

State Jurisdiction in Indian Country

Report highlights

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Shared jurisdiction complicates interactions and relationships among stakeholders working in Indian country. Retrocession is a complex issue with implications for public safety and intergovernmental cooperation.

Public Law 280 allows states to assume jurisdiction on reservations.

In Idaho

5 Tribes are affected by the state's jurisdiction.

Coeur d'Alene Tribe
Kootenai Tribe of Idaho
Nez Perce Tribe
Shoshone-Bannock Tribes
Shoshone-Paiute Tribes

13 Counties include reservations within their borders. They do not uniformly implement state responsibilities.

Nationally

12 States initially assumed jurisdiction (6 were mandated by law).

7 States have retroceded some or all of their jurisdiction to the federal government, including neighboring states:

Montana	Nevada
Oregon	Washington



View the report:
www.legislature.idaho.gov/ope/

Findings

Most of Idaho's obligations to Indians on reservations are not related to Public Law 280.

Public Law 280 expands state criminal jurisdiction and civil responsibilities for child welfare, child support, and involuntary commitments for mental illness.

Public Law 280 does not affect tribal or federal jurisdiction in Idaho.

A lack of federal action, limited jurisdiction to enforce laws, and coordination challenges caused by shared jurisdiction contribute to gaps in law enforcement.

A lack of recognition of tribal court judgments and limited court sentences creates the potential for Indians to receive different outcomes in different legal systems.

Recommendations

Consider investing in forums for intergovernmental cooperation

Consider granting limited state authority to tribal officers

Consider facilitating state court recognition of tribal court orders for involuntary commitment

Consider funding options to tribal or local law enforcement

We identified several factors to consider should the Legislature decide to pursue retrocession.

