

1 SB552
2 139301-2
3 By Senator Keahey
4 RFD: Judiciary
5 First Read: 24-APR-12

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8 SYNOPSIS: This bill would grant authority to the
9 Poarch Band of Creek Indians, a federally
10 recognized tribe, so that police officers employed
11 by the Poarch Band of Creek Indians could enforce
12 the laws of the State of Alabama. The bill would
13 require the police officers to be certified law
14 enforcement officers.

15
16 A BILL
17 TO BE ENTITLED
18 AN ACT
19

20 To authorize police officers of the Poarch Band of
21 Creek Indians to enforce state law in order to protect the
22 property of the Poarch Band of Creek Indians from intruders
23 and trespassers and to provide for the safety of residents,
24 employees, and visitors on property owned by the United States
25 in trust for the Poarch Band of Creek Indians or leased by or
26 owned in fee simple by the Poarch Band of Creek Indians; and
27 to provide that the police officers would be certified as law

1 enforcement officers by the Peace Officers' Standards and
2 Training Commission.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. The following terms shall have the
5 following meanings, respectively:

6 (1) POARCH BAND OF CREEK INDIANS. A tribe of Indians
7 federally recognized by the United States government pursuant
8 to 25 CFR, Part 83.

9 (2) POLICE OFFICER. Any Peace Officers' Standards
10 and Training Commission certified police officer employed by
11 the Poarch Band of Creek Indians pursuant to Section 3.

12 (3) TRIBAL LANDS. The Poarch Band of Creek Indians'
13 reservation, lands held by the United States of America in
14 trust for the tribe located in the State of Alabama, and all
15 other property leased by or owned by the Poarch Band of Creek
16 Indians in fee simple.

17 Section 2. It is the intent of the Legislature to
18 authorize the police officers employed by the Poarch Band of
19 Creek Indians to enforce state law against non-Indians for
20 crime committed on the tribal lands, to protect the tribal
21 lands of the Poarch Band of Creek Indians from intruders and
22 trespassers, and to provide for the safety of residents of,
23 employees of, and visitors to tribal lands.

24 Section 3. The Poarch Band of Creek Indians Tribal
25 Council may employ one or more suitable persons to act as
26 police officers to enforce state law, to protect the tribal
27 lands of the Poarch Band of Creek Indians from intruders and

1 trespassers, and to provide for the safety of residents of,
2 employees of, and visitors to tribal lands. The authority of
3 any person appointed as a police officer shall immediately
4 cease when the person ceases to be an agent, servant, or
5 employee of the Poarch Band of Creek Indians.

6 Section 4. (a) All police officers employed by the
7 Poarch Band of Creek Indians shall be charged with all the
8 powers of state or municipal police officers, including, but
9 not limited to, the right to bear firearms, those powers
10 granted under Sections 15-10-2 and 15-10-3 of the Code of
11 Alabama 1975, and the right to present the person before the
12 proper court and, upon proper affidavit, charge the person
13 with committing an offense as if the person had been brought
14 before the court on the warrant of the court.

15 (b) The Poarch Band of Creek Indians shall be
16 considered a law enforcement agency for the purposes of
17 Article 3, commencing with Section 36-21-40, of Chapter 21,
18 Title 36, Code of Alabama 1975.

19 Section 5. The powers of police officers appointed
20 pursuant to this act may be exercised only upon the tribal
21 lands, except as provided herein. A police officer appointed
22 pursuant to this act may also act off the premises of tribal
23 lands under the following conditions:

24 (1) When in appropriate pursuit off tribal lands of
25 any offender or suspected offender who is charged with the
26 commission of a crime while on tribal lands.

1 (2) When making a lawful arrest for a felony
2 committed on tribal lands, upon reasonable cause, that the
3 person arrested has committed a felony on tribal lands.

4 (3) When acting off tribal lands pursuant to a
5 cross-deputization agreement with the local law enforcement
6 authorities.

7 (4) When enforcing state laws on streets, roads, or
8 highways adjacent to tribal lands.

9 Section 6. Nothing in this act intends to alter,
10 limit, or modify the jurisdiction of any state, county, or
11 municipal law enforcement agency.

12 Section 7. The Poarch Band of Creek Indians shall
13 bear all financial responsibility for the employment of police
14 officers.

15 Section 8. This act shall become effective
16 immediately following its passage and approval by the
17 Governor, or its otherwise becoming law.