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AB-3099 Department of Justice: law enforcement assistance with tribal issues: study. (2019-2020)

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Assembly Bill No. 3099

CHAPTER 170

An act to add Article 2.4 (commencing with Section 11070) to Chapter 1 of Title 1 of Part 4 of the Penal Code, relating to the Department of Justice.

[Approved by Governor September 25, 2020. Filed with Secretary of State September 25, 2020.]

LEGISLATIVE COUNSEL'S DIGEST

AB 3099, Ramos. Department of Justice: law enforcement assistance with tribal issues: study.

Existing law authorizes the Department of Justice to provide technical assistance to local law enforcement agencies, other state agencies, and federal agencies in the investigation of criminal matters, the detection of crimes, and the apprehension or prosecution of criminals.

Existing law establishes a Rural Indian Crime Prevention Program to provide grants to local law enforcement agencies to provide training to officers and to provide specified services to Native American persons and communities.

This bill would require the department, upon an appropriation of funds by the Legislature, to provide technical assistance to local law enforcement agencies, as specified, and tribal governments with Indian lands, relating to tribal issues, including providing guidance for law enforcement education and training on policing and criminal investigations on Indian lands, providing guidance on improving crime reporting, crime statistics, criminal procedures, and investigative tools, and facilitating and supporting improved communication between local law enforcement agencies and tribal governments.

The bill would require the department, upon appropriation of funds by the Legislature, 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. The bill would require the department to submit a report to the Legislature upon completion of the study, as provided.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) In Public Law 83-280, Congress expressly granted California concurrent criminal jurisdiction with California's tribal governments over specified areas of Indian country within the state for the enforcement of statewide criminal laws. A lack of consistency in the application of PL-280 on California Indian country currently exists statewide creating jurisdictional uncertainty for local law enforcement and California tribes with Indian land.

(b) Existing law establishes a California missing persons registry, in addition to other missing persons networks and databases that are designed to assist law enforcement in their investigations of missing and unidentified persons in California.

(c) According to most recent census data, California is home to more people of Native American and Alaska Native heritage than any other state in the country. There are currently 109 federally recognized Indian tribes and over 70 non-federally recognized tribes in California. Tribes in California currently have nearly 100 separate reservations or rancherias. There are also a number of individual Indian trust allotments. These lands constitute "Indian country."

SEC. 2. Article 2.4 (commencing with Section 11070) is added to Chapter 1 of Title 1 of Part 4 of the Penal Code, to read:

Article 2.4. Tribal Assistance Program

11070. (a) To improve upon the implementation of concurrent criminal jurisdiction on California Indian lands, the Department of Justice shall, subject to an appropriation by the Legislature, in a manner to be prescribed by the department, 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, to include, but not be limited to, all of the following:

(1) Providing guidance for law enforcement education and training on policing and criminal investigations on Indian lands that supports consistent implementation of California's responsibilities for enforcing statewide criminal laws on Indian lands that protect the health, safety, and welfare of tribal citizens on Indian lands.

(2) Providing guidance on improving crime reporting, crime statistics, criminal procedures, and investigative tools for conducting police investigations of statewide criminal laws on Indian lands.

(3) Providing educational materials about the complexities of concurrent criminal jurisdiction with tribal governments and their tribal law enforcement agencies, specifically to tribal citizens on Indian lands, including information on how to report a crime, and information relating to victim's rights and victim services in California.

(4) 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.

(b) (1) To address the issues involving missing and murdered Native Americans in California, particularly missing and murdered Native American women and girls, the department shall, subject to an appropriation by the Legislature, in a manner to be prescribed by the department, 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. The study shall include all of the following:

(A) A determination of the scope of the issue of missing and murdered Native Americans in California, particularly women and girls.

(B) Identification of barriers in reporting or investigating missing Native Americans in California, particularly women and girls.

(C) Ways to create partnerships to increase cross-reporting and investigation of missing Native Americans in California, particularly women and girls, between federal, state, local, and tribal governments, including tribal governments without tribal law enforcement agencies.

(2) As part of the study, the department shall conduct outreach to tribal governments in California, Native American communities, local, tribal, state, and federal law enforcement agencies, and state and tribal courts.

(3) The department shall submit a report to the Legislature upon completion of the study. The report shall include all of the following:

(A) Data and analysis of the number of missing Native Americans in California, particularly women and girls.

(B) Identification of the barriers to providing state resources to address the issue.

(C) Recommendations, including any proposed legislation, to improve the reporting and identification of missing Native Americans in California, particularly women and girls.

(c) (1) The requirement for submitting a report imposed pursuant to paragraph (3) of subdivision (b) is inoperative on January 1, 2025, pursuant to Section 10231.5 of the Government Code.

(2) A report to be submitted pursuant to paragraph (3) of subdivision (b) shall be submitted in compliance with Section 9795 of the Government Code.

