ASSEMBLY BILL NO. 134[1]
ARTICLE 2.45. TRIBAL POLICE PILOT PROGRAM

11073. (a) The Tribal Police Pilot Program is hereby established to operate from July 1, 2026, until July 1, 2029, under the direction of the Department of Justice and the Commission on Peace Officer Standards and Training.

(b) Notwithstanding any contrary provision of law, any qualified entity may notify the department that they wish to enroll in the pilot program and, upon verification by the department, in coordination with the commission, that the entity has complied with the requirements prescribed in subdivision (d), any qualified member of that entity shall be deemed a peace officer as provided in Section 830.83.

(c) (1) A person shall not be a qualified member unless the person completes and maintains all applicable requirements for the appointment, training, education, hiring, eligibility, and certification required for peace officers under state law, including, without limitation, those described in Sections 832 and 832.55 and any regulations adopted thereunder.

(2) A qualified member is subject to the requirements of Sections 13500 to 13519.15, inclusive, of this code, Sections 1029, 1030, 1031, and 1031.4 of the Government Code, and any regulations adopted thereto.

(3) A qualified entity designating a person as a peace officer pursuant to this program shall document that person's compliance with this subdivision and Section 832.55 and submit that documentation to the Commission on Peace Officer Standards and Training.

(d) A qualified entity enrolled in this pilot program shall do all of the following:

(1) Enact and maintain in continuous force a tribal law or resolution expressing their intent that 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 any requirements prescribed by this section and Sections 830.83 and 832.55.

(2) 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 substantively identical to the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code) as to any record related to this pilot program. Such records include, without limitation, any record related to conduct specified in Section 832.7 by a person designated as a peace officer pursuant to this program, including any administrative record of the tribe specifically related to such conduct.

(3) Adopt and maintain in continuous force tribal law that provides procedures and remedies substantively identical to the Government Claims Act (Division 3.6 (commencing with Section 810) of Title 1 of the Government Code) for any claim arising from any actions or omissions of a tribal police officer acting as a California peace officer pursuant to this program.

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[1]AB 134 Bill Text - https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520260AB134

(4) 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) 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 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 by Section 830.83.

(B) An express agreement that the substantive and procedural laws of the State of California or of the United States, 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 State of 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.

(C) An express acknowledgment of the Attorney General's inherent authority over the peace officers and law enforcement agencies of the state pursuant to Section 13 of Article V of the California Constitution 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.

(D) An express agreement that the qualified entity and its officers, employees, and other agents shall cooperate with any inspections, audits, and investigations by the Department of Justice or the Commission on Peace Officer Standards and Training in connection with the qualified entity's participation in this pilot program, including any sanction or discipline imposed by the department or commission, up to and including removal of the qualified entity from the pilot program described in this section. This section shall not limit the Attorney General's authority pursuant to Section 52.3 of the Civil Code and Article 2 (commencing with Section 11180) of Chapter 2 of Part 1 of Division 3 of Title 2 of the Government Code to investigate a tribal law enforcement agency participating in this pilot program or to prosecute any action resulting from their participation.

(E) (i) A requirement for the qualified entity to carry sufficient insurance coverage 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.

(ii) The department shall determine, in consultation with the qualified entity, the amount of coverage that is sufficient for the requirement in clause (i).

(5) Comply with all applicable provisions of Section 832.5 and Chapter 1 (commencing with Section 13500) of Title 4, including all applicable remedies.

(6) Submit all required documentation of compliance with this subdivision to the Commission on Peace Officer Standards and Training, in a manner and form prescribed by the commission.

(7) Submit any data, statistics, reports, or other information requested by the Department of Justice for the monitoring and evaluation of the pilot program to the department in a manner and form prescribed by the department.

(8) Comply with all applicable provisions of Sections 13012, 13020 to 13023, inclusive, 13730, 13777, and 13519.4 of this code, Sections 7284.6, 12525, 12525.2, and 12525.5 of the Government Code, and any implementing regulations thereof, and all applicable remedies.

(9) Comply with any investigation or review by the Attorney General required under Section 12525.3 of the Government Code.

(10) Adopt and maintain in continuous force a policy prohibiting law enforcement gangs as required by Section 13670.

(11) Adopt and maintain in continuous force an ordinance or other enforceable policy that complies with the requirements of Section 13650.

(e) A qualified entity enrolled in this pilot program may establish a domestic violence death review team as described in, and subject to the applicable provisions of, Sections 11163.3 to 11163.5, inclusive.

(f) When a peace officer authorized under 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.

(g) Any criminal charge resulting from a custodial arrest made by, or citation issued by, a peace officer designated pursuant to this program, while exercising the authority granted by Section 830.83, shall be within the jurisdiction of the courts of the State of California.

(h) Any official action taken by a peace officer designated pursuant to this program, while exercising the authority granted by Section 830.83, 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.

(i) 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. 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.

(j) The peace officer authority granted to any person pursuant to this program shall be automatically revoked on July 1, 2029.
(k) (1) The Attorney General, in coordination with the Commission on Peace Officer Standards and Training, shall provide ongoing monitoring, evaluation, and support for the pilot program. This subdivision does not require the Attorney General or the commission to provide legal representation, advice, or counsel to any program participant.

(2) A qualified entity may terminate their participation in the pilot program at will, however, the requirements of paragraphs (2), (3), and (4) of subdivision (d) shall remain in effect.

(3) The Department of Justice, in coordination with the Commission on Peace Officer Standards and Training, may suspend or terminate a qualified entity's participation in the program for gross misconduct or for willful or persistent failure to comply with the requirements of this article.

(4) (A) (i) By no later than July 1, 2028, the department shall prepare and submit an interim report to the Legislature, the Assembly Select Committee on Native American Affairs, and the Assembly and Senate Public Safety Committees.

(ii) By no later than January 1, 2030, the department shall prepare and submit a final report to the Legislature, the Assembly Select Committee on Native American Affairs, and the Assembly and Senate Public Safety Committees.

(B) The reports required by this section shall include, without limitation, the impacts of the pilot program on case clearance rates, including, without limitation, 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.

(C) The reports required by this paragraph shall be submitted in compliance with Section 9795 of the Government Code.

(l) The Tribal Police Pilot Fund is hereby created in the State Treasury. All moneys in the fund, upon appropriation by the Legislature, shall be used to assist Tribal Police Pilot Program participants with fiscal needs associated with the development of information technology, such as the establishment of databases and recordkeeping, necessary for the purposes of complying with any state-mandated reporting required of California law enforcement agencies and employers of peace officers.

(m) This section 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. Such powers are in addition to a tribe's inherent powers of self-government. This section 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.

(n) Participating tribes may enter into an agreement to share liability and collaborate on Missing and Murdered Indigenous Persons cases.

(o) As used in this section, the following terms are defined as follows:

(1) "Department" means the Department of Justice or any subdivision thereof to whom the Attorney General has delegated responsibility for the provisions of this section.

(2) "Indian country" has the same meaning as provided in Section 1151 of Title 18 of the United States Code.

(3) "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.

(4) "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 the requirements and qualifications in subdivision (c), and who has been designated by the qualified entity to be a peace officer pursuant to this program.