



Council of the Cherokee Nation

Cherokee Nation Tribal
Council
17763 S. Muskogee Ave.
Tahlequah, OK 74464

Legislation Text

File #: 16-048, Version: 1

**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.