



NY Spons. Memo., 2005 FOR EDUCATIONAL USE ONLY
S.B. S2778A
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2005

New York Senate

228th Legislature, 2005 Regular Session

SPONSORS MEMO:

**NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1
BILL NUMBER: S2778A**

SPONSOR: LITTLE

TITLE OF BILL:

An act to amend the Indian law and the criminal procedure law, in relation to the appointment of St. Regis Mohawk tribal police officers

PURPOSE:

To amend the Indian Law and the criminal procedure law to authorize the establishment of a St. Regis Mohawk tribal police department employing police officers certified by the Superintendent of State Police.

SUMMARY OF PROVISIONS:

Section 1 of the bill adds a new section 114 to the Indian Law that would authorize the establishment of the St. Regis Mohawk tribal police department and would provide for certification of its members by the Superintendent of State Police.

It also provides for a waiver of sovereign immunity, defense and indemnification, consent to jurisdiction, and requires adequate insurance. It provides the authorization for the Superintendent of State Police to certify eligible members of the tribal police department upon successful completion of required training and a background investigation. This section also sets out the jurisdiction and authority of tribal officers and clarifies that tribal officers are not agents or employees of the State or any subdivision.

Section 2 of the bill amends subdivision 34 of section 1.20 of the criminal procedure law to provide that members of the tribal police appointed under [section 114 of the Indian Law](#) shall be police officers under New York State law.

EXISTING LAW:

There is currently no authority under existing law for the Mohawk tribal nation to create a police department that would be recognized under New York State law.

JUSTIFICATION:

The St. Regis Mohawk Reservation is home to approximately 8,000 people. Many cities, towns, and villages, of this size have chosen to create their own police force to supplement and enhance the level of police

services that can be provided. Similarly, the creation of an indigenous police force on the St. Regis Mohawk Reservation can enhance security for its inhabitants. In addition, as the St. Regis Mohawk Reservation sits on the international border with Canada, creation of this indigenous St. Regis police force can enhance the security of our state and nation by providing added protection against terrorists entering the country illegally. Under this measure, the Superintendent of State Police would set the training requirements and other criteria for the St. Regis police officers. Any police force created pursuant to this measure would be funded entirely by the St. Regis Mohawk Nation.

LEGISLATIVE HISTORY:

2004: S.5112B - Passed Senate

FISCAL IMPLICATIONS:

None

EFFECTIVE DATE:

This act shall take effect immediately.

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