

# An Act

## **Legislative Act 09-16**

### **A LEGISLATIVE ACT AMENDING TITLE 21 OF THE CHEROKEE NATION CODE ANNOTATED; RELATING TO OFFENSES AGAINST PROPERTY**

#### **BE IT ENACTED BY THE CHEROKEE NATION:**

#### **SECTION 1. TITLE AND CODIFICATION**

This Act shall be known, and may be cited as, the “**Cherokee Nation Safe Schools Act**” and codified under Title 21, Section 1836, of the Cherokee Nation Code Annotated (CNCA).

#### **SECTION 2. PURPOSE**

To criminalize acts of trespass upon the grounds of schools and childcare centers administered or operated by the Cherokee Nation.

#### **SECTION 3. TITLE 21 CNCA**

##### Section 1836 - Trespass Upon Grounds of School or Childcare Center

A. The chief administrative officer, or their designee, of any school or childcare facility administered or operated by the Cherokee Nation shall have the authority and power to direct any person to leave the school or childcare facility who is not a student, officer or employee thereof, and who:

1. Interferes with the peaceful conduct of activities at an institution of learning;
2. Commits an act which interferes with the peaceful conduct of activities at a school or childcare facility;
3. Enters the school or childcare facility for the purpose of committing an act which may interfere with the peaceful conduct of activities at such place; or
4. Has no legal authority or legitimate purpose for being on school grounds.

B. Any person to whom this section applies, who fails to leave the school or childcare facility as directed or returns within six (6) months thereafter, without first obtaining written permission from the chief administrative officer, or their designee, shall be guilty of a misdemeanor punishable by up to a five-hundred dollar (\$500.00) fine or thirty (30) days incarceration, or both.

C. "Interferes with the peaceful conduct" includes actions that directly interfere with classes, study, student or faculty safety, child or childcare provider safety, housing or parking areas, or extracurricular activities; threatening or stalking any person; damaging or causing waste to any property belonging to another person or the school or childcare facility; or direct interference with administration, maintenance or security of property belonging to the school or childcare facility.

D. The governing board of each school or childcare facility shall establish a grievance or appeals procedure and an opportunity for hearing for persons who have been required to leave the same pursuant to this section. Any person removed from the school or childcare facility pursuant to this section shall be given written notice of the procedure for requesting a hearing and filing a grievance or appeal.

**SECTION 4. PROVISIONS CUMULATIVE**

The provisions of this Act shall be cumulative to existing law.

**SECTION 5. SEVERABILITY**

The provisions of this act are severable and if any part of the provision hereof shall be held void the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this Act.

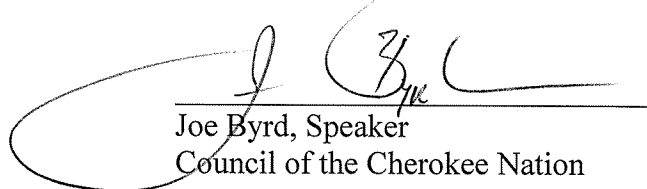
**SECTION 6. EFFECTIVE DATE - EMERGENCY**

The provisions of this act shall become law immediately upon its passage and approval.

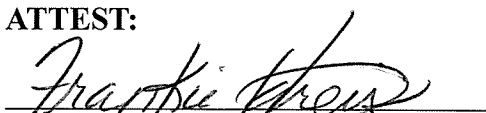
**SECTION 7. SELF-HELP CONTRIBUTIONS**

To the extent that this Act involves programs or services to citizens of the Nation or others, self-help contributions shall be required, unless specifically prohibited by the funding agency, or a waiver is granted due to physical or mental incapacity of the participant to contribute.

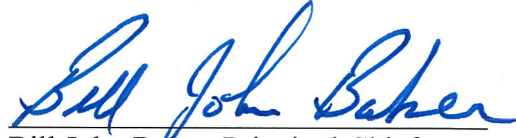
Enacted by the Council of the Cherokee Nation on the 11<sup>th</sup> day of April, 2016.

  
\_\_\_\_\_  
Joe Byrd, Speaker  
Council of the Cherokee Nation

**ATTEST:**

  
\_\_\_\_\_  
Frankie Hargis, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 15 day of April, 2016.



Bill John Baker, Principal Chief  
Cherokee Nation

**ATTEST:**



Chuck Hoskin, Jr., Secretary of State  
Cherokee Nation

**YEAS AND NAYS AS RECORDED:**

Rex Jordan	<u>Yea</u>	Harley Buzzard	<u>Yea</u>
Joe Byrd	<u>Yea</u>	Victoria Vazquez	<u>Yea</u>
David Walkingstick	<u>Yea</u>	Dick Lay	<u>Yea</u>
Don Garvin	<u>Yea</u>	Buel Anglen	<u>Yea</u>
David W. Thornton, Sr.	<u>Yea</u>	Keith Austin	<u>Yea</u>
Bryan Warner	<u>Yea</u>	Janees Taylor	<u>Yea</u>
Frankie Hargis	<u>Yea</u>	Jack Baker	<u>Yea</u>
Shawn Crittenden	<u>Yea</u>	Wanda Hatfield	<u>Yea</u>
Curtis Snell	<u>Yea</u>		

# Cherokee Nation Act/Resolution Proposal Form

Act       Resolution

**A LEGISLATIVE ACT AMENDING TITLE 21 OF  
THE CHEROKEE NATION CODE ANNOTATED;  
RELATING TO OFFENSES AGAINST PROPERTY**

**TITLE:**

DEPARTMENT CONTACT: \_\_\_\_\_

RESOLUTION PRESENTER: \_\_\_\_\_

COUNCIL SPONSOR: Victoria Vazquez

**NARRATIVE:**

<b><u>ADMINISTRATIVE CLEARANCE</u></b>	
Dept/Program:	
Signature/Initial	Date
Executive Director:	
Signature/Initial	Date
Treasurer: (Required: Grants/Contracts/Budgets)	
Signature/Initial	Date
Government Relations:	
Signature/Initial	Date
Administration Approval:	
	3/17/16
Signature/Initial	Date
<b><u>LEGISLATIVE CLEARANCE:</u></b>	
Legal & Legislative Coordinator:	
	3/17/16
Signature/Initial	Date
Standing Committee & Date:	
	3/31/16
Chairperson:	
	
Signature/Initial	Date
Returned to Presenter: _____	
Date	

03-17-16P01:17 RCVD