

---

SENATE BILL 5867

---

State of Washington                      60th Legislature                      2007 Regular Session

By Senators Kline and Sheldon

Read first time 02/05/2007. Referred to Committee on Judiciary.

1            AN ACT Relating to the authorization of tribal, Indian nation, and  
2 bureau of Indian affairs law enforcement and public safety officers to  
3 act as Washington state peace officers; and adding a new chapter to  
4 Title 10 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6            NEW SECTION.    **Sec. 1.**    (1) Duly sworn and commissioned tribal law  
7 enforcement or public safety officers who are employed by a tribal  
8 government, Indian nation, or the bureau of Indian affairs, and are  
9 assigned in Washington state, when entered into an agreement under  
10 section 2 of this act, may exercise general authority peace officer  
11 powers over non-Indian persons when those individuals are on tribal  
12 lands or within the external boundaries of Indian reservations.

13            (2) Tribal law enforcement or public safety officers who are  
14 subject to an agreement with the Washington state patrol must  
15 successfully complete four hundred hours of basic police training that  
16 is approved by the director of the Washington law enforcement academy.

17            NEW SECTION.    **Sec. 2.**    (1) Tribal law enforcement or public safety  
18 officers may exercise general authority peace officer powers over

1 non-Indian persons if the employing tribal government, Indian nation,  
2 or the bureau of Indian affairs has entered into a written agreement  
3 with the Washington state patrol, and the agreement contains the  
4 following conditions:

5 (a) The tribe or Indian nation, but not the bureau of Indian  
6 affairs, agrees to submit proof of adequate public liability and  
7 property damage insurance for vehicles operated by law enforcement or  
8 public safety officers and police professional liability insurance from  
9 a company licensed to sell insurance in Washington state;

10 (b) The tribe, Indian nation, or the bureau of Indian affairs  
11 agrees that the chief of the Washington state patrol has the authority  
12 to suspend any commission for reasons solely within the chief's  
13 discretion;

14 (c) The tribe, Indian nation, or the bureau of Indian affairs  
15 agrees that if any provision of the agreement is violated by the tribe,  
16 Indian nation, or the bureau of Indian affairs, or any of its agents,  
17 the chief of the Washington state patrol shall suspend the agreement  
18 with five days' notice. The suspension shall last until the chief is  
19 satisfied that the violation has been corrected and will not recur;

20 (d) The tribe, Indian nation, or the bureau of Indian affairs  
21 agrees that any citation issued pursuant to a commission shall be to a  
22 court of Washington state, except that any citations issued to Indians  
23 within the exterior boundaries of an Indian reservation may be cited to  
24 a tribal court;

25 (e) The tribe, Indian nation, or the bureau of Indian affairs  
26 agrees to meet with the chief or chief's designee of the Washington  
27 state patrol annually or more frequently at the call of the chief of  
28 the Washington state patrol to discuss the status of the agreement, and  
29 invite other law enforcement or other officials to attend as necessary;

30 (f) Commissioned tribal law enforcement or public safety officers  
31 shall submit a copy of any citation issued pursuant to a commission  
32 within five days to the chief of the Washington state patrol; and

33 (g) Commissioned tribal law enforcement or public safety officers  
34 may proceed in hot pursuit of an offender beyond the external  
35 boundaries of Indian reservations.

36 (2) Nothing in this section impairs or affects the existing status  
37 and sovereignty of a tribe or Indian nation as established under the  
38 laws of the United States.

1           (3) Nothing in this section limits, impairs, or nullifies the  
2 authority of county sheriffs to appoint duly commissioned state or  
3 federally certified officers who are employees of a police or public  
4 safety department of a tribe or Indian nation, or who are federal law  
5 enforcement officers employed by the bureau of Indian affairs as deputy  
6 sheriffs authorized to enforce Washington criminal and traffic laws.

7           NEW SECTION.   **Sec. 3.** Sections 1 and 2 of this act constitute a  
8 new chapter in Title 10 RCW.

--- END ---