

SB249 INTRODUCED



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



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:



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

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

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

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

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



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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.



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