

Cherokee Nation Code Annotated

Title 57: Prisons and Reformatories

Chapter 1: Sex Offender Registration and Notification

§ 5.3. Tier III Offenses

Cite as: 57 CNCA § 5.3

A. Recidivism and felonies. Any sex offense that is punishable by more than one year in jail where the offender has at least one (1) prior conviction or an attempt or conspiracy to commit such an offense for a Tier II sex offense, or has previously become a Tier II sex offender, is a "Tier III" offense.

B. General offenses. A "Tier III" offense includes any sex offense, for which a person has been convicted, or an attempt or conspiracy to commit such an offense that involves:

1. Non-parental kidnapping of a minor;
2. A sexual act with another by force or threat;
3. A sexual act with another who has been rendered unconscious or involuntarily drugged, or who is otherwise incapable of appraising the nature of the conduct or declining to participate; or
4. Sexual contact with a minor twelve (12) years of age or younger, including offenses that cover sexual touching of or contact with the intimate parts of the body, either directly or through the clothing.

C. Certain federal offenses. Conviction for any of the following federal offenses shall be considered conviction for a "Tier III" offense:

1. 18 U.S.C. § 2241 (aggravated sexual abuse);
2. 18 U.S.C. § 2242 (sexual abuse);
3. 18 U.S.C. § 2243 (sexual abuse of a minor or ward);
4. Where the victim is twelve (12) years of age or younger, 18 U.S.C. § 2244 (abusive sexual contact).

Certain military offenses. Any military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105–119 (codified at 10 U.S.C. § 951 note) that is similar to those offenses outlined in Section 3.03(A), (B), or (C) shall be considered a "Tier III" offense.

Historical Data

LA 08-12, eff. March 23, 2012.