

# HB361 INTRODUCED



1 HB361  
2 FKK6I5C-1  
3 By Representatives Hammett, Marques, Sells  
4 RFD: Public Safety and Homeland Security  
5 First Read: 27-Feb-25



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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:



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

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

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

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

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

54           (c) (1) Any police officer hired by the tribe pursuant  
55 to subsection (b) shall be charged with all of the powers of  
56 state police officers, including, but not limited to, the



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57 right to bear firearms. A police officer may do any of the  
58 following:

59 a. Eject trespassers from the buildings and grounds of  
60 the reservation.

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

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

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

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

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

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

84 (2) When making an arrest for a felony that has been



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85 committed either in the presence of the police officer or,  
86 where probable cause exists, on the reservation.

87 Section 2. This act shall become effective on October  
88 1, 2025.