

## LEGISLATIVE COUNCIL

## SUBCOMMITTEE ON JUDICIARY

D-2 8/62

Recommendation No. 2: That the state assume civil and criminal jurisdiction over all Indians and Indian lands except for tribal and allotted lands held in trust for the Indians by the federal government, and in the case of such tribal and allotted lands that the state assume jurisdiction for the following purposes:

1. Compulsory school attendance
2. Public assistance
3. Domestic relations
4. Mental illness
5. Juvenile delinquency
6. Dependent children
7. Operation of motor vehicle upon public streets, alleys, roads and highways.

Purpose: To promote more uniformity in law and order jurisdiction applicable to Indians and other citizens.

AN ACT Relating to state jurisdiction over Indians, reservations and other lands; amending section 1, chapter 240, Laws of 1957 and RCW 37.12.010; amending section 3, chapter 240, Laws of 1957 and RCW 37.12.030; amending section 4, chapter 240, Laws of 1957 and RCW 37.12.040; amending section 6, chapter 240, Laws of 1957 and RCW 37.12.060; adding a new section to chapter 240, Laws of 1957 and chapter 37.12 RCW: and repealing section 2, chapter 240, Laws of 1957 and RCW 37.12.020.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 1, chapter 240, Laws of 1957 and RCW 37.12.101 are each amended to read as follows:

The state of Washington hereby obligates and binds itself to assume criminal and civil jurisdiction over Indians and Indian territory, reservations, country, and lands within this state in accordance with the consent of the United States given by the Act of August 15, 1953 (Public Law 280, 83rd Congress, 1st Session): PROVIDED, That such assumption of jurisdiction shall not apply to Indians when on their tribal or allotted lands held in trust by the United States except with respect to:

- (1) Compulsory school attendance;
- (2) Public assistance;
- (3) Domestic relations;
- (4) Mental illness;
- (5) Juvenile delinquency;
- (6) Dependent children;
- (7) Operation of motor vehicle upon the public streets, alleys, roads and highways: PROVIDED FURTHER, That Indian tribes that petitioned for, were granted and became subject to state jurisdiction pursuant to this chapter on or



before the effective date of this amendatory act shall remain subject to state civil and criminal jurisdiction as if this amendatory act had not been enacted.

Section 2. Section 3, chapter 240, Laws of 1957 and RCW 37.12.030 are each amended to read as follows:

Upon the effective date of this amendatory act the state of Washington shall assume jurisdiction over offenses as set forth in RCW 37.12.010 committed by or against Indians in the lands prescribed in RCW 37.12.010 to the same extent that this state has jurisdiction over offenses committed elsewhere within this state, and such criminal laws of this state shall have the same force and effect within such lands as they have elsewhere within this state.

Section 3. Section 4, chapter 240, Laws of 1957 and RCW 37.12.040 are each amended to read as follows:

Upon the effective date of this amendatory act the state of Washington shall assume jurisdiction over civil causes of action as set forth in RCW 37.12.010 between Indians or to which Indians are parties which arise in the Indian lands prescribed in RCW 37.12.010 to the same extent that this state has jurisdiction over other civil causes of action and, except as otherwise provided in this chapter, those civil laws of this state that are of general application to provide persons or private property shall have the same force and effect within such Indian lands as they have elsewhere within this state.

Section 4. Section 6, chapter 240, Laws of 1957 and RCW 37.12.060 are each amended to read as follows:

Nothing in this chapter shall authorize the alienation, encumbrance, or taxation of any real or personal property, including water rights and tidelands, belonging to any Indian or any Indian tribe, band or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States; or shall authorize regulation of the use of such property in a manner inconsistent with any federal treaty, agreement, or statute or with any regulation made pursuant thereto; or shall confer jurisdiction upon the state to adjudicate, in probate proceedings or otherwise, the ownership or right to possession of such property or any interest therein; or shall deprive any Indian or any Indian tribe, band, or community of any right, privilege, or immunity afforded under federal treaty, agreement, statute, or executive order with respect to Indian land grants, hunting, trapping, or fishing or the control, licensing, or regulation thereof.

NEW SECTION. Section 5. Whenever the governor of this state shall receive from the majority of any tribe or the tribal council or other governing body of any Indian tribe, community, band or group in this state a resolution expressing its desire that its people and lands be subject to the criminal and civil jurisdiction of the state of Washington to the full extent authorized by federal law, he shall issue within sixty days a proclamation to the effect that such jurisdiction shall apply to all Indians and all Indian territory, reservation, country, and lands of the Indian body involved to the same extent that this state exercises civil and criminal jurisdiction elsewhere within the state: PROVIDED, That jurisdiction assumed pursuant to this section shall nevertheless be subject to the limitations set forth in RCW 37.12.060.

NEW SECTION. Section 6. Section 2, chapter 240, Laws of 1957 and RCW 37.12.020 are each repealed.