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SENATE BILL 5698

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State of Washington                      54th Legislature                      1995 Regular Session

By Senators Roach, Spanel and Smith

Read first time 02/01/95. 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, 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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