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HOUSE BILL 2476

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State of Washington

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By Representatives McCoy, Simpson, Lantz, Appleton, O'Brien, Kenney, Sells, Moeller, Hudgins, Dunn, Upthegrove, and Chase

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1 AN ACT Relating to authorizing tribal police officers to act as  
2 general authority Washington state peace officers; and adding a new  
3 chapter to Title 10 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The definitions in this section apply  
6 throughout this chapter unless the context clearly requires otherwise.

7 (1) "General authority Washington peace officer" means an officer  
8 authorized to enforce the criminal and traffic laws of the state of  
9 Washington generally.

10 (2) "Tribal police officer" means any person in the employ of one  
11 of the federally recognized sovereign tribal governments, whose  
12 traditional lands and territories lie within the borders of the state  
13 of Washington, to enforce the criminal laws of that government.

14 NEW SECTION. **Sec. 2.** (1) Tribal police officers under subsection  
15 (2) of this section shall be recognized and authorized to act as  
16 general authority Washington peace officers. A tribal police officer  
17 recognized and authorized to act as a general authority Washington  
18 peace officer under this section has the same powers as any other

1 general authority Washington peace officer to enforce state laws in  
2 Washington, including the power to make arrests for violations of state  
3 laws.

4 (2) A tribal police officer may exercise the powers of law  
5 enforcement of a general authority Washington peace officer under this  
6 section, subject to the following:

7 (a) The appropriate sovereign tribal nation shall submit to the  
8 office of financial management proof of public liability and property  
9 damage insurance for vehicles operated by the peace officers and police  
10 professional liability insurance from a company licensed to sell  
11 insurance in the state.

12 (i) Within the thirty days of receipt of written proof of insurance  
13 from the sovereign tribal nation, the office of financial management  
14 shall either approve or reject the adequacy of insurance. The adequacy  
15 of insurance under this chapter shall be subject to annual review by  
16 the state office of financial management.

17 (ii) Each policy of insurance issued under this chapter must  
18 include a provision that the insurance shall be available to satisfy  
19 settlements or judgments arising from the tortious conduct of tribal  
20 police officers when acting in the capacity of a general authority  
21 Washington peace officer, and that to the extent of policy coverage the  
22 sovereign tribal nation will not raise a defense of sovereign immunity  
23 to preclude an action for damages, the determination of fault in a  
24 civil action, or the payment of a settlement or judgment arising from  
25 the tortious conduct.

26 (b) The appropriate sovereign tribal nation shall submit to the  
27 office of financial management proof of training requirements for each  
28 tribal police officer. To be authorized as a general authority  
29 Washington peace officer, a tribal police officer must successfully  
30 complete the requirements set forth under RCW 43.101.157. Any  
31 applicant not meeting the requirements for certification as a tribal  
32 police officer may not act as a general authority Washington peace  
33 officer under this chapter.

34 (3) A copy of any citation or notice of infraction issued, or any  
35 incident report taken, by a tribal police officer acting in the  
36 capacity of a general authority Washington peace officer as authorized  
37 by this section must be submitted within three days to the police chief  
38 or sheriff within whose jurisdiction the action was taken. Any

1 citation issued under this section shall be to a Washington court,  
2 except that any citation issued to Indians within the exterior  
3 boundaries of an Indian reservation may be cited to a tribal court.  
4 Any arrest made or citation issued not in compliance with this section  
5 is not enforceable.

6 (4) Any authorization granted under this section shall not in any  
7 way expand the jurisdiction of any tribal court or other tribal  
8 authority.

9 (5) The authority granted under this section shall be coextensive  
10 with the exterior boundaries of the reservation, except that an officer  
11 commissioned under this section may act as authorized under RCW  
12 10.93.070 beyond the exterior boundaries of the reservation.

13 (6) For purposes of civil liability under this chapter, a tribal  
14 police officer shall not be considered an employee of the state of  
15 Washington. The state of Washington and its individual employees shall  
16 not be liable for the authorization of tribal police officers under  
17 this chapter, nor for the negligence or other misconduct of tribal  
18 officers. The authorization of tribal police officers under this  
19 chapter shall not be deemed to have been a nondelegable duty of the  
20 state of Washington.

21 (7) Nothing in this section impairs or affects the existing status  
22 and sovereignty of those sovereign tribal governments whose traditional  
23 lands and territories lie within the borders of the state of Washington  
24 as established under the laws of the United States.

25 (8) Nothing in this section limits, impairs, or nullifies the  
26 authority of a county sheriff to appoint duly commissioned state or  
27 federally certified tribal police officers as deputy sheriffs  
28 authorized to enforce the criminal and traffic laws of the state of  
29 Washington.

30 NEW SECTION. **Sec. 3.** Sections 1 and 2 of this act constitute a  
31 new chapter in Title 10 RCW.

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