

1 HB149
2 189493-2
3 By Representative Davis
4 RFD: Judiciary
5 First Read: 09-JAN-18

1
2 ENROLLED, An Act,

3 To amend Sections 36-21-120 to 36-21-124, inclusive,
4 of the Code of Alabama 1975, relating to police officers of
5 the Mowa Band of Choctaw Indians; to give the same powers and
6 authority to the Poarch Band of Creek Indians.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. Sections 36-21-120 to 36-21-124, Code of
9 Alabama 1975, are amended to read as follows:

10 "§36-21-120.

11 ~~"The~~ For the purposes of the act adding this
12 amendatory language, the following terms shall have the
13 following meanings, respectively:

14 ~~"(2) (1) POLICE OFFICER. Any Peace Officers'~~
15 ~~Standards and Training Commission certified police~~ A law
16 enforcement officer appointed by the Mowa Band of Choctaw
17 ~~Indians Tribal Council~~ a tribe pursuant to Section 36-21-122
18 who meets all of the requirements of the Alabama Peace
19 Officers' Standards and Training Commission for certified law
20 enforcement officers.

21 ~~"(3) (2) RESERVATION. The Mowa Choctaw Indian~~
22 Reservation or Poarch Creek Indian Reservation, including any
23 and all tribal properties or property owned in trust for the
24 tribe by the United States government.

1 "~~(1) MOWA BAND OF CHOCTAW INDIANS.~~ (3) TRIBE. The
2 tribe of Indians known as the Mowa Band of Choctaw Indians
3 organized as a nonprofit corporation and recognized as a
4 tribal government and law enforcement agency by the State of
5 Alabama and the tribe of Indians recognized as the Poarch Band
6 of Creek Indians by the federal government and by the State of
7 Alabama as a tribal government and as a law enforcement
8 agency.

9 "§36-21-121.

10 "It is the intent of the Legislature to provide for
11 the employment of police officers by ~~the~~ a reservation in
12 order to protect reservation boundaries from intruders and
13 trespassers, to prevent damage to the properties and grounds
14 of the reservation, and to provide for the safety of residents
15 and employees of the reservation. The police officers shall be
16 vested with powers similar to the powers vested in university
17 police.

18 "§36-21-122.

19 "~~The Mowa Band of Choctaw Indians Tribal Council~~
20 tribal council of a tribe may appoint and employ one or more
21 suitable persons to act as police officers to protect the
22 reservation of the tribe from intruders and trespassers, to
23 prevent damage to the properties and grounds of the
24 reservation of the tribe, and to provide for the safety of
25 residents and employees of the reservation of the tribe. No

1 state or local funds allocated for law enforcement purposes
2 shall be used to provide financial support for the law
3 enforcement officers hired by ~~the Mowa Band of Choctaw Indians~~
4 a tribe. The authority of any person appointed as a police
5 officer shall immediately cease when the person ceases to be
6 an agent, servant, or employee of ~~the~~ a reservation.

7 "§36-21-123.

8 "Any police officer appointed by a tribe pursuant to
9 Section 36-21-122 shall be charged with all the powers of
10 state ~~or municipal~~ police officers including, but not limited
11 to, the right to bear firearms. The police officers of a tribe
12 may do any of the following:

13 "(1) Eject trespassers from the buildings and
14 grounds of the reservation.

15 "(2) Without a warrant, arrest a person who is
16 engaging in disorderly conduct, trespassing upon the property
17 of the reservation, or committing any public offense in the
18 presence of the police officers on the reservation property,
19 and carry the person before the proper court and, upon proper
20 affidavit, charge the person with committing the offense and
21 the person so arrested may be tried and convicted as in cases
22 of persons brought before ~~the~~ a court on the warrant of the
23 court.

1 "(3) Arrest any person pursuant to a warrant who is
2 on the premises of the reservation and is charged with any
3 public offense and take the person before the proper office.

4 "§36-21-124.

5 "The powers of police officers appointed by a tribe
6 pursuant to this article may be exercised only upon the
7 premises of the reservation of the tribe, and a police officer
8 ~~shall~~ may not otherwise act as a police officer while off the
9 premises of ~~the~~ his or her reservation, except under either of
10 the following conditions:

11 "(1) When in appropriate pursuit off the reservation
12 of any offender or suspected offender who is charged with the
13 commission of a crime while on the premises of the
14 reservation.

15 "(2) To make lawful arrests for a felony committed,
16 or for which there is probable cause to believe has been
17 committed, in the presence of the police officer or within the
18 boundaries of the property owned or operated by the
19 ~~reservation~~ tribe."

20 Section 2. This act shall become effective
21 immediately following its passage and approval by the
22 Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 15-FEB-18.

Jeff Woodard
Clerk

Senate

21-MAR-18

Passed