

1 SB243
2 182921-1
3 By Senator Whatley
4 RFD: Judiciary
5 First Read: 23-FEB-17

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8 SYNOPSIS: Existing law provides for the Mowa Band of
9 Choctaw Indians to employ police officers and
10 limits the exercise of their powers to the premises
11 of the reservation except when in appropriate
12 pursuit off the premises of the reservation of an
13 offender who is charged with a crime while on the
14 premises of the reservation, when making a lawful
15 arrest for a felony committed, or probable cause to
16 believe a felony has been committed, in the
17 presence of the police officer, or within the
18 boundaries of property owned or operated by the
19 tribe.

20 This bill would give the Poarch Band of
21 Creek Indians the same powers and authority to
22 employ police officers for the protection of the
23 reservation and the safety of the tribe.

24
25 A BILL
26 TO BE ENTITLED
27 AN ACT

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

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

9 "§36-21-120.

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

13 "~~(2)~~ (1) POLICE OFFICER. Any Peace Officers'
14 Standards and Training Commission certified police officer
15 appointed by ~~the Mowa Band of Choctaw Indians Tribal Council~~ a
16 tribe pursuant to Section 36-21-122.

17 "~~(3)~~ (2) RESERVATION. The Mowa Choctaw Indian
18 Reservation or Poarch Creek Indian Reservation, including any
19 and all tribal properties or property owned in trust for the
20 tribe by the United States government.

21 "~~(1) MOWA BAND OF CHOCTAW INDIANS.~~ (3) TRIBE. The
22 tribe of Indians known as the Mowa Band of Choctaw Indians
23 organized as a nonprofit corporation and recognized as a
24 tribal government and law enforcement agency by the State of
25 Alabama and the tribe of Indians recognized as the Poarch Band
26 of Creek Indians by the federal government and by the State of

1 Alabama as a tribal government and as a law enforcement agency.

2 "§36-21-121.

3 "It is the intent of the Legislature to provide for
4 the employment of police officers by ~~the~~ a reservation in
5 order to protect reservation boundaries from intruders and
6 trespassers, to prevent damage to the properties and grounds
7 of the reservation, and to provide for the safety of residents
8 and employees of the reservation. The police officers shall be
9 vested with powers similar to the powers vested in university
10 police.

11 "§36-21-122.

12 ~~"The Mowa Band of Choctaw Indians Tribal Council~~
13 tribal council of a tribe may appoint and employ one or more
14 suitable persons to act as police officers to protect the
15 reservation of the tribe from intruders and trespassers, to
16 prevent damage to the properties and grounds of the
17 reservation of the tribe, and to provide for the safety of
18 residents and employees of the reservation of the tribe. No
19 state or local funds allocated for law enforcement purposes
20 shall be used to provide financial support for the law
21 enforcement officers hired by ~~the Mowa Band of Choctaw Indians~~
22 a tribe. The authority of any person appointed as a police
23 officer shall immediately cease when the person ceases to be
24 an agent, servant, or employee of ~~the~~ a reservation.

25 "§36-21-123.

26 "Any police officer appointed by a tribe pursuant to
27 Section 36-21-122 shall be charged with all the powers of

1 state ~~or municipal~~ police officers including, but not limited
2 to, the right to bear firearms. The police officers of a tribe
3 may do any of the following:

4 "(1) Eject trespassers from the buildings and
5 grounds of the reservation.

6 "(2) Without a warrant, arrest a person who is
7 engaging in disorderly conduct, trespassing upon the property
8 of the reservation, or committing any public offense in the
9 presence of the police officers on the reservation property,
10 and carry the person before the proper court and, upon proper
11 affidavit, charge the person with committing the offense and
12 the person so arrested may be tried and convicted as in cases
13 of persons brought before ~~the~~ a court on the warrant of the
14 court.

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

18 "§36-21-124.

19 "The powers of police officers appointed by a tribe
20 pursuant to this article may be exercised only upon the
21 premises of the reservation of the tribe, and a police officer
22 ~~shall~~ may not otherwise act as a police officer while off the
23 premises of ~~the~~ his or her reservation, except under either of
24 the following conditions:

25 "(1) When in appropriate pursuit off the reservation
26 of any offender or suspected offender who is charged with the

1 commission of a crime while on the premises of the
2 reservation.

3 "(2) To make lawful arrests for a felony committed,
4 or for which there is probable cause to believe has been
5 committed, in the presence of the police officer or within the
6 boundaries of the property owned or operated by the
7 ~~reservation~~ tribe."

8 Section 2. This act shall become effective
9 immediately following its passage and approval by the
10 Governor, or its otherwise becoming law.