

1 **SEC. 904. TRIBAL JURISDICTION OVER CRIMES OF DOMES-**
2 **TIC VIOLENCE.**

3 Title II of Public Law 90-284 (25 U.S.C. 1301 et
4 seq.) (commonly known as the “Indian Civil Rights Act
5 of 1968”) is amended by adding at the end the following:

6 **“SEC. 204. TRIBAL JURISDICTION OVER CRIMES OF DOMES-**
7 **TIC VIOLENCE.**

8 “(a) DEFINITIONS.—In this section:

9 “(1) DATING VIOLENCE.—The term ‘dating vio-

10 lence’ means violence committed by a person who is
11 or has been in a social relationship of a romantic or
12 intimate nature with the victim, as determined by
13 the length of the relationship, the type of relation-
14 ship, and the frequency of interaction between the
15 persons involved in the relationship.

16 “(2) DOMESTIC VIOLENCE.—The term ‘domes-

17 tic violence’ means violence committed by a current
18 or former spouse or intimate partner of the victim,
19 by a person with whom the victim shares a child in
20 common, by a person who is cohabitating with or
21 has cohabitated with the victim as a spouse or inti-
22 mate partner, or by a person similarly situated to a
23 spouse of the victim under the domestic- or family-
24 violence laws of an Indian tribe that has jurisdiction
25 over the Indian country where the violence occurs.

1 “(3) INDIAN COUNTRY.—The term ‘Indian
2 country’ has the meaning given the term in section
3 1151 of title 18, United States Code.

4 “(4) PARTICIPATING TRIBE.—The term ‘partici-
5 pating tribe’ means an Indian tribe that elects to ex-
6 ercise special domestic violence criminal jurisdiction
7 over the Indian country of that Indian tribe.

8 “(5) PROTECTION ORDER.—The term ‘protec-
9 tion order’—

10 “(A) means any injunction, restraining
11 order, or other order issued by a civil or crimi-
12 nal court for the purpose of preventing violent
13 or threatening acts or harassment against, sex-
14 ual violence against, contact or communication
15 with, or physical proximity to, another person;
16 and

17 “(B) includes any temporary or final order
18 issued by a civil or criminal court, whether ob-
19 tained by filing an independent action or as a
20 pendent lite order in another proceeding, if the
21 civil or criminal order was issued in response to
22 a complaint, petition, or motion filed by or on
23 behalf of a person seeking protection.

24 “(6) SPECIAL DOMESTIC VIOLENCE CRIMINAL
25 JURISDICTION.—The term ‘special domestic violence

1 criminal jurisdiction' means the criminal jurisdiction
2 that a participating tribe may exercise under this
3 section but could not otherwise exercise.

4 “(7) SPOUSE OR INTIMATE PARTNER.—The
5 term ‘spouse or intimate partner’ has the meaning
6 given the term in section 2266 of title 18, United
7 States Code.

8 “(b) NATURE OF THE CRIMINAL JURISDICTION.—

9 “(1) IN GENERAL.—Notwithstanding any other
10 provision of law, in addition to all powers of self-gov-
11 ernment recognized and affirmed by sections 201
12 and 203, the powers of self-government of a partici-
13 pating tribe include the inherent power of that tribe,
14 which is hereby recognized and affirmed, to exercise
15 special domestic violence criminal jurisdiction over
16 all persons.

17 “(2) CONCURRENT JURISDICTION.—The exer-
18 cise of special domestic violence criminal jurisdiction
19 by a participating tribe shall be concurrent with the
20 jurisdiction of the United States, of a State, or of
21 both.

22 “(3) APPLICABILITY.—Nothing in this sec-
23 tion—

1 “(A) creates or eliminates any Federal or
2 State criminal jurisdiction over Indian country;
3 or

4 “(B) affects the authority of the United
5 States or any State government that has been
6 delegated authority by the United States to in-
7 vestigate and prosecute a criminal violation in
8 Indian country.

9 “(4) EXCEPTIONS.—

10 “(A) VICTIM AND DEFENDANT ARE BOTH
11 NON-INDIANS.—

12 “(i) IN GENERAL.—A participating
13 tribe may not exercise special domestic vio-
14 lence criminal jurisdiction over an alleged
15 offense if neither the defendant nor the al-
16 leged victim is an Indian.

17 “(ii) DEFINITION OF VICTIM.—In this
18 subparagraph and with respect to a crimi-
19 nal proceeding in which a participating
20 tribe exercises special domestic violence
21 criminal jurisdiction based on a violation of
22 a protection order, the term ‘victim’ means
23 a person specifically protected by a protec-
24 tion order that the defendant allegedly vio-
25 lated.

1 “(B) DEFENDANT LACKS TIES TO THE IN-
2 DIAN TRIBE.—A participating tribe may exer-
3 cise special domestic violence criminal jurisdic-
4 tion over a defendant only if the defendant—

5 “(i) resides in the Indian country of
6 the participating tribe;

7 “(ii) is employed in the Indian coun-
8 try of the participating tribe; or

9 “(iii) is a spouse, intimate partner, or
10 dating partner of—

11 “(I) a member of the partici-
12 pating tribe; or

13 “(II) an Indian who resides in
14 the Indian country of the partici-
15 pating tribe.

16 “(c) CRIMINAL CONDUCT.—A participating tribe may
17 exercise special domestic violence criminal jurisdiction over
18 a defendant for criminal conduct that falls into one or
19 more of the following categories:

20 “(1) DOMESTIC VIOLENCE AND DATING VIO-
21 LENCE.—An act of domestic violence or dating vio-
22 lence that occurs in the Indian country of the par-
23 ticipating tribe.

24 “(2) VIOLATIONS OF PROTECTION ORDERS.—
25 An act that—

1 “(A) occurs in the Indian country of the
2 participating tribe; and

3 “(B) violates the portion of a protection
4 order that—

5 “(i) prohibits or provides protection
6 against violent or threatening acts or har-
7 assment against, sexual violence against,
8 contact or communication with, or physical
9 proximity to, another person;

10 “(ii) was issued against the defend-
11 ant;

12 “(iii) is enforceable by the partici-
13 pating tribe; and

14 “(iv) is consistent with section
15 2265(b) of title 18, United States Code.

16 “(d) RIGHTS OF DEFENDANTS.—In a criminal pro-
17 ceeding in which a participating tribe exercises special do-
18 mestic violence criminal jurisdiction, the participating
19 tribe shall provide to the defendant—

20 “(1) all applicable rights under this Act;

21 “(2) if a term of imprisonment of any length
22 may be imposed, all rights described in section
23 202(c);

24 “(3) the right to a trial by an impartial jury
25 that is drawn from sources that—

1 “(A) reflect a fair cross section of the com-
2 munity; and

3 “(B) do not systematically exclude any dis-
4 tinctive group in the community, including non-
5 Indians; and

6 “(4) all other rights whose protection is nec-
7 essary under the Constitution of the United States
8 in order for Congress to recognize and affirm the in-
9 herent power of the participating tribe to exercise
10 special domestic violence criminal jurisdiction over
11 the defendant.

12 “(c) PETITIONS TO STAY DETENTION.—

13 “(1) IN GENERAL.—A person who has filed a
14 petition for a writ of habeas corpus in a court of the
15 United States under section 203 may petition that
16 court to stay further detention of that person by the
17 participating tribe.

18 “(2) GRANT OF STAY.—A court shall grant a
19 stay described in paragraph (1) if the court—

20 “(A) finds that there is a substantial likeli-
21 hood that the habeas corpus petition will be
22 granted; and

23 “(B) after giving each alleged victim in the
24 matter an opportunity to be heard, finds by
25 clear and convincing evidence that under condi-

1 tions imposed by the court, the petitioner is not
2 likely to flee or pose a danger to any person or
3 the community if released.

4 “(3) NOTICE.—An Indian tribe that has or-
5 dered the detention of any person has a duty to
6 timely notify such person of his rights and privileges
7 under this subsection and under section 203.

8 “(f) GRANTS TO TRIBAL GOVERNMENTS.—The At-
9 torney General may award grants to the governments of
10 Indian tribes (or to authorized designees of those govern-
11 ments)—

12 “(1) to strengthen tribal criminal justice sys-
13 tems to assist Indian tribes in exercising special do-
14 mestic violence criminal jurisdiction, including—

15 “(A) law enforcement (including the capaci-
16 ty of law enforcement or court personnel to
17 enter information into and obtain information
18 from national crime information databases);

19 “(B) prosecution;

20 “(C) trial and appellate courts;

21 “(D) probation systems;

22 “(E) detention and correctional facilities;

23 “(F) alternative rehabilitation centers;

24 “(G) culturally appropriate services and
25 assistance for victims and their families; and

1 “(H) criminal codes and rules of criminal
2 procedure, appellate procedure, and evidence;

3 “(2) to provide indigent criminal defendants
4 with the effective assistance of licensed defense
5 counsel, at no cost to the defendant, in criminal pro-
6 ceedings in which a participating tribe prosecutes a
7 crime of domestic violence or dating violence or a
8 criminal violation of a protection order;

9 “(3) to ensure that, in criminal proceedings in
10 which a participating tribe exercises special domestic
11 violence criminal jurisdiction, jurors are summoned,
12 selected, and instructed in a manner consistent with
13 all applicable requirements; and

14 “(4) to accord victims of domestic violence, dat-
15 ing violence, and violations of protection orders
16 rights that are similar to the rights of a crime victim
17 described in section 3771(a) of title 18, United
18 States Code, consistent with tribal law and custom.

19 “(g) SUPPLEMENT, NOT SUPPLANT.—Amounts
20 made available under this section shall supplement and
21 not supplant any other Federal, State, tribal, or local gov-
22 ernment amounts made available to carry out activities de-
23 scribed in this section.

24 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
25 are authorized to be appropriated \$5,000,000 for each of

1 fiscal years 2014 through 2018 to carry out subsection
2 (f) and to provide training, technical assistance, data col-
3 lection, and evaluation of the criminal justice systems of
4 participating tribes.”.

5 **SEC. 905. TRIBAL PROTECTION ORDERS.**

6 Section 2265 of title 18, United States Code, is
7 amended by striking subsection (e) and inserting the fol-
8 lowing:

9 “(e) TRIBAL COURT JURISDICTION.—For purposes
10 of this section, a court of an Indian tribe shall have full
11 civil jurisdiction to issue and enforce protection orders in-
12 volving any person, including the authority to enforce any
13 orders through civil contempt proceedings, to exclude vio-
14 lators from Indian land, and to use other appropriate
15 mechanisms, in matters arising anywhere in the Indian
16 country of the Indian tribe (as defined in section 1151)
17 or otherwise within the authority of the Indian tribe.”.

18 **SEC. 906. AMENDMENTS TO THE FEDERAL ASSAULT STAT-**
19 **UTE.**

20 (a) IN GENERAL.—Section 113 of title 18, United
21 States Code, is amended—

22 (1) in subsection (a)—

23 (A) by striking paragraph (1) and insert-
24 ing the following: