

**SB249 INTRODUCED**



1 SB249  
2 FYZMD5C-1  
3 By Senator Carnley  
4 RFD: Fiscal Responsibility and Economic Development  
5 First Read: 21-Mar-24



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SYNOPSIS:

Existing law does not provide for police protection for the property of the Ma-Chis Lower Creek Indian Tribe, a tribe recognized by the State of Alabama.

This bill would authorize the tribe to employ individuals to provide police protection to tribal grounds, property, employees, and residents.

This bill further describes the police officers' powers of arrest and the limits of their authority off of tribal property.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to the Ma-Chis Lower Creek Indian Tribe; to authorize the tribe to employ certified police officers to provide protection to tribal property and tribal property residents; and to describe and limit the duties of tribal police officers.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) For the purposes of this section, the following terms have the following meanings:



## SB249 INTRODUCED

29 (1) POLICE OFFICER. A law enforcement officer appointed  
30 by the tribe pursuant to subsection (b) who meets all of the  
31 requirements of the Alabama Peace Officers' Standards and  
32 Training Commission for certified law enforcement officers.

33 (2) RESERVATION. The area within the boundaries of the  
34 Ma-Chis Lower Creek Indian Tribe Reservation, including all  
35 structures, fixtures, and personal property owned by the  
36 tribe, and any property owned or held in trust for the tribe  
37 by the United States.

38 (3) TRIBE. The tribe of Indians organized as a  
39 nonprofit corporation known as the Machis Lower Alabama Creek  
40 Indian Tribe and recognized by the State of Alabama as the  
41 Ma-Chis Lower Creek Indian Tribe.

42 (b) The council of the tribe may employ one or more  
43 suitable individuals to act as police officers to protect the  
44 reservation from intruders and trespassers, to prevent damage  
45 to the properties of the reservation, and to provide for the  
46 safety of residents and employees of the reservation. No state  
47 or local funds allocated for law enforcement purposes shall be  
48 used to provide financial support for the police officers  
49 hired by the tribe. The authority of any individual hired as a  
50 police officer shall immediately cease when the individual  
51 ceases to be an employee of the tribe.

52 (c) (1) Any police officer hired by the tribe pursuant  
53 to subsection (b) shall be charged with all of the powers of  
54 state police officers including, but not limited to, the right  
55 to bear firearms. A police officer may do any of the  
56 following:



## SB249 INTRODUCED

57           a. Eject trespassers from the buildings and grounds of  
58 the reservation.

59           b. Without a warrant, arrest an individual who is  
60 engaging in disorderly conduct, trespassing upon reservation  
61 property, or committing any offense on the reservation in the  
62 presence of the police officer.

63           c. Bring any individual arrested under paragraph b.  
64 before a court having jurisdiction and, upon proper affidavit,  
65 charge the individual with committing the offense.

66           d. With a lawful warrant, arrest any individual for  
67 committing any offense on the reservation and bring the  
68 individual before a court having jurisdiction for charging and  
69 prosecution.

70           (2) Any individual who is lawfully arrested by a police  
71 officer who is employed by the tribe may be received into the  
72 custody of the law enforcement agency that would otherwise  
73 have jurisdiction over the offense for incarceration and may  
74 be prosecuted before the court having jurisdiction.

75           (d) The power of a police officer employed by the tribe  
76 pursuant to this section may be exercised only upon the  
77 reservation, and a police officer may not otherwise act as a  
78 police officer off of the reservation except under either of  
79 the following conditions:

80           (1) When lawfully pursuing any offender suspected of  
81 committing an offense while on the reservation.

82           (2) When making an arrest for a felony that has been  
83 committed either in the presence of the police officer or,  
84 where probable cause exists, on the reservation.



## SB249 INTRODUCED

85                   Section 2. This act shall become effective on October  
86    1, 2024.