

Cherokee Nation Code Annotated

Title 57: Prisons and Reformatories

Chapter 2: General Provisions

§ 21. Bringing or Possessing Contraband in Jail or Penal Institution--Penalties

Cite as: 57 CNCA § 21

A. Any person who, without authority, brings into or has in their possession in any jail, penal institution, or other place where prisoners are located, any gun, knife, bomb or other dangerous instrument, any controlled dangerous substance as defined in Section 2101 et seq. of Title 21 of this code, any intoxicating beverage or low-point beer, or money or financial documents for a person other than the inmate or a spouse of the inmate, shall be guilty of a felony and, upon conviction, shall be punished by a term of imprisonment not to exceed (3) years, or by a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

B. If an inmate is found to be in possession of any item prohibited by this section, upon conviction, such inmate shall be guilty of a felony and shall be punished by a term of imprisonment not to exceed three (3) years.

C. Any person who, without authority, brings into or has in their possession in any jail, penal institution, or other place where prisoners are located, cigarettes, cigars, snuff, chewing tobacco or any other form of tobacco product shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment not to exceed one (1) year, or by a fine not exceeding Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

D. Any person who knowingly, willfully and without authority brings into or has in their possession in any secure area of a jail or penal institution or other secure place where prisoners are located any cellular phone or electronic device capable of sending or receiving any electronic communication shall, upon conviction, be guilty of a felony punishable by imprisonment for a term not exceeding two (2) years, or by a fine not exceeding Two Thousand Five Hundred Dollars (\$2,500.00), or by both such fine and imprisonment.

E. Any electronic communication device which has no identifiable owner and which is seized as a result of a violation of this section may be disposed of or sold by the agency that seized the device.

F. "Electronic communication" means any transfer of signs, signals, writings, images, sounds, data, or intelligence of any nature transmitted in whole or part by a wire, radio,

electromagnetic, photo-electronic, or photo-optical system, and includes, but is not limited to, the transfer of that communication through the Internet.

Historical Data

LA 37-21, eff. August 9, 2021.