

INDIAN COUNTRY CRIMINAL JURISDICTION CHART

[crime committed within Indian Country as defined by 18 U.S.C. § 1151 (a), (b) & (c) – (a) tribal trust lands, (b) dependent Indian communities & (c) Indian allotments held in trust.]

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 (<i>enrolled or recognized as Indian by community of origin</i>)	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 (<i>Authority: 18 USC § 1153</i>)	FEDERAL
	All remaining crimes contained in tribal code: (<i>Authority: tribal code or 25 CFR Pt. 11, if no tribal code</i>)	TRIBAL
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 (<i>Authority: 18 USC § 1152</i>)	FEDERAL
	All remaining crimes contained in tribal code: (<i>Authority: tribal code or 25 CFR Pt. 11, if no tribal code</i>)	TRIBAL
	All remaining crimes contained in state code (where there is no federal statute for the offense) under the Assimilative Crimes Act: (<i>Authority: 18 USC § 1152 & 13</i>)	FEDERAL
2) VICTIMLESS CRIMES	NO VICTIM'S PERSON OR PROPERTY INVOLVED IN CRIME (<i>e.g. traffic offenses, disorderly conduct, prostitution, etc.</i>)	
	a. crimes in state code (where there is no federal statute for the offense) under Assimilative Crimes Act: (<i>Authority: 18 USC § 1152 & 13</i>)	FEDERAL
	b. crimes in tribal code (<i>Authority: tribal code or 25 CFR Pt. 11, if no tribal code</i>)	TRIBAL

3) GENERAL FEDERAL CRIMES	OTHER FEDERAL CRIMES OF GENERAL APPLICABILITY (e.g. drug offenses, bank 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
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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 years 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.” (Authority: 18 USC § 1152)	FEDERAL
	All remaining crimes contained in state code (where there is no federal statute for the offense) under the Assimilative Crimes Act: (Authority: 18 USC § 13)	FEDERAL
Non-Indian	All crimes contained in state code (Authority: U.S. vs. McBratney)	STATE
2) VICTIMLESS CRIMES	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, bank 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