

Cherokee Nation Code Annotated

Title 57: Prisons and Reformatories

Chapter 1: Sex Offender Registration and Notification

§ 4. Persons and crimes to which act applies

Cite as: 57 CNCA § 4

A. The provisions of the Cherokee Nation Sex Offender Registration and Notification Act shall apply to any individual designated as a sex offender. The designation of sex offender shall be given to any person residing, working or attending school within Cherokee Nation who:

1. Has, regardless of the date on which the offense or conviction occurred, received a conviction for a first offense for a crime or an attempt to commit a crime or conspiracy to commit a crime provided for in:

a. 21 CNCA § 535 if the offense involved the detention of a minor;

b. 21 CNCA § 681 if the offense involved sexual assault;

c. 21 CNCA § 741 if the offense involved sexual abuse or sexual exploitation and the offender is not the parent;

d. 21 CNCA § 843 if the offense involved sexual abuse or sexual exploitation as those terms are defined in that section;

e. 21 CNCA § 843.1 or 843.3 if the offense involved sexual abuse or sexual exploitation;

f. 21 CNCA § 1021(A)(3), 1021(A)(4), 1021(B), 1021.2, 1021.3, 1024.2, 1040.8, or 1040.13 if the offense involved child pornography;

g. 21 CNCA § 866, 885, 886, or 891 if the offense involved sexual abuse or sexual exploitation; or

h. 21 CNCA § 1040.13a, 1087, 1088, 1111, 1123, 1123.1 or 1171; or

2. Has, regardless of the date on which the offense or conviction occurred, received a conviction for a second offense for a crime or for an attempt to commit a crime or for conspiracy to commit a crime provided for in 21 CNCA § 1021(A)(1) or 1021(A)(2); or

3. Has, regardless of the date on which the offense or conviction occurred, received a conviction for a federal offense committed on Cherokee Nation Indian Country for a crime or for an attempt to commit a crime or for conspiracy to commit a crime provided for in 18 U.S.C. § 1591, 1801, 2241, 2242, 2243, 2244, 2245, 2251, 2251A, 2252, 2252A, 2252B,

2252C, 2260, 2421, 2422, 2423, 2424, 2425, or any other federal crime for which the United States Attorney General or the Adam Walsh Act require registration as a sex offender.

B. The provisions of the Cherokee Nation Sex Offender Registration and Notification Act shall apply:

1. To any person who is convicted of a crime, an attempt to commit a crime, or a conspiracy to commit a crime enumerated in subsection (A) of this section in the Courts of Cherokee Nation; and
2. To any person who is convicted of a crime, an attempt to commit a crime, or a conspiracy to commit a crime enumerated in subsection (A) of this section in a federal court for a crime committed in Cherokee Nation Indian Country; and
3. To any person who resides, works or attends school within Cherokee Nation and who has received a conviction for a crime, an attempt to commit a crime, or a conspiracy to commit a crime which if committed or attempted in Cherokee Nation, would be one of those crimes enumerated in subsection (A) of this section or an attempt of one of those as enumerated in subsection (A) of this section. For military offenses, the crimes for which an individual must register pursuant to this act shall be those specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105–119.

C. The provisions of the Cherokee Nation Sex Offender Registration and Notification Act shall not apply to any such person while the person is incarcerated or civilly committed.

Historical Data

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