



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

2017-2018 General Assembly

Committee:	Senate Rules and Operations of the Senate	Date:	June 12, 2018
Introduced by:	Reps. McNeill, R. Turner	Prepared by:	Bill Patterson
Analysis of:	Third Edition		Staff Attorney

OVERVIEW: *House Bill 744 would 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 a duly enacted Tribal Council resolution.*

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. First degree trespass is generally 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
919-733-2578