

HOUSE BILL REPORT

HB 2159

As Reported By House Committee On:
Judiciary

Title: An act relating to jurisdiction over Skokomish tribal lands.

Brief Description: Changing provisions relating to criminal jurisdiction on Skokomish tribal lands.

Sponsors: Representatives Sheldon, Holm, Dellwo and Wineberry.

Brief History:

Reported by House Committee on:
Judiciary, January 26, 1994, DP.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 16 members: Representatives Appelwick, Chair; Johanson, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Eide; Forner; J. Kohl; Long; Morris; H. Myers; Schmidt; Scott; Tate and Wineberry.

Staff: Bill Perry (786-7123).

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.

Over the past eight years, four tribes in Washington have sought and received retrocession of state jurisdiction over criminal acts by Indians committed on tribal lands. These tribes are the Quileute, Chehalis, and Swinomish tribes, and the Colville Confederated Tribes of Washington.

Tribes that remain subject to state jurisdiction may enter into arrangements with local law enforcement agencies for providing law enforcement on tribal lands. However, tribes subject to full state criminal jurisdiction are not eligible for federal money for law enforcement. Some local agencies have experienced financial difficulty in continuing to participate in law enforcement on tribal lands. Those

tribes that have sought and received retrocession of state jurisdiction have become eligible for federal funding for law enforcement.

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.

Retrocession requires agreement among the state, the tribe and the federal government.

Summary of Bill: Under the provisions of federal law, the state retrocedes criminal jurisdiction to the Skokomish Tribe. The retrocession applies only to crimes committed by Indians on tribal lands.

The Skokomish 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.

Fiscal Note: Not requested.

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

Testimony For: Retrocession will improve public safety and law enforcement on tribal lands. Retrocession is an important part of tribal autonomy and self-determination.

Testimony Against: None.

Witnesses: Joseph Pavel, Skokomish Indian Tribe; Bob Shepherd, Mason County Sheriff; and Mary Murphy, League of Women Voters (all in favor).