

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

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:

1

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

4

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

14

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

23

1 (i) Within the geographic boundaries of the Wind
2 River Indian Reservation; or

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

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

17
18 (d) A tribal law enforcement officer may exercise the
19 authority granted by this section provided the entity
20 employing the officer has entered into an agreement with
21 the state, to be signed by the attorney general, to comply
22 with all applicable requirements and regulations of the
23 department of transportation and the department of health

1 with respect to implementation and administration of state
2 traffic laws, including the administration of chemical
3 tests. The agreement entered into under this subsection
4 shall also provide that the entity employing the arresting
5 officer agrees to pay the expenses associated with any of
6 the following:

7

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

10

11 (ii) Transporting prisoners;

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

15

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

19

20 (i) Testify in state courts as a law enforcement
21 witness;

22

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

4

5 (iii) Apply for search warrants, arrest warrants
6 and other appropriate writs in circuit or state district
7 court;

8

9 (iv) Execute warrants and writs outside the Wind
10 River Indian Reservation provided the officer is
11 accompanied by a peace officer employed by the jurisdiction
12 in which the action is taken;

13

14 (v) Use the chemical testing laboratory of the
15 Wyoming public health laboratory;

16

17 (vi) Transport prisoners.

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

1 immediate medical attention shall be delivered to the
2 appropriate county detention facility when the offender is
3 released from medical care.

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

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

12

13 (ii) Ensure that all necessary copies of
14 citations and other documents are filed in the appropriate
15 state court and with the appropriate county prosecuting
16 attorney within twenty-four (24) hours;

17

18 (iii) Refer any public inquiry into the matter
19 to state or local law enforcement according to operating
20 procedures agreed to among the law enforcement agencies;

21

22 (iv) Comply with all statutory, regulatory and
23 administrative requirements of the department of

1 transportation and the department of health applicable to
2 the administration and enforcement of state traffic laws.

3

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

11

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

22

1 (k) Nothing in this section shall be interpreted to
2 limit or prevent the sheriff of Fremont county or Hot
3 Springs county from deputizing a tribal law enforcement
4 officer under the sheriff's separate authority and
5 discretion.

6

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

13

14 (n) As used in this section:

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

18

19 (ii) "State traffic laws" means title 31 of the
20 Wyoming statutes and rules promulgated pursuant to those
21 statutes;

22

1 (iii) "Tribal law enforcement officer" means any
2 law enforcement officer employed by the Bureau of Indian
3 Affairs, the Northern Arapaho tribe or Eastern Shoshone
4 tribe who is authorized to enforce tribal or federal law
5 within and upon the Wind River Indian Reservation and who
6 is certified according to W.S. 9-1-712;

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8 (iv) "Wind River Indian Reservation" means that
9 part of the Wind River Indian Reservation that is "Indian
10 Country" as defined in title 18 U.S.C. § 1151.

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12 **9-1-712. Certification of tribal law enforcement**
13 **officer to enforce state traffic laws on the Wind River**
14 **Indian Reservation; rule making.**

15

16 (a) The commission shall provide in its rules for
17 training and certification of tribal law enforcement
18 officers as defined by W.S. 7-2-109(m)(iii) to enforce state
19 traffic laws as provided under W.S. 7-2-109. The training
20 requirements shall allow for certification of tribal law
21 enforcement officers with training that is comparable to
22 basic peace officer training requirements for peace

1 officers appointed on a permanent basis. The commission
2 shall also provide in its rules grounds for denial,
3 suspension and revocation of a certification. Proceedings
4 regarding a denial, suspension or revocation of
5 certification under this section shall be subject to the
6 contested case procedures of the Wyoming Administrative
7 Procedure Act.

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9 (b) The commission shall notify state and local law
10 enforcement of a tribal law enforcement officer's
11 certification and upon revocation of a certification under
12 subsection (a) of this section.

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14 **Section 2.** W.S. 7-2-101(a)(intro) and (iv) by
15 creating a new subparagraph (Q), 9-1-701(a)(xii),
16 9-1-703(b) by creating a new paragraph (xi), and
17 31-5-234(a)(iii) are amended to read:

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19 **7-2-101. Definitions.**

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

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23 (iv) "Peace officer" means:

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

9-1-701. Definitions.

(a) As used in this act:

(xii) "This act" means W.S. 9-1-701 through ~~9-1-709~~ 9-1-712;

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

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

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

1 31-5-234. Unlawful operation of vehicle by youthful
2 driver with detectable alcohol concentration; penalty.

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4 (a) As used in this section:

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

8

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

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(END)