

## HOUSE BILL NO. HB0083

Wind River Reservation-enforcement of traffic violations.

Sponsored by: Select Committee on Tribal Relations

A BILL

for

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

6

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

8

9 **Section 1.** W.S. 7-2-109 is created to read:

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11 **7-2-109. Authority of tribal law enforcement**  
12 **officers.**

13

14 (a) The purpose of this section is to permit tribal  
15 law enforcement officers to enforce state traffic laws on  
16 the Wind River Indian Reservation. The legislature finds  
17 that allowing tribal law enforcement officers to enforce

1 state traffic laws is in the best interest of the residents  
2 of the Wind River Indian Reservation, Fremont County and  
3 all users of public roads and highways on the Wind River  
4 Indian Reservation. The grant of authority under this  
5 section is intended to promote the safety of all users of  
6 public streets and highways on the Wind River Indian  
7 Reservation by increasing the number of law enforcement  
8 officers available to quickly and effectively respond to  
9 traffic violations, including driving under the influence  
10 of alcohol. This section is not intended to alter or limit  
11 in any manner the current authority or jurisdiction of  
12 state and local law enforcement officers to respond to or  
13 enforce violations of state law on the Wind River Indian  
14 Reservation.

15

16 (b) Tribal law enforcement officers are authorized to  
17 enforce state traffic laws as set forth in this section.  
18 The authority of tribal law enforcement officers under this  
19 section shall be limited to:

20

21 (i) Exercising the authority a Wyoming peace  
22 officer is authorized to exercise in the enforcement of  
23 state traffic laws within the Wind River Indian  
24 Reservation; and

1

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

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9           (c) A tribal law enforcement officer may exercise the  
10 authority granted by this section provided the entity  
11 employing the officer has entered into an agreement with  
12 the state to comply with all applicable requirements and  
13 regulations of the department of transportation and the  
14 department of health with respect to implementation and  
15 administration of state traffic laws, including the  
16 administration of chemical tests, and to pay the expenses  
17 associated with:

18

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

21

22           (ii) The cost of transporting prisoners; and

23

1           (iii) Medical costs incurred in the care of  
2 offenders until the offender is transferred to a county  
3 detention facility.

4

5           (d) A tribal law enforcement officer in connection  
6 with the enforcement of state traffic laws pursuant to this  
7 section may:

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9           (i) Testify in state courts as a law enforcement  
10 witness;

11

12           (ii) Issue citations into state court as  
13 provided in W.S. 7-2-103;

14

15           (iii) Apply for search warrants, arrest warrants  
16 and other appropriate writs in circuit or state district  
17 court;

18

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

23

1           (v) Utilize the chemical testing laboratory of  
2 the Wyoming public health laboratory; and

3

4           (vi) Transport prisoners.

5

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

13

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

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

21

22           (ii) Insure that all necessary copies of  
23 citations and other documents are filed in the appropriate

1 state court and with the appropriate county prosecuting  
2 attorney within twenty-four (24) hours; and

3

4 (iii) Comply with all statutory, regulatory and  
5 administrative requirements of the department of  
6 transportation and the department of health applicable to  
7 the administration and enforcement of state traffic laws.

8

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

17

18 (h) Notwithstanding any other provision of law to the  
19 contrary, any tribal law enforcement officer while  
20 enforcing a state traffic law pursuant to this section  
21 shall, for civil liability arising out of such services, be  
22 considered a peace officer and employee of the state of  
23 Wyoming for purposes of coverage and representation under  
24 the Wyoming Governmental Claims Act, W.S. 1-39-101 through

1 1-39-121, and the state self-insurance program, W.S.  
2 1-41-101 through 1-41-111. This subsection shall not apply  
3 if liability arising out of such services lies against the  
4 United States or would lie against the United States if the  
5 action were properly brought under federal law.

6

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

11

12 (k) Nothing in this section shall be interpreted to  
13 give any federal law enforcement officer or entity not  
14 specified in this section any authority to enforce state  
15 laws.

16

17 (m) It shall not be a defense to any charge or arrest  
18 made under a state traffic law pursuant to this section  
19 that the contact between the officer and offender resulted  
20 from a roadblock within the Wind River Indian Reservation  
21 which meets federal constitutional standards, but is not in  
22 compliance with title 7, chapter 17 of the Wyoming  
23 statutes.

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1 (n) As used in this section:

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3 (i) "Chemical test" means as defined by W.S.  
4 31-5-233(a)(viii);

5

6 (ii) "Peace officer" means as defined by W.S.  
7 7-2-101(a)(iv)(A) and (B);

8

9 (iii) "State traffic laws" means title 31 of the  
10 Wyoming statutes and regulations promulgated pursuant to  
11 those statutes;

12

13 (iv) "Tribal law enforcement officer" means any  
14 duly authorized law enforcement officer employed by the  
15 Bureau of Indian Affairs, the Northern Arapaho Tribe or  
16 Eastern Shoshone Tribe who is authorized to enforce tribal  
17 or federal law within and upon the Wind River Indian  
18 Reservation and who:

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20 (A) Has successfully completed a basic  
21 course of professional law enforcement training at the  
22 Bureau of Indian Affairs Police Academy;

23



1                   (B) Has successfully completed a basic  
2 course of law enforcement training at the Federal Law  
3 Enforcement Training Center;

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5                   (C) Has successfully completed a basic  
6 course of peace officer law enforcement training at the  
7 Wyoming Law Enforcement Academy;

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9                   (D) Has completed the requirements and been  
10 certified as a peace officer by the Wyoming Peace Officers  
11 Standards and Training Commission; or

12  
13                   (E) Has received training equivalent to the  
14 training in subparagraphs (A) through (D) of this paragraph  
15 as approved and certified in writing for each such officer  
16 by the Wyoming attorney general.

17  
18                   (v) "Wind River Indian Reservation" means that  
19 part of the Wind River Indian Reservation that is "Indian  
20 Country" as defined in Title 18, United States Code,  
21 section 1151.

22  
23           **Section 2.** W.S. 1-39-103(a)(iii) and 1-41-102(a)(iv)  
24 are amended to read:

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2           **1-39-103. Definitions.**

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4           (a) As used in this act:

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6                   (iii) "Peace officer":

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8                           (A) Means as defined by W.S. 7-2-101, but  
9 does not include those officers defined by W.S.  
10 7-2-101(a)(iv)(K) or those officers defined by W.S.  
11 7-2-101(a)(iv)(M) unless otherwise provided in the  
12 applicable mutual aid agreement;

13

14                           (B) Includes tribal law enforcement  
15 officers while enforcing a state traffic law in accordance  
16 with W.S. 7-2-109, and subject the limitations provided in  
17 W.S. 7-2-109(h).

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19           **1-41-102. Definitions.**

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21           (a) As used in this act:

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23                   (iv) "Peace officer" means:

24

1                   (A) As defined by W.S. 7-2-101, but does  
2 not include those officers defined by W.S.  
3 7-2-101(a)(iv)(K) or those officers defined by W.S.  
4 7-2-101(a)(iv)(M) unless otherwise provided in the  
5 applicable mutual aid agreement;

6  
7                   (B) Tribal law enforcement officers while  
8 enforcing a state traffic law in accordance with W.S.  
9 7-2-109, and subject the limitations provided in W.S.  
10 7-2-109(h).

11

12           **Section 3.** This act is effective July 1, 2012.

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14

(END)