

SENATE BILL REPORT

HB 1362

As Reported By Senate Committee On:
Law & Justice, March 30, 1995

Title: An act relating to retrocession of criminal jurisdiction.

Brief Description: Providing for retrocession of criminal jurisdiction by the Muckleshoot Tribe.

Sponsors: Representatives Robertson, L. Thomas and Sheldon.

Brief History:

Committee Activity: Law & Justice: 3/20/95, 3/30/95 [DP].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Staff: Martin Lovinger (786-7443)

Background: Under authorization of federal law, Washington State in 1963 assumed criminal and civil jurisdiction over Indians and Indian lands within the state. The federal law also permits a state to retrocede jurisdiction back to an Indian tribe and the federal government. Retrocession requires agreement among the state, the tribe, and the federal government.

Under retrocession, the federal government rather than the tribe has jurisdiction over so-called major crimes committed by Indians on Indian lands. Major crimes under the federal law include homicide, assault, rape, kidnapping, arson, burglary, and robbery, among other felonies.

Over the past nine years, five tribes in Washington have sought and received retrocession of state jurisdiction over criminal acts by Indians committed on tribal lands. Those tribes have become eligible for federal law enforcement funding. Tribes subject to full state criminal jurisdiction are not eligible for federal law enforcement money and some local governments have experienced difficulties in meeting the law enforcement needs on Indian reservations.

Currently, there can be significant delays in police response time on the Muckleshoot Reservation. The Muckleshoot Tribe has worked to address their law enforcement needs, including contracting for parttime coverage from three off-duty King County officers. However, it is believed that federal funds will make it possible for the Muckleshoot Tribe to provide fulltime police coverage on the Muckleshoot Reservation.

Summary of Bill: The state retrocedes criminal jurisdiction to the Muckleshoot Tribe. The retrocession applies only to crimes committed by Indians on tribal lands.

The Muckleshoot Tribe is authorized to pass a resolution asking the Governor to issue a proclamation retroceding criminal jurisdiction. Retrocession becomes effective if accepted by the federal government.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill will allow the Muckleshoot to implement a comprehensive law enforcement program with five fulltime officers. This will improve the quality of law enforcement in the area while saving local government resources.

Testimony Against: None.

Testified: Representative Robertson, prime sponsor (pro); Leo LaClair, Muckleshoot Tribe (pro).