
SENATE BILL 5848

State of Washington

54th Legislature

1995 Regular Session

By Senator Smith

Read first time 02/09/95. Referred to Committee on Law & 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, Tulalip Tribes, and the Colville Confederated
9 Tribes of Washington and the United States, of criminal jurisdiction
10 over Indians for acts occurring on tribal lands or allotted lands
11 within the Quileute, Chehalis, Swinomish, Skokomish, Tulalip, or
12 Colville Indian reservation and held in trust by the United States or
13 subject to a restriction against alienation imposed by the United
14 States.

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

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

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

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

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

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

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

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

33 Whenever the governor receives from the confederated tribes of the
34 Colville reservation or the Quileute, Chehalis, Swinomish, ((~~or~~))
35 Skokomish, or Tulalip tribe a resolution expressing their desire for
36 the retrocession by the state of all or any measure of the criminal
37 jurisdiction acquired by the state pursuant to RCW 37.12.021 over lands

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

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