

SENATE FILE NO. SF0008

Wind River Reservation law enforcement.

Sponsored by: Select Committee on Tribal Relations

A BILL

for

1 AN ACT relating to law enforcement; authorizing tribal law
2 enforcement officers to enforce state traffic laws as
3 specified; requiring an agreement between state and tribal
4 authorities; providing for liability coverage; requiring
5 certification of tribal law enforcement officers by the
6 peace officer standards and training commission; defining
7 terms; requiring rulemaking; providing legislative
8 findings; and providing for an effective date.

9

10 *Be It Enacted by the Legislature of the State of Wyoming:*

11

12 **Section 1.** W.S. 7-2-109 and 9-1-712 are created to
13 read:

14

15 **7-2-109. Authority of tribal law enforcement**
16 **officers; legislative findings.**

1

2 (a) The legislature finds that allowing tribal law
3 enforcement officers to enforce state traffic laws on the
4 Wind River Indian Reservation is in the best interest of
5 the residents of the Wind River Indian Reservation and all
6 users of public roads and highways on the Wind River Indian
7 Reservation. The grant of authority is intended to increase
8 the number of law enforcement officers available to quickly
9 and effectively respond to traffic violations, including
10 driving under the influence offenses.

11

12 (b) Tribal law enforcement officers who are certified
13 according to W.S. 9-1-712 are authorized to enforce state
14 traffic laws as set forth in this section, except as
15 provided in subsection (m) of this section. The authority
16 of tribal law enforcement officers certified according to
17 W.S. 9-1-712 shall be limited to exercising the authority a
18 Wyoming peace officer is authorized to exercise in
19 enforcing state traffic laws, but only:

20

21 (i) Within the geographic boundaries of the Wind
22 River Indian Reservation; or

23

1 (ii) While in fresh pursuit of a person who the
2 officer has probable cause to believe has committed a
3 violation of a state traffic law within the Wind River
4 Indian Reservation and enforcing violations of state
5 traffic laws that have occurred outside of the Wind River
6 Indian Reservation observed in the course of the fresh
7 pursuit.

8
9 (c) To manage incidents occurring while acting
10 pursuant to subsection (b) of this section, in advance of
11 any incident, tribal law enforcement officers and state or
12 local law enforcement agencies may enter into a written
13 memorandum of understanding regarding operating procedures.

14
15 (d) A tribal law enforcement officer may exercise the
16 authority granted by this section provided the entity
17 employing the officer has entered into an agreement with
18 the state, to be signed by the attorney general, to comply
19 with all applicable requirements and regulations of the
20 department of transportation and the department of health
21 with respect to implementation and administration of state
22 traffic laws, including the administration of chemical
23 tests. The agreement entered into under this subsection

1 shall also provide that the entity employing the arresting
2 officer agrees to pay the expenses associated with any of
3 the following:

4

5 (i) Chemical tests administered at the direction
6 of a tribal law enforcement officer;

7

8 (ii) Transporting prisoners;

9

10 (iii) Medical care of offenders until the
11 offender is transferred to a county detention facility.

12

13 (e) A tribal law enforcement officer in connection
14 with the enforcement of state traffic laws under this
15 section may do any of the following:

16

17 (i) Testify in state courts as a law enforcement
18 witness;

19

20 (ii) Make arrests as provided in W.S. 7-2-102
21 and issue citations into state court as provided in W.S.
22 7-2-103;

23

1 (iii) Apply for search warrants, arrest warrants
2 and other appropriate writs in circuit or state district
3 court;

4

5 (iv) Execute warrants and writs outside the Wind
6 River Indian Reservation provided the officer is
7 accompanied by a peace officer employed by the jurisdiction
8 in which the action is taken;

9

10 (v) Use the chemical testing laboratory of the
11 Wyoming public health laboratory;

12

13 (vi) Transport prisoners.

14

15 (f) If an offender is taken into custody by a tribal
16 law enforcement officer under the authority of this
17 section, the offender shall be promptly delivered to the
18 appropriate county detention center unless the offender
19 requires immediate medical attention. An offender requiring
20 immediate medical attention shall be delivered to the
21 appropriate county detention facility when the offender is
22 released from medical care.

23

1 (g) A tribal law enforcement officer making an arrest
2 or issuing a citation for violation of a state traffic law
3 under this section shall:

4

5 (i) Report the action to the appropriate state
6 or local law enforcement officials with jurisdiction over
7 the matter within twenty-four (24) hours;

8

9 (ii) Ensure that all necessary copies of
10 citations and other documents are filed in the appropriate
11 state court and with the appropriate county prosecuting
12 attorney within twenty-four (24) hours;

13

14 (iii) Refer any public inquiry into the matter
15 to state or local law enforcement according to operating
16 procedures agreed to among the law enforcement agencies;

17

18 (iv) Comply with all statutory, regulatory and
19 administrative requirements of the department of
20 transportation and the department of health applicable to
21 the administration and enforcement of state traffic laws.

22

1 (h) The same degree and extent of all pension,
2 relief, disability, workers' compensation insurance and
3 other benefits that apply to the officer and to the entity
4 by whom the officer is employed when the officer is
5 performing duties to enforce tribal or federal law within
6 the Wind River Indian Reservation shall apply when the
7 officer is enforcing state traffic laws under this section.

8
9 (j) Notwithstanding any other provision of law to the
10 contrary, any tribal law enforcement officer while
11 enforcing a state traffic law under this section shall be
12 considered a peace officer and employee of the state of
13 Wyoming for purposes of coverage and representation under
14 the Wyoming Governmental Claims Act, W.S. 1-39-101 through
15 1-39-120, and the state self-insurance program, W.S.
16 1-41-101 through 1-41-111. This subsection shall not apply
17 if liability arising out of such services lies against the
18 United States.

19
20 (k) Nothing in this section shall be interpreted to
21 limit or prevent the sheriff of Fremont county or Hot
22 Springs county from deputizing a tribal law enforcement

1 officer under the sheriff's separate authority and
2 discretion.

3

4 (m) Tribal law enforcement officers are not
5 authorized to enforce state traffic laws as set forth in
6 this section if the contact between the officer and the
7 offender resulted from a roadblock within the Wind River
8 Indian Reservation that was not in compliance with title 7,
9 chapter 17 of the Wyoming statutes.

10

11 (n) As used in this section:

12

13 (i) "Chemical test" means as defined by W.S.
14 31-5-233(a)(viii);

15

16 (ii) "State traffic laws" means title 31 of the
17 Wyoming statutes and rules promulgated pursuant to those
18 statutes;

19

20 (iii) "Tribal law enforcement officer" means any
21 law enforcement officer employed by the Bureau of Indian
22 Affairs, the Northern Arapaho tribe or Eastern Shoshone
23 tribe who is authorized to enforce tribal or federal law

1 within and upon the Wind River Indian Reservation and who
2 is certified according to W.S. 9-1-712.

3

4 **9-1-712. Certification of tribal law enforcement**
5 **officer to enforce state traffic laws on the Wind River**
6 **Indian Reservation; rulemaking.**

7

8 (a) The commission shall provide in its rules for
9 training and certification of tribal law enforcement
10 officers as defined by W.S. 7-2-109(m)(iii) to enforce
11 state traffic laws as provided under W.S. 7-2-109. The
12 training requirements shall allow for certification of
13 tribal law enforcement officers with training that is
14 comparable to basic peace officer training requirements for
15 peace officers appointed on a permanent basis. The
16 commission shall also provide in its rules grounds for
17 denial, suspension and revocation of a certification.
18 Proceedings regarding a denial, suspension or revocation of
19 certification under this section shall be subject to the
20 contested case procedures of the Wyoming Administrative
21 Procedure Act.

22

1 (b) The commission shall notify state and local law
2 enforcement of a tribal law enforcement officer's
3 certification and upon revocation of a certification under
4 subsection (a) of this section.

5

6 **Section 2.** W.S. 7-2-101(a)(intro) and (iv) by
7 creating a new subparagraph (Q), 9-1-701(a)(xii),
8 9-1-703(b) by creating a new paragraph (xi) and
9 31-5-234(a)(iii) are amended to read:

10

11 **7-2-101. Definitions.**

12

13 (a) As used in W.S. 7-2-101 through ~~7-2-107~~7-2-109:

14

15 (iv) "Peace officer" means:

16

17 (Q) Tribal law enforcement officers while
18 enforcing state traffic laws in accordance with and subject
19 to the limitations in W.S. 7-2-109 and 9-1-712.

20

21 **9-1-701. Definitions.**

22

23 (a) As used in this act:

1

2 (xii) "This act" means W.S. 9-1-701 through

3 ~~9-1-709~~ 9-1-712;

4

5 **9-1-703. Director; appointment; term; powers and**
6 **duties.**

7

8 (b) With the approval of the commission, the director
9 may:

10

11 (xi) Certify tribal law enforcement officers to
12 enforce state traffic laws in accordance with W.S. 7-2-109
13 and 9-1-712.

14

15 **31-5-234. Unlawful operation of vehicle by youthful**
16 **driver with detectable alcohol concentration; penalty.**

17

18 (a) As used in this section:

19

20 (iii) "Peace officer" means as defined by W.S.
21 7-2-101(a)(iv)(A), (B), ~~and~~ (G) and (Q);

22

1 **Section 3.** This act is effective July 1, 2021.

2

3

(END)