

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

S

3

SENATE BILL 655
Judiciary Committee Substitute Adopted 5/6/25
House Committee Substitute Favorable 6/17/25

Short Title: Extend Certain Rights to Catawba Nation.

(Public)

Sponsors:

Referred to:

March 26, 2025

A BILL TO BE ENTITLED
AN ACT TO EXTEND CERTAIN RIGHTS TO THE CATAWBA INDIAN NATION.
The General Assembly of North Carolina enacts:

SECTION 1. Chapter 1E of the General Statutes reads as rewritten:

"Chapter 1E.

"Eastern Band of Cherokee ~~Indians~~ Indians and Catawba Indian Nation.

"Article 1.

"Full Faith and Credit.

"§ 1E-1. Full faith and credit.

(a) The courts of this State shall give full faith and credit to a judgment, decree, or order signed by a judicial officer of either (i) the Eastern Band of Cherokee Indians or (ii) Catawba Indian Nation and filed in the Cherokee Tribal Courts or Catawba Nation Tribal Courts to the same extent as is given a judgment, decree, or order of another state, subject to the provisions of subsections (b) and (c) of this section; provided that the judgments, decrees, and orders of the courts of this State are given full faith and credit by the Tribal Courts of the Eastern Band of Cherokee ~~Indians~~ Indians and the Tribal Courts of the Catawba Indian Nation.

(b) Judgments, decrees, and orders specified in subsection (a) of this section shall be given full faith and credit subject to the provisions of G.S. 1C-1705 and G.S. 1C-1708 and shall be considered a foreign judgment for purposes of these statutes.

(c) Any limited driving privilege signed and issued by a Judge or Justice of either the Cherokee Tribal Courts or Catawba Nation Tribal Courts in accordance with the applicable provisions of Chapter 20 of the General Statutes and filed in the Cherokee Tribal Courts Clerk's Office or Catawba Nation Tribal Courts Clerk's Office shall be valid and given full faith and credit as specified in subsection (a) of this section. For purposes of this subsection, any reference to the issuing "judge" or "court" in the applicable provisions of Chapter 20 of the General Statutes shall be construed to mean the appropriate Judge or Justice in the Cherokee Tribal ~~Courts or~~ Courts, Catawba Nation Tribal Courts, or the appropriate Cherokee or Catawba Tribal Court.

"§ 1E-2. County services.

A county is not compelled to provide services on lands held in trust by the United States for the Eastern Band of Cherokee Indians, except for public health or human services traditionally provided by county agencies and not otherwise assumed by the Eastern Band of Cherokee Indians, unless there is an agreement between the Eastern Band of Cherokee Indians and the county describing each party's responsibilities. The agreement must be approved and signed by the Principal Chief of the Eastern Band of Cherokee Indians on behalf of the Eastern Band of Cherokee Indians and must be signed by the county manager or delegated department head. The



1 agreement may be effective for a definite period of time or an indefinite period of time, as
2 specified in the agreement.

3 "Article 2.

4 "Tribal Law Enforcement Authority.

5 **"§ 1E-10. Tribal law enforcement.**

6 (a) Except for the sections listed in subsection (b) of this section, Article 13 of Chapter
7 160A of the General Statutes is applicable to the Eastern Band of Cherokee ~~Indians~~Indians and
8 Catawba Indian Nation.

9 (b) The following provisions of Article 13 of Chapter 160A of the General Statutes shall
10 not apply to the Eastern Band of Cherokee ~~Indians~~Indians and Catawba Indian Nation:

- 11 (1) G.S. 160A-283.
- 12 (2) G.S. 160A-286.
- 13 (3) G.S. 160A-287.
- 14 (4) G.S. 160A-289.1.

15 **"§ 1E-11. Application and meaning of terms.**

16 For purposes of the application of the applicable provisions of Article 13 of Chapter 160A of
17 the General Statutes, the following terms contained in Article 13 of Chapter 160A of the General
18 Statutes shall be construed as follows:

- 19 (1) City. – To mean the Eastern Band of Cherokee ~~Indians~~Indians and Catawba
20 Indian Nation.
- 21 (2) Council or governing body. – To mean the Tribal Council of the Eastern Band
22 of Cherokee ~~Indians~~Indians and the Executive Committee of the Catawba
23 Indian Nation.
- 24 (3) City clerk. – To mean the clerk of the Tribal Council of the Eastern Band of
25 the Cherokee ~~Indians~~Indians or of the Executive Committee of the Catawba
26 Indian Nation.
- 27 (4) Corporate limits of the city. – To mean the boundaries of the trust lands of the
28 Eastern Band of the Cherokee Indians or of the Catawba Indian Nation
29 wherever located within the State of North Carolina.
- 30 (5) Law enforcement agency or local law enforcement agency. – To include the
31 Cherokee Police Department, the Cherokee Marshals Service, the Tribal
32 Alcohol Law Enforcement Division of the Eastern Band of the Cherokee
33 Indians, ~~and~~ the Natural Resources Enforcement Agency of the Eastern Band
34 of Cherokee ~~Indians~~Indians, the Catawba Indian Nation Tribal Police
35 Department, and the Catawba Indian Nation Marshals Service.

36 **"§ 1E-12. Qualification of law enforcement officers; limitations of authority.**

37 (a) For purposes of this section, "law enforcement officer" means any person appointed
38 or employed as (i) Chief of Police of the Cherokee Police Department, Chief of the Cherokee
39 Marshals Service, Chief of the Tribal Alcohol Law Enforcement Division of the Eastern Band of
40 the Cherokee Indians, or Chief of the Natural Resources Enforcement Agency of the Eastern
41 Band of the Cherokee ~~Indians or~~Indians, (ii) a police officer, auxiliary police officer, marshal,
42 alcohol law enforcement agent, reserve alcohol law enforcement agent, or resources officer with
43 the Cherokee Police Department, the Cherokee Marshals Service, the Tribal Alcohol Law
44 Enforcement Division of the Eastern Band of the Cherokee Indians, or the Natural Resources
45 Enforcement Agency of the Eastern Band of the Cherokee ~~Indians~~Indians, (iii) the Chief of the
46 Catawba Indian Nation Tribal Police Department, or (iv) a police officer, marshal, auxiliary
47 police, or resources officer with the Catawba Indian Nation Tribal Police Department or Catawba
48 Indian Nation Marshals Service.

49 (b) A law enforcement officer shall, prior to the exercise of the officer's authority
50 pursuant to Article 13 of Chapter 160A of the General Statutes, comply with the provisions of
51 Article 1 of Chapter 17C of the General Statutes and any rules or regulations adopted pursuant

to the authority of Article 1 of Chapter 17C of the General Statutes. The courts of this State shall have the jurisdiction pursuant to G.S. 17C-11 to enjoin the Cherokee Police Department, the Cherokee Marshals Service, the Tribal Alcohol Law Enforcement Division of the Eastern Band of Cherokee Indians, the Natural Resources Enforcement Agency of the Eastern Band of the Cherokee Indians, the Catawba Indian Nation Tribal Police Department, Marshals of the Catawba Indian Nation, or any law enforcement officer or agent employed or appointed by the department, agency, or division from exercising any or all of the authority under color of State law conferred by Article 13 of Chapter 160A of the General Statutes if any law enforcement officer or agent of the department, agency, or division fails to meet the required standards established pursuant to Article 1 of Chapter 17C of the General Statutes.

(c) The jurisdiction of a Cherokee law enforcement officer shall be (i) on all property owned by or leased to the Eastern Band of Cherokee Indians located within the trust lands of the Eastern Band of the Cherokee Indians and (ii) during the immediate and continuous flight of an offender in accordance with G.S. 15A-402(d). The jurisdiction of a Catawba law enforcement officer shall be (i) on all property owned by or leased to the Catawba Indian Nation located within the trust lands of the Catawba Indian Nation and (ii) during the immediate and continuous flight of an offender in accordance with G.S. 15A-402(d). Neither Eastern Band of Cherokee Indians nor Catawba Indian Nation law enforcement officers shall have jurisdiction on the other's land absent separate agreement of the tribes.

(d) Service as a law enforcement officer shall constitute service as (i) a "criminal justice officer" as defined in G.S. 17C-2(c) and (ii) a "law enforcement officer" for purposes of Article 12E of Chapter 143 of the General Statutes. For purposes of Article 12E of Chapter 143 of the General Statutes, the term "employer," as defined in G.S. 143-166.50, shall be construed to include the Eastern Band of Cherokee Indians and Catawba Indian Nation with respect to law enforcement officers.

(e) A law enforcement officer may be enjoined from exercising his authority under color of State law pursuant to Article 13 of Chapter 160A of the General Statutes for the reasons set forth in G.S. 128-16 and pursuant to the provisions of Article 2 of Chapter 128 of the General Statutes.

(f) Nothing contained in this Chapter or in Article 13 of Chapter 160A of the General Statutes shall be construed as doing any of the following:

(1) Limiting or revoking the authority of the Eastern Band of Cherokee Indians, the Cherokee Police Department, the Cherokee Marshals Service, the Tribal Alcohol Law Enforcement Division of the Eastern Band of the Cherokee Indians, the Natural Resources Enforcement Agency of the Eastern Band of the Cherokee Indians, or any law enforcement officers or other persons appointed or employed by those entities, in the exercise of their inherent powers of self-government, or exercise of authority conferred by federal law, regulation, or common law.

(1a) Limiting or revoking the authority of the Catawba Indian Nation, the Catawba Indian Nation Tribal Police Department, Catawba Indian Nation Marshals Service, or a police officer, auxiliary police, or resources officer with the Catawba Indian Nation Tribal Police Department or any of the Catawba Nation Tribal Police Department, or any law enforcement officers or other persons appointed or employed by those entities, in the exercise of their inherent powers of self-government, or exercise of authority conferred by federal law, regulation, or common law.

(2) Modifying, either by way of enlargement or limitation, the jurisdiction of the Cherokee Tribal Courts.

(3) Waiving any sovereign immunity that may otherwise apply.

(g) Nothing contained in this Chapter shall be construed as modifying, either by way of enlargement or limitation, the jurisdiction or authority of any federal, State, or local law enforcement agency, governmental entity, or any of their officers or employees, except the Eastern Band of Cherokee Indians, the Catawba Indian Nation, the Cherokee Police Department, the Catawba Indian Nation Tribal Police Department, the Cherokee Marshals Service, the Marshals of the Catawba Indian Nation, the Tribal Alcohol Law Enforcement Division of the Eastern Band of the Cherokee Indians, the Natural Resources Enforcement Agency of the Eastern Band of the Cherokee Indians, and their law enforcement officers, agents, and employees to the extent set forth in this Chapter.

"Article 3.

"Probation and Parole.

"§ 1E-20. Cherokee and Catawba Marshals Service.Services.

(a) The Supreme Court of the Eastern Band of Cherokee Indians is authorized to establish a probation and parole agency known as the "Cherokee Marshals Service."

(b) Marshals of the Cherokee Marshals Service shall (i) be required to meet the standards set forth in G.S. 1E-12 for law enforcement officers and (ii) have the same territorial jurisdiction, powers, and immunities as a law enforcement officer under G.S. 1E-12.

(c) Notwithstanding any other provision of law, marshals of the Cherokee Marshals Service shall have access to all probation and parole records of the North Carolina Department of Public Safety to the same extent as a probation or post-release supervision officer of the Department for any person over which the Cherokee Tribal Courts have jurisdiction to proceed in a criminal case and impose a sentence, including a fine, community service, or imprisonment. The Department may enter into a memorandum of understanding addressing the specifics of transferring information to the Cherokee Tribal Courts.

(d) The Catawba Indian Nation is authorized to establish a probation and parole agency.

(e) Marshals of the Catawba Indian Nation shall (i) be required to meet the standards set forth in G.S. 1E-12 for law enforcement officers and (ii) have the same territorial jurisdiction, powers, and immunities as a law enforcement officer under G.S. 1E-12.

(f) Notwithstanding any other provision of law, Marshals of the Catawba Indian Nation shall have access to all probation and parole records of the North Carolina Department of Public Safety to the same extent as a probation or post-release supervision officer of the Department for any person with the Catawba Nation Tribal Courts have jurisdiction to proceed in a criminal case and impose a sentence, including a fine, community service, or imprisonment. The Department may enter into a memorandum of understanding addressing the specifics of transferring information to the Catawba Nation Tribal Courts."

SECTION 2. G.S. 7A-343 reads as rewritten:

"§ 7A-343. Duties of Director.

The Director is the Administrative Officer of the Courts, and the Director's duties include all of the following:

...

(13) Prescribe policies and procedures and establish and operate systems for the exchange of criminal and civil information from and to the Judicial Department and local, State, and federal governments and the Eastern Band of Cherokee ~~Indians~~Indians and Catawba Indian Nation.

...."

SECTION 3. G.S. 7A-343.1 reads as rewritten:

"§ 7A-343.1. Distribution of copies of the appellate division reports.

(a) The Administrative Officer of the Courts shall, upon request and at the State's expense, distribute such number of copies of the appellate division reports to federal, State departments and agencies, and to educational institutions of instruction, as follows:

Attorney General

1	Utilities Commission	1
2	Industrial Commission	1
3	Office of Administrative Hearings	2
4	Archives and History, Division of	1
5	Legislative Building Library	2
6	Justices of the Supreme Court	1 ea.
7	Judges of the Court of Appeals	1 ea.
8	Judges of the Superior Court	1 ea.
9	Clerks of the Superior Court	1 ea.
10	District Attorneys	1 ea.
11	Supreme Court of North Carolina Library	AS MANY AS
12		REQUESTED
13	Appellate Division Reporter	1
14	University of North Carolina School of Law	5
15	North Carolina Central University School of Law	5
16	Duke University School of Law	5
17	Wake Forest University School of Law	5
18	Elon University School of Law	5
19	Campbell University School of Law	5
20	United States Department of Justice	1
21	Library of Congress	1
22	Federal Judges resident in North Carolina	1 ea.
23	Librarian, Supreme Court of the United States	1
24	United States Attorneys resident in North Carolina	1 ea.
25	Supreme Court Library exchange list	1
26	Cherokee Supreme Court, Eastern Band of	
27	Cherokee Indians	3
28	<u>Catawba Nation Tribal Courts</u>	<u>3</u>

The copies of reports furnished to each justice of the Supreme Court and judge of the Court of Appeals as set out in the table above may be retained personally by the justice or judge.

(b) A recipient listed in subsection (a) of this section may choose not to receive its copies of the appellate division reports, or choose to receive fewer than the number of copies allotted to it, by notifying the Administrative Officer of the Courts in writing. Should the recipient again wish to receive its full allotment of the appellate division reports, the recipient shall notify the Administrative Officer of the Courts in writing, and the Administrative Officer of the Courts may, in his or her discretion, resume distribution to the recipient."

SECTION 4. G.S. 14-159.12 reads as rewritten:

"§ 14-159.12. First degree trespass.

(a) Offense. – A person commits the offense of first degree trespass if, without authorization, the person enters or remains on or in any of the following:

- (1) The premises of another so enclosed or secured as to demonstrate clearly an intent to keep out intruders.
- (2) The building of another.
- (3) The lands of the Eastern Band of Cherokee Indians after the person has been excluded by a resolution passed by the Eastern Band of Cherokee Indian Tribal Council.
- (4) The lands of the Catawba Indian Nation after the person has been excluded by resolution passed by the Catawba Indian Nation Executive Committee.

...."

SECTION 5. G.S. 115D-5 reads as rewritten:

"§ 115D-5. Administration of institutions by State Board of Community Colleges; personnel exempt from North Carolina Human Resources Act; extension courses; tuition waiver; in-plant training; contracting, etc., for establishment and operation of extension units of the community college system; use of existing public school facilities.

...

(b) In order to make instruction as accessible as possible to all citizens, the teaching of curricular courses and of noncurricular extension courses at convenient locations away from institution campuses as well as on campuses is authorized and shall be encouraged. A pro rata portion of the established regular tuition rate charged a full-time student shall be charged a part-time student taking any curriculum course. In lieu of any tuition charge, the State Board of Community Colleges shall establish a uniform registration fee, or a schedule of uniform registration fees, to be charged students enrolling in extension courses for which instruction is financed primarily from State funds. The State Board of Community Colleges may provide by general and uniform regulations for waiver of tuition and registration fees for the following:

- (1) Persons not enrolled in elementary or secondary schools taking courses leading to a high school diploma or equivalent certificate.
- (2) Courses requested by the following entities that support the organizations' training needs and are on a specialized course list approved by the State Board of Community Colleges:
 - a. Volunteer fire departments.
 - b. Municipal, county, or State fire departments.
 - c. Volunteer EMS or rescue and lifesaving departments.
 - d. Municipal, county, or State EMS or rescue and lifesaving departments.
 - d1. Law enforcement, fire, EMS or rescue and lifesaving entities serving a lake authority that was created by a county board of commissioners prior to July 1, 2012.
 - e. Radio Emergency Associated Communications Teams (REACT) under contract to a county as an emergency response agency.
 - f. Municipal, county, or State law enforcement agencies.
 - f1. Campus police agencies of private institutions of higher education certified by the Attorney General pursuant to Chapter 74G of the General Statutes.
 - g. The Division of Prisons of the Department of Adult Correction and the Division of Juvenile Justice of the Department of Public Safety for the training of full-time custodial employees and employees of the Divisions required to be certified under Article 1 of Chapter 17C of the General Statutes and the rules of the Criminal Justice and Training Standards Commission.
 - h. Repealed by Session Laws 2017-186, s. 2(hhhhh), effective December 1, 2017.
 - i. The Eastern Band of Cherokee Indians and the Catawba Indian Nation law enforcement, fire, EMS or rescue and lifesaving tribal government departments or programs.
 - j. The Criminal Justice Standards Division of the Department of Justice for the training of criminal justice professionals, as defined in G.S. 17C-20(6), who are required to be certified under (i) Article 1 of Chapter 17C of the General Statutes and the rules of the North Carolina Criminal Justice Education and Training Standards Commission or (ii) Chapter 17E of the General Statutes and the rules of the North Carolina Sheriffs' Education and Training Standards

Commission. The waivers provided for in this sub-subdivision apply to participants and recent graduates of the North Carolina Criminal Justice Fellows Program to obtain certifications for eligible criminal justice professions as defined in G.S. 17C-20(6).

...."

SECTION 6. Nothing in this act shall be deemed to invalidate any agreement between a county and the Catawba Indian Nation existing as of the effective date of this act.

SECTION 7. Section 4 of this act becomes effective December 1, 2025, and applies to offenses committed on or after that date. The remainder of this act is effective when it becomes law.