

college or university) that meets the appropriate Peace Officer Standards of Training.

**(D) Maximum age requirement**

Pursuant to section 3307(e) of title 5, the Secretary may employ as a law enforcement officer under section 2803 of this title any individual under the age of 47, if the individual meets all other applicable hiring requirements for the applicable law enforcement position.

(2) The Secretary shall also provide for the classification of such positions within the Office of Justice Services at GS grades, as provided in section 5104 of title 5, consistent with the responsibilities and duties assigned to such positions and with the qualifications established for such positions.

(3) In classifying positions in the Office of Justice Services under paragraph (2), the Secretary shall ensure that such positions are classified at GS grades comparable to those for other Federal law enforcement personnel in other Federal agencies in light of the responsibilities, duties, and qualifications required of such positions.

**(4) Background checks for tribal justice officials**

**(A) In general**

The Office of Justice Services shall develop standards and deadlines for the provision of background checks to tribal law enforcement and corrections officials.

**(B) Timing**

If a request for a background check is made by an Indian tribe that has contracted or entered into a compact for law enforcement or corrections services with the Bureau of Indian Affairs pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), the Office of Justice Services shall complete the check not later than 60 days after the date of receipt of the request, unless an adequate reason for failure to respond by that date is provided to the Indian tribe in writing.

**(f) Long-term plan for tribal detention programs**

Not later than 1 year after July 29, 2010, the Secretary, acting through the Bureau, in coordination with the Department of Justice and in consultation with tribal leaders, tribal courts, tribal law enforcement officers, and tribal corrections officials, shall submit to Congress a long-term plan to address incarceration in Indian country, including—

(1) a description of proposed activities for—

(A) the construction, operation, and maintenance of juvenile (in accordance with section 2453(a)(3) of this title<sup>2</sup> and adult detention facilities (including regional facilities) in Indian country;

(B) contracting with State and local detention centers, upon approval of affected tribal governments; and

(C) alternatives to incarceration, developed in cooperation with tribal court systems;

(2) an assessment and consideration of the construction of Federal detention facilities in Indian country; and

(3) any other alternatives as the Secretary, in coordination with the Attorney General and in consultation with Indian tribes, determines to be necessary.

(Pub. L. 101-379, §3, Aug. 18, 1990, 104 Stat. 473; Pub. L. 111-211, title II, §§211(b), 231(a), 262, July 29, 2010, 124 Stat. 2264, 2272, 2299.)

REFERENCES IN TEXT

Public Law 93-638 and the Indian Self-Determination and Education Assistance Act, referred to in subsecs. (d)(4)(i) and (e)(4)(B), are Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203, which is classified principally to subchapter II (§450 et seq.) of chapter 14 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 450 of this title and Tables.

AMENDMENTS

2010—Subsec. (b). Pub. L. 111-211, §211(b)(1), inserted heading and substituted “There is established in the Bureau an office, to be known as the ‘Office of Justice Services’, that” for “There is hereby established within the Bureau a Division of Law Enforcement Services which” in introductory provisions.

Subsec. (c). Pub. L. 111-211, §211(b)(2)(A), substituted “Office of Justice Services” for “Division of Law Enforcement Services” in introductory provisions.

Subsec. (c)(9). Pub. L. 111-211, §262, inserted before semicolon “, including training to properly interview victims of domestic and sexual violence and to collect, preserve, and present evidence to Federal and tribal prosecutors to increase the conviction rate for domestic and sexual violence offenses for purposes of addressing and preventing domestic and sexual violent offenses”.

Subsec. (c)(10) to (18). Pub. L. 111-211, §211(b)(2)(B)–(D), added pars. (10) to (18).

Subsec. (d)(1). Pub. L. 111-211, §211(b)(3)(A), substituted “Office of Justice Services” for “Division of Law Enforcement Services”.

Subsec. (d)(4)(i). Pub. L. 111-211, §211(b)(3)(B), substituted “Office of Justice Services” for “Division”.

Subsec. (e). Pub. L. 111-211, §231(a)(1)(A), inserted heading.

Pub. L. 111-211, §211(b)(4), substituted “Office of Justice Services” for “Division of Law Enforcement Services” in pars. (1) to (3).

Subsec. (e)(1). Pub. L. 111-211, §231(a)(1), inserted heading, designated existing provisions as subpar. (A), inserted subpar. (A) heading, and added subpars. (B) to (D).

Subsec. (e)(3). Pub. L. 111-211, §231(a)(2), substituted “agencies” for “Agencies”.

Subsec. (e)(4). Pub. L. 111-211, §231(a)(3), added par. (4).

Subsec. (f). Pub. L. 111-211, §211(b)(5), added subsec. (f).

**§ 2803. Law enforcement authority**

The Secretary may charge employees of the Bureau with law enforcement responsibilities and may authorize those employees to—

(1) carry firearms;

(2) execute or serve warrants, summonses, or other orders relating to a crime committed in Indian country and issued under the laws of—

(A) the United States (including those issued by a Court of Indian Offenses under regulations prescribed by the Secretary or offenses processed by the Central Violations Bureau); or

(B) an Indian tribe if authorized by the Indian tribe;

<sup>2</sup>So in original. Probably should be followed by a closing parenthesis.

(3) make an arrest without a warrant for an offense committed in Indian country if—

(A) the offense is committed in the presence of the employee;<sup>1</sup>

(B) the offense is a felony and the employee has probable cause to believe that the person to be arrested has committed, or is committing, the felony;

(C) the offense is a misdemeanor crime of domestic violence, dating violence, stalking, or violation of a protection order and has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent or guardian of the victim, and the employee has probable cause to believe that the person to be arrested has committed, or is committing the crime; or

(D)(i) the offense involves—

(I) a misdemeanor controlled substance offense in violation of—

(aa) the Controlled Substances Act (21 U.S.C. 801 et seq.);

(bb) title IX of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (21 U.S.C. 862a et seq.);<sup>2</sup> or

(cc) section 865 of title 21;

(II) a misdemeanor firearms offense in violation of chapter 44 of title 18;

(III) a misdemeanor assault in violation of chapter 7 of title 18; or

(IV) a misdemeanor liquor trafficking offense in violation of chapter 59 of title 18; and

(ii) the employee has probable cause to believe that the individual to be arrested has committed, or is committing, the crime;

(4) offer and pay a reward for services or information, or purchase evidence, assisting in the detection or investigation of the commission of an offense committed in Indian country or in the arrest of an offender against the United States;

(5) make inquiries of any person, and administer to, or take from, any person an oath, affirmation, or affidavit, concerning any matter relevant to the enforcement or carrying out in Indian country of a law of either the United States or an Indian tribe that has authorized the employee to enforce or carry out tribal laws;

(6) wear a prescribed uniform and badge or carry prescribed credentials;

(7) perform any other law enforcement related duty; and

(8) when requested, assist (with or without reimbursement) any Federal, tribal, State, or local law enforcement agency in the enforcement or carrying out of the laws or regulations the agency enforces or administers.

(Pub. L. 101-379, §4, Aug. 18, 1990, 104 Stat. 475; Pub. L. 109-162, title IX, §908(b), Jan. 5, 2006, 119 Stat. 3083; Pub. L. 111-211, title II, §211(c), July 29, 2010, 124 Stat. 2266.)

#### REFERENCES IN TEXT

The Controlled Substances Act, referred to in par. (3)(D)(i)(I)(aa), is title II of Pub. L. 91-513, Oct. 27, 1970, 84 Stat. 1242, which is classified principally to subchapter I (§801 et seq.) of chapter 13 of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 801 of Title 21 and Tables.

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, referred to in par. (3)(D)(i)(I)(bb), is Pub. L. 104-193, Aug. 22, 1996, 110 Stat. 2105. Title IX of the Act enacted section 862b of Title 21, Food and Drugs, and sections 608a, 710, and 14016 of Title 42, The Public Health and Welfare, amended section 1693b of Title 15, Commerce and Trade, section 32 of Title 26, Internal Revenue Code, and sections 1396a, 1396g, 1397a, 1397b, 1437d, 1437f, and 1437z of Title 42, and enacted provisions set out as notes under section 32 of Title 26 and sections 601, 710, and 1396a of Title 42. For complete classification of this Act to the Code, see Short Title of 1996 Amendments note set out under section 1305 of Title 42 and Tables.

#### AMENDMENTS

2010—Par. (2)(A). Pub. L. 111-211, §211(c)(1), substituted “or offenses processed by the Central Violations Bureau; or” for “), or”.

Par. (3)(B), (C). Pub. L. 111-211, §211(c)(2)(B), substituted “probable cause” for “reasonable grounds”.

Par. (3)(D). Pub. L. 111-211, §211(c)(2)(A), (C), (D), added subpar. (D).

2006—Par. (3)(C). Pub. L. 109-162 added subpar. (C).

## § 2804. Assistance by other agencies

### (a) Agreements

#### (1) In general

Not later than 180 days after July 29, 2010, the Secretary shall establish procedures to enter into memoranda of agreement for the use (with or without reimbursement) of the personnel or facilities of a Federal, tribal, State, or other government agency to aid in the enforcement or carrying out in Indian country of a law of either the United States or an Indian tribe that has authorized the Secretary to enforce tribal laws.

#### (2) Certain activities

The Secretary may authorize a law enforcement officer of such an agency to perform any activity the Secretary may authorize under section 2803 of this title.

#### (3) Program enhancement

##### (A) Training sessions in Indian country

###### (i) In general

The procedures described in paragraph (1) shall include the development of a plan to enhance the certification and provision of special law enforcement commissions to tribal law enforcement officials, and, subject to subsection (d), State and local law enforcement officials, pursuant to this section.

###### (ii) Inclusions

The plan under clause (i) shall include the hosting of regional training sessions in Indian country, not less frequently than

<sup>1</sup> So in original. The comma probably should be a semicolon.

<sup>2</sup> See References in Text note below.