

FINAL BILL REPORT

HB 2159

C 12 L 94
Synopsis as Enacted

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

By Representatives Sheldon, Holm, Dellwo and Wineberry.

House Committee on Judiciary
Senate Committee on Law & Justice

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.

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.

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.

Summary: 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.

Votes on Final Passage:

House	93	0
Senate	42	0

Effective: June 9, 1994