

HOUSE BILL NO. HB0027

Wind River Reservation law enforcement.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to law enforcement; authorizing tribal law
2 enforcement officers to enforce state traffic laws as
3 specified; providing for liability coverage; providing for
4 certification; providing definitions; and providing for an
5 effective date.

6

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

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

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12 **7-2-109. Authority of tribal law enforcement**
13 **officers.**

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15 (a) The legislature finds that allowing tribal law
16 enforcement officers to enforce state traffic laws is in

1 the best interest of the residents of the Wind River Indian
2 Reservation and all users of public roads and highways on
3 the Wind River Indian Reservation. The grant of authority
4 is intended to increase the number of law enforcement
5 officers available to quickly and effectively respond to
6 traffic violations, including driving under the influence
7 of alcohol.

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9 (b) Except as provided in subsection (k) of this
10 section, tribal law enforcement officers who are certified
11 in accordance with W.S. 9-1-712 are authorized to enforce
12 state traffic laws as set forth in this section. The
13 authority of tribal law enforcement officers under this
14 section shall be limited to:

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16 (i) Exercising the authority a Wyoming peace
17 officer is authorized to exercise in the enforcement of
18 state traffic laws within the Wind River Indian
19 Reservation; and

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21 (ii) Fresh pursuit of a person whom the officer
22 has probable cause to believe has committed a violation of
23 a state traffic law within the Wind River Indian
24 Reservation and enforcing violations of state traffic laws

1 that have occurred outside of the Wind River Indian
2 Reservation observed in the course of the fresh pursuit.

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4 (c) A tribal law enforcement officer may exercise the
5 authority granted by this section provided the entity
6 employing the officer has entered into an agreement with
7 the state, to be signed by the attorney general, to comply
8 with all applicable requirements and regulations of the
9 department of transportation and the department of health
10 with respect to implementation and administration of state
11 traffic laws, including the administration of chemical
12 tests. The agreement entered into under this subsection
13 shall also provide that the entity employing the arresting
14 officer agrees to pay the expenses associated with:

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

18

19 (ii) The cost of transporting prisoners; and

20

21 (iii) Medical costs incurred in the care of
22 offenders until the offender is transferred to a county
23 detention facility.

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1 (d) A tribal law enforcement officer in connection
2 with the enforcement of state traffic laws pursuant to this
3 section may:

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5 (i) Testify in state courts as a law enforcement
6 witness;

7
8 (ii) Make arrests as provided in W.S. 7-2-102
9 and issue citations into state court as provided in W.S.
10 7-2-103;

11
12 (iii) Apply for search warrants, arrest warrants
13 and other appropriate writs in circuit or state district
14 court;

15
16 (iv) Execute warrants and writs outside the Wind
17 River Indian Reservation provided the officer is
18 accompanied by a peace officer employed by the jurisdiction
19 in which the action is taken;

20
21 (v) Utilize the chemical testing laboratory of
22 the Wyoming public health laboratory; and

23
24 (vi) Transport prisoners.

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2 (e) If an offender is taken into custody by a tribal
3 law enforcement officer, the offender shall be promptly
4 delivered to the appropriate county detention center unless
5 the offender requires immediate medical attention. An
6 offender requiring immediate medical attention shall be
7 delivered to the appropriate county detention facility when
8 the offender is released from medical care.

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10 (f) A tribal law enforcement officer making an arrest
11 or issuing a citation for violation of a state traffic law
12 pursuant to this section shall:

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14 (i) Report the action to the appropriate county
15 or state law enforcement officials with jurisdiction over
16 the matter within twenty-four (24) hours;

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18 (ii) Ensure that all necessary copies of
19 citations and other documents are filed in the appropriate
20 state court and with the appropriate county prosecuting
21 attorney within twenty-four (24) hours; and

22

23 (iii) Comply with all statutory, regulatory and
24 administrative requirements of the department of

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

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4 (g) All pension, relief, disability, workers'
5 compensation insurance and other benefits which apply to
6 the officer and to the entity by whom he is employed when
7 the officer is engaged in the performance of his duties
8 enforcing tribal or federal law within the Wind River
9 Indian Reservation shall apply to the same degree and
10 extent when the officer is enforcing state traffic laws
11 pursuant to this section.

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13 (h) Notwithstanding any other provision of law to the
14 contrary, any tribal law enforcement officer while
15 enforcing a state traffic law pursuant to this section
16 shall, for civil liability arising out of such services, be
17 considered a peace officer and employee of the state of
18 Wyoming for purposes of coverage and representation under
19 the Wyoming Governmental Claims Act, W.S. 1-39-101 through
20 1-39-121, and the state self-insurance program, W.S.
21 1-41-101 through 1-41-111. This subsection shall not apply
22 if liability arising out of such services lies against the
23 United States.

24

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

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

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13 (m) As used in this section:

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

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

21

22 (iii) "Tribal law enforcement officer" means any
23 law enforcement officer employed by the Bureau of Indian
24 Affairs, the Northern Arapaho Tribe or Eastern Shoshone

1 Tribe who is authorized to enforce tribal or federal law
2 within and upon the Wind River Indian Reservation and who
3 is certified in accordance with W.S. 9-1-712;

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

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9 **9-1-712. Qualifications for tribal law enforcement**
10 **officer to enforce state traffic laws on the Wind River**
11 **Indian Reservation.**

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13 The commission shall provide in its rules for training and
14 certification of tribal law enforcement officers as defined
15 by W.S. 7-2-109(m)(iii) to enforce state traffic laws as
16 provided under W.S. 7-2-109. The training requirements
17 shall allow for certification of tribal law enforcement
18 officers with training which is comparable to basic peace
19 officer training requirements for peace officers appointed
20 on a permanent basis. The commission shall also establish
21 grounds for denial and revocation of a certification, which
22 denial or revocation of a certification shall not be
23 subject to administrative review.

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1 **Section 2.** W.S. 1-39-103(a)(iii), 1-41-102(a)(iv) and
2 9-1-703(b) by creating a new paragraph (xi) are amended to
3 read:

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5 **1-39-103. Definitions.**

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7 (a) As used in this act:

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9 (iii) "Peace officer":

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11 (A) Means as defined by W.S. 7-2-101, but
12 does not include those officers defined by W.S.
13 7-2-101(a)(iv)(K) or those officers defined by W.S.
14 7-2-101(a)(iv)(M) unless otherwise provided in the
15 applicable mutual aid agreement;

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17 (B) Means tribal law enforcement officers
18 while enforcing state traffic laws in accordance with W.S.
19 7-2-109, and subject to the limitations provided in W.S.
20 7-2-109(h).

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22 **1-41-102. Definitions.**

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24 (a) As used in this act:

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(iv) "Peace officer" means:

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(A) As defined by W.S. 7-2-101, but does not include those officers defined by W.S. 7-2-101(a)(iv)(K) or those officers defined by W.S. 7-2-101(a)(iv)(M) unless otherwise provided in the applicable mutual aid agreement;

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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.

1 **Section 3.** This act is effective July 1, 2013.

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3 (END)