

House Research Act Summary

CHAPTER: 411

SESSION: 2000 Regular Session

TOPIC: Tribal Police Departments

Date: April 20, 2000

Analyst: Judie Zollar, 651-296-1554

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd.

Overview

This act clarifies that "fleeing" a peace officer includes refusing to stop a vehicle with intent to elude a peace officer. This act also clarifies that the definition of "peace officer" used in the "fleeing a peace officer" crime includes tribal peace officers who are licensed by the Peace Officer Standards and Training Board.

This act also increases the amount of liability insurance coverage Indian communities and tribes must have in order to exercise law enforcement authority and sets a cap for the amount of insurance they must carry. Finally, the act clarifies the jurisdiction of the Mille Lacs Band of Chippewa Indians.

- 1 **Flee; definition.** Clarifies that the fleeing a peace officer law includes situations where a person refuses to stop a vehicle with intent to attempt to elude a peace officer following a signal given by a peace officer to the driver of a motor vehicle.
- 2 **Peace officer; definition.** Clarifies that the definition of "peace officer" used in the "fleeing a peace officer" crime includes tribal peace officers who are licensed by the Peace Officer Standards and Training Board.
- 3 **Law enforcement agency.** Amends the section of law dealing with the law enforcement authority of the Mille Lacs Band of Chippewa Indians. Current law provides that the band has the powers of a law enforcement agency if it meets certain requirements, including filing with the board of peace officer standards and training a bond or certificate of insurance for liability coverage for the maximum amount set forth in section 466.04 and an annual cap for all occurrences within a year of three times the single occurrence amount. Section 466.04 specifies the maximum tort liability of a municipality.

This section requires the band to have liability coverage with the maximum single occurrence amounts set forth in section 466.04 and an annual cap for all occurrences within a year of three times the single occurrence amount.

- 4 **Law enforcement agency.** Makes the same change as in section 1 for the Lower Sioux Indian Community. Also contains a technical change to correct a cross-reference due to a subdivision that was repealed in 1998.
- 5 **Law enforcement agency.** Makes the same change as in section 1 for the Fond du Lac Band of Lake Superior Chippewa. Also contains the same technical change that is included in section 2.
- 6 **Definition.** Amends the definition of "tribe" in the law establishing law enforcement authority for tribal law enforcement agencies to clarify the authority of the Mille Lacs Band of Chippewa Indians. Current law provides that a "tribe" does not include the Mille Lacs Band of Chippewa Indians. This section provides that a "tribe" does not include the Mille Lacs Band of Chippewa Indians for purposes of exercising law enforcement authority in Mille Lacs county under section 626.90. Specifies that "tribe" includes the Mille Lacs Band of Chippewa Indians for purposes of exercising law enforcement authority on Mille Lacs Bank of Chippewa Indians reservation lands which lie outside of Mille Lacs county.
- 7 **Tribal law enforcement agency requirements.** Makes the same change as in section 1 for federally recognized Indian tribes, other than the Mille Lacs Band of Chippewa Indians, Lower Sioux Indian Community, and Fond du Lac Band of Lake Superior Chippewa.
- 8 **Effective date.** Sections 1 and 2 are effective August 1, 2000, and apply to crimes committed on or after that date. Sections 3 to 7 are effective the day following final enactment.