

Cherokee Nation Code Annotated
Title 21: Crimes and Punishments
Part VII. Crimes Against Property
Chapter 70: Other Offenses Against Property Rights
§ 1836. Trespass upon grounds of school or childcare facility

Cite as: 21 CNCA § 1836

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.

Historical Data

LA 09-16, eff. April 15, 2016.