



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

2017-2018 General Assembly

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<b>Committee:</b>		<b>Date:</b>	August 6, 2018
<b>Introduced by:</b>		<b>Prepared by:</b>	Bill Patterson Staff Attorney
<b>Analysis of:</b>	S.L. 2018-66		

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**OVERVIEW:** *S.L. 2018-66 makes 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.*

*This act becomes effective December 1, 2018.*

**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:** This act makes 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 is a Class 2 misdemeanor, and any subsequent offense is 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