

CONCURRENCE IN SENATE AMENDMENTS

AB 31 (Ramos)

As Amended August 13, 2026

Majority vote

SUMMARY

Makes permanent the Tribal Police Program, an existing pilot program that provides specified tribal law enforcement officers state peace officer authority on Indian land and elsewhere in the state under specified circumstances.

Senate Amendments

- 1) Remove the sunset dates for the Tribal Police Program, making the program permanent.
- 2) Make technical and conforming changes.

COMMENTS

As Passed by the Assembly, this bill: Established a pilot program, under the direction of the Department of Justice ("DOJ") and the Commission on Peace Officer Standards and Training ("POST") that would grant tribal law enforcement officers, of specified tribes, state peace officer authority on Indian land and elsewhere in the state under specified circumstances.

Major Provisions

- 1) Established the Tribal Police Pilot Program to operate from July 1, 2026 until July 1, 2029, under the direction of DOJ and POST.
- 2) Provided that any qualified entity may notify DOJ that they wish to enroll in the program and upon verification by DOJ in coordination with 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.
- 3) Defined the following terms:
 - a) A "qualified entity" means any of the three federally recognized tribes to be selected by DOJ, provided that those tribes elect to participate. In selecting the tribes, the DOJ 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) A "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 specified requirements and qualifications, and who has been designated by the qualified entity as a peace officer pursuant to the pilot program.
 - c) "Indian Country" means all land within the limits of any Indian reservation under the jurisdiction of the U.S. Government.

- 4) Stated 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.
- 5) Provided that the qualified entity designating a person as a peace officer must document the officer's compliance with this provision and submit documentation to POST.
- 6) Required a qualified entity enrolled in this pilot program to do all of the following:
 - a) Enact and maintain in continuous force a tribal law or resolution expressing their intent that their tribal officers participating in this pilot program be California peace officers, and that the qualified entity be similarly situated to a California local law enforcement agency employing California peace officers, and adopting specified requirements.
 - b) Adopt and maintain in continuous force for a period of no less than three years after the conclusion of the pilot program, tribal law that provides public access to records, and related procedures and remedies substantially identical to the California Public Records Act ("CPRA") as to any record related to this pilot program. Such records include, without limitation, any record related to specified conduct subject to disclosure under the CPRA by a person designated as a peace officer pursuant to this program, including any administrative record of the tribe specifically related to such conduct.
 - c) Adopt and maintain in continuous force tribal law that provides procedures and remedies substantially identical to the Government Claims Act for any claim arising from any actions or omissions of a tribal police officer acting as a California peace officer pursuant to the program.
 - 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, including the full enforcement of judgments and collections for a peace officer designated pursuant to this pilot program, in connection with any act or omission arising out of the qualified entity's participation in this pilot program, including, but not limited to, any act or omission by a tribal law enforcement officer exercising, or purporting to exercise, the authority granted to peace officers by this bill.
 - ii) An express agreement that the substantive and procedural laws of California or of the U.S., as applicable to California peace officers and their employers, shall govern any claim, suit, or regulatory or administrative action, and that the obligations, rights, and remedies shall be determined in accordance with those laws, and by the courts of the California or of the federal government, as applicable. This clause does not limit the jurisdiction of the court of a tribe, but the qualified entity shall clearly and unequivocally waive any right to require the exhaustion of remedies in a tribal court in connection with this pilot program.
 - iii) An express acknowledgment of the Attorney General's inherent authority over the peace officers and law enforcement agencies of the state, as specified, and a grant of authority over tribal law enforcement agencies to the Attorney General for the

duration of the pilot program or later if there is an ongoing inspection, audit, review, or investigation.

- 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 in connection with the qualified entity's participation in this pilot program, including any sanction or discipline imposed by DOJ or POST, up to and including removal of the qualified entity from the pilot program. This section shall not limit the Attorney General's authority, as specified, to investigate a tribal law enforcement agency participating in this pilot program or to prosecute any action resulting from their participation.
 - v) A requirement for the qualified entity to carry sufficient insurance coverage, as determined by the DOJ, in consultation with the qualified entity, for the liability of the qualified entity and its officers, employees, and other agents arising out of the qualified entity's participation in this pilot program.
- 7) Required qualified entities to do all of the following:
- a) Comply with requirements in existing law regarding the investigation of complaints by members of the public and other specified requirements related to POST.
 - b) Submit all required documentation of compliance with these provisions to POST, as specified.
 - c) Submit to the DOJ any data, statistics, reports, or other information requested by the DOJ for the monitoring and evaluation of the pilot program.
 - d) Comply with other specified provisions of existing law related to the submission of specified data to the DOJ and the administration of local law enforcement agencies by DOJ.
 - e) Comply with any investigation or review by the Attorney General of an officer-involved shooting resulting in the death of an unarmed person.
 - f) Adopt and maintain in continuous force a policy prohibiting law enforcement gangs, as specified.
 - g) Adopt and maintain in continuous force an ordinance or other enforceable policy that complies with the requirement that each local law enforcement agency conspicuously post on their websites all current standards, policies, practices, operating procedures, and education and training materials that would otherwise be available to the public if a request were made pursuant to the CPRA.
- 8) Authorized a qualified entity to establish a domestic violence death review team, as specified.
- 9) Provided that when a tribal officer designated as a peace officer pursuant to this program issues a citation for a violation of state law, the citation shall require the person cited to

appear in the superior court of the county in which the offense was committed, and shall be submitted to the district attorney of that county.

- 10) Provided that any criminal charge resulting from a custodial arrest or citation issued by a person designated as peace officer pursuant to this program, while exercising the authority as a peace officer, shall be within the jurisdiction of California courts.
- 11) Required 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 laws applicable to a California peace officer employed by a local law enforcement agency.
- 12) Provided that the sovereign immunity of the state shall not extend to any act or omission arising out of the qualified entity's participation in this pilot program, including, without limitation, any act or omission by a tribal law enforcement officer exercising, or purporting to exercise, any authority as a California peace officer, and specifies that it is the intent of the Legislature that such tribal law enforcement officers be similarly situated to California peace officers employed by local law enforcement agencies.
- 13) Provided that peace officer authority granted to any person pursuant to this program shall be automatically revoked on July 1, 2029.
- 14) Provided that the Attorney General, in coordination with POST, shall provide ongoing monitoring, evaluation, and support for the pilot program, however, DOJ and POST are not required to provide legal representation, advice, or counsel to any qualified entity.
- 15) Authorized a qualified entity to terminate their participation in the program at will, as specified.
- 16) Authorized 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 of the pilot program.
- 17) Required DOJ to prepare and submit two reports to the Legislature, the Assembly Select Committee on Native American Affairs, and the Assembly and Senate Public Safety Committees: an interim report by no later than January 1, 2028, and a final report by no later than January 1, 2030.
- 18) Required the DOJ reports to include the impacts of the pilot program on case clearance rates, including homicide and missing persons cases, the impact of the pilot program on crime rates on Indian lands and surrounding communities, the impact of the pilot program on recruitment and retention of tribal police, a discussion of feasibility and implementation difficulties, and recommendations to the Legislature.
- 19) Created the Tribal Police Pilot Fund in the State Treasury, and requires monies deposited into the fund to be used to assist pilot program participants with fiscal needs associated with the development of information technology necessary for the purposes of complying with any state-mandated reporting required of California law enforcement agencies and employers of peace officer.

- 20) Provided that this pilot program shall be construed to empower Indian tribes and tribal law enforcement officers to exercise powers conferred by the laws of the State of California in a manner consistent with those laws.
- 21) Provided that such powers are in addition to a tribe's inherent powers of self-government, and this pilot program shall not be construed to infringe upon the sovereignty of any Indian tribe nor their inherent authority to self-govern, including the authority to enact laws that govern their lands.
- 22) Authorized participating tribes to enter into an agreement to share liability and collaborate on Missing and Murdered Indigenous Persons cases.
- 23) Provided that commencing on July 1, 2026, until July 1, 2029, a chief of police appointed by a qualified entity enrolled in the pilot program 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 pilot program and meeting the requirements of a qualified member, is a peace officer.
- 24) Specified that the authority of a peace officer designated pursuant to this pilot program extends to any place within the territorial boundaries of Indian country of the employing tribe, in accordance with and subject to any limitations of Public Law 280.
- 25) Provided that the authority of a peace officer designated pursuant to this pilot program may also extend to any place in the state, under any of the following circumstances:
 - a) At the request of a state or local law enforcement agency.
 - b) Under exigent circumstances involving an immediate danger to persons or property, or of the escape of a perpetrator.
 - c) For the purpose of making an arrest consistent with peace officer arrest authority under California law, when a public offense has occurred, or there is probable cause to believe a public offense has occurred, within the Indian country of the tribe that employs the peace officer, and with the prior consent of the chief of police or chief, director, or chief executive officer of a consolidated municipal public safety agency, or person authorized by that chief, director, or officer to give consent, if the place is within a city, or of the sheriff, or person authorized by the sheriff to give consent, if the place is within an unincorporated area of a county.
 - d) Notwithstanding the above paragraph, when the peace officer is in hot pursuit or close pursuit of an individual that the officer has reasonable suspicion has violated or attempted to violate state law and the violation occurred within the Indian country of the tribe that employs the peace officer.
 - e) When delivering an apprehended person to the custody of a law enforcement authority or magistrate in the city or county in which the offense occurred.
- 26) Stated that peace officers participating in the program shall be subject to the applicable requirements of the certification program for peace officers run by POST.

- 27) Provided that any peace officer described in this pilot program shall obtain the basic certificate issued by POST 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.
- 28) Provided that if the probationary period established by the employing agency is 24 months, a peace officer described in this pilot program may continue to exercise the powers of a peace officer for an additional three month period to allow for the processing of the certification application.
- 29) Provided that any chief of police, or any other person in charge of a qualified entity, as a condition of continued authority as a peace officer, shall obtain POST's basic certificate within two years of appointment.
- 30) Provided that the above provisions shall only become operative upon an appropriation of funds by the Legislature to fulfill its purposes.
- 31) Created a January 1, 2032 sunset date on the operation of the pilot program.
- 32) Made legislative findings and declarations.

According to the Author

"Public Law 280 transferred responsibility for law enforcement and criminal justice on tribal lands to six states, including California. The law resulted in fewer resources for public safety on reservations and created confusion among federal, state and local law enforcement jurisdictions. We must continue to press forward in our efforts to prevent and resolve Missing and Murdered Indigenous Persons cases that have resulted in loss of life and great trauma in the past, in the present and will continue detrimental impacts into the future, especially when the violence leaves children without parents. We have to give tribal governments an opportunity to face the MMIP crisis head on and AB 31 aims to provide a tool to do so."

Arguments in Support

According to the *Yurok Tribe*, "California is home to the most Native American and Alaska Native people than any other state in the country and has the fifth highest number of Missing and Murdered Indigenous People (MMIP) in the country. Many tribal families have either had a loved one gone missing, murdered, or been a victim of a violent crime. A step that the state has taken to address this crisis was to establish the Tribal Police Pilot Program, which was to be valid from July 1, 2026, to July 1, 2029, granting certain peace officer authority to qualified tribal police officers in California.

"However, not all tribal communities are created equal. When joining the tribal police program, tribes must undergo a rigorous process to fulfill the conditions set forth in law. This requires an extensive number of resources to ensure compliance as participants in the program. With this consideration, tribes must decide between extensive workload for a program that would only last three years or divert the resources to other programs. AB 31 would make the pilot program permanent, highlighting to tribes that the state is fully ready to invest long term and stand by as a partner in addressing this crisis...

"Ultimately, this bill is about empowering tribal governments and showcasing to tribal nations the state's full commitment to addressing the crisis with long-term solutions instead of short-term

ones. It is about the State of California working alongside its tribal partners in a way that will help promote public safety and curb the level of violence that has been historically plaguing Native Americans within its borders."

Arguments in Opposition

None submitted.

FISCAL COMMENTS

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)"

VOTES:

ASM PUBLIC SAFETY: 9-0-0

YES: Schultz, Alanis, Mark González, Haney, Harabedian, Lackey, Nguyen, Ramos, Sharp-Collins

ASM APPROPRIATIONS: 14-0-1

YES: Wicks, Arambula, Calderon, Caloza, Dixon, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache, Ta, Tangipa

ABS, ABST OR NV: Sanchez

ASSEMBLY FLOOR: 79-0-0

YES: 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

SENATE FLOOR: 40-0-0

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNERney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Reyes, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

UPDATED

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CONSULTANT: Ilan Zur / PUB. S. / (916) 319-3744

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