

Cherokee Nation Code Annotated

Title 57: Prisons and Reformatories

Chapter 1: Sex Offender Registration and Notification

§ 17. Residency restriction; penalty

Cite as: 57 CNCA § 17

A. It is unlawful for any person registered pursuant to the Sex Offender Registration and Notification Act to reside, either temporarily or permanently, within a two-thousand-foot (2,000') radius of any public or private school site, educational institution, a playground or park that is zoned by city, county, state, federal or tribal government, or a licensed child care center. Establishment of a day care center or park in the vicinity of the residence of a registered sex offender will not require the relocation of the sex offender or the sale of the property. On the effective date of this act, the distance indicated in this section shall be measured from the nearest property line of the residence of the person to the nearest property line of the public or private school site, educational institution, playground, park, or licensed child care facility; provided, any nonprofit organization established and housing sex offenders prior to the effective date of this provision shall be allowed to continue its operation.

B. Nothing in this provision shall require any person to sell or otherwise dispose of any real estate or home acquired or owned prior to the conviction of the person as a sex offender.

C. The provisions of this section shall not apply to any registered sex offender residing in a hospital or other facility certified or licensed to provide medical services.

D. It is prohibited for any non-Indian person required to register pursuant to the Sex Offender Registration and Notification Act to reside on Cherokee Nation Indian Country, either temporarily or permanently. Any non-Indian individual found to be in violation of this section shall be subject to a civil action for exclusion from Cherokee Nation Indian Country. Such action shall be commenced by the Office of the Attorney General by filing a petition for exclusion in District Court. The individual shall be excluded upon a written finding, by District Court, after notice and an opportunity to be heard being provided to the defendant, by clear and convincing evidence, that: (1) the individual is non-Indian; (2) the individual is required to register pursuant to the Sex Offender Registration and Notification Act; and (3) the individual is residing on Cherokee Nation Indian Country in violation of this subsection. The individual shall remove himself or herself from Cherokee Nation Indian Country no less than thirty (30) days from the entry of District Court's order that he or she is in violation of this subsection or be in contempt of court. Any individual found to be in contempt of court under this section may be removed from the Cherokee Nation Indian Country by the

Marshal Service. Any individual ordered to be excluded from the Cherokee Nation Indian Country under this subsection shall be required to notify the Marshal Service of the other jurisdiction in which the individual intends to reside upon leaving the Cherokee Nation Indian Country, and the Marshal Service shall notify such other jurisdiction of the intended relocation.

E. Any person willfully violating the provisions of this section by intentionally moving into any neighborhood or to any real estate or home within the prohibited distance shall, upon conviction, be guilty of a crime punishable pursuant to 21 CNCA § 10.

Historical Data

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