

FINAL BILL REPORT

HB 1362

C 177 L 95

Synopsis as Enacted

Brief Description: Providing for retrocession of criminal jurisdiction by the Muckleshoot Tribe.

Sponsors: Representatives Robertson, L. Thomas and Sheldon.

House Committee on Law & Justice
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. Retrocession affects only crimes committed by Indians on tribal lands.

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. Once the Legislature authorizes retrocession, the affected tribe must send the Governor a resolution requesting retrocession. If the Governor decides to authorize retrocession, he or she must do so by issuing a proclamation within 90 days of receipt of the tribal resolution. Once the federal government accepts the proclamation, retrocession is effective.

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. These tribes are the Quileute, Chehalis, Skokomish, 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 Muckleshoot Tribe and the federal government. The retrocession applies only to crimes committed by Indians on tribal lands.

The Muckleshoot 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	97	0
Senate	45	0

Effective: July 23, 1995