

SB183 INTRODUCED



1 SB183
2 1N5QZL3-1
3 By Senator Carnley
4 RFD: Judiciary
5 First Read: 20-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.