

SENATE BILL REPORT

SB 5848

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 Tulalip Tribe.

Sponsors: Senator Smith.

Brief History:

Committee Activity: Law & Justice: 2/14/95 [DP].

Passed Senate, 3/10/95, 40-5.

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.

Retrocession will make the Tulalip Tribes eligible for federal law enforcement funding. It is believed that federal funds will make it possible for the Tulalip Tribes to provide better law enforcement coverage on the Tulalip Reservation.

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

The Tulalip Tribes are 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: Requested on February 9, 1995.

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

Testimony For: Retrocession will provide access to resources needed to protect people and property. Law enforcement funds are already provided by the federal government to 26 of the 31 reservations in this state. The Tulalip Tribes are involved in cooperative efforts now with state law enforcement. Federal funds would allow the Tulalip to contribute even more to the cooperative law enforcement efforts.

Testimony Against: None.

Testified: Stan Jones, Chairman, Tulalip Tribes (pro).