

HOUSE BILL REPORT

SB 6040

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: Senator Owen.

Brief History:

Reported by House Committee on:
Judiciary, February 18, 1994, DP.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 13 members:
Representatives Appelwick, Chair; Johanson, Vice Chair;
Padden, Ranking Minority Member; Ballasiotes, Assistant
Ranking Minority Member; Campbell; Chappell; Eide; J. Kohl;
Long; Morris; H. Myers; Scott and Tate.

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.

The Skokomish tribe is seeking retrocession. Mason County is experiencing increasing financial difficulty in providing adequate law enforcement coverage on tribal lands. The Skokomish tribe will seek federal Bureau of Indian Affairs funding if the tribe acquires jurisdiction through retrocession.

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 will allow the tribe to meet its obligation to its members.

Testimony Against: None.

Witnesses: Joseph Pavel, Skokomish Indian tribe (pro).