STATE OF NEW YORK

8289

2025-2026 Regular Sessions

IN ASSEMBLY

May 9, 2025

Introduced by M. of A. PEOPLES-STOKES -- read once and referred to the Committee on Judiciary

AN ACT to amend the Indian law, in relation to non-Indian trespass and drug trafficking activities within Indian lands

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

Section 1. Section 8 of the Indian law, as amended by chapter 886 of the laws of 1957, is amended to read as follows:

§ 8. Intrusion on tribal lands. **1.** Except as otherwise provided by law, no person shall **enter, remain,** settle or reside, conduct a business, operate a junkyard, or establish or contribute to an automobile graveyard or dump of any kind, upon any lands owned or occupied by any nation, tribe or band of Indians, except the **citizens or** members of such nation, tribe or band **or their authorized guests or lessees**.

2. Without the permission of the council or other similar authority of any Indian reservation, no person shall hereafter establish, conduct and operate, or contribute to the establishment, conduct and operation of any junkyard, automobile graveyard or dump on any land within the limits of an Indian reservation. Any lease, contract or agreement in violation of this section shall be void.

3. The district attorney of any county in which reservation lands are situated, upon the written application of such person or entity designated by the laws of the nation, tribe or band to make such application on behalf of the nation, tribe or band owning and occupying such lands, shall make complaint of any intrusions on such lands, and cause the intruders to be removed.

4. The county judge of the county in which such lands are situated, upon complaint made to [~~him~~] **such judge**, of a violation of this section shall, if [~~he~~] **such judge** thinks there is reasonable ground therefor, issue a notice directed to the person against whom complaint is made, requiring [~~him~~] **such person** to appear before such judge at a time and

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

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place therein specified, to answer the complaint. Such judge shall attend at the time and place mentioned in the notice, and upon proof of the personal service of such notice, shall take proof of the facts alleged in the complaint, and shall determine whether such person is an intruder upon the lands of such reservation. If [~~he~~] **such judge** shall determine that such person is an intruder, [~~he~~] **such judge** shall issue a warrant to the sheriff of the county commanding [~~him~~] **such sheriff**, within ten days after the receipt thereof, to remove such person from such lands. If such judge shall determine that such person has been removed from such lands on a previous occasion, [~~he~~] **such judge** shall issue [~~his~~] **such judge's** warrant commanding the sheriff, within ten days from the receipt thereof, to remove such person and**, notwithstanding any other provisions of law,** commit [~~him~~] **such person** to the county jail for the space of [~~thirty~~] **ninety** days, without being entitled to the limits or the liberties of such jail; and such judge shall cause such conviction to be drawn up and filed in the office of the county clerk, which conviction shall be final. In the execution of either of such warrants the sheriff shall have the same powers as in the execution of criminal process, and shall be paid by the state such compensation as the comptroller shall certify as reasonable. [~~The district attorney of any county in which reservation lands are situated, upon the written application of a majority of the chiefs, councilors or head man of the nation, tribe or band owning and occupying such lands, shall make complaint of any intrusions on such lands, and cause the intruders to be removed.~~]

5. If a person, conducting a business**, engaging in drug trafficking,** operating a junkyard, or having established or contributed to an automobile graveyard or dump, shall have been determined to be an intruder under this section, such judge may, in addition to any other penalty prescribed by this section, order the **confiscation or** removal of such business, **drug trafficking materials or equipment,** junkyard, automobile graveyard or dump within a reasonable time **subject to the consent of the authority of the affected nation, tribe or band**.

6. A determination or designation by the nation, tribe or band of a person as an intruder upon the lands of such nation, tribe or band shall be dispositive of the matter.

§ 2. The Indian law is amended by adding a new section 79 to read as follows:

§ 79. Law enforcement agreements. 1. Notwithstanding any other provision of law, at the request of the Seneca nation, the governor, the superintendent of state police, a sheriff of a county that includes lands of the Seneca nation, or the chief of police of the city of Salamanca, may enter into an agreement with the Seneca nation governing the terms and conditions of criminal law enforcement activities within the nation's federally-recognized Indian Country lands.

2. The agreements authorized in subdivision one of this section may include provisions defining criminal offenses and penalties that shall apply within the nation, deputization, extradition, and other related provisions that may be agreed upon by the parties.

3. The courts of the state shall give full force and effect to the provisions of any agreement authorized herein in any criminal proceeding arising out of offenses committed within the lands of the Seneca nation.

§ 3. This act shall take effect immediately.