
HOUSE BILL 1362

State of Washington 54th Legislature 1995 Regular Session

By Representatives Robertson, L. Thomas and Sheldon

Read first time 01/23/95. Referred to Committee on Law and Justice.

1 AN ACT Relating to retrocession of criminal jurisdiction; and
2 amending RCW 37.12.100, 37.12.110, and 37.12.120.

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

4 **Sec. 1.** RCW 37.12.100 and 1994 c 12 s 1 are each amended to read
5 as follows:

6 It is the intent of the legislature to authorize a procedure for
7 the retrocession, to the Quileute Tribe, Chehalis Tribe, Swinomish
8 Tribe, Skokomish Tribe, Muckleshoot Tribe, and the Colville
9 Confederated Tribes of Washington and the United States, of criminal
10 jurisdiction over Indians for acts occurring on tribal lands or
11 allotted lands within the Quileute, Chehalis, Swinomish, Skokomish,
12 Muckleshoot, or Colville Indian reservation and held in trust by the
13 United States or subject to a restriction against alienation imposed by
14 the United States.

15 RCW 37.12.100 through 37.12.140 in no way expand the Quileute,
16 Chehalis, Swinomish, Skokomish, Muckleshoot, or Colville tribe's
17 criminal or civil jurisdiction, if any, over non-Indians or fee title
18 property. RCW 37.12.100 through 37.12.140 shall have no effect
19 whatsoever on water rights, hunting and fishing rights, the established

1 pattern of civil jurisdiction existing on the lands of the Quileute,
2 Chehalis, Swinomish, Skokomish, Muckleshoot, or Colville Indian
3 reservation, the established pattern of regulatory jurisdiction
4 existing on the lands of the Quileute, Chehalis, Swinomish, Skokomish,
5 Muckleshoot, or Colville Indian reservation, taxation, or any other
6 matter not specifically included within the terms of RCW 37.12.100
7 through 37.12.140.

8 **Sec. 2.** RCW 37.12.110 and 1994 c 12 s 2 are each amended to read
9 as follows:

10 Unless the context clearly requires otherwise, the following
11 definitions apply throughout RCW 37.12.100 through 37.12.140:

12 (1) "Colville reservation" or "Colville Indian reservation,"
13 "Quileute reservation" or "Quileute Indian reservation," "Chehalis
14 reservation" or "Chehalis Indian reservation," "Swinomish reservation"
15 or "Swinomish Indian reservation," ((~~or~~)) "Skokomish reservation" or
16 "Skokomish Indian reservation," or "Muckleshoot reservation" or
17 "Muckleshoot Indian reservation" means all tribal lands or allotted
18 lands lying within the reservation of the named tribe and held in trust
19 by the United States or subject to a restriction against alienation
20 imposed by the United States, but does not include those lands which
21 lie north of the present Colville Indian reservation which were
22 included in original reservation boundaries created in 1872 and which
23 are referred to as the "diminished reservation."

24 (2) "Indian tribe," "tribe," "Colville tribes," or "Quileute,
25 Chehalis, Swinomish, ((~~or~~)) Skokomish, or Muckleshoot tribe" means the
26 confederated tribes of the Colville reservation or the tribe of the
27 Quileute, Chehalis, Swinomish, ((~~or~~)) Skokomish, or Muckleshoot
28 reservation.

29 (3) "Tribal court" means the trial and appellate courts of the
30 Colville tribes or the Quileute, Chehalis, Swinomish, ((~~or~~)) Skokomish,
31 or Muckleshoot tribe.

32 **Sec. 3.** RCW 37.12.120 and 1994 c 12 s 3 are each amended to read
33 as follows:

34 Whenever the governor receives from the confederated tribes of the
35 Colville reservation or the Quileute, Chehalis, Swinomish, ((~~or~~))
36 Skokomish, or Muckleshoot tribe a resolution expressing their desire
37 for the retrocession by the state of all or any measure of the criminal

1 jurisdiction acquired by the state pursuant to RCW 37.12.021 over lands
2 of that tribe's reservation, the governor may, within ninety days,
3 issue a proclamation retroceding to the United States the criminal
4 jurisdiction previously acquired by the state over such reservation.
5 However, the state of Washington shall retain jurisdiction as provided
6 in RCW 37.12.010. The proclamation of retrocession shall not become
7 effective until it is accepted by an officer of the United States
8 government in accordance with 25 U.S.C. Sec. 1323 (82 Stat. 78, 79) and
9 in accordance with procedures established by the United States for
10 acceptance of such retrocession of jurisdiction. The Colville tribes
11 and the Quileute, Chehalis, Swinomish, (~~and~~) Skokomish, and
12 Muckleshoot tribes shall not exercise criminal or civil jurisdiction
13 over non-Indians.

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