

STATEMENT OF PURPOSE

RS20273

The purpose of this proposal is to supplement and enhance enforcement of state criminal law within Indian reservations located in the state of Idaho. The proposal authorizes law enforcement officers employed by a federally recognized Indian tribe in Idaho to exercise powers given to peace officers pursuant to, and in accordance with, the laws of the state of Idaho, within the boundaries of the reservation of the tribe employing the law enforcement officer. The tribe and officer must meet certain conditions. The legislation requires the following: (1) Law enforcement officers must be trained and certified by the Idaho Peace Officers Standards and Training Council (POST) and complete the basic training required for all peace officers to be eligible for permanent employment by the state of Idaho or a city or county, and maintain such certification; (2) The law enforcement officers may be decertified by POST for any act or conduct applicable to all state, county or city officers; (3) The appointed law enforcement officers must cause persons arrested or cited for the commission acts constituting public offenses pursuant to Idaho law, to be processed only before Idaho state magistrates in the county where the offense occurred; (4) The appointed law enforcement officer must cooperate with and assist the county sheriff and prosecuting attorney in the investigative and judicial requirements concerning the arrested person; (5) The Indian tribe appointing such officers must maintain insurance in an amount not less than \$2,000,000 for losses incurred as a result of any one occurrence of accident; (6) The Indian tribe appointing such officers must waive sovereign immunity from suit to the extent necessary to permit recovery under the insurance up to the limit of such policy. The proposal also provides that neither the state of Idaho nor any county or city shall be liable for any acts or failure to act by any law enforcement officer employed by an Indian tribe and the Act shall not be construed to limit, impair or otherwise affect existing authority and duty of state, county or city law enforcement officers to enforce state law within the boundaries of an Indian reservation. The proposal also provides that the act shall not be construed to limit, impair or otherwise affect any agreement between the state, county or city and an Indian tribe within the state of Idaho.

FISCAL NOTE

There is no negative fiscal impact to state or local government. The Indian tribe bears the expense of POST training under current law, which will continue. Positive fiscal impacts may result from the addition of qualified law enforcement officers employed by a federally recognized Indian tribe within the state of Idaho in the Indian reservation rural areas, without county or city expense.

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