and includes those for which an individual is currently serving a sentence or any form of probation or parole including receipt of a deferred sentence imposed in violation of 22 CNCA § 991c. A conviction includes, but is not limited to, a conviction by a federal or military tribunal, including courts-martial conducted by the Armed Forces of the United States, and includes a conviction or entry of a plea of guilty or nolo contendere resulting in a sanction by a state, the United States, or an acceptable foreign jurisdiction. A sanction includes, but is not limited to, a fine, probation, community control, parole, conditional

release, control release, or incarceration in a state prison, federal prison, private correctional facility, or local detention facility. A conviction shall also include court-ordered civil commitment. A sanction is by an acceptable foreign jurisdiction if it is by Canada, Great Britain, Australia, New Zealand, or any foreign jurisdiction for which the United States State Department in its Country Reports on Human Rights Practices has concluded that an independent judiciary generally enforced the right to a fair trial in that country during the year in which the conviction occurred. For purposes of this act with respect to juvenile offenders, a conviction shall include only: (1) a conviction of a juvenile who has been certified as an adult, or (2) an adjudication of delinquency of a juvenile aged fourteen (14) years or over when the adjudication was for (a) a crime involving a sexual act with another by force or the threat of serious violence, or (b) a crime involving a sexual act with another by rendering the victim unconscious or by involuntarily drugging the victim, provided that no other conviction of a juvenile or adjudication of a juvenile as delinquent shall be considered a conviction for purposes of this Act. To the extent that such information is considered confidential by any other law, such information shall be made public pursuant to this act.

6. **"Electronic mail address"** means a destination, commonly expressed as a string of characters, to which electronic mail may be sent or delivered.

7. **"Entering the Nation"** includes but is not limited to being discharged from a correctional facility or jail or secure treatment facility after imprisonment by order of Cherokee Nation Courts or being under supervision within the Nation for the commission of a violation enumerated in 57 CNCA § 4.

8. **"Habitual sex offender"** means any person who has received a conviction for any crime or an attempt to commit a crime listed in 57 CNCA § 4(A)(1) or (A)(3) and who subsequently receives another conviction of a crime or an attempt to commit a crime listed in 57 CNCA § 4(A)(1) or (A)(3) or who has received a third conviction for any crime or an attempt to commit a crime listed in 57 CNCA § 4(A)(2).

9. **"Instant message name"** means an identifier that allows a person to communicate in real time with another person using the Internet.

10. **"Institution of higher education"** means a career center, community college, college, state university, or independent postsecondary institution.

11. **"Marshal" or "the Marshal"** means the "office of Marshal" as created by the 1999 Cherokee Nation Constitution, Article VII, § 14.

12. **"Marshal Service"** means the executive branch agency developed, managed, directed, and overseen by the Marshal.

13. "**Nation**" means the Cherokee Nation.

14. "**Other jurisdiction**" means a state, the United States, Canada, Great Britain, Australia, New Zealand, or any foreign jurisdiction for which the United States State Department in its Country Reports on Human Rights Practices has concluded that an independent judiciary generally enforced the right to a fair trial in that country during the year in which the conviction occurred.

15. "**Residence**" or "**resides**" means any place where the person has a home, or any place where a person lives for five (5) or more consecutive days, or seven (7) cumulative days in any sixty-day (60-day) period, or an aggregate period of thirty (30) days or more in a calendar year.

16. "**State**" means a state, territory, or possession of the United States, a federally-recognized Indian tribe, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, or the United States Virgin Islands.

17. "**Student**" shall mean an individual who enrolls in or attends an educational institution, including a public or private secondary school, trade or professional school, or an institution of higher education.

18. "**Work**" shall include self-employment or any employment for an entity whether compensated or not.

Historical Data

LA 22-08, eff. October 15, 2008. Amended LA 08-12, eff. March 23, 2012.