



# HOUSE BILL 744: Trespass/Eastern Band Cherokee Indians Lands.

2017-2018 General Assembly

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<b>Committee:</b>	Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate	<b>Date:</b>	June 11, 2018
<b>Introduced by:</b>	Reps. McNeill, R. Turner	<b>Prepared by:</b>	Bill Patterson
<b>Analysis of:</b>	PCS to Second Edition H744-CSTG-41		Committee Co-Counsel

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**OVERVIEW:** *The Proposed Committee Substitute for House Bill 744 rewrites the bill in its entirety to make it a first degree trespass for a person to enter or remain on lands of the Eastern Band of Cherokee Indians after the person has been excluded by resolution duly enacted by the Tribal Council.*

**CURRENT LAW:** Under current law a person commits the offense of first degree trespass if, without authorization, he or she enters or remains in a building of another or on premises of another so enclosed or secured as to clearly demonstrate an intent to keep out intruders. Except for trespass to certain facilities involving electric generation, public water systems, or natural gas distribution systems, first degree trespass is a Class 2 misdemeanor, unless it involves reentry onto real property from which the person has previously been removed pursuant to execution of a valid order or writ for possession, in which case it is a Class I felony, including a fine of not less than \$1,000 for each violation.

**BILL ANALYSIS:** The PCS for House Bill 744 would make it a first-degree trespass for a person to enter onto or remain upon lands of the Eastern Band of Cherokee Indians after having been excluded by resolution passed by the Tribal Council. A first offense would be a Class 2 misdemeanor, and any subsequent offense would be a Class I felony, including a fine of not less than \$1,000.

**EFFECTIVE DATE:** This act becomes effective December 1, 2018, and applies to offenses committed on or after that date.

Karen Cochrane-Brown  
Director



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Legislative Analysis  
Division  
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