

Cherokee Nation Code Annotated

Title 21: Crimes and Punishments

Part VII. Crimes Against Property

Chapter 68: Larceny

§ 1713a. Receiving stolen property—Presumption

Cite as: 21 CNCA § 1713a

A. Every person who buys or receives, in any manner, upon any consideration, personal property of a value of One Thousand Dollars (\$1,000.00) or more that has been stolen, embezzled, obtained by false pretense or robbery, knowing or having reasonable cause to believe the same to have been stolen, embezzled, obtained by false pretense, or robbery, or who conceals, withholds, or aids in concealing or withholding such property from the owner shall, upon conviction, be guilty of a felony punishable as follows:

1. If the value of the personal property is One Thousand Dollars (\$1,000.00) or more but less than Two Thousand Five Hundred Dollars (\$2,500.00), the person shall be punished by imprisonment for a term not to exceed two (2) years, or by a fine not to exceed Five Hundred Dollars (\$500.00), or by both such fine and imprisonment;

2. If the value of the personal property is Two Thousand Five Hundred Dollars (\$2,500.00) or more but less than Fifteen Thousand Dollars (\$15,000.00), the person shall be punished by imprisonment for a term not to exceed three (3) years, or by a fine not to exceed Five Hundred Dollars (\$500.00), or by both such fine and imprisonment;

3. If the value of the personal property is Fifteen Thousand Dollars (\$15,000.00) or more, the person may be punished by imprisonment for a term not to exceed three (3) years, or by a fine not to exceed Five Hundred Dollars (\$500.00), or by both such imprisonment and fine.

B. If the personal property that has been stolen, embezzled, obtained by false pretense or robbery has a value of less than One Thousand Dollars (\$1,000.00), the person shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment for a term not to exceed six (6) months.

C. Every person who, without making reasonable inquiry, buys, receives, conceals, withholds, or aids in concealing or withholding any property which has been stolen, embezzled, obtained by false pretense or robbery, or otherwise feloniously obtained, under such circumstances as should cause such person to make reasonable inquiry to ascertain that the person from whom such property was bought or received had the legal right to sell or deliver it shall be presumed to have bought or received such property knowing it to have

been so stolen or wrongfully obtained. This presumption may, however, be rebutted by proof.

Historical Data

LA 07-21, eff. February 22, 2021.