



Indian Country Criminal Jurisdiction Chart

Indian Offender: enrolled or recognized as Indian by community of origin.

Who is the victim?	What was the crime?	Jurisdiction
1) Victim Crimes	An offense against the person or property of a victim:	
Indian (enrolled or recognized as Indian by community of origin)	Major Crimes Act Crimes: Murder, manslaughter, kidnapping, maiming, sexual abuse, incest, assault with a dangerous weapon, assault resulting in serious bodily injury, assault on a person less than 16 yrs. old, arson, burglary, robbery, theft under 18 USC § 661 (Authority: 18 USC § 1153)	FEDERAL
Indian	All remaining crimes contained in tribal code: (Authority: tribal code or 25 CFR Pt. 11, if no tribal code).	TRIBAL

Indian Offender: enrolled or recognized as Indian by community of origin.

Who is the victim?	What was the crime?	Jurisdiction
Non-Indian	Major Crimes Act Crimes: Murder, manslaughter, kidnapping, maiming, sexual abuse, incest, assault with a dangerous weapon, assault resulting in serious bodily injury, assault on a person less than 16 yrs. old, arson, burglary, robbery, theft under 18 USC § 661 (Authority: 18 USC § 1153)	FEDERAL
Non-Indian	All remaining crimes contained in tribal code: (Authority: tribal code or 25 CFR Pt. 11, if no tribal code).	TRIBAL
Non-Indian	All remaining crimes contained in state code (where there is no federal statute for the offense) under the Assimilative Crimes Act: (Authority: 18 USC § 1152 & 13)	FEDERAL

Indian Offender: enrolled or recognized as Indian by community of origin.

Who is the victim?	What was the crime?	Jurisdiction
2) Victimless Crimes	No victim's person or property involved in crime (e.g., traffic offenses, disorderly conduct, prostitution, etc.)	
Indian	A) Crimes in state code (where there is no federal statute for the offense) under Assimilative Crimes Act: (Authority 18 USC § 1152 and 13)	FEDERAL
Indian	B) Crimes in tribal code (Authority: tribal code or 25 CFR Pt. 11, if no tribal code)	TRIBAL
3) General Federal Crimes	Other federal crimes of general applicability (e.g., drug offenses, band robbery, felon in possession of firearm, mail fraud, child pornography, theft from tribal organization, failure to report child abuse, etc.) (Authority: individual federal statute)	FEDERAL

Non-Indian Offender:

Who is the victim?	What was the crime?	Jurisdiction
1) Victim Crimes	An offense against the person or property of a victim:	
Indian (enrolled or recognized as Indian by community of origin)	Indian Country Crimes Act (Federal Enclaves Act) Crimes: murder, manslaughter, kidnapping, maiming, sexual abuse, incest, assault with a dangerous weapon, assault resulting in serious bodily injury, assault on a person less than 16 yrs. old, arson, burglary, robbery, theft under 18 USC § 661 and other crimes which apply to the “special maritime and territorial jurisdiction of the United States under the U.S. Code.” (<i>Authority: 18 USC § 1152</i>)	FEDERAL

Non-Indian Offender:

Who is the victim?	What was the crime?	Jurisdiction
Indian (enrolled or recognized as Indian by community of origin)	All remaining crimes contained in state code (where there is not federal statute for the offense) under the Assimilative Crimes Act: <i>(Authority: 18 USC § 13)</i>	FEDERAL
Non-Indian	All crimes contained in state code <i>(Authority: U.S. vs. McBratney)</i>	STATE
2) Victimless Crime	No victim's person or property involved in crime (e.g., traffic offenses, disorderly conduct, prostitution, etc.)	STATE ONLY
3) General Federal Crimes	Other federal crimes of general applicability (e.g., drug offenses, band robbery, felon in possession of firearm, mail fraud, child pornography, theft from tribal organization, failure to report child abuse, etc.) <i>(Authority: individual federal statute)</i>	FEDERAL