

Cherokee Nation Code Annotated

Title 57: Prisons and Reformatories

Chapter 1: Sex Offender Registration and Notification

§ 5.2. Tier II offenses

Cite as: 57 CNCA § 5.2

A. Recidivism and felonies. Unless otherwise covered by 57 CNCA § 5.3, any sex offense that is not the first sex offense for which a person has been convicted or an attempt or conspiracy to commit such an offense and that is punishable by more than one (1) year in jail is considered a "Tier II" offense.

B. Offenses involving minors. A "Tier II" offense includes any sex offense against a minor for which a person has been convicted, or an attempt or conspiracy to commit such an offense that involves:

1. The use of minors in prostitution, including solicitations;
2. Enticing a minor to engage in criminal sexual activity;
3. A non-forcible sexual act with a minor sixteen (16) or seventeen (17) years old;
4. Sexual contact with a minor thirteen (13) years of age or older, whether directly or indirectly through the clothing, that involves the intimate parts of the body;
5. The use of a minor in a sexual performance; or
6. The production or distribution of child pornography.

C. Certain federal offenses. Conviction for any of the following federal offenses or an attempt or conspiracy to commit such an offense shall be considered a conviction for a "Tier II" offense:

1. 18 U.S.C. § 1591 (sex trafficking by force, fraud, or coercion);
2. 18 U.S.C. § 2423(d) (arranging, inducing procuring or facilitating the travel in interstate commerce of a minor for the purpose of engaging in illicit conduct for financial gain);
3. 18 U.S.C. § 2244 (Abusive sexual contact, where the victim is 13 years of age or older);
4. 18 U.S.C. § 2251 (sexual exploitation of children);
5. 18 U.S.C. § 2251A (selling or buying of children);
6. 18 U.S.C. § 2252 (material involving the sexual exploitation of a minor);

7. 18 U.S.C. § 2252A (production or distribution of material containing child pornography);
8. 18 U.S.C. § 2260 (production of sexually explicit depictions of a minor for import into the United States);
9. 18 U.S.C. § 2421 (transportation of a minor for illegal sexual activity);
10. 18 U.S.C. § 2422(b) (coercing a minor to engage in prostitution);
11. 18 U.S.C. § 2423(a) (transporting a minor to engage in illicit conduct).

D. Certain military offenses. Any military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105–119 (codified at 10 U.S.C. § 951 note) that is similar to those offenses outlined in Section 3.02(A), (B), or (C) shall be considered a "Tier II" offense.

Historical Data

LA 08–12, eff. March 23, 2012.