

TABLED

CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA

OCT 13 2025

Date: _____

ORDINANCE NO.: 4 (2025)

An ordinance creating the crime of taking indecent liberties with children

WHEREAS, Currently, the Cherokee Code does not prohibit the conduct commonly listed as “indecent liberties with children”; and

WHEREAS, the prohibited conduct within this proposed ordinance covers a broad range of behaviors that should be prohibited under Cherokee Law; and

WHEREAS, codifying this prohibition, will express Tribal Council’s intent to protect the citizens of the Eastern Band of Cherokee Indians by expanding criminal prohibitions and allow for more robust prosecutions.

NOW THEREFORE BE IT ORDAINED, by the Tribal Council of the Eastern Band of Cherokee Indians, in council assembled, at which a quorum is present, the Cherokee Code is hereby amended as follows:

Secs. 14-20.56—14-20.7. - Reserved.

Sec. 14-20.5 – Taking indecent liberties with children

(a) A person is guilty of taking indecent liberties with children if, being 18 years of age or more, that person either:

- a. Willfully takes or attempts to take any immoral, improper, or indecent liberties with any minor for the purpose of arousing or gratifying sexual desire; or
- b. Willfully commits or attempts to commit any lewd or lascivious act upon or with the body or any part or member of the body of a minor.

Sec. 14-20.10. - Punishment.

Any person subject to the criminal jurisdiction of the Eastern Cherokee Court of Indian Offenses or any successor Cherokee Tribal Court who shall be convicted of any offense defined by this Article shall be punished as follows:

- (1) For a violation of section 14-20.2, by imprisonment for not less than three years, which term shall not be suspended, staved or otherwise delayed or reduced, and a fine of \$15,000.00;
- (2) For a violation of section 14-20.3 or 14-20.4, by imprisonment for not less than three years, all or any part of which may, in the Court's discretion, be suspended, and a fine of up to \$15,000.00.

1 (3) For a violation of section 14-20.8 or 14-20.5, by imprisonment for not less than one
2 year nor more than three years, all or any part of which may be suspended in the Court's
3 discretion, and a fine of up to \$15,000.00.
4

5 BE IT FINALLY ORDAINED, that all ordinances and resolutions inconsistent with this ordinance
6 are rescinded for crimes committed subsequent to ratification of this ordinance. This
7 ordinance shall become effective upon ratification by the Principal Chief.
8

9 *Submitted by the Office of the Attorney General.*