
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No: AB 31 **Hearing Date:** June 30, 2026
Author: Ramos
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Urgency: No **Fiscal:** Yes
Consultant: AB

Subject: *Peace officers: tribal police*

HISTORY

Source: Author

Prior Legislation: SB 4 (Cervantes), held in Assembly Appropriations, 2025
AB 2138 (Ramos), vetoed, 2024
AB 44 (Ramos), Ch. 638, Stats. of 2023
AB 1314 (Ramos), Ch. 476, Stats. of 2022
AB 3099 (Ramos), Ch. 170, Stats of 2020
AB 1507 (Hernandez), died in the Senate, 2015
SB 911 (Alarcon), not voted upon in Senate Public Safety, 2002

Support: CDP Rural Caucus; Habematolel Pomo of Upper Lakes; Peace Officers Research Association of California; Santa Ynez Band of Chumash Indians; Viejas Band of Kumeyaay Indians

Opposition: None known

Assembly Floor Vote: 79 - 0

PURPOSE

The purpose of this bill is to remove the sunset date for the tribal police pilot program, making it permanent, and to establish the Missing and Murdered Indigenous Person (MMIP) Task Force.

Existing federal law establishes that Indian tribes are domestic dependent nations that exercise inherent sovereign authority, and are subject to plenary control by Congress, yet remain separate sovereigns pre-existing the Constitution. (*Michigan v. Bay Mills Indian Community* (2014) 572 U.S. 782, 788-789.)

Existing federal law provides that any Indian tribe shall have the right to organize for its common welfare. (25 U.S.C. § 476.)

Existing federal law states that California has jurisdiction over offenses committed by or against Indians in Indian Country to the same extent that the State has jurisdiction over offenses committed elsewhere in the State. (18 U.S.C. § 1162.)

Existing federal law provides that the criminal laws of California shall have the same force and effect within Indian country as they have elsewhere within the State. (18 U.S.C. § 1162.)

Existing federal law defines “Indian country” as all land within the limits of any Indian reservation under the jurisdiction of the United States Government. (18 U.S.C. § 1151.)

Existing federal law establishes the Bureau of Indian Affairs (BIA), which is responsible management of all Indian affairs and of all matters arising out of Indian relations. (25 U.S.C. §§ 1 through 68.)

Existing federal law states that the BIA is responsible for assisting in the provision of federal law enforcement services in Indian Country and authorizes the BIA to issue Special Law Enforcement Commissions (SLEC)s to tribal law enforcement officers. (25 U.S.C. §§ 2802 & 2803.)

Existing federal law provides that tribal governments may not infringe upon the constitutional rights of individuals within their jurisdiction, as specified. (25 U.S.C. § 1302.)

Existing federal law limits the penalty that a tribal court may impose on a criminal defendant for a conviction to a term of imprisonment not to exceed 1 year or a fine of \$5,000. A tribal court may impose a term of imprisonment of 3 years or a fine not to exceed \$15,000 or both, as specified, if the person has previously been convicted of the same or comparable offense by any jurisdiction in the United States. Under no circumstance can the term of the sentence exceed 9 years. (25 U.S.C. § 1302.)

Existing federal law authorizes tribal courts to exercise special tribal criminal jurisdiction over all people, concurrent with the criminal jurisdiction of the federal government and the state, for specified crimes, including, assault of tribal justice personnel, child violence, dating violence, domestic violence, obstruction of justice, sexual violence, sex trafficking, stalking, and a violation of a protective order. A Tribe may not exercise this special jurisdiction if neither the defendant nor the victim is Indian. (25 U.S.C § 1304.)

Existing federal law guarantees that the writ of habeas corpus shall be available to any person, in a court of the United States, to test the legality of his detention by order of an Indian tribe. (25 U.S.C. § 1303.)

Existing California law provides that a county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws. (Cal. Const., art. XI, § 7.)

Existing law establishes the “Feather Alert,” which is a notification system designed to issue and coordinate alerts with respect to endangered indigenous people, specifically indigenous women or indigenous people, who are reported missing under unexplained or suspicious circumstances. (Gov. Code, § 8594.13.)

Existing law authorizes cities and counties to enter into a contract with an Indian tribe to provide police or sheriff protection services for the Indian tribe either solely on Indian lands, or on the Indian lands and territory adjacent to those Indian lands. (Gov. Code, § 54981.7)

Existing law establishes the Tribal Assistance Program, requiring the Department of Justice (DOJ) to provide technical assistance to local law enforcement agencies that have Indian lands within or abutting their jurisdictions and to tribal governments with Indian lands, including those with and without tribal law enforcement agencies, as specified. (Pen. Code, § 11070, subd. (a).)

Existing law authorizes a law enforcement agency or a court of a tribe to apply to the Attorney General for access to the California Law Enforcement Telecommunications System (CLETS), as specified, and provides that CLETS may connect and exchange traffic with the compatible systems of a tribal government, as provided. (Gov. Code, §15168.)

Existing law requires the Commission of Peace Officer Standards and Training (POST) to establish a certification program for peace officers including several levels of certificate for the purpose of fostering professionalization, education, and experience necessary to adequately accomplish the general police service duties performed by peace officers (Pen. Code, § 13510.1, subds. (a), (b).)

Existing law provides that any person who meets specified requirements in existing law and who otherwise meets all standards imposed by law on a peace officer is a peace officer. (Pen. Code, §§ 830-832.18.)

Existing law provides that whenever any person designated by a tribe recognized by the United States Secretary of the Interior is deputized or appointed by the county sheriff as a reserve or auxiliary sheriff or a reserve deputy sheriff, and is assigned to the prevention and detection of crime and the general enforcement of the laws of this state by the county sheriff, the person is a peace officer if they have completed the basic POST course. (Pen. Code, §§830.6, subd. (b), 832.6 subd. (a)(1).)

Existing law establishes the Tribal Police Pilot Program (TPP) to operate from July 1, 2026 until July 1, 2029, under the direction of the DOJ and POST. (Pen. Code, § 11073, subd. (a).)

Existing law defines the following terms for the purposes of the TPP:

- “Qualified entity” means any of the three federally recognized tribes to be selected by the department, provided that those tribes elect to participate. In selecting the tribes, the department shall consider selecting tribes of different sizes from different parts of the state, as well as a tribe’s access to public safety resources.
- “Qualified member” means a chief of police who is appointed by, or a person who is regularly employed as a law enforcement, police, or public safety officer or investigator by, a qualified entity, and who meets all of several specified requirements and qualifications, and who has been designated by the qualified entity to be a peace officer pursuant to this program.
- “Indian country” has the same meaning as in federal law. (Pen. Code, § 11073, subd. (o).)

Existing law provides that, any qualified entity may notify DOJ that they wish to enroll in the program, and upon verification by POST that the qualified entity has complied with specified requirements, any qualified member of that qualified entity shall be deemed a peace officer, as specified. (Pen. Code, § 11073, subd. (b).)

Existing law states that a person shall not be a qualified member unless the person completes and maintains all requirements for the appointment, training, education, hiring, eligibility, and certification required for peace officers under state law. The tribe employing the peace officer must document the officer's compliance with this provision and submit documentation to POST. (Pen. Code, § 11073, subd. (c).)

Existing law requires a qualified entity enrolled in the TPP to do all of the following:

- Enact and maintain in continuous force a law or resolution expressing their intent that their tribal officers be California peace officers and adopting any requirements prescribed by the TPP
- Adopt and maintain in continuous force for a period of no less than three years after the conclusion of the program, tribal law that provides public access to records, and related procedures and remedies substantively identical to the California Public Records Act (CPRA), as specified.
- Adopt and maintain in continuous force tribal law that provides procedures and remedies substantively identical to the Government Claims Act, as specified.
- Adopt and maintain in continuous force for no less than three years after the conclusion of the pilot program, tribal law that contains all of the following:
 - A clear and unequivocal limited waiver of tribal sovereign immunity against any suit, liability, and judgment, as specified.
 - An express agreement that the substantive and procedural laws of the State of California may govern any claim, suit, or regulatory or administration action, as specified.
 - An express acknowledgment of the Attorney General's inherent authority over the peace officers and law enforcement agencies of the state, and a grant of authority over tribal law enforcement agencies for the duration of the TPP, as specified.
 - An express agreement that the qualified entity and its officers, employees, and other agents shall cooperate with any inspections, audits, and investigations by the DOJ or POST, as specified.
 - A requirement that the qualified entity carry sufficient insurance coverage for the liability of the tribe arising from acts or omissions of tribal officers, which shall be determined by the DOJ in consultation with the tribe.
- Comply with and submit records and documentation related to specified reporting and oversight requirements.
- Adopt and maintain in continuous force a policy prohibiting law enforcement gangs. (Pen. Code, § 11073, subd. (d).)

Existing law provides that any criminal charge resulting from a custodial arrest or citation issued by a person designated as peace officer designated pursuant to the program, while exercising the authority as a peace officer, shall be within the jurisdiction of the courts of the State of California. (Pen. Code, § 11073, subd. (g).)

Existing law requires any official action taken by a person designated as a peace officer pursuant to this program, while exercising the authority as a peace officer, including, without limitation, any detention, arrest, use of force, citation, release, search, or application for, or service of, any warrant, shall be taken in accordance with all applicable state and federal laws. (Pen. Code, § 11073, subd. (h).)

Existing law provides that peace officer authority granted to any person pursuant to this program shall be automatically revoked on July 1, 2029. (Pen. Code, § 11073, subd. (j).)

Existing law authorizes a qualified entity to terminate their participation in the program, as specified, and authorizes the DOJ in coordination with POST to suspend or terminate the participation of a qualified entity for gross misconduct or for willful or persistent failure to comply with requirements. (Pen. Code, § 11073, subd. (k).)

Existing law provides that by no later than July 1, 2028, the DOJ shall prepare an interim report to the Legislature, as specified. (Pen. Code, § 11073, subd. (k)(4).)

Existing law provides that commencing July 1, 2026, until July 1, 2029, a chief of police appointed by a qualified entity enrolled in the TPP, and meeting the requirements of a qualified member, or a police officer, public safety officer, or investigator employed in that capacity by a qualified entity enrolled in the TPP and meeting the requirements of a qualified member, is a peace officer. (Pen. Code, § 830.83, subd. (a).)

Existing law specifies that the authority of a peace officer designated pursuant to its provisions extends to any place within the territorial boundaries of Indian country of the employing tribe, as specified, and may also extend to any place in the state, under several specified circumstances, including at the request of state or local law enforcement, under exigent circumstances, as specified, when the officer is in hot pursuit or close pursuit, as specified, and when delivering an apprehended person to the custody of law enforcement, as specified, among others. (Pen. Code, § 830.83, subd. (b).)

Existing law provides that peace officers participating in the TPP shall be subject to the applicable requirements of POST's peace officer certification program. (Pen. Code, § 832.55, subd. (a).)

Existing law requires every TPP officer to obtain the POST basic certificate upon completion of a 12-month probationary period, but in no case later than 24 months after their employment, in order to continue to exercise the powers of a peace officer after the expiration of the 24-month period. (Pen. Code, § 832.55, subd. (b).)

Existing law requires each police chief, or any other person in charge of a qualified entity, to obtain the POST basic certificate within 2 years of appointment. (Pen. Code, § 832.55, subd. (c).)

Existing law repeals all provisions of the TPP on July 1, 2032. (Pen. Code, § 830.83, subd. (d); § 832.55, subd. (f); § 11073.5.)

This bill repeals all sunset dates related to the TPP in existing law, making the program permanent.

This bill requires the California Highway Patrol (CHP), in coordination with DOJ, to establish and administer the MMIP Task Force to enhance statewide coordination, investigation, and response to MMIP cases.

This bill provides that the task force may include, as appropriate and within the discretion of the Commissioner of the California Highway Patrol, representatives from state, local, federal, and

tribal law enforcement agencies and may include other subject matter experts, as determined necessary by the commissioner.

This bill provides that the task force shall be responsible for all of the following:

- Providing coordinated investigative support and technical assistance related to MMIP cases, including assisting with locating a missing person, supporting active missing and homicide investigations, and facilitating interagency communication and coordination with federal, state, local, and tribal governments with or without law enforcement.
- Providing logistical support and other law enforcement resources, including, but not limited to, personnel and equipment, as determined to be appropriate by the Commissioner of the California Highway Patrol, in consultation with task force members.

This bill requires CHP, on behalf of the task force, to prioritize the development of memoranda of understanding and other cooperative agreements with federally recognized Indian tribes and tribal law enforcement agencies and may enter into an agreement with a tribal, local, state, and federal agency to facilitate information sharing and coordination in a case involving a missing or murdered indigenous person.

This bill provides that an agreement entered into pursuant to the above, shall respect tribal sovereignty and does not alter the jurisdiction, authority, or sovereign status of a federally recognized Indian tribe or a tribal, federal, state, or local government entity.

This bill provides that if CHP has issued a Feather Alert, a tribal government or the investigating agency may activate the task force for purposes of assisting the local agency with locating the missing indigenous person.

This bill provides that in the case of the homicide of an indigenous person, the investigating law enforcement agency or a tribal government may activate the task force to assist the local agency in the investigation of the homicide.

This bill provides that in continuation of existing efforts, the task force shall actively work to identify strategies to improve interagency communication, cooperation, and collaboration to remove jurisdictional barriers on the reporting and investigation of an MMIP.

COMMENTS

1. Need for This Bill

According to the author:

Since being elected to the legislature, I have made it a goal to bring attention to the Missing and Murdered Indigenous Peoples (MMIP) crisis. In the past 7 years, the State of California has made remarkable strides, however there is still much work to be done. Last year, we were able to launch the Tribal Police Pilot Program, which grants tribal law enforcement officers state peace officer authority. Yet, as we have heard, simply making it a pilot program instead of actively investing long term makes it hard for tribal nations to fully commit. This

bill would make this program permanent to showcase to tribes the state's commitment to tackling this issue head on with full buy in instead of in a limited capacity. Additionally, this bill would establish the Missing and Murdered Indigenous Person Task Force which would enhance statewide coordination, investigation, and responses to MMIP cases across the state. This task force is another example of showcasing our commitment to addressing this crisis head on. We must continue to press forward in our efforts to prevent and resolve MMIP cases and AB 31 does just that.

2. Tribal Sovereignty and Public Law 280

California has 109 federally recognized tribes including nearly 100 separate reservations and Rancherias spread out across the state, as well as several non-federally recognized tribes. California's tribes are as small as five members and as large as 5,000 members, and according to the 2010 U.S. Census, California represents 12 percent of the total Native American population (approximately 720,000 individuals), and over one-half of the state's Native American population is composed of individuals (and their descendants) who were relocated to large urban areas as part of the federal government's termination policy.¹

Tribes are sovereign entities and have exclusive inherent jurisdiction over their territory and members, but not necessarily over non-tribal members even within tribal territory. However, all tribes are under the exclusive and plenary jurisdiction of the United States Congress, which has authority to restrict tribal jurisdiction and sovereignty in a number of ways. A long history of United States Supreme Court cases has established several guiding principles regarding Congress' exercise of its jurisdiction over tribal affairs:

First, Congress has plenary power in the exercise of its Indian affairs duties. Second, the United States owes a duty of protection to Indian nations and tribal members akin to a common law trust. Third, Indian nations retain inherent sovereign powers, subject to divestiture only by agreement or by Congress. Fourth, state law does not apply in Indian country absent authorization by Congress. Finally, Congress must clearly state its intention to divest tribal sovereignty.²

The federal government has exercised this plenary power a number of times to limit tribal jurisdiction: Congress has granted limited jurisdictional authority to the federal government and to the States in certain areas and has imposed limits on tribal courts through the Indian Civil Rights Act.³

In 1953, Congress passed Public Law 280, which altered this general jurisdictional framework and the relationship between tribal lands and six states, including California. Specifically, PL 280 transferred federal criminal jurisdiction and conferred some civil jurisdiction on states and state courts in these states, and gave several other states the option to adopt this jurisdictional framework. Thus, PL-280 authorized California to prosecute most crimes that occurred on tribal

¹ "California Tribal Communities – FAQs." California Courts. <https://courts.ca.gov/programs-initiatives/tribalstate-programs/california-tribal-communities>

² "A Short History of Indian Law in the Supreme Court." American Bar Association. 1 October 2014. <https://www.americanbar.org/groups/crsj/resources/human-rights/archive/short-history-indian-law-supreme-court>

³ Major grants of authority to the federal government were accomplished under the General Crimes Act of 1817, (18 U.S.C. § 1153) and the Major Crimes Act of 1885 (18 U.S.C. § 1152), and the states were granted authority under Public Law 280; the Indian Civil Rights Act is codified at 25 U.S.C. §1301 – 1303.

land, subject to various exceptions, but crucially, the measure did *not* divest tribes of jurisdiction, criminal or otherwise.⁴ That is to say, the State of California and California tribal governments have concurrent jurisdiction over criminal offenses committed by or against Indians in the areas that comprise Indian Country.⁵ Understanding which entity (tribal or State) has jurisdiction over a specific crime under the PL-280 framework can be complicated, but the following table serves as a general reference⁶:

Offender	Victim	Jurisdiction (jx)
Non-Indian	Non-Indian	State jx is exclusive of federal and tribal jurisdiction unless certain specific federal laws apply.
Non-Indian	Indian	Generally, state has jx exclusive of federal and tribal jx. However, under Violence Against Women Act there can be concurrent tribal jx, and possibly Federal jx if interstate provisions apply. Federal jx for certain offenses including interstate domestic violence.
Indian	Non-Indian	State has jx exclusive of federal government (unless federal government has reassumed jx under the Tribal Law and Order Act ⁷) but tribe may exercise concurrent jx. Federal jx for certain federal offences including interstate DV.
Indian	Indian	Generally, state has jx exclusive of federal government (unless federal government has reassumed jx under Tribal Law and Order Act, or unless specific federal crimes are involved) but tribe may exercise concurrent jx.
Non-Indian	Victimless	State jx is exclusive unless federal jx has been reassumed under Tribal Law and Order Act.
Indian	Victimless	There may be concurrent state, tribal, and federal jx if reassumption under Tribal Law and Order Act. There is no state regulatory jx.

According to the findings and declarations set forth in this bill, there are 22 tribal courts statewide serving 40 tribes. Moreover, approximately 27 tribal governments in California have exercised their inherent authority and established law enforcement agencies, 21 of which have entered into deputation agreements – also known as “special law enforcement commissions,” or SLECs – with the Bureau of Indian Affairs, which allows qualified tribal officers to become special commissioned federal officers authorized to enforce federal law on Indian lands in their jurisdiction. officers with federal authority through “special law enforcement commissions,” or SLECs.⁸ SLEC officers can be authorized to act as state and local peace officers pursuant to written deputation agreements between individual tribes and specific law enforcement agencies, which set forth the scope of the tribal police officers’ authority and the conditions they must

⁴ For additional information, see https://courts.ca.gov/sites/default/files/courts/default/2024-08/jurisdiction_in_california_indian_country.pdf; <https://oag.ca.gov/nativeamerican/pl280>

⁵ This bill adopts federal law’s definition of “Indian Country,” which is “all land within the limits of any Indian reservation under the jurisdiction of the United States Government.” 18 U.S.C 1151.

⁶ This table was adapted from the following source: https://courts.ca.gov/sites/default/files/courts/default/2024-08/jurisdiction_in_california_indian_country.pdf

⁷ Under the Tribal Law and Order Act (TOLA, signed by President Obama in 2010), tribal governments were authorized to request that the U.S. Department of Justice resume federal criminal jurisdiction over that tribe’s land, effectively establishing concurrent prosecutorial jurisdiction between the states and federal government.

⁸ 25 U.S.C §§2801 et. seq; *United States v. Fowler* (9th Cir. 2022) 48 F.4th 1022, 1026

adhere to. Under California law, these agreements can generally take one of two forms: cities and counties may enter into contracts with tribes to provide police or sheriff protection services for the Indian tribe either solely on Indian lands, or on the Indian lands and territory adjacent to those Indian lands.⁹ Alternatively, local law enforcement agency chiefs may deputize or appoint a SLEC officer as a California peace officer who may exercise specified powers including submit police reports to district attorneys, make arrests on non-tribal land, and testify in federal and state courts, among other things, provided the officer completes specified training requirements through POST.¹⁰

3. Recent Legislation and Tribal Police Pilot

Recognizing the severity of the murdered and missing indigenous person (MMIP) crisis in California, the author of this bill has carried several measures aimed at improving law enforcement capabilities on tribal lands, primarily by facilitating cooperation between tribal and California law enforcement agencies. In 2020, the Governor signed AB 3099 (Ramos, Ch. 170, Stats. of 2020), which required the DOJ to provide technical assistance to local law enforcement agencies that have Indian lands within or abutting their jurisdictions, and to tribal governments with Indian lands, including those with and without law enforcement agencies. AB 3099 also required the DOJ to conduct a study to determine how to increase state criminal justice protective and investigative resources for reporting and identifying missing Native Americans in California, particularly women and girls. In 2022, AB 1314 (Ramos, Ch. 476, Stats. of 2022) established the “Feather Alert,” an emergency alert system similar to the “Amber Alert” but designed specifically to help locate missing Indigenous people. And in 2023, the author of this bill authored AB 44 (Ramos, 638, Stats. of 2023), which granted tribal courts and law enforcement agencies access to the California Law Enforcement Telecommunications System (CLETS).

A related program is the Board of State and Community Corrections’ (BSCC) MMIP Grant, which was established by the Budget Act of 2022, SB 154 (Committee on Budget), Chapter 43, Statutes of 2022. Under the program, BSCC awards competitive grants to federally recognized California tribes to support efforts to identify, collect case-level data, publicize, and investigate and solve cases involving missing and murdered indigenous people. According to BSCC, grants should focus on developing culturally based prevention strategies, strengthening responses to human trafficking, and improving cooperation and communication on jurisdictional issues between state, local, federal, and tribal law enforcement in order to investigate and solve MMIP cases.¹¹ In 2025, BSCC approved \$12.9 million in awards to 14 different tribes engaged in MMIP-related projects.¹²

Last year, this bill included language that would have created a new tribal police pilot project to be administered jointly by the DOJ and POST. While the bill did not advance, the pilot program language was instead placed into a budget bill, AB 134 (Committee on Budget), Chapter 10, Statutes of 2025, which enacted the tribal police pilot program to operate from July 1, 2026 to July 1, 2029. Under the program, the DOJ may select up to three tribes, using specified criteria, to participate, which may become “qualified entities” (i.e. eligible to participate in the pilot) if

⁹ Gov. Code, § 54981.7

¹⁰ See Pen. Code, §§ 830.6 (b), 830.8.

¹¹ “Missing and Murdered Indigenous People Grant.” *Board of State and Community Corrections*.

<https://www.bscc.ca.gov/missing-and-murdered-indigenous-people-grant-program/>

¹² *Ibid*.

they meet certain requirements.¹³ These qualified entities must adopt and maintain tribal law that includes, among other requirements, an explicit, limited waiver of tribal sovereign immunity against civil lawsuits, a claims process substantively identical to the Government Claims Act, and acknowledgement of DOJ and POST's oversight authority, and public records access policies aligned with the California Public Records Act.¹⁴ Moreover, qualified entities must comply with specified recordkeeping and reporting requirements, and agree that all citations and custodial arrests initiated under the program be routed exclusively through the county District Attorney and adjudicated within the California superior court system.¹⁵

Tribal officers eligible to participate in the pilot program are referred to as “qualified members,” and must satisfy certain requirements and meet certain standards in order to retain their eligibility to participate. Specifically, qualified members must obtain the POST basic certificate upon completion of a 12-month probationary period, but no later than 24 months after employment. Obtaining this certificate includes satisfying background checks, medical examinations, fitness standards and other requirements that are imposed on traditional peace officers throughout the state.¹⁶ If such requirements are met, tribal officers, as qualified members, may enforce state laws within the boundaries of their reservation, while limiting their statewide authority to specific exceptions such as exigent circumstances, hot pursuit, or formal requests for mutual aid from local law enforcement.¹⁷

As referenced above, the pilot program is slated to conclude on July 1, 2029, and all statutory provisions related thereto will be repealed by their own terms as of January 1, 2032. This bill strikes all sunset provisions currently related to the program, removing its “pilot” status and making the provisions above permanent. Given that the pilot program is not set to commence until July 1, 2026, it is arguably premature to make the program permanent without any preliminary data as to its effectiveness. The author has communicated to Committee staff that tribes have shown little interest in participating in the pilot given its short duration and many prerequisites to participation. Rather than make the pilot permanent, the author and Committee may wish to consider extending the sunset date, or perhaps even wait until 2027 and reassess the sunset date after the program has had some time to get off the ground.

4. MMIP Task Force and Related Legislation

Another provision of this bill requires CHP, in coordination with the DOJ, to establish and administer the MMIP Task Force for the stated purpose of enhancing statewide coordination, investigation and response to MMIP cases. Composed – at the discretion of the CHP Commissioner – of representatives from law enforcement agencies across the state (including tribal agencies), the MMIP Task Force would be responsible for providing investigative support and technical assistance related to MMIP cases, supporting specified investigations, facilitating interagency communication, providing logistical support, and supplying agencies with other resources, such as personnel and equipment. The MMIP Task Force is also tasked with developing memoranda of understanding (MOUs) with tribes and tribal law enforcement agencies for the purposes of information sharing and coordination on specific cases. Finally, the

¹³ Pen. Code, § 11073, subd. (o)(3).

¹⁴ Pen. Code, § 11073, subd. (d)(4).

¹⁵ Pen. Code, § 11073, subds. (d)(6)-(9), (f)-(g).

¹⁶ Pen. Code, § 832.55.

¹⁷ Pen. Code, § 830.83.

bill allows a tribal government or other investigating agency to activate the Task Force in the event of a Feather Alert or homicide case involving an indigenous person.

Some of these responsibilities appear to be similar to, and may perhaps be duplicative of, those of the DOJ under the Tribal Assistance Program created by AB 3099.¹⁸ Even if this bill is not creating redundant responsibilities between CHP and DOJ, the fact that DOJ already has the regulatory infrastructure in place to support tribal law enforcement agencies suggests that that agency may be a more appropriate home for the MMIP Task Force. The author and Committee may wish to amend the bill accordingly.

This bill is also similar to SB 891 (Cervantes), which creates the MMIP Justice Program within the DOJ, which has the following responsibilities: 1) facilitate collaboration and act as a liaison between tribal victims' families, tribal governments, and federal, tribal, state, and out-of-state law enforcement agencies regarding MMIP cases, and 2) provide technical assistance to law enforcement agencies already engaged in investigating MMIP cases. Regulatory efficiency would certainly best be served by merging the MMIP Task Force created by this bill and the MMIP Justice Program created by SB 891 into a single program under DOJ.

5. Argument in Support

According to the Santa Ynez Band of Chumash Indians:

This bill would establish a pilot program from July 1, 2026, to July 1, 2029, granting certain authority to tribal police officers in California. Under this program, the Department of Justice and the Commission on Peace Officer Standards and Training would oversee the granting of peace officer powers to tribal police officers both on Indian lands and in other areas of the state. The bill would allow three selected tribal entities to participate, setting qualifications and training standards for tribal officers. Tribes must adopt laws or resolutions authorizing these powers, including a limited waiver of sovereign immunity, and provide public access to certain records. Additionally, the bill includes setting up a fund to cover participants' information technology costs, allowing participating tribes to coordinate on domestic violence and Missing and Murdered Indigenous Persons cases, and requiring ongoing monitoring and reporting to the Legislature.

-- END --

¹⁸ For instance, Pen. Code, §11070, subd. (a)(4) requires DOJ, through the program, to be responsible for “facilitating and supporting improved communication between local law enforcement agencies and tribal governments or tribal law enforcement agencies for purposes of consistent implementation of concurrent criminal jurisdiction on California Indian lands.”