

STATE OF NEW YORK

11574

IN ASSEMBLY

June 4, 2026

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Peoples-Stokes) -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the Indian law, in relation to relinquishing certain criminal and police jurisdiction over members of the Seneca Nation of Indians and recognizing the sovereign authority of the Seneca Nation over matters occurring within its territories

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Legislative findings and intent. The legislature finds and
2 declares that the Seneca Nation of Indians is a sovereign nation
3 possessing inherent powers of self-government recognized by treaties of
4 the United States and federal law. During the federal Indian termination
5 era after World War II, Congress enacted legislation granting the state
6 of New York criminal jurisdiction within the territories of the Seneca
7 Nation, thereby diminishing the Nation's exclusive authority over public
8 safety and criminal justice matters occurring within its lands. This
9 bill recognizes the primary criminal and police authority of the Seneca
10 Nation over its own citizens and members of other federally recognized
11 Indian nations or tribes and advances principles of tribal self-determi-
12 nation, public safety, governmental accountability, and respect for
13 treaty relationships. It is the intent of the legislature to relinquish
14 and disclaim, to the fullest extent permitted by federal law, any crimi-
15 nal investigatory, police, or law enforcement jurisdiction exercised by
16 the state of New York over enrolled citizens of the Seneca Nation for
17 conduct occurring within the Nation's territories, and to recognize the
18 primary authority of the Seneca Nation over such matters.

19 § 2. The Indian law is amended by adding a new section 61 to read as
20 follows:

21 § 61. Relinquishment of state police and criminal jurisdiction within
22 Seneca Nation territories. 1. As used in this section:

23 (a) "Indian" shall mean an enrolled member of a federally recognized
24 Indian nation or tribe.

25 (b) "Nation" shall mean the Seneca Nation of Indians.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 (c) "Nation territory" shall mean all lands owned by the Nation,
2 including its reservation lands and restricted fee lands, which consti-
3 tutes Indian country as defined by federal law.

4 (d) "Citizen" shall mean an enrolled citizen or member of the Seneca
5 Nation.

6 2. Notwithstanding any inconsistent provision of law to the contrary,
7 the state hereby relinquishes and disclaims, to the maximum extent
8 authorized by federal law, criminal law enforcement and police jurisdic-
9 tion over Indians for conduct occurring within Nation territory.

10 3. (a) Except as otherwise provided by federal law:

11 i. no agency, officer, or employee of the state, including the divi-
12 sion of state police, shall exercise police powers over a citizen of the
13 Nation or any Indian within Nation territory; and

14 ii. state agencies shall defer primary law enforcement authority with-
15 in Nation territory to the Nation and its duly authorized law enforce-
16 ment officers.

17 (b) The provisions of this subdivision may be superseded by the terms
18 of any agreement between the Nation and the state pursuant to section
19 seventy-nine of this chapter.

20 4. Nothing in this section shall:

21 (a) impair federal criminal jurisdiction;

22 (b) prohibit the enforcement of state law where otherwise authorized
23 by federal law;

24 (c) impair emergency response authority necessary to prevent imminent
25 death or serious physical injury;

26 (d) diminish the sovereign immunity of the Nation; or

27 (e) limit the Nation's authority to establish and maintain its own
28 courts, police department, marshals, or public safety agencies.

29 § 3. If any clause, sentence, paragraph, subdivision, section, or part
30 of this act shall be adjudged invalid by a court of competent jurisdic-
31 tion, such judgment shall not affect, impair, or invalidate the remain-
32 der thereof.

33 § 4. This act shall take effect upon enactment of legislation by
34 Congress nullifying or repealing state jurisdiction over Seneca Nation.
35 The governor shall certify the occurrence of such condition and publish
36 notice thereof in the state register; provided that the department of
37 state shall notify the legislative bill drafting commission upon the
38 occurrence of the enactment of the legislation provided for in section
39 two of this act in order that the commission may maintain an accurate
40 and timely effective data base of the official text of the laws of the
41 state of New York in furtherance of effectuating the provisions of
42 section 44 of the legislative law and section 70-b of the public offi-
43 cers law.