

House Research Act Summary

CHAPTER: 175

SESSION: 1999 Regular Session

TOPIC: Tribal law enforcement authority

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Overview

This act sets forth the conditions under which a tribal law enforcement agency and its peace officers may have concurrent jurisdictional authority with the local sheriff to enforce state criminal laws within the geographical boundaries of the tribe's reservation.

- 1 Definitions.** Amends the definitions section of the Peace Officer Standards and Training (POST) Board licensing law in two ways:
 - adds tribal peace officers to the definition of "peace officer"; and
 - adds tribal law enforcement agencies to the definition of "law enforcement agency," "agency," subject to the limitations in section 2.
- 2 Law enforcement authority; tribal peace officers.** Sets forth the conditions under which a tribal law enforcement agency and its peace officers may have concurrent jurisdictional authority with the local sheriff to enforce state criminal laws within the geographical boundaries of the tribe's reservation. These conditions mirror the requirements contained in the three tribal law enforcement authority statutes that have already been enacted by the legislature for the Mille Lacs Band, the Lower Sioux Indian Community and the Fond du Lac Band. *See* Minn. Stat. §§ 626.90 - 626.92.
 - Subd. 1. Definition.** Defines "tribe" to mean a federally-recognized tribe as defined under federal law, but excludes the Mille Lacs Band, the Lower Sioux Indian Community and the Fond du Lac Band because they are already covered by separate tribal law enforcement authority statutes.
 - Subd. 2. Tribal law enforcement agency requirements.** Sets forth the conditions a tribe must satisfy before it can exercise authority under subdivision 3. These conditions are:
 - the tribe must agree to be subject to tort liability to the same extent as a municipality under the Municipal Tort Liability Act (MTLA), and to waive its sovereign immunity

with respect to claims arising from this liability;

the tribe must file a certificate of insurance or bond equal to the maximum tort liability limits in the MTLA and sufficient to cover lawsuits brought under the U.S. Constitution; and

if the tribe has authorized its peace officers to enforce criminal laws within the reservation's boundaries, the tribe must agree to be subject to data practices laws governing law enforcement agencies.

Subd. 3. Concurrent jurisdiction. Authorizes a tribe to have concurrent jurisdictional authority with the local county sheriff to enforce state criminal laws within the geographical boundaries of the reservation if the conditions in subdivision 2 have been satisfied and if the tribe enters into a cooperative agreement under subdivision 4.

Subd. 4. Cooperative agreements. Requires the tribe and local governmental units to enter into cooperative agreements under the Joint Powers Act in order to coordinate, define and regulate the provision of law enforcement services.

Subd. 5. Effect on federal law. States that nothing in this section shall be construed to restrict a tribe's authority under federal law.

Subd. 6. Construction. States that this section is limited to law enforcement authority only and nothing in it shall be construed to affect other jurisdictional relationships or disputes involving a tribe or reservation boundaries.

3 Effective date. Day following final enactment (May 19, 1999).