

rior to promulgate regulations to carry out the provisions of this subchapter, was omitted from the Code as being of special and not general application.

SUBCHAPTER LXXXIV—PASKENTA BAND OF NOMLAKI INDIANS OF CALIFORNIA

§ 1300m. Omitted

CODIFICATION

Section, Pub. L. 103-454, title III, §302, Nov. 2, 1994, 108 Stat. 4793, which set out definitions, was omitted from the Code as being of special and not general application.

SHORT TITLE

Pub. L. 103-454, title III, §301, Nov. 2, 1994, 108 Stat. 4793, provided that title III of Pub. L. 103-454, enacting this subchapter, could be cited as the “Paskenta Band Restoration Act”.

§ 1300m-1. Omitted

CODIFICATION

Section, Pub. L. 103-454, title III, §303, Nov. 2, 1994, 108 Stat. 4793, which provided for restoration of Federal recognition of the tribe and of all rights and privileges of the tribe and its members, was omitted from the Code as being of special and not general application.

§ 1300m-2. Omitted

CODIFICATION

Section, Pub. L. 103-454, title III, §304, Nov. 2, 1994, 108 Stat. 4794, which related to establishment of a plan for economic development for the tribe, was omitted from the Code as being of special and not general application.

§ 1300m-3. Omitted

CODIFICATION

Section, Pub. L. 103-454, title III, §305, Nov. 2, 1994, 108 Stat. 4794, which provided for the transfer of land to the United States to be held in trust for the tribe as part of the tribe's reservation, was omitted from the Code as being of special and not general application.

§ 1300m-4. Omitted

CODIFICATION

Section, Pub. L. 103-454, title III, §306, Nov. 2, 1994, 108 Stat. 4794, which related to tribal membership rolls, was omitted from the Code as being of special and not general application.

§ 1300m-5. Omitted

CODIFICATION

Section, Pub. L. 103-454, title III, §307, Nov. 2, 1994, 108 Stat. 4795, which provided for governance of the tribe by an Interim Council until adoption of a new tribal constitution and bylaws, was omitted from the Code as being of special and not general application.

§ 1300m-6. Omitted

CODIFICATION

Section, Pub. L. 103-454, title III, §308, Nov. 2, 1994, 108 Stat. 4795, which related to adoption of a tribal constitution and bylaws and election of tribal officials, was omitted from the Code as being of special and not general application.

§ 1300m-7. Omitted

CODIFICATION

Section, Pub. L. 103-454, title III, §309, Nov. 2, 1994, 108 Stat. 4796, which authorized the Secretary of the Inte-

rior to promulgate regulations to carry out the provisions of this subchapter, was omitted from the Code as being of special and not general application.

SUBCHAPTER LXXXV—GRATON RANCHERIA RESTORATION

§ 1300n. Omitted

CODIFICATION

Section, Pub. L. 106-568, title XIV, §1402, Dec. 27, 2000, 114 Stat. 2939, which set out congressional findings, was omitted from the Code as being of special and not general application.

SHORT TITLE

Pub. L. 106-568, title XIV, §1401, Dec. 27, 2000, 114 Stat. 2939, provided that title XIV of Pub. L. 106-568, enacting this subchapter, could be cited as the “Graton Rancheria Restoration Act”.

§ 1300n-1. Omitted

CODIFICATION

Section, Pub. L. 106-568, title XIV, §1403, Dec. 27, 2000, 114 Stat. 2939, which set out definitions, was omitted from the Code as being of special and not general application.

§ 1300n-2. Omitted

CODIFICATION

Section, Pub. L. 106-568, title XIV, §1404, Dec. 27, 2000, 114 Stat. 2939, which provided for restoration of Federal recognition of the tribe and of all rights and privileges of the tribe and its members, was omitted from the Code as being of special and not general application.

§ 1300n-3. Omitted

CODIFICATION

Section, Pub. L. 106-568, title XIV, §1405, Dec. 27, 2000, 114 Stat. 2940, which provided for the transfer of land to the Secretary of the Interior be held in trust for the benefit of the tribe as part of the tribe's reservation, was omitted from the Code as being of special and not general application.

§ 1300n-4. Omitted

CODIFICATION

Section, Pub. L. 106-568, title XIV, §1406, Dec. 27, 2000, 114 Stat. 2940, which related to tribal membership rolls, was omitted from the Code as being of special and not general application.

§ 1300n-5. Omitted

CODIFICATION

Section, Pub. L. 106-568, title XIV, §1407, Dec. 27, 2000, 114 Stat. 2941, which provided for governance of the tribe by an Interim Tribal Council until ratification of a final tribal constitution, was omitted from the Code as being of special and not general application.

§ 1300n-6. Omitted

CODIFICATION

Section, Pub. L. 106-568, title XIV, §1408, Dec. 27, 2000, 114 Stat. 2941, which related to ratification of a final constitution for the tribe and election of tribal officials, was omitted from the Code as being of special and not general application.

CHAPTER 15—CONSTITUTIONAL RIGHTS OF INDIANS

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SUBCHAPTER I—GENERALLY

§ 1301. Definitions

For purposes of this subchapter, the term—

(1) “Indian tribe” means any tribe, band, or other group of Indians subject to the jurisdiction of the United States and recognized as possessing powers of self-government;

(2) “powers of self-government” means and includes all governmental powers possessed by an Indian tribe, executive, legislative, and judicial, and all offices, bodies, and tribunals by and through which they are executed, including courts of Indian offenses; and means the inherent power of Indian tribes, hereby recognized and affirmed, to exercise criminal jurisdiction over all Indians;

(3) “Indian court” means any Indian tribal court or court of Indian offense; and

(4) “Indian” means any person who would be subject to the jurisdiction of the United States as an Indian under section 1153, title 18, if that person were to commit an offense listed in that section in Indian country to which that section applies.

(Pub. L. 90-284, title II, §201, Apr. 11, 1968, 82 Stat. 77; Pub. L. 101-511, title VIII, §8077(b), (c), Nov. 5, 1990, 104 Stat. 1892.)

AMENDMENTS

1990—Par. (2). Pub. L. 101-511, §8077(b), inserted at end “means the inherent power of Indian tribes, hereby recognized and affirmed, to exercise criminal jurisdiction over all Indians;”.

Par. (4). Pub. L. 101-511, §8077(c), added par. (4).

SHORT TITLE

Title II of Pub. L. 90-284, which is classified generally to this subchapter, is popularly known as the “Indian Civil Rights Act of 1968”.

TIME LIMITATION ON CRIMINAL MISDEMEANOR JURISDICTION OF TRIBAL COURTS OVER NON-MEMBER INDIANS

Pub. L. 101-511, title VIII, §8077(d), Nov. 5, 1990, 104 Stat. 1893, as amended by Pub. L. 102-124, §1, Oct. 9,

1991, 105 Stat. 616, which provided that the effects of subsecs. (b) and (c), which amended this section, as those subsections affect the criminal misdemeanor jurisdiction of tribal courts over non-member Indians have no effect after Oct. 18, 1991, was repealed by Pub. L. 102-137, Oct. 28, 1991, 105 Stat. 646. Subsequent to repeal, Pub. L. 102-172, title VIII, §8112A(b), Nov. 26, 1991, 105 Stat. 1202, purported to amend section 8077(d) of Pub. L. 101-511 by substituting “1993” for “1991”.

§ 1302. Constitutional rights

(a) In general

No Indian tribe in exercising powers of self-government shall—

(1) make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition for a redress of grievances;

(2) violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable search and seizures, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized;

(3) subject any person for the same offense to be twice put in jeopardy;

(4) compel any person in any criminal case to be a witness against himself;

(5) take any private property for a public use without just compensation;

(6) deny to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and at his own expense to have the assistance of counsel for his defense (except as provided in subsection (b));

(7)(A) require excessive bail, impose excessive fines, or inflict cruel and unusual punishments;

(B) except as provided in subparagraph (C), impose for conviction of any 1 offense any penalty or punishment greater than imprisonment for a term of 1 year or a fine of \$5,000, or both;

(C) subject to subsection (b), impose for conviction of any 1 offense any penalty or punishment greater than imprisonment for a term of 3 years or a fine of \$15,000, or both; or

(D) impose on a person in a criminal proceeding a total penalty or punishment greater than imprisonment for a term of 9 years;

(8) deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law;

(9) pass any bill of attainder or ex post facto law; or

(10) deny to any person accused of an offense punishable by imprisonment the right, upon request, to a trial by jury of not less than six persons.

(b) Offenses subject to greater than 1-year imprisonment or a fine greater than \$5,000

A tribal court may subject a defendant to a term of imprisonment greater than 1 year but not to exceed 3 years for any 1 offense, or a fine