

Cherokee Nation Code Annotated
Title 22: Criminal Procedure
Chapter 16: Judgment and Execution
§ 991A–9. Enhancement of sentence
Cite as: 22 CNCA § 991A-9

Whenever a person is convicted of an offense enumerated in 22 CNCA § 991A–8 in which the victim is elderly or incapacitated, the Court shall upon conviction:

1. Commit the defendant for confinement as provided by law; provided, the first thirty (30) days of the sentence shall not be subject to probation, suspension or deferral; provided further, this mandatory minimum period of confinement shall be served in the penal institution as a condition of a suspended or deferred sentence, pursuant to 22 CNCA § 991A and may be served by night or weekend incarceration pursuant to 22 CNCA § 991A–2; and
2. a. Require restitution be paid to the victim for out-of-pocket expenses, loss or damage to property and medical expenses for injury proximately caused by the conduct of the defendant pursuant to 22 CNCA § 991A–10; or
b. Assign the offender to perform a required term of community service, according to a schedule consistent with the employment and family responsibility of the person convicted; or
c. Require restitution as provided in subparagraph a of this paragraph and community service as provided in subparagraph b of this paragraph; and
3. The Court may further impose a fine or any other penalty otherwise provided by law.

Historical Data

LA 10–90, eff. November 13, 1990.