

THIRD READING

Bill No: AB 31
Author: Ramos (D)
Amended: 8/13/26 in Senate
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 6-0, 6/30/26
AYES: Arreguín, Seyarto, Caballero, Cortese, Pérez, Wiener

SENATE APPROPRIATIONS COMMITTEE: 5-0, 8/13/26
AYES: Cervantes, Cabaldon, Grayson, Richardson, Wahab
NO VOTE RECORDED: Seyarto, Dahle

ASSEMBLY FLOOR: 79-0, 6/2/25 - See last page for vote

SUBJECT: Peace officers: tribal police

SOURCE: Yurok Tribe

DIGEST: This bill removes the sunset date for the tribal police pilot program, making it permanent.

ANALYSIS:

Existing federal law:

- 1) 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 United States Code (U.S.C.) § 1162.)
- 2) 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.)
- 3) 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.)

- 4) 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.)
- 5) 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.)
- 6) Provides that tribal governments may not infringe upon the constitutional rights of individuals within their jurisdiction, as specified. (25 U.S.C. § 1302.)
- 7) 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.)
- 8) 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.)
- 9) 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 state law:

- 1) 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. (California Constitution (Cal. Const.), art. XI, § 7.)
- 2) 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. (Government (Gov.) Code, § 54981.7)

- 3) 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. (Penal (Pen.) Code, § 11070, subd. (a).)
- 4) 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.)
- 5) 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 Commission on Peace Officers Standards and Training (POST) course. (Pen. Code, §§830.6, subd. (b), 832.6 subd. (a)(1).)
- 6) 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).)
- 7) Defines the following terms for the purposes of the TPP:
 - a) “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.
 - b) “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.
 - c) “Indian country” has the same meaning as in federal law. (Pen. Code, § 11073, subd. (o).)

- 8) 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).)
- 9) 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).)
- 10) Requires a qualified entity enrolled in the TPP to do all of the following:
 - a) 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.
 - b) 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.
 - c) Adopt and maintain in continuous force tribal law that provides procedures and remedies substantively identical to the Government Claims Act, as specified.
 - d) 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:
 - i) A clear and unequivocal limited waiver of tribal sovereign immunity against any suit, liability, and judgment, as specified.
 - ii) 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.
 - iii) 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.

- iv) 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.
 - v) 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.
 - e) Comply with and submit records and documentation related to specified reporting and oversight requirements.
 - f) Adopt and maintain in continuous force a policy prohibiting law enforcement gangs. (Pen. Code, § 11073, subd. (d).)
- 11) 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).)
- 12) 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).)
- 13) 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).)
- 14) 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).)
- 15) 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).)

- 16) 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).)
- 17) 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).)
- 18) 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).)
- 19) 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).)
- 20) Repeals all provisions of the TPP on July 1, 2032. (Pen. Code, § 830.83, subd. (d); § 832.55, subd. (f); § 11073.5.)

This bill:

- 1) Repeals all sunset dates related to the TPP in existing law, making the program permanent.
- 2) Makes technical and clarifying changes.

Comments

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 they meet certain requirements. 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. 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.

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. 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.

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 states that tribes have shown little interest in participating in the pilot given its short duration and many prerequisites to participation, hence the need to make the program permanent.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Senate Appropriations Committee:

Estimated \$1.5 million in FY 2026-27, \$2.3 million in FYs 2027-29,
\$2.3 million in FY 2029-30 and \$2.6 million ongoing for the DOJ

Division of Law Enforcement, California Justice Information Services
Division and Office of the General Counsel to support the Tribal Police
Program. (Tribal Police Fund, General Fund)

SUPPORT: (Verified 8/13/26)

Yurok Tribe (source)
CDP Rural Caucus
Habematolel Pomo of Upper Lake
Peace Officers Research Association of California (PORAC)
Santa Ynez Band of Chumash Indians
Viejas Band of Kumeyaay Indians
Wilton Rancheria

OPPOSITION: (Verified 8/13/26)

None received

ASSEMBLY FLOOR: 79-0, 6/2/25

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

Prepared by: Alex Barnett / PUB. S. /
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