

### INDIAN COUNTRY CRIMES JURISDICTION

Offender	Victim	Occurrence	Jurisdiction
Indian	Indian	Indian Country (w/in recognized Indian reservation boundaries)	18 U.S.C. 1153: Jur: <u>Exclusive Federal</u> for Major Crimes & Assimilative Crimes <sup>1</sup> ; <u>Tribal</u> for Misd. Crimes.
Indian	Non-Indian	Indian Country	<u>Fed. Jur.</u> , for Major Crimes & felonies not listed in the Major Crimes Act <u>unless</u> , defendant punished by the tribe; <u>Tribal</u> for Misd.
Non-Indian	Indian	Indian Country	Fed. for felonies & Misd (18 USC 1152) & Assimilative Crimes (18 USC 13 & 7); No Tribal Jur ( <u>U.S. v. Oliphant</u> <sup>2</sup> )
Indian	Victimless Crime	Indian Country	Tribal Jurisdiction & in some cases Federal
Non-Indian	Victimless Crime	Indian Country	State Jurisdiction & in some cases Federal

\* By Diane Humetewa (training purposes only)

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<sup>1</sup>Title 18 U.S.C. § 13 provides that in the absence of a federal law definition of a MCA crime, state law definition & penalties may be substituted.

<sup>2</sup>Indian tribes, and thus tribal courts, do not have jurisdiction to prosecute non-Indians for crimes occurring on Indian lands. *United States v. Oliphant*; 435 U.S. 191 (1978) Indian tribes do have inherent authority to exercise criminal jurisdiction over Indians. *United States v. Lara*, 541 U.S. 193 (2004).