

Indian Country Jurisdiction Panel

The complexity of Criminal Jurisdiction in Indian Country is ever evolving. Tribes once had full criminal jurisdiction in Indian Country, which changed with the implementation of the Major Crimes Act and Public Law 280. For years Tribes, States, and the Federal Government operated in the jurisdiction maze trying to maintain the public safety of Tribal communities. In 2009, Attorney General Holder held listening sessions across Indian Country, Tribal Leaders expressed the need for federal legislation.

In 2010 the Tribal Law and Order was enacted to help tribes address crime in their communities and enhance their authority to prosecute criminals. It has been 8 years since its passage and the Senate Committee on Indian Affairs introduced a Reauthorization Bill last year.

<https://www.indian.senate.gov/news/press-release/hoeven-bill-reauthorize-enhance-tribal-law-and-order-act-clears-committee-0>

<https://oig.justice.gov/reports/2017/e1801.pdf>

In 2013 Congress Reauthorized the Violence Against Women Act to include a section on Special Domestic Violence Criminal Jurisdiction, which allowed Tribes to prosecute non-Indians for domestic violence crimes. This was a fundamental and significant affirmation of inherent tribal sovereignty by allowing to tribes to prosecute non-Indians for violating protection orders and domestic violence. Congress plans to extend the Reauthorization of the Violence Against Women Act in December of 2018, without making any much needed changes to the law. However, the Senate Committee on Indian Affairs introduced Native Youth and Tribal Officer Protection Act to address the gaps in the Special Domestic Violence Criminal Jurisdiction.

<https://www.indian.senate.gov/news/press-release/udall-murkowski-cortez-masto-bill-would-restore-tribal-jurisdiction-over-domestic>

http://www.ncai.org/resources/ncai-publications/SDVCJ_5_Year_Report.pdf

Lastly, the United States Department of Justice allowed Tribes to have full access to the national crime information systems to strengthen tribal jurisdiction when it comes to sharing information.

<https://www.bellinghamherald.com/latest-news/article220494655.html>

Speakers:

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