

SENATE BILL REPORT

SB 5698

As Passed Senate, March 10, 1995

Title: An act relating to retrocession of criminal jurisdiction.

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

Sponsors: Senators Roach, Spanel and Smith.

Brief History:

Committee Activity: Law & Justice: 2/14/95 [DP].
Passed Senate, 3/10/95, 43-2.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, 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: Available.

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

Testimony For: This bill will allow the Muckleshoot Tribe to obtain federal law enforcement funding in order to have full-time police coverage on the Muckleshoot Reservation. Federal law enforcement funding will lead to more comprehensive law enforcement and a greater contribution to cooperative efforts with neighboring jurisdictions.

Testimony Against: None.

Testified: Leo La Clair, Muckleshoot Tribal Council.