

Cherokee Nation Code Annotated

Title 22: Criminal Procedure

Chapter 2: Prevention of Public Offenses

§ 60.8. Seizure and Forfeiture of Weapons and Instruments

Cite as: 22 CNCA § 60.8

A. Any authorized peace officer of the Nation shall seize any weapon or instrument when such officer has probable cause to believe such weapon or instrument has been used to commit an act of domestic abuse as defined by 22 CNCA § 60.1, provided an arrest is made, if possible, at the same time.

B. After any such seizure, the Office of the Attorney General shall file a notice of seizure and forfeiture as provided in this section within ten (10) days of such seizure. or any weapon or instrument seized pursuant to this section shall be returned to the owner.

C. The seizure and forfeiture provisions of the Nation shall be followed for any seizure and forfeiture of property pursuant to this section. No weapon or instrument seized pursuant to this section or monies from the sale of any such seized weapon or instrument shall be turned over to the person from whom such property was seized if a forfeiture action has been filed within the time required by subsection B of this section, unless authorized by this section. Provided further, the owner may prove at the forfeiture hearing that the conduct giving rise to the seizure was justified, and if the owner proves justification, the seized property shall be returned to the owner. Any proceeds gained from this seizure shall be placed in the Crime Victims Compensation Revolving Fund.

Historical Data

LA 31-22, eff. September 22, 2022.